

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
March 4, 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/81804218304> 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 March 3, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/81804218304> listen via phone, please dial: 1-312-626-6799, Meeting ID: 818 0421 8304

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/81804218304> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 818 0421 8304

The Board of Morgan County Commissioners met Tuesday, March 4th, 2025 at 9:01 a.m. with Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt. Chairman Becker asked Morgan County Coroner, Mike Dahl to lead the meeting in the Pledge of Allegiance.

CITIZEN’S COMMENT

There was no citizen comment provided.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated February 25, 2025.
2. Ratify Chairman Jon Becker’s signature on **Stormwater Inspection Form**, dated February 24, 2025.
3. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 025 CCF Masonry, LLC**, Term of Contract February 17, 2025 through July 31, 2025.
4. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 026 Catholic Health Initiatives Colorado dba Flight for Life Colorado**, Term of Contract March 4, 2025 until termination.
5. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 027 Keefe Construction Services, Inc.**, Term of Contract August 15, 2025 through March 31, 2026.
6. Ratify the Board of County Commissioners approval of **Contract Renewal 2024 CNT 019 R1 Dependable Diesel**, Term of Contract January 1, 2025 through December 31, 2025.
7. Ratify Board Chairman Jon Becker’s signature on **Colorado Retail Liquor License Renewal Application** for Longmeadow Game Resort and Event Center, LLC dba Longmeadow Game Resort, signed January 28, 2025.

At this time, Commissioner Bernhardt made a motion to approve items 1-7 as presented with Commissioner Malone seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Resolution 2025 BCC 07 A Resolution Approving Stop Sign Installed at the Intersection of County Road 20 and County Road P, Morgan County Colorado

MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2025 BCC 07

A RESOLUTION APPROVING STOP SIGN INSTALLED AT THE INTERSECTION OF COUNTY ROAD 20 AND COUNTY ROAD P, MORGAN COUNTY, COLORADO.

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, are vitally interested in Highway safety, for the benefit of the traveling public, and

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WHEREAS, the Board determines that it is for the best interests of the general public and the recommendation of the Colorado State Patrol, the follow Resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED that due to traffic and safety, stop sign be placed at the following location:

- 1. COUNTY ROAD 20 NORTH OF COUNTY ROAD P, IN THE NORTHWEST CORNER OF THE INTERSECTION STOPPING SOUTHBOUND TRAFFIC ON COUNTY ROAD 20 AT COUNTY ROAD P

BE IT FURTHER RESOLVED that the proper law enforcement agencies be and hereby authorized and empowered to enforce compliance with this Resolution.

Dated this 4th day of March 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

Bruce Bass, Morgan County Public Works Director, presented to the Board for approval a Presentation regarding proposed stop sign at the intersections of County Road 20 and County Road P. He noted that the Sheriff’s Office had approved all signs and that the suggestions have been received from several sources including public comment, school district comment, law enforcement, and operators for the county. He noted that the resolution should read “as recommended by the Morgan County Sheriff’s Department” not “as recommended by the Colorado Highway Patrol”.

Commissioner Malone made a motion to approve the Resolution 2025 BCC 07 regarding proposed stop signs County Road 20 and County Road P as presented by Bruce Bass, Morgan County Public Works Director with the correction as noted. Commissioner Bernhardt seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – Resolution 2025 BCC 08 A Resolution Approving 15MPH Speed Limit Signs Installed on Warren Street, Morgan County, Colorado

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

RESOLUTION 2025 BCC 08

**A RESOLUTION APPROVING 15MPH SPEED LIMIT SIGNS INSTALLED ON WARREN STREET,
MORGAN COUNTY, COLORADO.**

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, are vitally interested in Highway safety, for the benefit of the traveling public, and

WHEREAS, the Board determines that it is for the best interests of the general public and the recommendation of the Morgan County Sheriff, the follow Resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED that due to traffic and safety, 15MPH speed limit signs be placed at the following locations:

- 1. WARREN STREET NORTH OF COTTAGE AVENUE, ON THE EAST SIDE OF THE ROAD ADVISING NORTHBOUND TRAFFIC OF SPEED LIMIT.
- 2. WARREN STREET NORTH OF COTTAGE AVENUE, ON THE WEST SIDE OF THE ROAD BY THE NEW PARKING LOT EXIT ADVISING SOUTHBOUND TRAFFIC OF SPEED LIMIT

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BE IT FURTHER RESOLVED that the proper law enforcement agencies be and hereby authorized and empowered to enforce compliance with this Resolution.

