

COMMISSIONERS PROCEEDINGS 1

**BOARD OF COUNTY COMMISSIONERS
Morgan County Board of Social/Human Services
Minutes of Meeting
October 21, 2025**

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/84651421268> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday October 20, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/84651421268> listen via phone, please dial: 1-312-626-6799, Meeting ID: 846 5142 1268

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/84651421268> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 846 5142 1268

The Board of Morgan County Commissioners met on Tuesday, October 21, 2025 at 9:01 a.m. with Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt in attendance. Chairman Becker asked Susan Nitzel, DHS Accounting Manager to lead the meeting in the Pledge of Allegiance.

At this time, the Board convened as the Morgan County Board of Social/Human Services. Chairman Becker noted that Jacque Frenier, Morgan County Department of Human Services Director, and Accounting Manager Susan Nitzel were present.

Consideration of Approval –DHS Minutes dated August 19, 2025

Chairman Becker presented for review and approval the Department of Human Services Minutes dated August 19, 2025. A motion was made by Commissioner Bernhardt to approve the minutes as presented with Commissioner Malone seconding the motion. The motion carried 3-0.

Consideration of Approval – DHS WARRANTS – July 2025

Susan Nitzel, Accounting Manager presented to the Board for their review and approval of the Department of Human Services Warrants for the month of July 2025. Ms. Nitzel summarized the operating warrants as being a total of \$380,508.66 for operating costs and direct deposits for payroll were \$229,407.89, which totaled \$609,916.55. Ms. Nitzel stated that between July and June, there was an increase of \$95,000. She noted the majority of this was due to the County Interfund catching up and program contracts that ended in June.

Commissioner Malone made the motion to approve the warrants as presented for July 2025 in the amount of \$609,916.55 as presented and authorized the Chairman to sign with Commissioner Bernhardt seconding the motion. Motion carried 3-0.

Consideration of Approval – DHS CERTIFICATION OF PROVIDER AND VENDOR BENEFIT AUTHORIZATIONS – July 2025

Susan Nitzel, Accounting Manager presented to the Board for their review and approval the Department of Human Services Certification of Provider and Vendor Benefit Authorizations for July 2025. Ms. Nitzel summarized the Certification of Provider and Vendor Benefit Authorizations indicating the monthly total of \$855,984.29. Ms. Nitzel stated there was a decrease of \$161,000 from June because there were no LEAP program payments during the Summer. She noted from year to year, there was a decrease of \$620,000 dollars less because of PEBT Food Stamps which was instituted for kids in school.

Commissioner Bernhardt made the motion to approve the Certification of Provider and Vendor Benefits as presented for July 2025 in the amount of \$855,984.29 as presented and authorized the Chairman to sign, with Commissioner Malone seconding the motion. Motion carried 3-0.

Director Frenier and Deputy DHS Director Rogelio Segura spoke about the government shutdown, Colorado will not be issuing SNAP benefits in November. This will continue until the end of the shutdown. Mr. Segura wanted to remind people that the food bank is in Brush tomorrow and that there are local food pantries that can help as well.

LEAP will begin November 1st through March 30th. Its income based and he suggested that people apply as soon as possible. He also noted that if one qualifies for LEAP you can receive home weatherization. Applications can be picked up in the DHS office from November 1st to March 30th.

There being no further business, the Board stood in recess at 9:11 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

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

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

s/ Timothy A. Malone
Timothy A. Malone, Commissioner

s/ Kelvin S. Bernhardt
Kelvin S. Bernhardt, Commissioner

s/ Jacque Frenier
Jacque Frenier, Human Services Director

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch

COMMISSIONERS PROCEEDINGS 1

MEETING OF THE BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
October 21, 2025

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The Board of Morgan County Commissioners met Tuesday, October 21, 2025 at 9:12 a.m. Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt were in attendance.

CITIZEN’S COMMENT

There was no citizen comment provided.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated October 7, 2025.
2. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 078 Accelerate, Inc.**, Term of Contract September 17, 2025 through completion.
3. Ratify Chairman Jon Becker’s signature on **Application for Emergency Telephone Charge Increase**, dated October 10, 2025.
4. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 079 NE Colorado Cellular, Inc.** dba Viaero Wireless, Term of Contract September 9, 2025 through September 8, 2026.
5. Ratify the Board of County Commissioners approval on assignment of **Debt Collections to EMS|MC** dated October 15, 2025. Client #250478, #251481, #251527, #251621, #250831, #251442, #251309, #250972A, #250408D, 251353, #242371, #251662C, #251151, #251467, #251335, #251665, #251266, #251375, #251227, #251169, #251314, #251414, #251435, #250452, #251180, #251351, #251607, #250827, #251713, #251708, #251083, #250408C, #251505, #251581, #251264, #251593, #251262, 3250310, #251067, #251360, #251192, #251600, #251346, #250953, #250584, #250888, #250944, #251554, #251506, #251510, #242988, #250870, #251501, #251296, #251528, #251450, #251656, #250329, #251061, #251503, #250632, #251339, #251240, #251232, #251237, #242124, #251242.

At this time, Commissioner Malone made a motion to approve items 1-5 as presented; Commissioner Bernhardt seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Morgan County Treasurer and Public Trustee Quarterly Report, 3rd Quarter 2025

Morgan County Treasurer and Public Trustee, Robert Sagel presented to the Board the Treasurer and Public Trustee 3rd Quarter Report. Mr. Sagel summarized the report and provided documentation reflecting the data.

