

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS

### Minutes of Meeting

December 18, 2018

The Board of Morgan County Commissioners met Tuesday, December 18, 2018 at 9:07 a.m. with Chairman Mark Arndt, Commissioner Laura Teague and Commissioner James Zwetzig in attendance.

### CITIZEN'S COMMENT

There was no citizen comment provided.

### 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 December 11, 2018
- Ratify the Board of County Commissioners approval of meeting minutes dated December 13, 2018
- Ratify the Board of County Commissioners approval of Contract 2018 CNT 230, Standard Glass Company, Term of Contract January 1, 2019 through December 31, 2019
- Ratify the Board of County Commissioners approval of Contract 2018 CNT 231, Universal Inspections LTD, Term of Contract January 1, 2019 through December 31, 2019
- Ratify the Board of County Commissioners approval of Contract 2018 CNT 232, Linda Campagna, LLC, Term of Contract September 1, 2018 through completion
- Ratify the Board of County Commissioners approval of Morgan County Rural Electric, Right of Way Easement Request for Viaero Wireless cellular booster site located at Morgan County Landfill dated December 10, 2018
- Ratify the Board of County Commissioners approval of Fund Matching Commitment Letter of the Northeast Colorado Regional Hazard Mitigation Planning Effort, dated December 10, 2018
- Ratify the Board of County Commissioners approval of NACo High Performance Leadership Academy Letter of Agreement dated December 10, 2018
- Ratify the Board of County Commissioners approval of the waiver of fees at the fairgrounds for Colorado Family Campers & RVers, December 10, 2018

Commissioner Teague made a motion to approve items 1-9 as presented, with Commissioner Zwetzig seconded the motion and motion carried 3-0.

### EMPLOYEE APPRECIATION AWARDS – 3rd and 4th Quarter 2018

The Board recognized the following employees for their respective years of service to Morgan County:

#### \*5 Years of Service

Angel Del Campo Rivera	Sheriff Office
Jeffrey DiCamillo	Road and Bridge Department
Charles Diester	Coroner's Office
Alexander Gerk	Ambulance Department
Matthew Gorrell	Sheriff Office
Cory Hamilton	Road and Bridge Department
Alyssa Johnson	Ambulance Department
Jeffrey Jump	Road and Bridge Department
Dala Miller	Department of Human Services
Susan Nitzel	Department of Human Services

#### \*10 Years of Service

Travis Bailey	Ambulance Services
Patti Lapp	Department of Human Services
David Lara	Department of Human Services

#### \*20 Years of Service

Karen Bretey	Department of Human Services
Renee Dillman-Kuehl	Department of Human Services
Karina Graulus	Assessor's Office
Dawn Pflughoeft	Department of Human Services

#### \*35 Years of Service

Charles Jones	Road and Bridge Department
---------------	----------------------------

The Board further recognized Connor Woodall, Morgan County's Best and Brightest Intern for his assistance over the past two years.

# 2 COMMISSIONERS PROCEEDINGS

Chairman Arndt also recognized Morgan County Assessor Bob Wooldridge for his years of service to Morgan County thanking him for his dedication. Sheriff Jim Crone was also recognized for his years of service thanking him for ensuring the safety of all citizens in Morgan County.

## **GENERAL BUSINESS AND ADMINISTRATIVE ITEMS**

### **Consideration of Approval – RIGHT OF WAY 2018 PMT 73 – Century Link, Revision of application and fees**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 73, with Century Link, Revision of application and fees in the amount of \$991.60. Mr. Goodman provided an overview using the mapping projected during the meeting indicating the location of this permit and project. The permit narrative as presented indicates: Trenching/Digging in Morgan County Road(s) 25 Morgan County Staff: (HUFT Road segment(s) 910), Trenching/Digging in Morgan County Road(s) S Morgan County Staff: (HUFT Road segment(s) 2000), Trenching/Digging in Morgan County Road(s) 24 Morgan County Staff: (HUFT Road segment(s) 710 and 800), Boring in Morgan County Road(s) S Morgan County Staff: (HUFT Road segment(s) 2000), Crossing Morgan County Road(s) S Morgan County Staff: (HUFT Road segment(s) 2000). Description of Right of Way Use: MCR 25 [start]: Starting at sta 0+00 GPS coordinate 40.25554, -103.67929 plow fiber optic line to the north for 2,121' along the west side of MCR 25. Bore under MCR S for 40' at GPS coordinate 40.26094, -103.6969.5. MCR S: Starting at sta 21+81 GPS coordinate 40.26135, -103.67855 plow fiber optic line to the west side for 5,144' along the north side of MCR S to sta 73+25 GPS coordinate 40.26104, -103.69691. MCR 24 [end]: Starting sta 73+25 GPS coordinate 40.26104, -103.69691 bore under MCR S for 76' at GPS coordinate 40.26094, -103.69695 to the south along the east side MCR 24 to the GPS coordinate of 40.26080, -103.69701 for 91' of cable placement at sta 74+16. For The Purpose of: Placing 7,416 feet of direct-buried 48-fiber.

