

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

December 10, 2019

The Board of Morgan County Commissioners met Tuesday, December 10, 2019 at 9:04 a.m. with Chairman James Zwetzig, Commissioner Mark Arndt and Commissioner Jon Becker, along with County Attorney Kathryn Sellers in attendance. Chairman Zwetzig asked Morgan County Road Communications Center Director, Danette Martin to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

There was no citizen comment provided.

ADOPTION OF THE AGENDA

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

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated November 19, 2019,
2. Ratify the Board of County Commissioners approval of Contract 2019 CNT 144, Viaero Wireless, Term of Contract December 02, 2019 through December 01, 2020
3. Ratify the Board of County Commissioners approval of Contract 2019 CNT 145, Colorado Mobile Drug Testing, Term of Contract October 01, 2019 through September 30, 2020
4. Ratify the Board of County Commissioners approval of Contract 2019 CNT 146, Cruz Bay Publishing/National Park Trips Media, Term of Contract November 20, 2019 through November 19, 2020
5. Ratify the Board of County Commissioners approval of Contract 2019 CNT 147, Convergent Technologies, Term of Contract November 21, 2019 through November 20, 2020
6. Ratify the Board of County Commissioners approval of Contract 2020 CNT 001, Dominion Voting Systems, Term of Contract January 01, 2020 through December 31, 2020
7. Ratify the Board of County Commissioners approval of Contract 2020 CNT 002, Crane & Hoist Sales, Inc., Term of Contract January 01, 2020 through December 31, 2020
8. Ratify the Board of County Commissioners approval of Contract 2020 CNT 003, Lorenzini Farms, Term of Contract January 01, 2020 through December 31, 2020
9. Ratify the Board of County Commissioners approval of Contract 2020 CNT 004 Douglas Chalk, Term of Contract January 01, 2020 through December 31, 2020
10. Ratify the Board of County Commissioners approval of Contract 2020 CNT 005, Universal Inspections, Ltd, Term of Contract January 01, 2020 through December 31, 2020
11. Ratify the Board of County Commissioners approval of Contract 2020 CNT 006, Vale Grant Contract, Term of Contract January 01, 2020 through December 31, 2020
12. Ratify the Board of County Commissioners approval of Contract 2020 CNT 007, Boulder County Front Range Pest Control, Term of Contract January 01, 2020 through December 31, 2020
13. Ratify Chairman Jim Zwetzig's signature on Solid Waste Management Special Waste Acceptance Application, signed November 20, 2019
14. Ratify the Board of County Commissioners approval of the Morgan County Administrative Building Emergency/Contingency Plan, revised October 25, 2019
15. Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #190999, #190624, #191545, #191489, #191163B, #182407, #191519, #191535, #191265, #191428A, #191360B, #191409, #191447, #191309, #190765, #191446, #191528A, #191347, #191526, #191314, #191696, #191459, #191931, #191552, #191161, #191557, #191543, #191502, #191454, #191567, #191213, #191272, #191300, #191565, #191541, #191410
16. Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #191360B, #191802, #191828, #191047, #191594, #191573, #191544A, #191884, #190791, #191878, #191817, #191583, #191620, #191672, #191444, #191769, #191657, #191673A, #191885, #191461, #190708, #190999, #191517, #191564, #191827, #191627A, #191635, #191336, #191584, #191599, #190065, #191497, #191589, #191226, #191645, #191915, #191653, #191650, #191614
17. Ratify Chairman Jim Zwetzig's signature on the Veterans Officer report for the month of November, 2019
18. Ratify Chairman Jim Zwetzig's signature on the November 25, 2019 Storm-water Inspection Form
19. Ratify Chairman Jim Zwetzig's signature on Morgan County Public Trustee Report-October 2019 - November 2019

Commissioner Becker made a motion to approve items #1-#19 as presented, Commissioner Arndt seconded the motion. At this time the motion carried 3-0.

2 COMMISSIONERS PROCEEDINGS

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Resolution 2019 BCC 26 – A Resolution Approving An Amendment To The Dean Estates Minor Subdivision By The Addition for Additional Land To Lot 3, In The Dean Estates Minor Subdivision, Morgan County, Colorado

Morgan County Planning and Zoning Planning Administrator, Pam Cherry, presented to the Board Resolution 2019 BCC 26, a Resolution Approving an Amendment To The Dean Estates Minor Subdivision By The Addition for Additional Land To Lot 3, In The Dean Estates Minor Subdivision, Morgan County, Colorado. Ms. Cherry stated that on November 12, 2019 the County Commissioners held a public hearing and approved of an amendment to the Dean Estates Minor Subdivision that added an additional 7.85 acres to Lot 3 that is currently an existing 1.5 acre parcel. The resulting lot is 9.3 acres. Ms. Cherry explained that this resolution reflects the outcome of that public hearing.

Commissioner Arndt made the motion to approve Resolution 2019 BCC 26 a Resolution Approving An Amendment To The Dean Estates Minor Subdivision By The Addition for Additional Land To Lot 3, In The Dean Estates Minor Subdivision, Morgan County, Colorado, noting it is being signed nunc pro tunc for November 12, 2019. Commissioner Becker seconded the motion. At this time, the motion carried 3-0.

RESOLUTION 2019 BCC 26

A RESOLUTION APPROVING AN AMENDMENT TO THE DEAN ESTATES MINOR SUBDIVISION BY THE ADDITION FOR ADDITIONAL LAND TO LOT 3, IN THE DEAN ESTATES MINOR SUBDIVISION, MORGAN COUNTY, COLORADO

WHEREAS, Heinz Deffert owns Lot 3, Dean Estate Minor Subdivision, in Morgan County, Colorado and TLL Land Holdings, LLC owns property adjacent to Lot 3, located within the SW¹/₄, Section 25, Township 2 North, Range 60 West of the 6th P.M and more specifically, shown as Parcel 9 on the survey recorded at reception number 1601904 in the records of the Morgan County Clerk and Recorder, collectively referred to herein as the Owners;

WHEREAS, Craig Potthoff (the “Applicant”), on behalf of the Owners, has applied for approval of an amendment to the Dean Estates Minor Subdivision, pursuant to the County’s Subdivision Regulations (the “Application”);

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

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

WHEREAS, on November 12, 2019, during the public hearing, the Board of County Commissioners received testimony and evidence from staff, the Applicant and the public; and

WHEREAS, after considering all relevant testimony and evidence, the Board of County Commissioners desires to approve the Application.