Dated this 4th day of March 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

Bruce Bass, Morgan County Public Works Director, presented to the Board for approval a Presentation regarding a proposed 15 MPH speed limit on Warren Street. He noted this was due to the new Weldon Valley School and the traffic changes that may come with it.

Commissioner Bernhardt noted that this has been a prior issue as well.

Commissioner Bernhardt made a motion to approve Resolution 2025 BCC 08 15MPH Speed Limit Signs on Warren Street as presented by Bruce Bass, Morgan County Public Works Director with the correction as noted. Commissioner Malone seconded the motion. At this time, the motion carried 3-0.

Sheriff Martin noted that in the Resolution, that Cottage Street was misidentified as Cotton Street.

Commissioner Bernhardt made a motion to amend the motion to approve 2025 BCC 08 15MPH Speed Limit Signs on Warren Street as presented by Bruce Bass, Morgan County Public Works Director, with the correction of the street name of Cottage instead of Cotton. Commissioner Malone seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – Resolution 2025 BCC 09 A Resolution Approving Stop Signs Installed at the Intersection of Warren and Cottage Avenue, Morgan County, Colorado

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

RESOLUTION 2025 BCC 09

A RESOLUTION APPROVING STOP SIGNS INSTALLED AT THE INTERSECTION OF WARREN STREET AND COTTAGE AVENUE, MORGAN COUNTY, COLORADO.

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, are vitally interested in Highway safety, for the benefit of the traveling public, and

WHEREAS, the Board determines that it is for the best interests of the general public and the recommendation of the Morgan County Sheriff, the follow Resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED that due to traffic and safety, stop signs be placed at the following locations:

1. WARREN STREET NORTH OF COTTAGE AVENUE, IN THE NORTHWEST CORNER OF THE INTERSECTION STOPPING SOUTHBOUND TRAFFIC ON WARREN STREET AT COTTAGE AVENUE.
2. WARREN STREET SOUTH OF COTTAGE AVENUE, IN THE SOUTHEAST CORNER OF THE INTERSECTION STOPPING NORTHBOUND TRAFFIC ON WARREN STREET AT COTTAGE AVENUE.

BE IT FURTHER RESOLVED that the proper law enforcement agencies be and hereby authorized and empowered to enforce compliance with this Resolution.

Dated this 4th day of March 2025.

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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

Bruce Bass, Morgan County Public Works Director, presented to the Board for approval a Presentation regarding proposed stop signs at the intersection of Warren Street and Cottage Avenue in Weldona. He noted this was also due to the new Weldon Valley School and the traffic changes that may come with it.

Commissioner Malone made a motion to approve Resolution 2025 BCC 09 Approving Stop Signs Installed at the Intersection of Warren and Cottage Avenue as presented by Bruce Bass, Morgan County Public Works Director with the previous changes as noted. Commissioner Bernhardt seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – Resolution 2025 BCC 10 A Resolution Approving Stop Signs Installed at the Intersection of County Road 3 and County Road P, Morgan County, Colorado

MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2025 BCC 10

A RESOLUTION APPROVING STOP SIGNS INSTALLED AT THE INTERSECTION OF COUNTY ROAD 3 AND COUNTY ROAD P, MORGAN COUNTY, COLORADO.