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Morgan County Treasurer and Public Trustee Quarterly Report
3rd Quarter - 2025

	<u>This Quarter</u>	<u>This Year-to-Date</u>	<u>Last Year-to-Date</u>	<u>% Inc/Dec</u>
<u>Tax Collections</u>	\$1,948,394.24	\$61,247,836.48	\$60,080,662.68	1.94%
<u>Collection % of Taxes</u>	3.13%	98.90%	98.66%	
<u>Treas Fees Earned</u>	\$45,895.08	\$705,045.41	\$741,461.50	-4.91%
CD's, T-Bills & Gov Sec	\$30,695,126.62	\$30,695,126.62	\$34,610,998.55	-11.31%
Banks/Govt Pool Accts	\$63,213,743.09	\$63,213,743.09	\$55,641,831.84	13.61%
<u>Total Investments</u>	\$93,908,869.71	\$93,908,869.71	\$90,252,830.39	4.05%
<u>Reserve Accounts</u>	\$16,120,613.64	\$16,120,613.64	\$15,470,337.39	4.20%
<u>Average Daily Balance</u>	\$94,095,743.61	\$90,410,779.47	\$86,037,400.34	5.08%
<u>Interest Earned</u>	\$1,016,891.41	\$2,988,062.26	\$3,115,977.73	-4.11%
<u>Average Interest Rate</u>	4.323%	4.396%	4.817%	
<u>Foreclosure Excess Fees</u>	\$8,860.94	\$26,601.60	\$8,867.82	199.98%
<u>Foreclosure Events</u>				
New Files	14	47	29	62.07%
Cured	1	9	5	80.00%
Withdrawn	10	34	24	41.67%
Sold	10	22	8	175.00%
Deeded	8	19	7	171.43%
<u>Releases of Deeds of Trust</u>	229	630	603	4.48%

Commissioner Bernhardt made a motion to approve the Morgan County Treasurer and Public Trustee 3rd Quarter Report as presented by Morgan County Treasurer and Public Trustee, Robert Sagel, Commissioner Malone seconded the motion. At this time the motion carried 3-0.

Consideration of Approval – Resolution 2025 BCC 38 a Resolution amending the Morgan County Fee Schedule for the rental of fairground facilities

MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2025 BCC 38

A RESOLUTION AMENDING THE MORGAN COUNTY FEE SCHEDULE FOR THE RENTAL OF FAIRGROUND FACILITIES

WHEREAS, the Board of County Commissioners has reviewed the fees for rental of the Morgan County fairground facilities; and

WHEREAS, the Board of County Commissioners desires to amend these fees.

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

Section 1. The previously approved fees for the Morgan County Fairgrounds are hereby repealed and readopted as shown in Exhibit A attached hereto. County staff is directed to update the Fee Schedule and post the updated Fee Schedule on the County’s website. The new fees for the Morgan County Fairgrounds shall be effective November 1, 2025.

APPROVED this 21st day of October, 2025.

THE BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

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

s/Timothy A. Malone
Timothy A. Malone, Commissioner

s/Kelvin S. Bernhardt
Kelvin S. Bernhardt, Commissioner

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(SEAL)

ATTEST:

s/ Kevin Strauch
Kevin Strauch

Exhibit A to Resolution 2025 BCC 38

Fairground Rental Fees

Rates are doubled for nonresidents

Events Center <i>(rates include available table and chairs)</i>	\$2000 per day
Celebration Event - Friday Noon-Sunday Noon	\$4000
Damage/Security deposit (Refundable)	\$2500
Kitchen	\$325 (Additional per event, per day)

Multipurpose Building with Kitchen <i>(includes available table and chairs)</i>	
6:00 am to Midnight	\$8000 per day
Damage/Security deposit (Refundable)	\$1000

4-H Building with Kitchen <i>(includes available table and chairs)</i>	
6:00 am to Midnight	\$1000 per day
Damage/Security deposit (Refundable)	\$1500

Indoor Arena:	
6 hour sessions (3 sessions per day)	\$200 per 6-hour session
Arena preparation	\$80
Damage/Security deposit (Refundable)	\$1000
Kitchen	\$50 per use
Heaters	\$40 per heater/per session
Air conditioner	\$100 per session
TV/Tech	\$150

Outdoor Arena:	
All day	\$500 per day
Arena preparation	\$80
Practice Ring when rented with Indoor Arena	\$75 per day
Damage/Security deposit (Refundable)	\$1000
Lights	\$50 per hour
Concession stands	\$40 each
Beef barn - east ½	\$50 per day
Horse shelter	\$75 per day

Accessory Rates:	
Second event/weekend cleaning or arena prep fee	\$80 per use
Technology (Audio/Video) Damage/Security deposit (Refundable)	\$500
Dumpster	\$75 per dumpster (case by case basis)
Portable Bleachers	\$40 each
Cattle Panels – 10’	\$10 each
Cattle Panels – 16’	\$15 each
Auction block, Hog panels	\$10
Podium, Peg boards	\$10
Picnic Tables	\$5 each

Commissioner Malone, presented to the Board the Resolution 2025 BCC 38 a Resolution amending the Morgan County Fee Schedule for the rental of fairground facilities. Commissioner Malone summarized the resolution and noted that the fees have been too low to keep up with upkeep for the fairgrounds and needed to be raised.