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

1. APPROVAL.

The amendment to the Dean Estates Minor Subdivision, as shown in the Application, is hereby approved. The portion of Parcel 9 to be added to Lot 3 is 7.85 acres. As result of this subdivision, Lot 3 will total 9.35 acres.

2. FINDINGS.

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

- a. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access. There is an existing water tap and septic system on Lot 3. CDOT has extended the current access permit until December 31, 2019 by which date the owner of Lot 3 must construct access from State Highway 52 in conformance with the requirements of CDOT.
- b. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure.
- c. The subdivision is compatible with surrounding land uses. There are several small subdivisions in the surrounding area and adjacent to Highway 52. No buffering is required.

DATED this 10th day of December, 2019.

COMMISSIONERS PROCEEDINGS 3

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

s/James P. Zwetzig
James P. Zwetzig, Chairman

s/Mark A. Arndt
Mark A. Arndt, Commissioner

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

(SEAL)

ATTEST:

s/Susan L. Bailey
Susan L. Bailey

Consideration of Approval – Resolution 2019 BCC 29 – A Resolution Approving A Minor Subdivision (Two Lots), Known As Zarbock Minor Subdivision, Located NE ¼ Section 13, Township 3 North, Range 57 West Of The 6th P.M., Morgan County, Colorado

Morgan County Planning and Zoning Planning Administrator, Pam Cherry, presented to the Board Resolution 2019 BCC 29, a Resolution Approving A Minor Subdivision (Two Lots), Known As Zarbock Minor Subdivision, Located NE ¼ Section 13, Township 3 North, Range 57 West Of The 6th P.M., Morgan County, Colorado. Ms. Cherry stated that on November 12, 2019 the County Commissioners held a public hearing and approved the Zarbock Minor Subdivision to create two lots, each 2.5 acres. Ms. Cherry explained that Resolution 2019 BCC 29 reflects the outcome of that public hearing.

Commissioner Becker made the motion to approve Resolution 2019 BCC 29 a Resolution Approving A Minor Subdivision (Two Lots), Known As Zarbock Minor Subdivision, Located NE ¼ Section 13, Township 3 North, Range 57 West Of The 6th P.M., Morgan County, Colorado. Commissioner Arndt seconded the motion. At this time, the motion carried 3-0.

**RESOLUTION
2019 BCC 29**

A RESOLUTION APPROVING A MINOR SUBDIVISION (TWO LOTS), KNOWN AS ZARBOCK MINOR SUBDIVISION, LOCATED NE 1/4, SECTION 13, TOWNSHIP 3 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, Donald and Dean Zarbock (the “Owners”) own property located in the NE 1/4, Section 13, Township 3 North, Range 57 West of the 6th P.M., in Morgan County, Colorado;

WHEREAS, Brannon Zarbock, (the “Applicant”), on behalf of the Owners, has applied for approval of a minor subdivision, pursuant to the County’s Subdivision Regulations (the “Application”);

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

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

WHEREAS, on November 12, 2019, during the public hearing, the Board of County Commissioners received testimony and evidence from staff, the Applicant and the public; and

WHEREAS, after considering all relevant testimony and evidence, the Board of County Commissioners desires to approve the Application.

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

3. APPROVAL.

The Zarbock Minor Subdivision, as shown in the Application, is hereby approved.

4. FINDINGS.

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

- d. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access. There is an existing water tap for one lot and an

4 COMMISSIONERS PROCEEDINGS

additional water tap has been purchased for the second lot. The Owner will be required to obtain a permit to install an onsite wastewater treatment system. Access will be provided by an existing driveway.

- e. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure.
- f. The subdivision is compatible with surrounding land uses.

DATED this 10th day of December, 2019.

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

s/James P. Zwetzig
James P. Zwetzig, Chairman

s/Mark A. Arndt
Mark A. Arndt, Commissioner

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

(SEAL)

ATTEST:

s/Susan L. Bailey
Susan L. Bailey

Consideration of Approval – Resolution 2019 BCC 30 – A Resolution Approving a Minor Subdivision (Two Lots), Known as REA Minor Subdivision, Located in the W ½ of the NW ¼ of Section 4, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado

Morgan County Planning and Zoning Planning Administrator, Pam Cherry, presented to the Board Resolution 2019 BCC 30, a Resolution Approving a Minor Subdivision (Two Lots), Known as REA Minor Subdivision, Located in the W ½ of the NW ¼ of Section 4, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado. Ms. Cherry stated that on November 12, 2019 the County Commissioners held a public hearing and approved the Morgan County Rural Electric Association minor subdivision to create two lots. Lot 1 is 23 acres and Lot 2 is 5.7 acres. Ms. Cherry explained that Resolution 2019 BCC 30 reflects the outcome of that public hearing.

Commissioner Arndt made the motion to approve Resolution 2019 BCC 30 a Resolution Approving a Minor Subdivision (Two Lots), Known as REA Minor Subdivision, Located in the W ½ of the NW ¼ of Section 4, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado, noting it is being signed nunc pro tunc for November 12, 2019. Commissioner Becker seconded the motion. At this time, the motion carried 3-0.

**RESOLUTION
2019 BCC 30**

A RESOLUTION APPROVING A MINOR SUBDIVISION (TWO LOTS), KNOWN AS REA MINOR SUBDIVISION, LOCATED IN THE W½ OF THE NW¼ OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, Morgan County Rural Electric Association (the “Owner”), owns property located in the W½ of the NW¼ of Section 4, Township 3 North, Range 57 West of the 6th P.M., with an address of 734 Barlow Road, Fort Morgan, Colorado (the “Property”);

WHEREAS, the Owner has applied for approval of a minor subdivision of the Property into two lots pursuant to the County’s Subdivision Regulations (the “Application”), to be known as REA Minor Subdivision;

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

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

WHEREAS, on November 12, 2019, during the public hearing, the Board of County Commissioners received testimony and evidence from staff, the Owner and the public; and

WHEREAS, after considering all relevant testimony and evidence, the Board of County Commissioners desires to approve the Application.

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

5. APPROVAL.

COMMISSIONERS PROCEEDINGS 5

The REA Minor Subdivision, as shown in the Application, is hereby approved.

