

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS

### Minutes of Meeting

April 26, 2022

As reflected in posted agenda:

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/86262727075> If you cannot connect via Zoom, you may submit written public comment to [morgancountybcc@co.morgan.co.us](mailto:morgancountybcc@co.morgan.co.us) by email by 4 p.m. on Monday April 25, 2022.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/86262727075> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 862 6272 7075

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/86262727075> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 862 6272 7075

The Board of Morgan County Commissioners met Tuesday, April 26, 2022 at 9:00 a.m. with Chairman Jon Becker, Commissioner Gordon Westhoff and Commissioner Mark Arndt in attendance. Chairman Becker asked Morgan County Sheriff Dave Martin to lead the meeting in the Pledge of Allegiance.

Chairman Becker called the hearing to order at 9:01 a.m. in the Assembly Room of the Morgan County Administration Building. Present were, Chairman Jon Becker, Commissioner Gordon Westhoff and Commissioner Mark Arndt, Morgan County Planning and Zoning Director Nicole Hay, Morgan County Planning and Zoning Assistant Charlotte Buldoc and Morgan County Attorney Kathryn Sellars.

### PUBLIC HEARING

#### **1. 1. Applicants and Landowners:** 7/S Land & Cattle Company, LLC

**Legal Description:** SE ¼ of Section 24 and in the NE ¼ of Section 25, Township 4N, Range 58W of the 6<sup>th</sup> P.M., Morgan County, Colorado. Also known 17545 Co Road V and 19961 Co Road 18, Fort Morgan, Colorado 80701.

**Request:** For a 3 lot minor subdivision. The total is 32.05 acres being used for new home sites. Lots 2 and 3 are currently developed; Lot 1 is to be developed.

Ms. Buldoc explained that this application was considered by the Planning Commission in a public hearing on April 11, 2022 and recommended for approval on a vote of 6 in favor and 0 opposed, 1 member was absent.

Ms. Buldoc stated that this application is a 3-lot Minor Subdivision of 32.05 acres located in the SE ¼ of Section 24 and in the NE ¼ of Section 25, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M, Morgan County, Colorado. Also known as 17545 Co Rd V and 19961 Co Rd 18, Fort Morgan, Colorado 80701.

Ms. Buldoc explained that there are currently two single-family residences on Lots 2 and 3. Lot 1 is to be developed. The properties are zoned Rural Residential.

Ms. Buldoc stated that the applicants are requesting approval of the minor subdivision to create three new lots. Lot 1 – 3.0 acres, Lot 2 – 24.97 acres and Lot 3 – 4.08 acres.

Ms. Buldoc explained that Section 8-195 of the Morgan County Subdivision Regulations requires review of the listed criteria and compliance to be determined prior to approval of the proposed subdivision.

Ms. Buldoc stated 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:
- 1) Northeast Colorado Health Department has issued a permit for installation of new septic system on proposed Lot 1. There is a previously permitted onsite wastewater treatment system on Lots 2 and 3.
  - 2) Deposit for Lot 1 for new Morgan County Quality Water tap has been paid. Full payment of the taps is required prior to recording the plat, if approved. Lots 2 and 3 have Morgan County Quality Water.
  - 3) Lot 3 will access from County Road 18 and lot 2 will access from County Road V. Road and Bridge has no objection to the continued use of the existing driveways that provides access. Lot 1, Road and Bridge has approved one new driveway and will access from County Road V.
  - 4) Property is located in the Fort Morgan Fire District.

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- 5) Soil map was provided by the Natural Resources Conservation Service.
  - 6) Animal units will be per zoning requirements subject to review by the Morgan County Extension Service.
  - 7) Right to Farm notice was provided with the application.
  - 8) Lots 2 and 3 are developed as single family residences. Proposed lot 1 will be sold and developed as single family residences.
- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan. The subdivision is located in the north central planning area.  
Chapter 2, Plan Summary  
Goal: Section 2.C.1 - To encourage development where proposed development is compatible with existing land uses and access to public infrastructure is established.
- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.  
This subdivision is located in the Agriculture Production zone district and buffering is not required, uses are compatible.

Ms. Buldoc explained that all appropriate notice requirements have been completed.

Chairman Becker asked the applicant if they had any further information to add with the applicant Bob Elrich 16547 County Road 17.7 Fort Morgan Colorado and Jeff Schneider 9 Carrie Court Fort Morgan Colorado. Mr. Elrich stated the reason Mr. Schneider is creating the lots is for family members and he is just helping out with paper work.

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

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

Commissioner Arndt made a motion to approve the application for a 3 lot minor subdivision. The total is 32.05 acres being used for new home sites. Lots 2 and 3 are currently developed; Lot 1 is to be developed.. The total is 36.47 acres with the legal description being a parcel of land in the SE ¼ of Section 24 and in the NE ¼ of Section 25, Township 4N, Range 58W of the 6<sup>th</sup> P.M., Morgan County, Colorado. Also known 17545 Co Road V and 19961 Co Road 18, Fort Morgan, Colorado 80701. Applicants and landowners being 7/S Land & Cattle Company, LLC, as presented by Morgan County Planning and Zoning Assistant Charlotte Buldoc. Commissioner Westhoff seconded the motion. At this time, the motion carried 3-0.

### **2. Amending the Morgan County Subdivision and Zoning Regulations:**

#### **Description of Amendments:**

Proof of ownership consisting of a title commitment issued within the previous six (6) months.