Commissioner Malone made a motion to approve the Resolution 2025 BCC 38 a Resolution amending the Morgan County Fee Schedule for the rental of fairground facilities as presented by Commissioner Malone, Commissioner Bernhardt seconded the motion. At this time the motion carried 3-0.

Consideration of Approval – Road Use agreement, Pawnee Solar, LLC

Bruce Bass, Morgan County Public Works Director, presented to the Board for approval Road Use agreement, Pawnee Solar, LLC. Mr. Bass explained that there are several things the company needs to provide the county with. He explained the haul routes that will be used for the project.

Commissioner Bernhardt asked if there have been any road issues in the past with this company. Director Bass noted there have never been any issues with any companies in the past.

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Chairman Becker asked the reason for the route using backroads instead of Barlow Road. He noted that it seemed that the reason was to dodge the port of entry. Director Bass stated that it was the company’s decision to choose the route.

Commissioner Bernhardt made a motion to reject the Road Use agreement, Pawnee Solar, LLC as presented by Morgan County Public Works Director, Bruce Bass, with Commissioner Malone seconding the motion. At this time motion carried 3-0.

Consideration of Approval – Road Use agreement, Pivot Solar 71, LLC

Bruce Bass, Morgan County Road and Bridge Director, presented to the Board for approval Road Use agreement, Pivot Solar 71, LLC. Mr. Bass explained the haul route for the project. He also noted the documents that were submitted.

Commissioner Malone asked if this was the best route to use. Mr. Bass answered that yes, he believed so.

Commissioner Malone made a motion to accept and approve the Road Use agreement, Pivot Solar 71, LLC as presented by Morgan County Planning and Zoning Director, Nicole Hay, with Commissioner Bernhardt seconding the motion. At this time motion carried 3-0.

Consideration of Approval – Resolution 2025 BCC 39 A Resolution conditionally approving an amendment to the Use by Special Review Permit for the City of Fort Morgan’s Wastewater Treatment Plant
MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2025 BCC 39

A RESOLUTION CONDITIONALLY APPROVING AN AMENDMENT TO THE USE BY SPECIAL REVIEW PERMIT FOR THE CITY OF FORT MORGAN’S WASTEWATER TREATMENT PLANT LOCATED IN A PART OF THE SE¼ OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, ALSO KNOWN AS 18169 COUNTY ROAD 22, FORT MORGAN, COLORADO

WHEREAS, the City of Fort Morgan (the “Owner”) applied for an amendment to the special use permit granted through Resolution 95 BCC 8 for a wastewater treatment plant. The amendment is to update and expand the existing wastewater treatment plant (“Application”);

WHEREAS, the Owner owns a part of the SE¼ of Section 34, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, (“Property”);

WHEREAS, on August 11, 2025, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be conditionally approved;

WHEREAS, on September 2, 2025, the Board of County Commissioners (“Board”) held a duly noticed public hearing on the Application;

WHEREAS, during the public hearing, the Board received testimony and evidence from the Owners, Morgan County staff and the public; and

WHEREAS, the Board desires to conditionally approve the Application.

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

1. APPROVAL

- a. The Application is hereby granted subject to the conditions and terms contained in this Resolution. This Resolution shall constitute the amendment to special use permit (hereinafter referred to as this “Resolution” or the “Amended Permit”).

2. FINDINGS OF FACT

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

- a. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically, the property is located in the north central planning area as defined by the Morgan County Comprehensive Plan. In this area Comprehensive Plan goals include: Ensure that adequate and financially secure public utilities are provided to all developments in Morgan County and to develop essential facilities and services which contribute to providing high quality of life for the residents of Morgan County. The expansion and update of the wastewater treatment plant will allow and encourage development within the growth management area of Fort Morgan.

COMMISSIONERS PROCEEDINGS 5

- b. The application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- c. The site plan conforms to the district design standards of the Zoning Regulations.
- d. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures. The operation impacts are expected to be minimal.
- e. The amended special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
- f. The amended special use poses no or minimal risk to the public health, safety and welfare.
- g. The amended special use proposed is located on a conforming parcel.
- h. The Owner has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.
- i. The Owner has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability.

3. CONDITIONS

The approval of the amended special use permit is conditioned upon the following:

- a. The Owner shall submit the updated CDPHE permit to the Planning Department within 10 days of receipt.
- b. The Owner shall supply any agreement made with the Upper Platte and Beaver Canal to the Planning Department within 10 days of execution of such agreement.
- c. Prior to the commencement of construction, the Owner will enter into a road use agreement with Morgan County regarding the maintenance of County Road 22 during construction. Such agreement must be approved by the Board of County Commissioners.
- d. Prior to commencement of construction, the Owner shall obtain a building permit through the Building Department along with any necessary floodplain development permits.

4. GENERAL PROVISIONS.

- a. The Board of County Commissioners retains continuing jurisdiction over this Amended Permit to ensure compliance with this Amended Permit and the Morgan County Zoning Regulations. County Representatives are authorized to inspect the Property at any reasonable time upon notice to the Owner. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Owner, or Owner’s agent, which are incorporated into this Amended Permit. If any representations or information presented by the Owner, or Owner’s agent, during the public hearing or the Application are found to be erroneous, lacking a factual basis or otherwise inaccurate, the County may institute enforcement proceedings to address such representations or information and require the Owner to take measures to correct such representations or information. The County, subject to notice and hearing, may amend, add, or remove any conditions on this Amended Permit or exercise any action provided for in the Morgan County Zoning Regulations.
- b. The Owner shall comply with all governmental and regulatory agency requirements and permits, including without limitation those promulgated for the protection of health, safety, and 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, the Colorado Department of Agriculture, and the United States Environmental Protection Agency.
- c. The Owner shall comply with all requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

DATED this 21st day of October, 2025.