6. FINDINGS.

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

- g. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access. Two existing water taps from Morgan County Quality Water will serve the proposed lots. Sewer service for Lot 1 is provided by the City of Fort Morgan and Lot 2 has an onside wastewater treatment system (Permit No. M01-065). Existing driveways from Barlow Road and Highway 34 will provide access to Lots 1 and 2, respectively. CDOT is not requiring any changes to the access off of Highway 34.
- h. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure.
- i. The subdivision is compatible with surrounding land uses. It is located within the Commercial zone district and buffering is not required.

DATED this 10th day of December, 2019.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/James P. Zwetzig
James P. Zwetzig, Chairman

s/Mark A. Arndt
Mark A. Arndt, Commissioner

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

(SEAL)

ATTEST:

s/Susan L. Bailey
Susan L. Bailey

Consideration of Approval – RFP 2019-1107-002 Extended Reach Wheeled Loader

Morgan County Public Works Director, Bruce Bass, presented to the Board for approval Bid Award RFP 2019-1107-002 Extended Reach Wheeled Loader. Mr. Bass stated this is a 2019 budgeted item and also carry over for the 2020 budget. Mr. Bass explained that this equipment is to be used at the county landfill. Mr. Bass stated he received six bids from 4 Rivers Equipment, LLC, submitting two different bids, Wagner Equipment Company also submitting two different bids, Power Equipment Company and Flaska JCB Denver and summarized each bid in detail. Mr. Bass explained that upon requesting demonstration of this machine it was at the landfill for a few days and the machine passed the requirements.

At this time, Mr. Bass recommended to the Board to award the bid to the lowest bidder 4 Rivers Equipment, LLC for a Deere 524L High Lift in the amount of \$156,400.00. Mr. Bass explained that 4 Rivers also has three additional items a Reversible Fan Drive for \$1,144.00, Cab Fresh Air Precleaner for \$656.00 and Axle Cooler Filter Kit \$1,508.00 which brought the final purchase price to \$159,708.00. Cass Yearous, Solid Waste Management Director stated he has no issues with the machine and the demonstration was good and agrees with Mr. Bass to purchase the Deere 524L High Lift for the County landfill.

Commissioner Arndt made a motion to approve bid award RFP 2019-1107-002 Extended Reach Wheeled Loader, to 4 Rivers Equipment, LLC for a Deere 524L High Lift with the add ons in the total amount of \$159,708.00 as outlined and recommended by Morgan County Public Works Director, Bruce Bass. Commissioner Becker seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RFP 2019-1018-001– UPS Replacement System Bid Tabulations

Morgan County Road Communications Center Director, Danette Martin, presented to the Board for approval Bid Award RFP 2019-1018-001 UPS Replacement System Bid Tabulations. Ms. Martin received information late yesterday afternoon and asked for the Board to table this matter for her to further go over the information that was received.

Commissioner Becker made a motion to table RFP 2019-1018-001 UPS Replacement System Bid Tabulations until a later date with Commissioner Arndt seconding the motion. At this time, the motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

6 COMMISSIONERS PROCEEDINGS

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Congressman Ken Buck Update

Dusty Johnson, Representative for Congressman Ken Buck presented to the Board an update from Congressman Ken Buck. Ms. Johnson updated the Board regarding several current matters Congressman Buck is currently working on.

Commissioners reviewed the calendar dated December 6, 2019 through December 17, 2019 with changes.

Commissioner Arndt provided the weekly road and bridge report ending December 6, 2019.

PUBLIC HEARING

Chairman Zwetzig called the hearing to order at 9:32 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman James Zwetzig, Commissioner Mark Arndt and Commissioner Jon Becker. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry and Kathryn Sellars, County Attorney.

1. Andy Rowell as applicant

Wiggins Farms, LLC as landowner

Legal Description: A parcel located in the NE1/4 of Section 13, Township 4 North, Range 60 West of the 6th PM, Morgan County, Colorado aka 5632 Co Rd W and 5634 Co Rd W, Wiggins, CO 80654.

Reason: Minor Subdivision Application to create 2 lots: Lot1 consists of 2.96 gross acres or 2.72 net acres with existing residence and Lot 2 consists of 2.50 gross acres or 2.50 net acres with existing residence. Chapter 8, Minor Subdivision of the Morgan County Subdivision Regulations

Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry presented to the Board a Minor Subdivision Application to create 2 lots: Lot1 consists of 2.96 gross acres or 2.72 net acres with existing residence and Lot 2 consists of 2.50 gross acres or 2.50 net acres with existing residence. Chapter 8, Minor Subdivision of the Morgan County Subdivision Regulations.

Ms. Cherry stated Planning Commission considered this application in a public hearing on November 12, 2019 and unanimously recommends approval.

Ms. Cherry explained that this application is for the Wiggins Farms #1 Minor Subdivision in the NE ¼ of Section 13, T4N, R60W of the 6th P.M. Morgan County, Colorado. The property is located on County Road W approximately ¾ of a mile east of County Road 5. Two existing homes on the property are addressed as 5632 and 5634 County Road W. The property is zoned Agriculture Production.

Ms. Cherry stated Andy Rowell, the applicant, is requesting approval of a minor subdivision that will plat 5.5 acres into two lots, Lot 1 will be 2.96 acres and Lot 2 will be 2.5 acres. The lots are being subdivided from an existing parcel of 93 acres and identified as parcel #1045-130-00-001. There are currently two homes on the property to be subdivided, one on proposed Lot 1 and one on proposed Lot 2. The existing structures will meet the setback requirements of the Agriculture Production zone district.

Ms. Cherry explained that the existing access for the two lots has been permitted by Road and Bridge. An access and utility easement is created by this plat, across Lot 1, for the benefit of Lot 2.

Ms. Cherry stated that in reviewing an application for a minor subdivision the Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 8-195 of the Morgan County Subdivision Regulations:

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.
The application documents are complete:

Criteria	5632 County Road W	5634 County Road W
Water	Quality Water Tap #397	Quality Water Tap #395
Septic	NE Colo Health – Existing Septic	NE Colo Health – Existing Septic
Access (2)	Road and Bridge – ok existing	Road and Bridge – ok existing
Fire	Wiggins	Wiggins
Soil map	Provided	Provided
Ext Svc	1 animal unit	1 animal unit
Minerals	Lease – Notification complete	Lease – Notification complete
R-T-F	Complete	Complete

- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.
The subdivision is located in the northwest planning area.