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, are vitally interested in Highway safety, for the benefit of the traveling public, and

WHEREAS, the Board determines that it is for the best interests of the general public and the recommendation of the Colorado State Patrol, the follow Resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED that due to traffic and safety, yield sign be replaced with stop sign at the following location:

- 1. COUNTY ROAD P EAST OF COUNTY ROAD 3, IN THE NORTHEAST CORNER OF THE INTERSECTION STOPPING WESTBOUND TRAFFIC ON COUNTY ROAD P AT COUNTY ROAD 3

BE IT FURTHER RESOLVED that the proper law enforcement agencies be and hereby authorized and empowered to enforce compliance with this Resolution.

Dated this 4th day of March 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:

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s/ Kevin Strauch
Kevin Strauch

Bruce Bass, Morgan County Public Works Director, presented to the Board for approval a Presentation regarding proposed stop signs at the intersection of County Road 3 and County Road P.

Commissioner Malone made a motion to approve Resolution 2025 BCC 10 Approving Stop Signs Installed at the Intersection of County Road 3 and County Road P as presented by Bruce Bass, Morgan County Public Works Director with the previous change as noted. Commissioner Bernhardt seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – Resolution 2025 BCC 11 A Resolution Approving Stop Signs Installed at the Intersection of County Road 18.5 and County Road O, Morgan County, Colorado

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

RESOLUTION 2025 BCC 11

A RESOLUTION APPROVING STOP SIGN INSTALLED AT THE INTERSECTION OF COUNTY ROAD 18.5 AND COUNTY ROAD O, MORGAN COUNTY, COLORADO.

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, are vitally interested in Highway safety, for the benefit of the traveling public, and

WHEREAS, the Board determines that it is for the best interests of the general public and the recommendation of the Colorado State Patrol, the follow Resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED that due to traffic and safety, stop signs be placed at the following location:

1. COUNTY ROAD 18.5 SOUTH OF COUNTY ROAD O, IN THE SOUTHEAST CORNER OF THE INTERSECTION STOPPING NORTHBOUND TRAFFIC ON COUNTY ROAD 18.5 AT COUNTY ROAD O

BE IT FURTHER RESOLVED that the proper law enforcement agencies be and hereby authorized and empowered to enforce compliance with this Resolution.

Dated this 4th day of March 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

Bruce Bass, Morgan County Public Works Director, presented to the Board for approval a Presentation regarding proposed stop signs at the intersection of County Road 18.5 and County Road O.

Commissioner Malone asked if a Stop Sign Ahead sign for a period of time when a new sign is placed. Mr. Bass noted that they will place and leave these signs for various lengths of time based upon the individual sign.

Sheriff Martin noted that this will turn this intersection into a four way stop.

Commissioner Malone noted that he received public comment for this sign.

Commissioner Bernhardt made a motion to approve Resolution 2025 BCC 11 Approving Stop Signs Installed at the Intersection of County Road 18.5 and County Road O as presented by Bruce Bass, Morgan County Public Works Director with the previous change as noted. Commissioner Malone seconded the motion. At this time, the motion carried 3-0.

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COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated February 28, 2025 through March 11, 2025 with no changes.

Morgan County Coroner, Mike Dahl introduced the new deputy coroner, Josephine Wallace.

Morgan County Sheriff, Dave Martin noted that with Spring coming that the county has a fire condition hotline (970) 542-3452. He encouraged citizens that if doing a controlled burn to call the Sheriff’s office at (970) 867-2461 so that his office doesn’t respond. He noted that they received nine calls for sprinklers on the road and fourteen the year before. He stated that there was a retirement party for Commissioner Bernhardt and that his retired credentials just arrived. He presented them to Commissioner Bernhardt.

Morgan County Planning and Zoning Director, Nicole Hay noted that her office is in the process of preparing a new Comprehensive plan. They are doing community surveys, etc. Chairman Becker noted that the maps that were presented online were preliminary maps only and that public comments are open.

Commissioners reviewed weekly Road and Bridge Report for February 15, 2025 through February 21, 2025.