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

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

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s/Timothy A. Malone
Timothy A. Malone, Commissioner

s/Kelvin S. Bernhardt
Kelvin S. Bernhardt, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch
Kevin Strauch

Nicole Hay, Morgan County Planning and Zoning Department Director, presented to the Board the Resolution 2025 BCC 38 a Resolution conditionally approving an amendment to the Use by Special Review Permit for the City of Fort Morgan’s Wastewater Treatment Plant. Ms. Hay said that on August 11, 2025, the Planning Commission held a public hearing on an application submitted by the City of Fort Morgan for an amendment to the special use permit granted through Resolution 95 BCC 8 for a wastewater treatment plant. The permitted area is located in part of the SE1/4 of Section 34, Township 4 North, Range 57 West of the 6 th PM, Morgan County, Colorado. The Planning Commission recommended conditional approval on a vote of 6-0, 1 member was absent. On September 2, 2025, the Board of County Commissioners considered all relevant testimony and evidence, the Board of County Commissioners conditionally approved the application. Resolution 2025 BCC 39 reflects the outcome of that hearing.

Commissioner Bernhardt made a motion to approve the Resolution 2025 BCC 39 a Resolution conditionally approving an amendment to the Use by Special Review Permit for the City of Fort Morgan’s Wastewater Treatment Plant as presented by Nicole Hay, Morgan County Planning and Zoning Department Director, Commissioner Malone seconded the motion. At this time the motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk and Recorder, Kevin Strauch noted that they have received 1,500 ballots so far out of an expected 7,000 based on previous coordinated elections. He reminded citizens to get out and vote.

Morgan County Planning and Zoning Administrator, Nicole Hay noted that there are vacancies on the Planning Commission with one vacancy in District One and another in District Two as well as another in District Three as well as one alternate. The Board of Adjustment also needs one member from district three and two alternates.

Commissioners reviewed the calendar dated October 17, 2025 through October 28, 2025 with no changes.

Being no further business the meeting was adjourned at 9:34 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified November 18, 2025)

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

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

s/Timothy A. Malone
Timothy A. Malone, Commissioner

s/Kelvin S. Bernhardt
Kelvin S. Bernhardt, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch
Kevin Strauch

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — GENERAL BUSINESS & PUBLIC HEARING MINUTES
TUESDAY, OCTOBER 21 2025

Chairman Becker called the hearing to order at 9:41 a.m. on Tuesday, October 21, 2025 in the Assembly Room of the Morgan County Administration Building.

Chairman Jon Becker, Commissioner Kelvin Bernhardt, and Commissioner Tim Malone were present. Planning Director Nicole Hay, Planning Technician Jenafer Santos and IT Director Karol Kopetzky were also present. Attorney Kathryn Sellars was present via ZOOM.

GENERAL BUSINESS

NEW BUSINESS: Acceptance of the 2025 Morgan County Comprehensive Plan

BOARD OF COUNTY COMMISSIONER DISCUSSION:

The Board of County Commissioners accepted the 2025 Morgan County Comprehensive Plan as presented. **3-0.**

NEW BUSINESS: Amended Plat

Applicant: Morgan Community College

Landowner: International Church of the Foursquare Gospel

Legal Description: Lots 1 and 2, Life Fellowship Church Minor Subdivision in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado

Request: To reconfigure the boundary of Lots 1 and 2, Life Fellowship Church Minor Subdivision

APPLICATION OVERVIEW:

Planning Director Nicole Hay read her file summary as follows:

APPLICANTS: Morgan Community College

LANDOWNERS: International Church of the Foursquare Gospel

This application is to amend Lots 1 and 2, Life Fellowship Church Minor Subdivision in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado. Lot 1 is otherwise known as 17723 County Road 20, Fort Morgan, CO 80701 and Lot 2 is vacant. The purpose of the application is to reconfigure the line between Lots 1 and 2. The acreage of Lot 1 will increase from 2.64 acres to 2.706 acres and Lot 2 will decrease from 1.07 acres to 1.00 acre.

The Minor Subdivision is in the commercial zone and is in the Fort Morgan Fire District.

In reviewing an application for an amended plat to reconfigure interior lot lines in a previously approved subdivision, the Board of County Commissioners shall apply the criteria as listed from Section 10-200(G)(2) of the Morgan County Subdivision Regulations:

- a) No additional lots will be created by the reconfiguration.

The application satisfies this criteria.

- b) The reconfiguration is keeping with the purpose and intent of these Subdivision Regulations.

The application satisfies this criteria.

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — GENERAL BUSINESS & PUBLIC HEARING MINUTES
TUESDAY, OCTOBER 21 2025

- c) The resultant lots will meet the required minimum lot size and lot width of the applicable zoning district. If any of the lots are nonconforming with respect to the minimum lot size or lot width, the reconfiguration must not increase the nonconformity.

Lots 1 and 2 will remain conforming lots.

- d) The reconfiguration will not create a nonconforming setback for any existing building.

All setbacks from existing buildings are being met.

- e) Except for those nonconformities addressed in subsection (c) above, the resultant lots will meet the requirements of the applicable zone district, including those requirements in Table 1 of Appendix B of the County's Zoning Regulations.