Chapter 2.II.C. 1., County Wide

Goals: Encourage the development where the proposed development is compatible with existing land uses – other exempted properties and small acreage properties are in the area.

There is access to existing infrastructure, Quality Water and County Road.

COMMISSIONERS PROCEEDINGS 7

- C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.
There are other exempted properties in the area and distance creates a buffer - buffering is not necessary.

Ms. Cherry explained that all appropriate notice requirements have been completed with no comments received as of December 10, 2019. Eight property owners were notified of the application within the 1,320 foot notification area. Comments have not been received either in support or opposition.

Ms. Cherry stated that the Planning Commission considered this application in a public hearing at their meeting on November 12, 2019 and unanimously recommends approval.

At this time, the applicant, Glen Neil representing Andy Rowell applicant and Wiggins Farms as Landowner, with his address being 105 E. Central Avenue, Wiggins, Colorado stated he has nothing further to add.

At this time, Chairman Zwetzig opened the matter for public comment in which there was none.

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

Chairman Zwetzig stated that there is a requirement that the lender must sign off on the plat and asked if there is a signature block on the map with Ms. Sellers stating it is only required when there is a dedication. Chairman Zwetzig asked if when lots are created the water is just assigned to the lot, is there a letter from Quality Water that says it restricts the two taps to those two lots, with Ms. Cherry stating it does not restrict it to those two lots but it states those are the taps used for those two lots. Chairman Zwetzig made a suggestion that Quality Water is contacted and that the tap agreements are revised to state that it pertains to each lot not just by address.

Chairman Zwetzig questions whether the deed includes the easement along with the plat, with Ms. Sellers stating there can be a condition for the deed to contain that if they choose too. Mr. Neil stated they can make that be listed on the deed.

Commissioner Becker made a motion to approve the Minor Subdivision Application to create 2 lots: Lot 1 consists of 2.96 gross acres or 2.72 net acres with existing residence and Lot 2 consists of 2.50 gross acres or 2.50 net acres with existing residence. As per Chapter 8, Minor Subdivision of the Morgan County Subdivision Regulations, a parcel located in the NE1/4 of Section 13, Township 4 North, Range 60 West of the 6th PM, Morgan County, Colorado aka 5632 County Road W and 5634 County Road W, Wiggins, CO 80654. With the applicant being Andy Rowell and the landowner being Wiggins Farms, LLC with the provisions that the Quality Water taps are checked to be appropriate for the lots and easement is included on the deed. Commissioner Arndt seconded the motion. At this time the motion carried 3-0.

2. Cody Millar /Four X Ranch, Inc. as applicant

Four X Ranch, Inc. as landowner

Legal Description: A parcel located in the N1/2NE1/4 of Section 15, Township 4 North, Range 57 West of the 6th PM, Morgan County, Colorado.

Reason: Use by Special Review Permit to construct a livestock confinement facility to hold 600 animal units. Section 3-180(O) of the Morgan County Zoning Regulations.

Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry presented to the Board a Use by Special Review Permit to construct a livestock confinement facility to hold 600 animal units. Section 3-180(O) of the Morgan County Zoning Regulations.

Ms. Cherry stated that this application was considered by the Planning Commission on November 12, 2019 and received a unanimous recommendation of approval subject to General Provisions.

Ms. Chery explained that 4X Ranch, represented by Cody Millar, has submitted this application for a Use by Special Review to allow for a livestock confinement operation, a feedlot, as required by Section 4-190 of the Morgan County zoning regulations. Section 3-180(O), Agriculture Zone Special Review Uses, requires a special use permit application when a livestock confinement operation is in excess of the allowed animal unit densities or conditional use permit allowance. The applicant has requested a permit for 600 animal units on property located immediately south of County Road W and west of County Road 22, Fort Morgan, CO 80701 with a parcel number of 1039-150-00-0001 located in the N½ of the NE¼ of Section 15, Township 4 North, Range 57 West, of the 6th P.M. Morgan County, Colorado.

Ms. Cherry stated that the property is zoned Agriculture Production and is 80 acres in size. The use will be located on approximately 5 acres of the eighty acre property and will be the only area permitted through this application. If granted this operation will become an additional facility owned by 4X to supply cattle to dairies across the state of Colorado. This will expand the 4X existing CAFO operation located less than one mile to the northeast of this proposed location. The property is currently used as a shooting range.

Ms. Cherry explained that the application states that a feed truck will deliver each morning and that through the winter manure will be hauled offsite to fields to spread as nutrients. The additional corrals are needed as soon as possible and will be constructed immediately upon approval from the Board of County Commissioners.

8 COMMISSIONERS PROCEEDINGS

Ms. Cherry stated that a variance Section 3-650 Table 1, Note (d) of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding minimum setback for a residential structure to a confined animal feeding operation in the Agriculture Production zone district. The minimum setback from an animal confinement facility to an occupied structure is 1,320 feet. There is an existing home that is approximately 700 feet from the proposed footprint for the feeding operation. The variance request is to reduce the setback 620 feet from the regulation requirement.

Ms. Cherry explained that the applicant also submitted a variance application for a reduction of setback for the feeding operation from an occupied structure. The variance application was considered by the Board of Adjustment in a public hearing on October 21, 2019, that request was granted. However, when additional maps were provided, it was discovered that there is a second occupied structure within the 1,320 foot setback, that property is owned by the Bellendir's. The Board of Adjustment added a condition that a signed, notarized letter from Bellendir's was required as a condition of approval. The Bellendir's letter as required has been submitted and will be recorded with the variance resolution.

Ms. Cherry stated that ten property owners were identified within the notification area of the application. As of the state of the summary no comments have been received

Ms. Cherry explained that in reviewing this application the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-345 of the Morgan County zoning regulations has been met.