Being no further business the meeting was then adjourned at 9:31 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified March 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

GENERAL BUSINESS

Chairman Becker called the hearing to order at 9:37 a.m. on March, 4th, 2025 in the Assembly Room of the Morgan County Administration Building.

Chairman Jon Becker, Commissioner Tim Malone, and Commissioner Kelvin Bernhardt were present. Planning and Zoning Administrator Nicole Hay, Planning and Zoning Technician Jenafer Santos, IT Specialist Karol Kopetzky and Morgan County Attorney Kathryn Sellars were also present.

APPLICATION: Amended Plat

Applicants: Kelly & Jyl Siebrands

Landowners: Kelly & Jyl Siebrands and Blue Sky Preserve HOA – Kent Kahl

Legal Description: Lot 38 and Tract A of Blue Sky Preserve PD in the NW¼ of Section 19, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, otherwise known as 38 Preserve Drive, Fort Morgan, CO 80701.

Request: To reconfigure the north line of Lot 38.

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

APPLICANTS: Kelly and Jyl Siebrands

LANDOWNERS: Kelly and Jyl Siebrands and Blue Sky Preserve HOA-Kent Kahl

This application is to amend Lot 38 and Tract A of Blue Sky Preserve PD in the NW¼ of Section 19, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, otherwise known as 38 Preserve Drive, Fort Morgan, CO 80701. The purpose of the application is to reconfigure the north line of Lot 38 to remedy a landscaping issue only. The acreage of Lot 38 will increase from 0.82 acres to 0.96 acres.

Estate Residential zone applies to the Planned Development and is in the Fort Morgan Fire District. Currently, concrete landscape curbing is on a portion of Tract A owned by the HOA. The Blue Sky Preserve community agreed to sell a portion of Tract A to the Siebrands so the landscaping will be included in the Lot 38 boundary.

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.
- b) The reconfiguration is keeping with the purpose and intent of these Subdivision Regulations.
- 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.
Tract A and Lot 38 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.
- 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 easements will remain the same.

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

The proposed Siebrands Blue Sky Preserve PD Amended Plat adequately rennumbers the lot as 38A.

Nicole Hay
Morgan County Planning Administrator

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Bernhardt motioned to approve the application as presented.

Commissioner Malone seconded.

Motion carries, 3-0.

APPLICATION: Amended Plat

Applicants: James & Nancy Lehnerz

Landowners: James Peter & Nancy Lucille Revocable Trust

Legal Description: Lots 23, 24, and 25 in the Jackson Lake Recreational Vehicle Park Subdivision, a subdivision located in the W½ NW¼ of Section 27, Township 5 North, Range 60 West of the 6th P.M., Morgan County, Colorado, otherwise known as 24 Arapahoe Circle Weldona, CO 80653.

Request: Vacation of the lot lines between the 3 lots.

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

APPLICANTS and LANDOWNERS: James and Nancy Lehnerz

This application is to amend and combine Lots 23, 24, and 25 in the Jackson Lake Recreational Vehicle Park Subdivision, a subdivision located in the W½ NW¼ of Section 27, Township 5 North, Range 60 West of the 6th P.M., Morgan County, Colorado, otherwise known as 24 Arapahoe Circle Weldona, CO 80653. The purpose of the application is to combine the three lots to allow enough room for the placement of a doublewide manufactured home and to extend the stick built garage.

The property is in the Jackson Lake Village zone, Wiggins fire district, and currently has a garage, single wide mobile home and a shed on the property. A demolition permit will be obtained to remove a metal garage and the single wide mobile home.

In reviewing an application for an amended plat to vacate interior lot lines in a previously approved subdivision, the Board of County Commissioners shall apply the criteria as listed from Section 10-200(G)(1) of the Morgan County Subdivision Regulations.

- a) No additional lots will be created by the vacation.
- b) The vacation is keeping with the purpose and intent of these Subdivision Regulations.
- c) The vacation will not create a nonconforming setback for any existing buildings.
A variance was issued in 1997 for the side setback of the existing stick built garage.
- d) The resultant lot will meet the requirements of the applicable zone district, including those requirements in Appendix B of the County's Zoning Regulations.
- e) The vacation will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.
- f) The plat adequately renames or rennumbers the combined lots to Lot 24A.