The resultant lots meet the requirements of the commercial zone.

- f) The reconfiguration will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.

Existing drainage, utility and access will remain the same.

- g) The reconfiguration is consistent with the goals and policies of the County's Comprehensive Plan.

The application satisfies this criteria.

The proposed Morgan Community College Amended Plat adequately rennumbers the lots as 1A and 2A.

Nicole Hay
Morgan County Planning Administrator

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Bernhardt motioned to approve the MCC Amended Plat, the amendments of Lots 1 and 2, Life Fellowship Church Minor Subdivision.

Commissioner Malone seconded.

Motion carries, 3-0.

PUBLIC HEARINGS

NEW BUSINESS: Special Use

Applicant: Xtreme LLC

Landowners: Terry and Connie Tormohlen

Legal Description: A parcel of land in the NE¼ of the NE¼ of Section 32, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado aka 19900 County Road N, Fort Morgan, CO 80701.

Request: A Use by Special Review Permit to operate a millwright and fabrication business.

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — GENERAL BUSINESS & PUBLIC HEARING MINUTES
TUESDAY, OCTOBER 21 2025

APPLICATION OVERVIEW:

Planning Director Nicole Hay read her file summary as follows:

LANDOWNERS: Terry and Connie Tormohlen
APPLICANT: Xtreme LLC

This application is for a Special Use Permit to allow for a millwright and fabrication business. The proposed permitted area is located in a part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado, also known as 19900 County Road N, Fort Morgan, Colorado. The property is zoned Agriculture Production and is in the Fort Morgan Fire District.

Currently, the property is permitted for a Pullet raising confined animal feeding operation (CAFO) known as Country Side Egg. The current permit holders and landowners would like to rescind the current special use permit to allow for the proposed use.

The Applicants are running the millwright and fabrication business in Wiggins, but the current place is too small to accommodate the growing business. The existing buildings located at 19900 County Road N are big enough to accommodate the current equipment and employees and would allow for expansion of the business. Any expansion of the business would provide jobs to the Morgan County community. Currently, there are 10 employees and projected to double by 2027.

The proposed facility will be accessed from 2 existing driveways off of County Road N.

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 2-455 of the Morgan County Zoning Regulations has been met.

Section 2-455 Special Use Permit Criteria:

- A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:

The property is located in the south central planning area as defined by the Morgan County Comprehensive Plan. In this area, Comprehensive Plan goals include:

Encourage the preservation of agricultural production land to ensure continuation of this important industry. The facility will not impact agriculture and therefore preserves the agricultural economic base historically attributed to the area.

- B. All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.

The application satisfies this criteria.

- C. The site plan conforms to the district design standards of these Regulations.

The site plan satisfies this criteria.

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PLANNING AND ZONING — GENERAL BUSINESS & PUBLIC HEARING MINUTES
TUESDAY, OCTOBER 21 2025

- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

The operation impacts are expected to be minimal. Any manufacturing or welding repairs would be done indoors to keep noise at a minimum. All equipment and material would be stored indoors and a fume and dust collector system will be used to keep good air quality.

- E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.

Adjacent uses include farmland and large parcel home sites. This facility has existed since 1993 with expansions done in 2010, only the use is changing and will continue to be compatible with the surrounding uses.

- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.

The proposed special use will not increase the risk to public health, safety or welfare.

- G. The special use proposed is not planned to be developed on a non-conforming parcel.

The proposed special use is located on a conforming parcel.

- H. The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

The applicant did not specifically address the public need for the project, except to state that a projected expansion of the current operation will add 10 more jobs to the area. The applicant has paid all fees.

- I. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.

Water for human consumption will be available through an existing Quality Water tap.

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on October 6, 2025. There was a discussion regarding the demonstration of public need including the increase in employees and the need of a millwright company for the agricultural community in Morgan County.

The Planning Commission motioned for recommended approval and was approved on a vote of 6 in favor and 0 opposed.

Recommendation

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The application generally meets the criteria as explained above, staff recommends approval of the application.

Nicole Hay,
Morgan County Planning Administrator

DISCUSSION:

Juan Mota, owner of Xtreme LLC and Terry Tormohlen, current landowner addressed at 19658 CR N presented this application to the Board of County Commissioners.

PUBLIC COMMENT OPEN: None

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Malone motioned to approve the special use request to operate a millwright fabrication business at the legal description described by Director Hay.

Commissioner Bernhardt seconded.

Motion carries, 3-0.

NEW BUSINESS: Minor Subdivision

Applicant: Andrew Witt

Landowner: Polar Block Properties, LLC

Legal Description: A parcel of land in the SE¼ of Section 13, Township 3 North, Range 59 West of the 6th P.M., Morgan County, Colorado.

Request:

4-Lot Minor Subdivision. The total acreage being divided into 4 Lots is 35.43 acres. Lots 1-3 will be 8.66 acres each. Lot 4 will be 9.45 acres.

APPLICATION OVERVIEW:

Planning Director Nicole Hay read her file summary as follows:

APPLICANT: Andrew Witt
LANDOWNER: Polar Block Properties, LLC

This application is for a 4-lot Minor Subdivision of 35.43 acres located in the SE¼ of Section 13, Township 3 North, Range 59 West of the 6th P.M., Morgan County, Colorado. The property is zoned Agriculture Production.

Lots 1, 2 and 3 will be 8.66 acres and Lot 4 will be 9.45 acres. Currently, Lots 1, 2, and 3 are vacant and Lot 4 has a residence.