Section 2-345 Special Use Permit Criteria:

- A. The use and its proposed location are in conformance with the Morgan County Comprehensive Plan. Specifically:
 - 1. The project will broaden employment opportunities for residents and will further economic growth.
 - 2. The proposed use is compatible with existing land uses and there is access to established public infrastructure.
 - 3. The use will protect existing agriculture operations by allowing it to continue while not restricting private property rights.
- B. The application documents are complete and present a clear picture of how the use is to be arranged on the site.
- C. The Site Plan conforms to the district design standards of Section 4-200 of the Morgan County Zoning Regulations. Specifically:
 - 1. A variance from the 1,320 foot setback to an occupied structure was granted by the Board of Adjustment on October 21, 2019.
 - 2. The plan submitted shows that the confinement facility is located more than 15' from County Roads W and 22.
- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvement, site plan requirements or other mitigation measures.
 - 1. There is existing vegetation that will be removed from the corral area. The remainder of the property's vegetation will remain in place.
 - 2. There has been a drainage plan submitted that shows detention capturing the 100- year storm event and release at the 5-year rate as required by Section 3-705 of the zoning regulations.
- E. The special use is compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography.
- F. The special use poses no or minimal risk to the public health, safety and welfare.
- G. The special use will not be located on a nonconforming parcel of land.
- H. The applicant has adequately documented a public need for the project. The Applicant has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs.

GENERAL PROVISIONS

- a. The Board of Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County representatives are authorized to inspect the Property at any reasonable time upon notice to the Applicant.
- b. The Applicant shall comply with all governmental and regulatory agency requirements and permits, including without limitation those promulgated for the protection of health, safety and

COMMISSIONERS PROCEEDINGS 9

welfare of the inhabitants of Morgan County. Such compliance shall include without limitation compliance with the regulations of the Colorado Department of Public Health and Environment and the United States Environmental Protection Agency.

- c. Material alterations to the proposed development as set forth in this Application shall require an amendment to this Permit, after hearings before the Morgan County Planning Commission and the Board of County Commissioners. Nonmaterial alterations may be approved by the Morgan County Planning Administrator, upon receipt of written application requesting approval of the proposed alterations.
- d. The Applicant shall comply with all the requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.
- e. Applicant shall submit a survey as required under Section 2-480 of the Morgan County Zoning regulations and be in a format as required by Section 8-180 of the Morgan County Subdivision Regulations.

Ms. Cherry stated that this application was considered in a public hearing by the Planning Commission on November 12, 2019 and received a unanimous recommendation of approval subject to General Provisions.

At this time, the applicant, Cody Millar, Four X Ranch, Inc., with his address being 22251 County Road 23 Fort Morgan, Colorado and stated he has nothing further to add.

At this time, Chairman Zwetzig opened the matter for public comment.

Bob Weimer, 108 Gayle Street, Fort Morgan, Colorado. Mr. Weimer asked a question about how the applicant will be dealing with the groundwater in the area. He is a member of the gun club and also maintains the facilities out there. He explained that there is groundwater within a few feet of the property and he would like to know how it will be maintained. Mr. Millar stated that water is on the south end of where the corrals will be built, and explained in the engineering design it shows they will be building a berm that will hold the waste water off of the corrals therefore groundwater will not be effected. Martin Christensen, 22915 County Road 23 Fort Morgan, Colorado explained that the seepage is from the Riverside ditch there is not a spring, there were a few dead trees that is making the seepage increase and doesn't feel that it will be an issue. Mr. Christensen stated that if it does create an issue X Ranch can tile it, which is what the gun club would like to see done.

Chairman Zwetzig asked to go over the regulations the County has regulating the contaminated waste water of the feed lot. Ms. Sellers stated that the contaminate water has to be held on the property and it has to be in a basin and if the basin reaches a certain point then it has to be brought down. Chairman Zwetzig stated there is a letter from CDPHE that states they approve the water plan that is in place. Ms. Cherry read aloud a letter from CDPHE dated August 29, 2019 addressed to Mr. Millar. Ms. Cherry also has the drainage plan that Mr. Weimer can review if he would like.

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

Commissioner Becker asked how much of the gun club is being left open, with Mr. Millar stating that none of the gun club is being left open their lease is up in May of 2020.

Commissioner Arndt asked what the animal units are, with Mr. Millar explaining that it is 600 units which is 1000 head.

Chairman Zwetzig asked if there is a permit for the shooting range with Ms. Cherry stating yes there is a permit. Chairman Zwetzig asked if the permit is being rescinded or will the permit continue, with Ms. Cherry stating it is resolution 2000 BCC 58. Chairman Zwetzig stated he assumes that the permit stays on the property unless it is rescinded. Ms. Sellers stated that is correct, there will be two special use permits if the one is approved today.

Chairman Zwetzig is under the understanding that the adjoining landowners within the distance which is the Bellinder's have provided a letter that state that they are fine with the AFO, but they are under the understanding that the shooting range goes away. Mr. Millar stated that is correct and most of the neighbors are pleased with the gun range going away. Ms. Sellers stated that it will be rescinded in the resolution that approves the special use permit.

Chairman Zwetzig asked if the second email from CDPHE is a concern that the adjoining neighbor is the County landfill and there are regulations for the landfill that the County must follow. Chairman Zwetzig read the email it aloud from CDPHE which explains about diverting the water and that Morgan County may want a setback or protection for the well. Mr. Millar explained in regards to the little corner of land located on the east side of County Road 22 which is a about 7 acres, but is not the current area that the corrals will be on. Chairman Zwetzig stated that it is still in close proximity to the landfill and should be a concern. Chairman Zwetzig is concerned that the waste water is going to get into the ground and Morgan County has different regulations than they the applicant and the County just needs to be protected. Mr. Christensen showed on a map where the seepage is in reference to the landfill. Mr. Christensen explained that previously when there was a large rain that the water was gone within a month. Mr. Millar showed on the map where the drainage pond would be along with where the corrals will be and it will not be as close to the landfill. Chairman Zwetzig asked if this should be part of the conditions in order to be

10 COMMISSIONERS PROCEEDINGS

proactive. Ms. Sellers explained that CDPHE is saying that waste water facility should be at least 50 feet from the monitoring well.