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

Nicole Hay
Morgan County Planning Administrator

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Malone motioned to approve and accept the Lehnerz Amended Plat, an amendment of lots 23, 24, and 25 in the Jackson Lake Recreational Vehicle Park Subdivision as presented by Director Hay.

Commissioner Bernhardt seconded.

Motion carries, 3-0.

DISCUSSION TOPIC: 1041

OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

**TRI-STATE
BIG SANDY-BADGER CREEK PROJECT**

Just a note that this is not a public hearing item, but a discussion between the Board and staff.

On February 27, 2025 Bruce Bass, John Goodman and James Rehn with the Public Works Department and Cheryl Brindisi, Jenafer Santos and myself for the Planning and Zoning Department met with representatives from Tri-State Generation and Transmission Association (Tri-State) and Power Engineers for a pre-application conference regarding a new 230-kV overhead transmission line from an existing Big Sandy substation to a new Badger Creek switching station. The attached Exhibit shows the general locations of the new line and new switching station, 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.

With the information provided to me at the preapplication conference I recommend not requiring a preliminary application and I am looking for guidance from the Board concerning the County's application requirements.

Nicole Hay
Morgan County Planning Administrator

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Attorney Kathryn Sellars clarified the County process for not requiring a preliminary application.

Chairman Becker asked if the roads can be addressed during the final application?

Attorney Kathryn Sellars answered yes, they can be.

Commissioner Bernhardt motioned to follow the recommendation of the Morgan County Planning Administrator and not require the Tri-State / Big Sandy preliminary application process.

Commissioner Malone seconded.

Motion carries, 3-0.

DISCUSSION TOPIC: 2025 BCC 06 – Temporary Moratorium

OVERVIEW:

Attorney Kathryn Sellars presented this resolution to the Board of County Commissioners, adding that the County is taking a look at the Planned Development and Major Subdivision regulations to make sure these processes are accomplishing the goals of the County and imposing the right regulations. The moratorium would expire July 4, 2025. There will be multiple work sessions to be held and explained the scheduling.

Chairman Becker clarified that this moratorium is allowing the County to get the regulations up to date for the major subdivisions and planned developments.

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Malone motioned to approve and accept 2025 BCC 06, a resolution imposing a temporary moratorium on the processing of applications for major subdivisions and planned developments in all unincorporated portions of Morgan County, pending consideration of amendments to County Zoning and Subdivision Regulations as presented by Attorney Kathryn Sellars, making note that on page 2 of the resolution changing approximately 3 months, to approximately 4 months.

Commissioner Bernhardt seconded.

Motion carries, 3-0.

MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2025 BCC 06

**A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE
PROCESSING OF APPLICATIONS FOR MAJOR SUBDIVISIONS AND
PLANNED DEVELOPMENTS IN ALL UNINCORPORATED PORTIONS OF
MORGAN COUNTY PENDING CONSIDERATION OF AMENDMENTS TO
COUNTY ZONING AND SUBDIVISION REGULATIONS**

WHEREAS, Morgan County (the “County”) has not thoroughly reviewed the requirements and processes for major subdivisions and planned developments in the County’s Subdivision and Zoning Regulations, respectively, in the last decade and the County desires to ensure that impacts on the health, safety and welfare of the citizens of the County are addressed through the proper standards and requirements for major subdivisions and planned developments while also allowing for the development of property through both processes;

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 *et seq.*, provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety, and welfare of its citizens;

WHEREAS, the Local Government Land Use Control Enabling Act authorizes local governments within their respective jurisdictions to plan for and regulate the use of land by, among other actions, regulating development and activities in hazardous areas; protecting land from activities that would cause immediate or foreseeable material danger to significant wildlife habitat; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide for the planned and orderly use of land;