Included in the packets are referral responses from Colorado Division of Water Resources (DWR), Bijou Irrigation Company, and Morgan Conservation District (MCD). DWR believes the proposed water supply will not cause material injury to decreed water rights, as long as the applicant maintains valid well

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permits. Bijou Irrigation had concerns regarding the irrigation easement currently going through the proposed 4 lots. The easement is a critical component of Bijou Irrigation's infrastructure.

Also included in the packets are several letters received from landowners with 1320 feet of the property.

Section 8-220 of the Morgan County Subdivision Regulations requires review of the listed criteria and compliance to be determined prior to approval of the proposed subdivision.

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 8-220 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:

The application documents are complete.

- 1) Northeast Colorado Health Department has issued a letter regarding onsite wastewater treatment systems on Lots 1 thru 4.
 - 2) Lot 4 is currently served by a well. In order to serve Lots 1 thru 3 Morgan County Quality Water requires inclusion into the District boundaries.
 - 3) Access for Lot 4 is directly off of County Road 12. Access for Lots 1 thru 3 will be off of County Road 12 via a 40-foot access easement that is currently being used by the residents of the Long Bridge Estates Minor Subdivision, which is west and adjacent to the proposed minor subdivision. Long Bridge Estates Minor Subdivision has a declaration of restrictive covenants, in which addresses the access. The proposed minor subdivision will also have covenants regarding the access easement that will be recorded if approved.
 - 4) Property is located in the Fort Morgan Fire District.
 - 5) Soil map was provided by the Natural Resources Conservation Service.
 - 6) No mineral estate owner has filed a request for notice with the Morgan County Clerk & Recorder.
 - 7) Right to Farm notices were signed by the property owner and provided with the application.
- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.
The subdivision is located in the southwest 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.

A minor subdivision is adjacent and to the west of the proposed minor subdivision. Other large parcels used as single family home surrounded by farmland are also in the area. There is access

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to County Road 12, Morgan County REA, and Morgan County Quality Water if included into the district.

- (C) Whether the proposed subdivision complies with the standards applicable to the subdivision as described in the Subdivision Regulations.

The proposed subdivision application cannot establish a water supply for Lots 1, 2 and 3 without inclusion into the Morgan County Quality Water District. Subject to the conditions below, the application meets this criteria.

- (D) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.

All properties adjoining this proposed subdivision are in the Agricultural Production District. There is a minor subdivision to the west, a large parcel with a single family home site and farmland is south and farmland is to the east and north.

- (E) The recommendations of referral agencies have been considered.

The applicant has included an irrigation ditch access and maintenance easement for the Bijou Irrigation infrastructure on the plat.

- (F) The proposed subdivision is not within 1,320 feet of a confined animal feeding operation.

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on October 6, 2025.

Several neighboring property owners expressed their concerns regarding the existing shared driveway being used by the residents of Long Bridge Estates to the west of the proposed Polar Block Minor Subdivision. They are concerned the driveway will not handle the extra traffic with the added lots. Another concern was regarding the Quality Water Districts water pressure with 3 additional taps.

The Planning Commission motioned for recommended conditional approval as presented with the addition of addressing the Bijou Irrigation District lateral.

The motion was approved on a vote of 5 in favor and 1 opposed.

Since the Planning Commission hearing

The applicant has worked with Bijou Irrigation District to revise the proposed covenants, provide a separate easement document and revise the plat to satisfy the Districts concerns.

Recommendation

The application generally meets the criteria as explained above if the following condition is added. Staff recommends conditional approval of the application subject the following condition:

1. The plat shall not be signed by the County or recorded until Lots 1 thru 3 of Polar Block Minor Subdivision are included into the Morgan County Quality Water District. Inclusion must be

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demonstrated by the recorded inclusion order from the Morgan County District Court. If the recorded inclusion order is not provided within six months of conditional approval of the application, the conditional approval is void without further action.

Nicole Hay
Morgan County Planning Administrator

DISCUSSION:

Commissioner Bernhardt asked if the easement is a private road that is maintained by the previous subdivision?

Director Hay stated it is a private road and easement that they have covenants for. The actual property is owned by Polar Block.

Chairman Becker asked if the easement is for the exclusive use of the Long Bridge Estates Subdivision?

Director Hay stated that it was not specifically discussed in the Long Bridge Estates documentation.

Attorney Sellars stated that it is not exclusively granted. Under Colorado law, the servient estate has the right to use that easement if it is not exclusive as long as they don't interfere with Long Bridge Estates access. There is no legal basis to deny the right to use that easement for this subdivision parcel.

Chairman Becker asked if the Long Bridge Estate covenants described how the road is to be taken care of?

Director Hay stated she believes so.

Andrew Witt with Polar Block Properties addressed at 951 20th St., #731, Denver presented this application to the Board of County Commissioners, adding that they have enough water on their property to be able to improve neighboring farm grounds.

Commissioner Bernhardt asked if he has reached out the landowners to come up with an agreement for the access?

Andrew Witt stated he has not reached out to the landowners since the Planning Commission hearing.

Commissioner Malone asked if all 4 lots can be accessed off of CR 12?

Andrew Witt stated no. There is no road built to the south on the property for access.

Chairman Becker stated that the cost sharing in the proposed Polar Block covenants should be mitigated with the landowners of Long Bridge Estates as well. He would like to see some sort of road agreement between the two subdivisions.