Chairman Zwetzig asked what was the variance that was granted, with Ms. Cherry stating that the variance that was granted was a decrease in setback of 670 feet for one residence and for the Bellinder residence the variance has not been completed and it has not been presented to the Board of Adjustment for final approval. Chairman Zwetzig asked to clarify that there is not final approval of the Bellinder's variance yet, with Ms. Cherry stating they have approval for the variance but the resolution has not been finalized. Chairman Zwetzig stated he believes there is approval for the existing home and upon discovering that there is another home the Board of Adjustment said they will grant a variance for that one if there is a letter from Bellinder's, Chairman Zwetzig asked if it should have a second variance. Ms. Cherry agreed that it should but the Board of Adjustment did not decide to deal with it that way. Ms. Sellers stated that the second variance should have had a notice and a hearing and have the same procedures as the first. Mr. Millar stated that it is a shop not a residence that the Bellinder's run their business out of and they store parts there, so in the regulations it says residences so that is why he never recognized that has a residence and there was some miscommunication on his part. Ms. Cherry stated that the regulations refer to it as an occupied structure. Commissioner Becker asked if the Bellinder's are permitted as an office because if it is not then it is just a structure. There was discussion of the building in question and Chairman Zwetzig feels that a variance is needed. Ms. Sellers asked for clarification as to what the structure is used for with Ms. Cherry explaining it is used as an office and storage for their plumbing business and there is also an apartment in the structure. Chairman Zwetzig feels that a variance is still required and wants a legal opinion with Ms. Sellers stating yes.

Chairman Zwetzig explained that recently there was an expansion on a livestock confinement and that there are already complaints being received about the dust, do you have a plan for keeping the dust down? Mr. Millar explained that they have a water trailer and that they already water the roads down, with the current corrals they have now it is beneficial for them to keep the dust down, so they will continue doing that process.

Chairman Zwetzig asked if the second variance is needed to the other Commissioners. Commissioner Arndt stated that Mr. Erker of the Planning Commission Board asked what the definition of an occupied structure was, with Ms. Cherry stating, a residence, a business, a shed whatever is regularly occupied and right now there is a shed that was built, but she is not sure if it was permitted for a business. Jody Meyer Planning and Zoning Assistant stated she does recall it being for a permitted business or an apartment for the Bellinder's. Chairman Zwetzig asked for clarification if the existing structure is what is being talked about and it's current use or is it whether it is in compliance or not, with Ms. Sellers stating that the regulations do not address if it is compliant or not, it address how it is being used. She stated that they can take the position that it should only be used as a shed nothing else, no apartment, no business, that a variance should not be imposed on this applicant and that enforcement action be taken against the other party to clear up the use of the property. Commissioner Arndt stated that since there is a letter from the Bellinder's that a variance process as a condition of approval should be required.

Chairman Zwetzig wants to make sure that the applicants go to Quality Water and have the tap state that is for the entire north half of the northwest, not just the north half of the northeast as it is listed now and asked whether the tap has been moved. Mr. Millar reported that he has a letter which states that he can move it. Mr. Christensen stated they probably will move it so they have two sources of water.

Commissioner Arndt asked about the rescinding of Resolution 2000 BCC 58, it does not state that the resolution either replaced or amended the resolutions on December 9th, 1985 or December 30th, 1985 so if that is part of the motion that those resolutions are rescinded, then all three need to be noted, with Ms. Sellers stating that is correct. Further discussion continued as to the amendments of the resolutions. Commissioner Arndt asked if it will rescind Resolution BCC 58 and the December 30th, 1985 resolution as well, with Ms. Sellers stating that all should be rescinded. Mr. Millar asked whether will there be a time frame that the gun club can still use the shooting range until May 2020. Ms. Sellers stated yes it can be signed with that condition until that date.

Chairman Zwetzig asked for clarification of a procedure question regarding the variance, since the Board of Adjustment actually made a statement that they want a letter from the Bellinder's could that be called the first of the variance and waive any fees for the variance. Commissioner Becker questioned whether it was necessary. Ms. Sellers stated that there are two options, one is to make a determination is that it not compliant and not approved as an occupied structure, which she feels a shed is not an occupied structure, that is not meant to be considered in that distance of the permit so if it is being used improperly then no, a variance is not required, or you can treat as two separately where a variance requiring a variance of this applicant from this structure and dealing with whether or not shed/office building/apartment is being used in compliance. Commissioner Becker asked if they decide to require a variance don't they have to determine the use of the structure, with Ms. Sellers stating yes they would. Commissioner Becker stating, that means the Bellinder's would then have to come in and get that permitted, with Ms. Sellers stating that is possible. Commissioner Becker would prefer they use that letter stating that they are in agreement. Chairman Zwetzig stated by doing that it is not following the AFO regulations. Chairman Zwetzig asked Mr. Millar if he is opposed to the variance with Mr. Millar stating he is not trying to get Bellinder's in trouble or making them do more.

Ms. Sellers explained it can be tabled so it can be determined if the property is in compliance, with Chairman Zwetzig stating then the Board is going after the Bellinder's to put under compliance and that is not what the applicant wants to be done. Commissioner Arndt voiced concerns that we are assuming what is going on and we don't really know what the plans are.

Chairman Zwetzig asked what is the size of the parcel it is on. Mr. Millar stating that there is currently not anyone living there and Mr. Christensen stated that Mr. Millar may know how big it is because he did once live there. Ms. Cherry stated that the parcel is 17 acres. There was discussion as to what other property the Bellinder's own.

COMMISSIONERS PROCEEDINGS 11

Commissioner Becker stated that they should accept the letter and move on, because he believes that if there is a variance then they have to prove what the use of that is and if it is not permitted will it not have to be permitted for a business use. Ms. Sellers would have to look into that matter.

Commissioner Arndt asked about the letter from the Bellinder's, with Ms. Cherry stating that the letter states that he understands what Mr. Millar is doing and he is supportive of it. There was discussion as to what the Bellinder's letter stated. Mr. Millar presented the letter for the Board to be submitted into the record.

Ms. Cherry presented the deed of the property to the Board reading the legal description aloud, further discussion entailed.

Commissioner Arndt stated that the variance is not a bad idea, it's not about trying to put another hearing on the books but 15 years down the road, for Four X Ranch, if the Bellinder's decide to sell the 17 acres and someone decides to build a house there is a chance that either Four X Ranch or the Bellinder's property may be out of compliance. With that being said that is why he would support a variance. Commissioner Arndt stated that it would be a fairly easy one and in his motion because it is something that should have been caught earlier he would ask that the Board of County Commissioner consider waiving those fees for that variance hearing.