WHEREAS, the Board of County Commissioners (the “Board”) believes it has the responsibility to its residents to plan for and regulate the use of land for the purposes laid out in the Local Government Land Use Control Enabling Act as well as those purposes specified in other applicable state and federal statutes and common law grants of authority, and to promote the health, safety, and general welfare of its residents;

WHEREAS, the Board, pursuant to its land use authority, has from time to time adopted subdivision, zoning and other regulations governing land use in the unincorporated portions of the County;

WHEREAS, the County currently has zoning regulations which govern the rezoning and development of property as a planned development; however, the County needs to review the regulations to ensure applications are subject to the appropriate requirements and processes, and therefore, the County desires to undertake review of such regulations to ensure they sufficiently address the rezoning to planned development in an orderly manner that protects the public's health, safety, and welfare while permitting unique and flexible zoning to encourage the development of property;

WHEREAS, the County currently has subdivision regulations which govern the division of property into major subdivisions, defined as 5 or more lots, however, the County needs to review the regulations to ensure applications are subject to the appropriate requirements and processes, and therefore, the County desires to undertake review of such regulations to ensure they sufficiently address development of property into major subdivisions in an orderly manner that protects the public's health, safety, and welfare while permitting the development of property into residential and non-residential subdivisions;

WHEREAS, the Board estimates that the time needed to perform the appropriate study and to determine the appropriate amendments, if any, to both the zoning and subdivision regulations is approximately four months;

WHEREAS, if applications requesting review and approval of major subdivisions and planned developments are submitted prior to the County having adequate time to conduct the appropriate studies and adopt appropriate amendments, the Board believes irreparable harm may be done to the public health, safety and welfare;

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development; indeed, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal legal decisions upholding temporary moratoria on land use applications while amendments are considered, the Board has the legal authority to adopt a temporary moratorium in this situation; and

WHEREAS, in light of the foregoing recitals and findings, after a duly noticed public meeting held on March 4, 2025, the Board desires to adopt this temporary moratorium to protect the public health, safety, and welfare, and to avoid development which, during the County's planning and zoning and subdivision regulations amendment process, may contravene the results of this study and process put the public at risk.

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

1. This temporary moratorium shall take effect immediately. The County shall not accept, process, or approve any applications for major subdivisions or planned developments.

2. This temporary moratorium shall remain in place until July 4, 2025, unless terminated or extended.

3. County staff are hereby directed to continue analyzing whether the County's Zoning and Subdivision Regulations are sufficient to protect the public health, safety and welfare, or whether

amendments to the County's Zoning and Subdivision Regulations are necessary to adequately address the requirements, impacts, and processes associated with the major subdivision and planned developments.

4. The County hereby affirms that any development of major subdivision and planned developments that are subject to this moratorium without appropriate County approvals will be in violation of the Morgan County's Zoning and Subdivision Regulations.

DATED this ____ day of _____, 2025.

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

Jon J. Becker, Chairman

Tim Malone, Commissioner

Kelvin Bernhardt, Commissioner

ATTEST:

Kevin Strauch, Clerk to the Board

PUBLIC HEARING

APPLICATION: Rezoning

Applicants: NYH Solutions

Landowners: The Hill Event Center, LLC

Legal Description: A parcel located in the SW1/4 of Section 31, Township 4 North, Range 55 West of the 6th P.M. Morgan County, Colorado. Also known as 29870 US HWY 6, Brush, CO 80723.

Request: Rezone a parcel from Agricultural/Agri Business Zone (A/B) to Commercial Zone (C).

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

APPLICANT: NYH Solutions – Ashley and Robert Farnam

LANDOWNER: The Hill Event Center, LLC - Ashley and Robert Farnam

NYH Solutions has submitted an application to rezone a parcel of land in the SW1/4 of Section 31, Township 4 North, Range 55 West of the 6th PM, Morgan County, Colorado. Addressed as 29870 US Highway 6, Brush, CO 80723. The permitted area is approximately 47.8 acres, in the Brush Rural Fire Protection District, and is currently zoned Agricultural/Agri Business.