PUBLIC COMMENT OPEN:

Russell Corsentino addressed at 15602 CR 12 has concerns about the animal units that will be allowed and that they are controlled.

Chairman Becker stated the animal units would be regulated by the County, Planning and Zoning.

Richard Brisbee addressed at 15495 CR 12 owns lots 3 and 4 of the Long Bridge Estates subdivision.

The road was designed for 4 lots initially. He is asking that the road from CR 12 to Lot 1 of the Long Bridge Estates subdivision be widened to allow for 2 lane traffic, as well as an upgrade to mitigate the use for 7 lots. He has concerns with the maintenance and safety of emergency services being able to get to the end of the easement. He has no issues with Polar Block Subdivision using the easement, he wants it to be able to account for the additional traffic.

Janet Combs addressed at 15149 CR 12 asked if the bus for school children goes on the easement now for school? Will the County be grading that road? There is not enough water to irrigate any land. She also has concerns about the animal units and the quality of the easement.

Jill Brownell with Bijou Irrigation stated they have some concerns but Mr. Witt is willing to work on all of them. Their main concern is the district acres that remain on that property. If this is subdivided and those lots are approved, the landowners will be responsible for paying taxes on water that cannot be delivered. Mr. Witt has agreed to sign a dry-up covenant pending the outcome of this application.

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Stuart Corbridge Attorney, addressed at 1712 Pear Street, Boulder stated this is a prescriptive easement and there is not a binding legal expression of the easement.

Attorney Sellars stated that her preference is that the sixty (60) foot easement is removed from the plat and it references the ditch and there is an easement, and show the reception number for the easement documentation Bijou wanted filed.

John Wagner addressed at 15870 CR 12 has a concern with the addition of residences. He also has concerns about the enforcement of the covenants that are being proposed. Since the current landowner will not be living there, how will he be able to enforce these covenants? He also stated the weeds cause an issue.

Rufus Johnson addressed at 15149 CR 12 agreed with all of the previous landowner concerns. He added that he is concerned about the stormwater runoff and the upkeep of the properties.

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Malone stated that if the access is moved to the south end of the property off of CR 12, it would alleviate any concerns about the easement.

Commissioner Bernhardt mentioned his largest concern is the road and the shared easement.

Chairman Becker stated they have the right to use that current easement. He would like to see an agreement between the two subdivisions including who is paying for what, what lots are responsible, and how to collect those funds. He also stated that the County will not take over that easement road, and will not maintain that road. The County does not enforce covenants; the County enforces its regulations. If the neighbors end up having concerns with weeds or campers on the properties, they can file a complaint with the Planning and Zoning office to be able to enforce that.

Commissioner Bernhardt motioned to table the public hearing for Polar Block Properties LLC until November 18th for the applicants and the landowner to come to an agreement for the road.

Commissioner Malone seconded.

Andrew Witt asked what happens if they can't come together?

Chairman Becker said they will decide that at the next hearing. He has a right to that road, but he is hoping for everyone to come together for a reasonable agreement.

Andrew Witt asked if he can just copy and paste the Long Bridge Estates covenants for his subdivision.

Attorney Sellars stated that Long Bridge Estates has a homeowner's association, so that arrangement is tied to that homeowner's association. It will need more work than just adopting what they have.

Motion carries, 3-0

NEW BUSINESS: Regulation Amendments regarding Cisterns

REGULATION AMENDMENT OVERVIEW:

Planning Director Nicole Hay read her file summary as follows:

AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS

The Board of County Commissions held a work session on June 10, 2025. Planning Commission held a work session on July 14, 2025 and public hearings on September 8 and October 6, 2025 regarding Cisterns. Included with this summary are redlines of the proposed changes as outlined below.

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The original Cistern overview is also included for your reference.

Definitions

1. Sec. 1-130 – The addition of definitions for Bulk Water and Cisterns.

Building Permits

1. Sec. 2-295(C) and (D) – Revised language regarding submittal requirements for access to water, wastewater system, adequate access to a public road and electric services for residential, commercial and industrial buildings.

Zoning Permits

2. Sec. 2-325(C) and (D) – Revised language regarding submittal requirements for buildings for human use or occupancy and buildings not used or occupied by humans.

Zone District Bulk Requirements and Design Standards

1. Sec. 3-655 - Wastewater and Water Requirements. This section was modified to align with current regulations regarding wastewater and water. The addition of bulk water cistern requirements and standards as a water supply are also included.

Requirements

- Bulk water cisterns are only permitted for residential buildings that will be located on lots 35 acres or larger, or legally created prior to May 5, 1972.
- The lot is not included in the Quality Water District (QWD). If it is located in the QWD, written proof from QWD stating a water tap is not available must be submitted.
- Sec. 3-655(b)(3)(a)(iii) - Written disapproval of a well permit from Colorado Division of Water Resources or documentation indicating a dry well drilled to a minimum depth within 5 percent of the depth of the nearest producing well.

Note: Sec. 3-655(b)(3)(a)(iii) was originally proposed to match a Fremont County policy where the minimum drilling depth is 600 feet. After comments from an interested party and discussion with the Planning Commission at the September 8th hearing, staff was asked to research well depths in Morgan County. Staff reached out to Central Colorado Water Conservancy District, Division of Water Resources (DWR), Kuntz Drilling and Canfield Drilling. The Conservancy District does not regulate or really enforce/approve domestic wells. However, they said the depth would depend on several conditions including the location and depth of aquifers and if there is a designated basin. DWR said water well drilling and production is tricky, with well depth being one factor. They did supply a link to their well permit database and the average depth staff calculated is approximately 160 feet (includes domestic and agriculture wells). Staff did not hear back from Kuntz Drilling and Jeff Canfield said there are several considerations that are taken into account for domestic wells, not just depth. All correspondence is included in the packet.