Commissioner Zwetzig stated this permit revises 2018 Permit 73 approved October 16, 2018 which revises the path of the permit as well as the fees.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 73, with Century Link, Revision of application and fees, noting the revised path, as presented by Morgan County Road Supervisor John Goodman, noting the fees in the amount of \$991.60 are attached and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

### **Consideration of Approval – RIGHT OF WAY 2018 PMT 102 – Viaero Fiber Networks, LLC**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 102, with Viaero Fiber Networks, LLC in the amount of \$247.40. Mr. Goodman provided an overview using the mapping projected during the meeting indicating the location of this permit and project. The permit narrative as presented indicates: Location and Type of Right of Way Use: Trenching/Digging in Morgan County Road(s) Q Morgan County Staff: (HUFT Road segment(s) 2000), Trenching/Digging in Morgan County Road(s) 19 Morgan County Staff: (HUFT Road segment(s) 1300), Boring in Morgan County Road(s) 19 Morgan County Staff: (HUFT Road segment(s) 1300). Description of Right of Way Use: Starting at the intersection of Morgan County Road 19 and Morgan County Road Q in the north right of way of County Road Q, exposing existing conduits, trench around corner of Morgan County Road Q and Morgan County Road 19 to the north, then directional bore north along the east side of Morgan County Road 19 1,974 feet to enter a private easement. For The Purpose of: Installing fiber optic telecommunication.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 102, with Viaero Fiber Networks, LLC as outlined in the narrative of the permit, as presented by Morgan County Road Supervisor John Goodman, noting the fees in the amount of \$247.40 are attached and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

### **Consideration of Approval – RIGHT OF WAY 2018 PMT 103 – Morgan County Quality Water District**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 103, with Morgan County Quality Water District in the amount of \$179.70. Mr. Goodman provided an overview using the mapping projected during the meeting indicating the location of this permit and project. The permit narrative as presented indicates: Location and Type of Right of Way Use: Trenching/Digging in Morgan County Road(s) Branch Alley Road Morgan County Staff: (HUFT Road segment(s) NA), Crossing Morgan County Road(s) Branch Alley Road Morgan County Staff: (HUFT Road segment(s) NA). Description of Right of Way Use: Starting 375 feet west of the intersection of Branch Alley Road and Morgan County Road Cedar St. at GPS coordinates -103.835801 and 40.272308 in the south right of way of Morgan County Road Branch Alley Road digging west 271 feet. Starting 636 feet west of the intersection of Branch Alley Road and Morgan County Road Cedar St. at GPS coordinates -103.836737 and 40.272318 in the south right of way of Morgan County Road Branch Alley Road digging north 26 feet. For The Purpose of: Install 3" SDR 21 PVC pipe, install 3'x2" BOV at the end of the proposed 3" PVC main line and ¾" DR9 HDPE pipe service line.

Commissioner Zwetzig noted the branch road is County Road S.7, and our HUTF indicates this is a non-maintained road and the County has been advised by CCI/CARSE to permit these areas in case there would be maintenance provided at a later date.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 103, with Morgan County Quality Water District as outlined in the narrative of the permit, as presented by Morgan County Road Supervisor

# COMMISSIONERS PROCEEDINGS 3

John Goodman, noting the fees in the amount of \$179.70 are attached and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