The request is to rezone the property from Agricultural/Agri Business to Commercial. This property formerly housed a livestock auction facility, a restaurant, and different retail shops. The Applicant desires to rezone the property to allow for more commercial opportunities, including possibly a general community space with a potential restaurant, outdoor entertainment space and eventually a firearm and archery range for youth programs and law enforcement agencies.

In addition to the rezoning application, packets for the Board of County Commissioners include referral responses from Xcel Energy and the City of Brush.

Review

In reviewing these applications, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for Rezoning in Section 2-285 of the Morgan County Zoning Regulations have been satisfied.

Section 2-285 Rezoning:

- (A) The rezoning is consistent with the provisions of the Morgan County Comprehensive Plan. The property is located in the southeast planning area.

Chapter 2 – Plan Summary

A – Economic Development

Goal – Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.

Rezoning the historic property will allow for diverse land use opportunities for the community.

- (B) The rezoning is compatible with surrounding zone districts.

The parcel to the north is zoned commercial, property to the east and south is zoned Agricultural Production, the Brush Airport property to the west is zoned Light Industrial, and the other property to the west is zoned Agricultural/Agri Business. With this mix of surrounding zoning, commercial zoning is compatible.

- (C) It is in the best interests of or furthers the health, safety, or general welfare of the citizens of Morgan County; and either:
- (1) Conditions in the area of the proposed rezoning or in adjacent areas have changed or are changing to such a degree as to warrant the rezoning; or
 - (2) The property was zoned in error under the current zoning.

The area has changed and is moving away from solely Agricultural/Agri Business uses and into an area diverse with commercial and industrial uses. Rezoning creates an area of economic development in the County.

This application was considered by the Planning Commission in a public hearing on February 10, 2025.

During the Planning Commission hearing, the City of Brush raised two issues. These issues were also in the referral response from the City that is included in the packet. Both issues are not relevant for the purpose of rezoning. However, to provide the Board background, the County believes that it is possible there is still a section line right of way on the east side of the section line between Sections 31 and 36. However, whether an easement exists on the west side of the section line between Sections 31 and 36 is questionable. Regardless, the road appears to be on the City of Brush's property or the property in Section 36 but not the property that is the subject of this application. As for the water line, that is an issue to be resolved between the City and the property owner. The County is not approving use of the property which could require the demonstration of available water.

The Planning Commission recommended approval on a vote of 7-0.

Nicole Hay,
Morgan County Planning Administrator

DISCUSSION: Board of County Commissioners to applicant:

At this time, Chairman Becker asked the applicant if there is anything they would like to add to the application. Ashely Farnam presented this application to the Board of County Commissioners.

Commissioner Bernhardt asked if the shooting range that was mentioned would be open for 4H and FFA groups?

Ashely Farnam stated she would address this more specifically when they apply for the special use for that project, but their intent is to have it be open for law enforcement and the youth.

Chairman Becker noted for the record that this application is only regarding the zoning of the property.

PUBLIC COMMENT OPEN:

Monty Torres, City Administrator for Brush addressed at 600 Edison St. stated that the City of Brush are proponents for the project. He wants to understand the intent of the ROW, so they will be reaching out to the applicants for clarification on that. He is going to meet with the applicants in the future to talk about the water sources in the future.

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER COMMENTS:

Commissioner Malone asked Monty Torres whose water line it is that is out there?

Monty Torres answered that the City of Brush provides the water to it inside of city limits and then it goes to a private line.

Chairman Becker clarified that the waterline and the roads are not a part of this zoning change.

Commissioner Bernhardt motioned to approve the rezoning of a parcel from Agricultural/Agri Business Zone (A/B) to Commercial Zone (C).

Commissioner Malone seconded.

Motion carries, 3-0.

Being no further business the meeting was then adjourned at 10:09 a.m.

Respectfully Submitted,
Jenafer Santos
Planning Technician

(Minutes ratified March 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