Commissioner Arndt made a motion to approve the Use by Special Review Permit Four X Ranch noting the applicant is M & C Farms for a AFO for 600 animal units, for an application in the N1/2NE1/4 of Section 15, Township 4 North, Range 57 West of the 6th PM, Morgan County, Colorado legal noting also that this property does have existing Resolutions on it that were granting an outdoor shooting range the first one being December 18th 1985 and the second being December 30th, 1985 and lastly Resolution 2000 BCC 58 be rescinded as of June 1st 2020, noting anything in file that has been presented become part of the permit. Commissioner Becker still has a concern if the other variance is created, that you have to find the use of the building that the variance is for. There was discussion as to what type of structure it is. Ms. Sellers stated if the variance is granted to this owner to allow for the CAFO to exist within the setback and allow the residential to continue otherwise, that residential needs a special use permit. Chairman Zwetzig stated which it does not need if a variance is granted. Ms. Sellers stated that the commercial component needs to be analyzed separately, with Chairman Zwetzig stating that no one has claimed it to be a commercial operation yet. Ms. Sellers made a suggestion to the motion that if staff determines that it is either an existing residence or existing occupied building or both then a variance would be required, if it is not one of those then no variance would be required. Commissioner Arndt stated that would be Four X Ranch that would come in and those fees would be waived, he amended his motion with that. Commissioner Becker seconded the motion.

Chairman Zwetzig stated that to him the variance is procedural is all that it is, because at the meeting it was stated to get the letter with Mr. Millar stating that they talked about getting a separate variance and they simply put it all into one variance, and Ms. Sellers stating they do not have authorization to do that. Ms. Cherry stated that if Mr. Millar goes ahead and applies for the variance that will show it's an occupied structure, than that occupied structure is permitting that occupied structure at the same time, with Chairman Zwetzig stating no, its being a variance for way the it is used.

At this time the motion carried 2-1, with Commissioner Becker being the descending vote.

Mr. Millar asked what he is to do now, with Ms. Cherry stating that staff is to determine the use of the building, would Bellinder's be willing to put together another letter and would that be acceptable to the Commissioner's as to how that building is being used, is it storage, is there an apartment, is that apartment an office is it ever going to be a living quarters again? Chairman Zwetzig said it has been established that it is a living quarters with storage and Mr. Millar stating that you already went there with the motion, with Chairman Zwetzig in agreeance and Mr. Millar stated that was not where they wanted to go. There was further discussion as to what Mr. Millar needs to do going forward.

At this time the Board took a Recess 11:03 a.m.

Chairman Zwetzig called the public hearing to order at 1:01 p.m.

3. Tim Naylor, Shannon Toomey/AGPROfessionals - as applicant

T&M Limited Partnership c/o Dirk Eggleston (aka Q Ranch) - as landowner

Legal Description: A parcel located in the NE1/4 of Section 8, Township 3 North, Range 59 West of the 6th PM; the E1/2 of Section 9, Township 3 North, Range 59 West of the 6th P.M.; and the W1/2 Section 9, Township 3 North, Range 59 West of the 6th PM, Morgan County, Colorado aka 7999 Co Rd Q, Wiggins, Colorado 80654.

Reason: Amended Use by Special Review Permit to expand the permitted footprint of a livestock confinement facility.

Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry presented to the Board a Amended Use by Special Review Permit to expand the permitted footprint of a livestock confinement facility.

Ms. Cherry stated Planning Commission held a public hearing on this application at their meeting on November 12, 2019 and on a unanimous vote to recommend approval of the application subject to conditions.

Ms. Cherry explained that T&M Limited Partnership, is represented by Tim Naylor of AGPROfessionals, pursuant to Section 3-180(O) has submitted this application for a third amendment of a Use by Special Review Resolution 2007

12 COMMISSIONERS PROCEEDINGS

BCC 16 which permitted the establishment of a livestock feeding operation of 15,000 animal units. Resolution 2007 BCC 47 granted an amendment to the original permit to revise the footprint of the operation. Resolution 2011 BCC 18, the second amendment, granted an expansion to animal units to 18,000 animal units conditioned upon purchase of the necessary Quality Water taps, which was not completed.

Ms. Cherry stated that this application for this third amendment to Resolution 2007 BCC 16 requests that the footprint be expanded for additional pens and calf areas on the property, without an increase in animal units which will remain the same at 15,000.

Ms. Cherry explained that the property is located in the NE1/4 of Section 8, Township 3 North, Range 59 West of the 6th PM; the E1/2 of Section 9, Township 3 North, Range 59 West of the 6th P.M.; and the W1/2 Section 9, Township 3 North, Range 59 West of the 6th PM, Morgan County, Colorado aka 7999 Co Rd Q, Wiggins, Colorado 80654.

Ms. Cherry stated that the applicant has also submitted an application for a variance to and Section 4-200(A) Appendix B Table 1 Note C of the zoning regulations. The Board of Adjustment met on October 21, 2019 to consider the variance request to reduce the setback required from a feeding operation to an occupied structure, a home on another parcel owned by T&M that is within the 1,320 foot setback. The variance request was reviewed and granted by the Board of Adjustment on October 21, 2019.

Ms. Cherry explained that the property owners within 1,320 feet of the property boundary were notified of this application, as of the December 10, 2019, no comments have been received. There are two properties to the north that obtain access pursuant to Resolution 2007 BCC 18 via an easement. Those properties belong to Melinda Smith and US-76 Properties.

Ms. Cherry stated that in reviewing this application the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-345 of the Morgan County zoning regulations:

- a. The use and its proposed location are in conformance with the Morgan County Comprehensive Plan. Specifically:
 - i. The project will broaden employment opportunities for residents and will further economic growth.
 - ii. The proposed use is compatible with existing land uses and there is access to established public infrastructure.
 - iii. The use will protect existing agriculture operations by allowing it to continue while not restricting private property rights.
- b. The Application is complete and presents a clear picture of how the use is to be arranged on the site.
- c. The site conforms to the district design standards of Section 4-200 of the Morgan County Zoning Regulations. Specifically:
 - i. A variance from the 1,320 foot setback to an occupied structure was granted by the Board of Adjustment on October 21, 2019.
 - ii. The plan submitted shows that the confinement facility is located more than 15' from Interstate 76 and from County Roads Q and 7. County Road 8 has been vacated.
- d. The special use is compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography.
- e. The special use poses no or minimal risk to the public health, safety and welfare.
- f. The special use will not be located on a nonconforming parcel of land.
- g. The applicant has adequately documented a public need for the project. The Applicant has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs.