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At the continued Planning Commission hearing on October 6th, staff presented the information and the same interested party also presented information from DWR (also included in your packet). Due to the different depths throughout Morgan County and other considerations, the Planning Commission recommended changing the 600 feet to within 5 percent of the depth of the nearest producing well. This is similar to a La Plata County regulation. Staff added clarifying language for measuring the distance.

Standards

- They are allowed to be above or below ground.
- Only single family dwellings may be served. Outside irrigation is at the owners discretion.
- They must supply 50 gallons per person per day with a minimum size of 1500 gallons.
- Must be watertight construction and approved for potable water.
- Setbacks must satisfy current Zone District Bulk Requirements and Special Design Standards.
- Bulk water cistern letter must be completed, signed and recorded.

Existing bulk water cisterns may continue to be used, however upon application for any permit, a bulk water cistern letter must be completed, signed and recorded.

Cisterns connected to permitted wells are not subject to the cistern regulations except for the setback requirement.

2. Sec. 3-700(B) - Property Maintenance. Language regarding sewage disposal and effluent was moved from Sec. 3-655.

Nicole Hay
Morgan County Planning Director

DISCUSSION:

Commissioner Bernhardt asked why there is a requirement for the 35 acres?

Director Hay stated that is something that the Planning Commission wanted.

Commissioner Malone asked where did the Quality Water stating there is no tap available come from?

Director Hay said it was also from Planning Commission. Her understanding was that if they are within the Quality Water District, they should be getting a tap unless it's not feasible.

Commissioner Malone asked what was the recommendation for distance in the Quality Water District?

Director Hay, "No distance was discussed."

Chairmen Becker asked if the financial hardship was discussed by the Planning Commission?

Director Hay, "No."

Commissioner Malone asked if the Planning Commission reached out to Quality Water for their opinion?

Director Hay reached out to Quality water, and they didn't have any concerns with cisterns.

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PUBLIC COMMENT OPEN:

Mark and Beth Strickland addressed at 102 11th Ave, Wiggins stated that it is a hardship to get a Quality Water tap. They tried to drill a well and it came up dry. There are parcels around his area that are not able to get a well. He believes the Quality Water District requirement should be excluded.

Chairman Becker asked where he would get his water from for his house for his cistern?

Mark Strickland stated from Walmart, Stubbs has a hydrant. There are plenty of places to buy water.

Commissioner Malone asked how far the line to be extended to their property would be?

Mark Strickland said they would need to extend the line sixteen hundred (1600) feet to the corner of their property. They would still need to extend the line to their house they would build, and that was not included in the quote they received from Quality Water.

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Chairman Becker stated he believes that there should be proof of a financial hardship and some type of neighbor signoff.

Commissioner Malone agrees with majority of the regulations proposed, however he does not like the 35-acre limit.

Attorney Sellars stated the Board can impose that someone prove that as a separate issue. This will be staff level, they will have to determine if there is a financial hardship and can be extremely subjective. She also noted that Planning Commission did not want to see cisterns in any subdivisions, hence the 35-acre provision and the date of May 5, 1972 before the County had Subdivision Regulations. She also noted that the distance restrictions can draw in that hardship.

Commissioner Malone mentioned he wanted to table this public hearing on Cisterns to address the 35-acre provision, as he believes that is extensive, investigate the hardship, and possibly getting a letter from Quality Water stating they have no concerns with cisterns.

Chairman Becker noted that anything under 35 acres would have to go through some sort of Subdivision process.

Commissioner Bernhardt motioned to approve the zoning amendments related to Cisterns as presented.

Commissioner Malone seconded.

Motion carries, 3-0

NEW BUSINESS: Regulation Amendments regarding Amending Permits and Variances

REGULATION AMENDMENT OVERVIEW:

Planning Director Nicole Hay read her file summary as follows:

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

The Planning Commission held a public hearing on September 8, 2025.

Included with this summary are redlines of the proposed changes as outlined below.

Overview of proposed changes:

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- A. Sec. 2-500 - Amending permits. Remove subsection (C) because the fees for amendments have not necessarily been the same as the original permit for some time, so this provision needs to be removed.
- B. Sec. 5-220 – Criteria for reviewing Appeals and Variances-Board of Adjustment. In May of this year, the powers and duties of the Board of Adjustments was amended to remove variances regarding maximum number of residences permitted per parcel because it contradicts the special use regulations. Subsection (E) needs to also be removed as it also references variances regarding maximum number of residences permitted per parcel. This was accidentally missed in May.

Nicole Hay
Morgan County Planning Director

DISCUSSION: None

PUBLIC COMMENT OPEN: None

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Malone motioned to approve the zoning amendments related to variances and amending permits as presented by Director Hay.

Commissioner Bernhardt seconded.

Motion carries, 3-0.

Being no further business, the meeting was adjourned at 11:43 a.m.

Respectfully Submitted,
Jenafer Santos
Planning Technician

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

s/ Jon J. Becker

Jon J. Becker, Chairman

s/ Timothy A. Malone

Timothy A. Malone, Commissioner

s/ Kelvin S. Bernhardt

Kelvin S. Bernhardt, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch

Kevin Strauch