## **Consideration of Approval – RIGHT OF WAY 2018 PMT 104 – Morgan County Quality Water District**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 104, with Morgan County Quality Water District in the amount of \$51.70. Mr. Goodman provided an overview using the mapping projected during the meeting indicating the location of this permit and project. The permit narrative as presented indicates: Location and Type of Right of Way Use: Trenching/Digging in Morgan County Road(s) K Morgan County Staff: (HUFT Road segment(s) 300). Description of Right of Way Use: Starting 600 feet east of the intersection of State Hwy 52 and Morgan County Road K at GPS coordinates -104.054307 and 40.146042 in the north right of way of Morgan County Road K digging north 17 feet. For The Purpose of: Installing water meter and service line (Tap No. 2969) using ¾" DR 9 HdPE pipe.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 104, with Morgan County Quality Water District as outlined in the narrative of the permit, as presented by Morgan County Road Supervisor John Goodman, noting the fees in the amount of \$51.70 are attached and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

## **Consideration of Approval – RIGHT OF WAY 2018 PMT 105 – Morgan County Quality Water District**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 105, with Morgan County Quality Water District in the amount of \$53.00. Mr. Goodman provided an overview using the mapping projected during the meeting indicating the location of this permit and project. The permit narrative as presented indicates: Location and Type of Right of Way Use: Trenching/Digging in Morgan County Road(s) W.5 Morgan County Staff: (HUFT Road segment(s) 400). Description of Right of Way Use: Starting 714 feet east of the intersection of Morgan County Road State Hwy 144 and Morgan County Road W.5 at GPS coordinates -103.920062 and 40.326726 in the north right of way of Morgan County Road W.5 digging north 15 feet. Starting 774 feet east of the intersection of Morgan County Road State Hwy 144 and Morgan County Road W.5 at GPS coordinates -103.919851 and 40.326730 in the north right of way of Morgan County Road W.5 digging north 15 feet. For The Purpose of: Installing water meters and service lines (Tap No. 2183 & Tap No. 2201) using ¾" DR 9 HDPE pipe.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 105, with Morgan County Quality Water District as outlined in the narrative of the permit, as presented by Morgan County Road Supervisor John Goodman, noting the fees in the amount of \$53.00 are attached and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

## **Consideration of Approval – RIGHT OF WAY 2018 PMT 106 – Morgan County Quality Water District**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 106, with Morgan County Quality Water District in the amount of \$51.00. Mr. Goodman provided an overview using the mapping projected during the meeting indicating the location of this permit and project. The permit narrative as presented indicates: Location and Type of Right of Way Use: Trenching/Digging in Morgan County Road(s) 17.7 Morgan County Staff: (HUFT Road segment(s) 100). Description of Right of Way Use: Starting 427 feet north of the intersection of Morgan County Road Q.4 and Morgan County Road 17.7 at GPS coordinates -103.815711 and 40.238979 in the west right of way of Morgan County Road 17.7 digging west 10 feet. For The Purpose of: Installing a water meter and service line (Tap No, 2970) using ¾" DR 9 HDPE pipe.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 106, with Morgan County Quality Water District as outlined in the narrative of the permit, as presented by Morgan County Road Supervisor John Goodman, noting the fees in the amount of \$51.00 are attached and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

## **Consideration of Approval – RIGHT OF WAY 2018 PMT 107 – Morgan County Quality Water District**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 107, with Morgan County Quality Water District in the amount of \$51.00. Mr. Goodman provided an overview using the mapping projected during the meeting indicating the location of this permit and project. The permit narrative as presented indicates: Location and Type of Right of Way Use: Trenching/Digging in Morgan County Road(s) 26 Morgan County Staff: (HUFT Road segment(s)) Description of Right of Way Use: Starting 812 feet north of the intersection of Morgan County Road R and Morgan County Road 26 at GPS coordinates -103.660898 and 40.249894 in the east right of way of Morgan County Road 26 digging northeast 10 feet. For The Purpose of: Removing a 2" BOV and installing a 4" Gate Valve, 4" Elbow and 10 Feet of 4" C900 DR 14 PVC pipe.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 107, with Morgan County Quality Water District as outlined in the narrative of the permit, as presented by Morgan County Road Supervisor John Goodman, noting the fees in the amount of \$51.00 are attached 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 108 – Ducks Unlimited, Inc.**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018

# 4 COMMISSIONERS PROCEEDINGS

PMT 108, with Ducks Unlimited, Inc. in the amount of \$1,948.00 and other future considerations per Resolution BCC 2018-42.