Recommendation

Ms. Cherry explained that the Planning Commission held a public hearing on this application at their meeting on November 12, 2019 and on a unanimous vote to approve the application subject to the following conditions:

1. Animal units are limited to 15,000.
2. Applicant is required to follow all nuisance control measures set out in the Facility Management Plan as prepared by AGPro and approved by the State of Colorado. Enhanced measures may become necessary at some time in the future if there is unreasonable impact on surrounding properties. Enhanced measures would be required following written notice to the applicant and a hearing before the Board of County Commissioners if requested by the applicant.
3. The applicant shall remain in compliance with all regulatory agencies having jurisdiction over the operation.
4. The applicants are responsible for complying with all foregoing requirements, conditions and design

COMMISSIONERS PROCEEDINGS 13

standards. Noncompliance with any of the foregoing requirements, conditions or design standards may be reason for revocation of this permit by the Board of County Commissioners after notice to the applicants or their successors in interest and public hearing.

5. The facility shall not expand animal units without amending this permit.
6. This Use by Special Review permit shall supersede and nullify Resolution 2011 BCC 18.

Planning Commission made a recommendation to revise condition 7 to reference Resolution 2007 BCC 58 that includes language of a 60' access easement for the two properties to the north.

7. Access to the landlocked parcels owned by US 76 Properties and Melinda Smith will be resolved with those property owners.
In the report

At this time, the applicant, Tim Naylor, AGPROfessionals, 3050 67th Avenue, Greeley, Colorado representing T&M Limited Partnership and the facility also known as Q Ranch, is asking to amend the existing permit to remove the dairy from the permit and return the animal units back to original approved 15,000 animal units and add additional pens in the area that was approved for the dairy. They will not be doing the dairy on that section of land. Mr. Naylor went over his packet presentation detail which was submitted to the Board for their review.

At this time, Chairman Zwetzig opened the matter for public comment.

Kent Pflager, 17586 County Road 20, representing Morgan County Quality Water, asked the applicant if they intend to increase the animals units beyond the 15,000 head, with Mr. Naylor stating no. Mr. Pflager then asked if they plan to have a working dairy on the facility, with Mr. Naylor stating no they do not. Mr. Pflager asked Ms. Cherry can it be interpreted as proposed today to increase the number of animal units from the 15,000 head, with Ms. Cherry stating no, not with the 2011 permit allowing them to expand to 18,000 and build a dairy farm there but in the process of adopting this current resolution approving this permit, the 2011 resolution will be rescinded. Mr. Pflager stated that Morgan County Quality Water has no objection to the application.

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

Commissioner Becker stated this reduces the use of that area and resolves the uses on the road and is very much in favor.

Chairman Zwetzig asked the Planning and Zoning Department regarding the recommendation of the "Access to the landlocked parcels owned by US 76 Properties and Melinda Smith will be resolved" isn't it already resolved, with Ms. Cherry stating yes it is there is no longer a number 7.

Chairman Zwetzig asked if it is rescinded or amended the previous amendments need to be preserved the right in 2007 BCC 58 for the easement. Ms. Sellers stated that the only one being rescinding is the amendment in the 2011 resolution. Chairman Zwetzig stated that 2011 is being rescinded and just amending the original that is why it is called the third. Ms. Sellers said yes, and the resolution 58 from 2007 is the vacating resolution, Planning Commission did not eliminate number 7 but revised it to refer to that resolution.

Chairman Zwetzig stated that there was recently an approval of an expansion livestock confinement and there was complaints about dust, how will you keep that from happening. Mr. Naylor stated that they will be using a water truck to help maintain the dust, and they will also be putting the animals in the pens doing pen stocking which will help as well.

Chairman Zwetzig asked if there is still a prairie dog issue, with Mr. Naylor stating that he is not aware of that at this time. Mr. Naylor stated that there has not been any problems with the site and that they have good management.

Chairman Zwetzig stated the house variance was not mentioned but that was a variance that went through okay, with Ms. Cherry stating yes it was approved.

Commissioner Arndt clarified the resolutions 2007 BCC 16 was first resolution granting the hearing on January and May of 2007, then 2007 BCC 47 amended 2007 BCC 16, further discussion continues as to the resolutions. Mr. Naylor stated that the original 2007 was the original permit and the 47 was the first amendment and the 2011 was the second amendment, so now we are on the third amendment. Commissioner Arndt asked if all of the resolutions can be tied into one new resolution, with Ms. Sellers stating yes.

Commissioner Arndt made a motion to approve the Third Amendment to the Special Use Permit for T & M Partnership with the following conditions:

1. Limiting Animal units are limited to 15,000.
2. Applicant is required to follow all nuisance control measures set out in the Facility Management Plan as prepared by AGPro and approved by the State of Colorado. Enhanced measures may become necessary at some time in the future if there is unreasonable impact on surrounding properties. Enhanced measures would be required following written notice to the applicant and a hearing before the Board of County Commissioners if requested by the applicant.
3. The applicant shall remain in compliance with all regulatory agencies having jurisdiction over the operation.
4. The applicant is responsible for complying with all foregoing requirements, conditions and design

14 COMMISSIONERS PROCEEDINGS

- standards. Noncompliance with any of the foregoing requirements, conditions or design standards may be reason for revocation of this permit by the Board of County Commissioners after notice to the applicants or their successors in interest and public hearing.
5. The facility shall not expand animal units without amending this permit.
 6. This amendment to the Use by Special Review shall revoke Resolution 2011 BCC 18.
 7. Access to the adjoining parcels as provided shall be pursuant to Resolution 2007 BCC 58.

Commissioner Becker seconded the motion. At this time the motion carried 3-0.

Being no further business the meeting was then adjourned at 1:41 p.m.

Respectfully Submitted,

Randee Aleman
Deputy Clerk to the Board

(Minutes ratified January 7, 2020)

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

s/James P. Zwetzig
James P. Zwetzig, Chairman

s/Mark A. Arndt
Mark A. Arndt, Commissioner

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

(SEAL)

ATTEST:

s/Susan L. Bailey
Susan L. Bailey