Ms. Hay stated that this is for the amendments to the Morgan County Subdivision and Zoning Regulations, the Description of Amendments: Proof of ownership consisting of a title commitment issued within the previous six (6) months. Ms. Hay explained that on April 11, 2022, the Planning Commission voted 6 – 0, with 1 member absent to approve the amended subdivision regulations and send them on to the Board of County Commissioner for approval.

Commissioner Arndt noted that the time frame had been shortened at some point and did not make sense as it would be expired by the time the title commitment was done. Ms. Hay stated that she believes the previous time frame was not feasible and the six month time frame will work better for applicants.

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

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

Commissioner Westhoff made a motion to amendments to the Morgan County Zoning Regulations: Related Proof of ownership consisting of a title commitment issued within the previous six (6) months, as presented by Morgan County Planning and Zoning Director Nicole Hay. Commissioner Arndt seconded the motion. At this time, the motion carried 3-0.

### **GENERAL BUSINESS AND ADMINISTRATIVE ITEMS**

#### **Discussion with Planning Administrator regarding 1041 preliminary application and process for Xcel Power Pathway Project**

Ms. Hay noted that this is not a public hearing item, but a discussion between the Board and staff.

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Ms. Hay stated that on April 6, 2022 Charlotte Bolduc, Planning Technician and myself met with representatives from Xcel Energy, Tetra Tech, and Gilbert F. McNeish Attorney at Law for a preapplication conference regarding the Colorado’s Power Pathway Project. The attached Exhibit shows the general locations of Segment 1 and Segment 2, part of which will effect Morgan County.

Guidelines and Regulations for Areas and Activities of State Interest, Morgan County, State of Colorado

- Section 3-303    Preapplication Conference
- (1)            Prior to formal filing of the application, the applicant shall confer with the Planning Administrator to obtain information and guidance. The purpose of such a conference is to permit the applicant and the staff to review the proposal informally before substantial commitments of time and money are made.
- (5)            If the project is not set for a preliminary application, the Planning Administrator shall consult with the Board of County Commissioners concerning the County's application requirements for the project, and shall notify the applicant either at the preapplication conference or within 10 days thereafter in writing of such requirements, including but not limited to the extent of interest holders to receive notification of the project under Section 2-206 and other applicable sections, the extent of the project area to be considered, the submittal requirements that will be waived by the County, and any particular submittal requirements in addition to those specified in these Regulations.

- Section 3-304    Preliminary Application
- (1)            Following the preapplication conference, the Planning Administrator shall consult with the Board of County Commissioners and, on the basis of the information provided by the applicant at the preapplication conference, they shall determine, in their sole discretion, whether to require the applicant to submit a preliminary application. This decision shall be communicated by the Planning Administrator to the applicant within ten days after the preapplication conference, or as soon as feasible thereafter. In general, Morgan County will require a preliminary application process only for substantial facilities of a size or potential impact on the community to justify additional study. If the applicant objects to undergoing the preliminary application process, the applicant may appeal this decision to the Board of County Commissioners, which shall meet with the applicant and the Planning Administrator as soon as feasible thereafter to consider the basis for the applicant's appeal, and shall then determine whether or not the preliminary application shall be waived for good cause shown.

Ms. Hay explained with the information provided to her at the preapplication conference she recommend not requiring a preliminary application and she looking for guidance from the Board concerning the County’s application requirements.

Commissioner Westhoff asked Ms. Hay if she doesn’t think there needs to be a preapplication, with Ms. Hay stating no not with the information they have submitted they have the line determined and they have had numerous meetings with the community. Chairman Becker asked if there have there been any landowners submitting comment, with Ms. Hay stating her office has not received any. Commissioner Westhoff stated he has attended the meetings at the Field House and there was concern from landowners about where the line would be located and Xcel has been working with those landowners have resolved their concerns.

Chairman Becker asked Ms. Sellars what the preapplication process entails, with Ms. Sellars stating it goes through the Planning Commission and then the Board, then Xcel would submit a final application. Chairman Becker clarified that the Board would just be waiving the preapplication process and going straight to the final with Ms. Sellars stating that is correct. Ms. Sellars stated this is not a typical land use application it is a permitting of an activity that isn’t governed by any type of zoning regulations. Ms. Sellars explained it will be under major electrical facility statue and the time line is 90 days on a final application. Chairman Becker stated that since they are not hearing from landowners and Xcel has been working with the landowners concerns and fixing those concerns and Commissioner Arndt also added that the final application will allow for a public hearing they both agree that there does not need to be a preapplication process.

Commissioner Westhoff made a motion to waive the preliminary preapplication process for the Xcel Power Pathway Project to the Planning and Zoning Department. Commissioner Arndt seconded the motion. At this time, the motion carried 3-0.

**COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioner Westhoff thanked Morgan County Planning and Zoning Assistant Charlotte Buldoc for her time working with in the Planning Department as Friday will be her last day with the County.

Being no further business the meeting was then adjourned at 9:25 a.m.

Respectfully Submitted,

Randee Aleman  
Deputy Clerk to the Board

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(Minutes ratified May 3, 2022)

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

s/Jon J. Becker  
Jon J. Becker, Chairman

s/Gordon H. Westhoff  
Gordon Westhoff, Commissioner

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

(SEAL)  
**ATTEST:**

s/ Susan L. Bailey  
Susan L. Bailey