Commissioner Zwetzig stated this permit is for Ducks Unlimited stating there needs to be clarification this will not be a water pipeline greater than 48 inches, and asked the individual present representing Ducks Unlimited to provide the clarification. At this time, Jason Raudebush, Ducks Unlimited, spoke stating engineers are still working with the partners necessary to determine the specific diameter of the pipeline and does believe it will come in substantially smaller than the maximum allowed. Commissioner Zwetzig further noted the need for collaboration with those partners to make the matter possible. Mr. Raudebush then summarized the process that has been taken over the past years proposing to develop a series of augmentation ponds. Commissioner Teague made comment she feels this is a good project and several county partners will benefit from the project. Mr. Raudebush stated this project will greatly benefit the citizens of Morgan County.

At this time, Mr. Goodman provided an overview using the mapping projected during the meeting indicating the location of this permit and project. The permit narrative as presented indicates: Location and Type of Right of Way Use: Trenching/Digging in Morgan County Road(s) U.5 Morgan County Staff: (HUFT Road segment(s) 100, 200, and 300) Trenching/Digging in Morgan County Road(s) 11 Morgan County Staff: (HUFT Road segment(s) 700). Description of Right of Way Use: Starting east of the intersection of the Bijou Canal and Morgan County Road U.5 in the north right of way of Morgan County Road U.5 digging/trenching east approximately 3 miles crossing Morgan County Road 11 to the east right of way of Morgan County Road 11, then digging/trenching south approximately 0.5 miles in the east right of way of Morgan County Road 11. For The Purpose of: Installing a buried Water pipeline with a diameter of up to 48 inches.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 108, with Ducks Unlimited, Inc. as outlined in the narrative of the permit, as presented by Morgan County Road Supervisor John Goodman, noting the fees in the amount of \$1,948.00 and other future considerations per Resolution BCC 2018-42, are attached and authorized the Chair to sign. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

## **Consideration of Approval – VACATE/VOID RIGHT OF WAY 2018 PMT 70 – Century Link**

Chairman Arndt made note this is actually to void the permit as this was replaced by Right of Way Permit 2018 PMT 99, which has been approved. Commissioner Zwetzig noted that 2018 PMT 70 was not completed and the fees were never required, fees paid according to permit 99, and void Right of Way Permit Number 70.

Commissioner Zwetzig made a motion to void Right of Way Permit 2018 PMT 70, whereas it was replaced with Right of Way Permit 2018 PMT 99. The fees mentioned in Right of Way Permit 2018 PMT 70 to also be voided and were collected in the approval of Right of Way Permit 2018 PMT 99 with Century Link. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

## **Consideration of Approval – 2019 Mill Levy Certification**

Morgan County Information Services Director Karol Kopetzky presented to the Board for approval the 2019 Mill Levy Certification for Morgan County. Ms. Kopetzky summarized the information provided to the board stating that all taxing agencies have reported to the County in a timely manner.

Ms. Kopetzky read aloud the school district information certifying the following as:

Merino School District as being 33.910 mills  
Brush School District as being 52.728 mills  
Fort Morgan School District as being 41.974 mills  
Weldona School District as being 32.314 mills  
Wiggins School District as being 40.937 mills  
Briggsdale School District as being 19.298 mills  
Aims Jr. College as being 6.305 mills

Ms. Kopetzky further summarized the mill levy for Morgan County including the cities and towns as:

Morgan County certifying at 28.961 mills  
City of Brush as being 15.671 mills  
City of Fort Morgan as being 13.254 mills  
Hillrose as being 17.890 mills  
Log Lane as being 34.267 mills  
Wiggins as being 32.212 mills

Further local improvements and service districts were then summarized with the fire districts being referenced as:

Brush Rural Fire as being 3.513 mills  
Fort Morgan Rural Fire Protection as being 3.033 mills  
Hillrose Rural Fire as being 7.719 mills  
New Raymer-Stoneham Fire as being 2.588 mills  
Wiggins Rural Fire Protection as being 7.000 mills

# COMMISSIONERS PROCEEDINGS 5

The following Water Conservancy Districts were summarized as being:

Central Colorado Water Conservancy as being 1.540 mills  
Central Colorado Ground Water Management as being 2.739 mills  
Lower S. Platte Water Conservation as being 0.500 mills  
Northern Colorado Water Conservancy as being 1.00 mills  
Central Colorado Well Augmentation as being 9.001 mills

Ms. Kopetzky further summarized the County Pest Control Districts indicating Fort Morgan Pest Control as being 0.299 and Wiggins Community Pest Control as being 0.451 mills

The remaining mill levies were summarized for the following as:

East Morgan County Hospital as being 4.500 mills  
East Morgan County Library as being 3.500 mills  
Morgan Soil Conservation District as being 0 mills  
Morgan Quality Water District as being 0.824 mills  
Munns Addition Water & Sanitation as being 0 mills  
North Kiowa Bijou Ground Water Management as being 0.022 mills  
Prairie View Ranch Water District as being 0 mills  
Roberts 81 Business Improvement District (NEW) as being 25.000 mills  
Snyder Sanitation as being 7.998 mills

Ms. Kopetzky then summarized the assessments per acre foot, well or unit as:

Bijou Irrigation as being 19,163 acres at \$46.58/acre  
Hillrose Irrigation District 7,359 an increase in acres at \$3.50/acre  
North Kiowa Bijou Special Association 363 wells \$30.00/each  
Northern Colorado Water Conservancy District Class D 451 acres at \$25.70/acre a with an acre foot unit  
Riverside Irrigation 22,154 acres at \$4.00/acre an acre foot unit  
Weldon Valley Drainage 679 units at \$250.00/unit

At this time, Ms. Kopetzky asked Morgan County Assessor, Mr. Wooldridge to provide a summary of the new taxing district, Roberts 81 Improvement District, noting the information he has received to date. He stated the mill levy of 25.000 mills being presented to the Board today is just a request, that there is no assessed value at this time. He stated he cannot explain the proposed mill levy certification without the necessary assessed value, whereas mill levies are derived from assessed values. The bottom line is the affect is no tax given there is no assessed value.

Mr. Wooldridge also provided a detailed explanation of why the mill levies are reflective of increases and decreases as well as the state assessed values and the possible impact to Morgan County in future years whereas the County currently relies on property tax revenues to operate at this time. Further discussion followed as to the decrease in revenues from property tax assessment and state assessed this year and how that affected the County's budget and could continue to impact the County.

Commissioner Zwetzig made a motion to certify the 2019 Mill Levy and Certification Summary as outlined in the certification as presented to the Board by Morgan County Information Services Director Karol Kopetzky and authorized the Chair to sign the form upon completion. Commissioner Teague seconded the motion. Motion carried 3-0.

## **UNFINISHED BUSINESS**

### **Consideration of Approval – RIGHT OF WAY 2018 PMT 41 – Century Link, Correction of Fee Assessed**

Commissioner Zwetzig stated on July 24, 2018, Right of Way Permit 2018 PMT 41 was approved in the amount of \$68.20 and on September 18, 2018, this revised permit 41 was approved in the amount of \$120.70. At this time, Commissioner Zwetzig made the motion to note the corrected amount of this permit to be \$70.70 and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

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

Commissioners reviewed the calendar dated December 14, 2018 through December 25, 2018 with changes.

## **PUBLIC HEARING**

Chairman Arndt called the hearing to order at 10:06 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, and Commissioner James Zwetzig with Commissioner Teague absent and excused. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry.

## **Amendments to Morgan County Zoning and Subdivision Regulations**

- 1. D Lover Snyder, LLC** – Landowner (WITHDRAWN)  
**Deeann Lover Palermo** - Applicant

# 6 COMMISSIONERS PROCEEDINGS

**Legal Description** - A parcel of land in the W1/2SW1/4NW1/4 of Section 23, Township 5 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado; and a parcel of land in the SE1/4NW1/4 and the E1/2SW1/4NW1/4 of Section 23 of Township 5 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado aka 26534 Co Rd 28, Snyder, Colorado 80750.

**Reason** - Minor Subdivision to create two lots out of an 82.01 acre parcel. Lot 1 consisting of 1 acre is a proposed residential site and Lot 2 consisting 5 acres is a residential site and has existing improvements on the parcel.

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.

At this time, Pam Cherry, Morgan County Planning Administrator, confirmed this application has been withdrawn. Chairman Arndt asked to note this application has been withdrawn and no further hearing is necessary.

## **2. Proposed Amendments to the Morgan County Subdivision Regulations regarding Exemptions and Boundary Line Adjustments, as described below:**

### **I. Sections 9-110, 9-150(C)(4), 9-155 and 9-180(Q) of the Morgan County Subdivision**

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

#### **RESOLUTION NO. 2018 BCC 47**

#### **A RESOLUTION AMENDING THE MORGAN COUNTY SUBDIVISION REGULATIONS CONCERNING EXEMPTIONS AND BOUNDARY LINE ADJUSTMENTS**

WHEREAS, the Board of County Commissioners desires to clarify the process for obtaining a subdivision exemption pursuant to its authority under C.R.S. § 30-28-101(10)(d);

WHEREAS, the County's Subdivision Regulations currently permit for "outright exemptions" but the process to obtain approval for such an exemption is unclear and burdensome on an applicant;

WHEREAS, on December 10, 2018, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval;

WHEREAS, on December 18, 2018, the Board of County Commission 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 the 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:

1. Section 9-110 of the Morgan County Subdivision Regulations is hereby amended as follows:
  - (A) Except as herein provided, no exemptions from County Subdivision Regulations shall be granted. These Exemption Regulations shall apply within the unincorporated areas of Morgan County, Colorado when the division of land meets the criteria in this Chapter. These Exemption Regulations shall not apply to the following activities:
    - (1) Division of a parcel of land contained within a platted subdivision which creates additional lots.
    - (2) Except as provided for herein, division of a parcel of land which has been created or divided pursuant to these Exemption Regulations.
  - (B) Permitted Exemptions:
    - (1) The adjustment of a tract boundary to resolve a boundary dispute, when substantial evidence indicating the existence of a bona fide dispute is presented.
    - (2) The adjustment of a tract boundary to eliminate an existing encroachment of a substantial structure upon the property of another.
    - (3) The acquisition of access from one parcel of property through another.
    - (4) Division of a parcel of property which:

# COMMISSIONERS PROCEEDINGS 7

- (a) does not result in more than two lots; and
  - (b) at least one lot which is created is 35 acres or more in size and the other lot is under 35 acres in size.
2. Section 9-150(C)(4) of the Morgan County Subdivision Regulations is hereby amended as follows:
  - (4) If the exemption is subject to 9-110(B)(4), a designation of the 40-acre tract from which the exemption is being taken.
3. Section 9-155 of the Morgan County Subdivision Regulations is hereby amended to read as follows:

Staff shall determine if the application is in compliance with the criteria and whether the application should be referred to any other agency or department. If an application is referred, the referral agency will have fourteen (14) days to respond. Lack of response shall be deemed an approval.

Upon determination that an application is complete, staff shall send a notice of the application to landowners within ¼ mile of the proposed exemption. This notice requirement shall not apply to the exemptions listed in Secs. 9-110(B)(1), (2) and (3).
4. Section 9-180(Q) of the Morgan County Subdivision Regulations is hereby deleted.

APPROVED this 18<sup>th</sup> day of December, 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

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.

Pam Cherry, Morgan County Planning Administrator, presented Resolution 2018 BCC 47, and summarized the revisions to the Subdivision Regulations Regarding Exemption and Boundary Line Adjustments. Ms. Cherry stated these amendments to the subdivision regulations will:

- 1.) 9-110 (A) Clarify the process to adjust a lot line between two lots, a boundary line adjustment in a platted subdivision. The number of lots or parcels will not increase, they remain the same.
- 2.) 9-110(B) Clarify the process for an outright exemption. Preapproval by the Board of County Commissioners is not necessary prior to submitting an application, eliminating additional steps when an application could still be denied. Preapproval requirement has been removed.

Ms. Cherry further stated the Planning Commission considered these amendments to the Subdivision Regulations at their meeting on December 20, 2018 and on unanimous vote, the Planning Commission recommends approval of these amendments.

Commissioner Zwetzig asked about the lot line adjustment and the allowance to not allow it to go under the minimum square footage, with Ms. Cherry stating she does not believe it is detailed in the amended regulations, but does feel it is implied in other subdivision regulations and stated they can make an adjustment to the application so this is clear.

Commissioner Zwetzig noted this is part of the Board's ongoing quest to put into regulation how the County has been doing business for a number of years, stating all that is being done is the way business is being done is now being put forth in writing. Ms. Cherry stated this is also eliminating some risk to citizens and an extra step that is not necessary.

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

# 8 COMMISSIONERS PROCEEDINGS

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

A motion was made by Commissioner Teague to approve Resolution 2018 BCC 47, Resolution Amending the Morgan County Subdivision Regulations Concerning Exemptions and Boundary Line Adjustments as presented by Planning Administrator Pam Cherry. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Being no further business the meeting was then adjourned at 10:12 a.m.

Respectfully Submitted,

Susan L. Bailey  
Clerk to the Board

(Minutes ratified January 8, 2019)

**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