

**MORGAN COUNTY PLANNING COMMISSION  
December 9, 2019 MINUTES**

The Morgan County Planning Commission met on Monday, December 9, 2019 at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Allyn Wind, Mike Erker, Pete Mercer, Nathan Troutd, Dave Musgrave, and Clay Miller. Also present were Pam Cherry, Planning Administrator, Jody Meyer, Planning Assistant; and Shannon Shields, Planning Clerk; and Morgan County attorney Kathryn Sellars.

The meeting was called to order by Chairman Nathan Troutd.

**Approval of Minutes:**

October 7<sup>th</sup>, 2019

**Motion by Allyn Wind and second by Dave Musgrave to approve October 7<sup>th</sup>, 2019 minutes as presented. Motion carried 6-0.**

October 15, 2019

**Motion by Dave Musgrave and second by Mike Erker to approve October 15<sup>th</sup>, 2019 minutes as presented. Allyn Wind abstained from voting. Motion carried 5-0.**

November 12, 2019

**Motion by Pete Mercer and second by Dave Musgrave to approve November 12<sup>th</sup>, 2019 as presented. Allyn Wind abstained from voting. Motion carried 5-0.**

**Approval of Agenda:**

**It was moved by Pete Mercer and seconded by Clay Miller to approve the Agenda as presented. Motion carried 7-0.**

Nathan read the review process of hearing for tonight's meeting.

**NEW BUSINESS:**

**APPLICANT and LANDOWNER: Walter Thomas Jones**

Walter Thomas Jones landowner and Dave Knievel were present to represent this application.

Pete Mercer recused himself from hearing this application due to conflict of interest.

Pam Cherry read her file summary as follows:

This application is for a Minor Subdivision on property located SW<sup>1</sup>/<sub>4</sub> of the SW <sup>1</sup>/<sub>4</sub> Section 4, Township 3 North, Range 60 West of the 6<sup>th</sup> P.M. The property is addressed as 17024 County Road 2, Wiggins, CO 80654. The property is about one mile south of County Road S and on the east side of County Road 2.

Walter Thomas Jones as applicant is requesting approval of a minor subdivision to create two lots, one is 10.154 acres the second is 25.33 acres. There was a previous subdivision exemption of approximately 5 acres in this quarter section and recorded at Book 957, Page 100. Lot 1 has been issued a building permit for a new residence which will be shown on an updated plat. The proposed Lot 2 has several existing structures on it which all meet setback requirements.

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

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

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.  
The application documents are complete:
- 1.) Northeast Colorado Health Department has issued a permit for installation of a new septic system on proposed Lot 1. There is a previously permitted onsite wastewater treatment system on Lot 2.
  - 2.) This application required that a Water Supply Information Summary be submitted to the State Engineer's office for review. As of the date of this report, comment has not yet been received from the state.  
Proposed Lot 1 water service will be provided by Morgan County Quality Water on tap #2990. Proposed Lot 2 has an existing well permit #71458 that is permitted for domestic and livestock purposes. This well will require re-permitting through the state engineer's office.
  - 3.) Access will be from County Road 2. Road and Bridge has no objection to the continued use of the driveway that provides access to Lot 2. Road and Bridge has approved a new driveway for Lot 1.
  - 4.) Property is located in the Wiggins Fire District.
  - 5.) Soil map was provided by the Natural Resources Conservation Service.
  - 6.) Morgan County Extension Service has approved 9 animal units for Lot 1, and 20 animal units for Lot 2.
  - 7.) The mineral rights owner of record was notified of the subdivision application, no comments were received.
  - 8.) Right to Farm notice was signed and provided with the application.
  - 9.) Proposed Lot 1 has had a building permit issued for a residence. Proposed Lot 2 has a pre-existing residence, and several out buildings upon it.
- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.  
The subdivision is located in the northwest planning area.  
Chapter 2, Plan Summary.  
Goal: To encourage development where  
Proposed development is compatible with existing land uses;  
Access to public infrastructure is established;
- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.  
This subdivision is located in the Agricultural Production District and buffering is not required, uses are compatible.

All appropriate notice requirements have been completed. A request has been received from the State Engineer's office to submit the Water Supply Information Summary for review. As of today, the state has not received this report so is not able to comment on the water supply for this application.

No other comments have been received as of the date of this report. The site of the minor subdivision is not located within the 100-year floodplain. Property taxes are current.

Any motion made should include a condition that the Water Supply Information Summary be submitted to the Colorado State Engineer's office and that those comments are received by this office prior to this application being considered by the Board of County Commissioners.

Pam Cherry said an updated survey locating the new residence needs to be shown on the survey plat prior to recording.

David Knievel, 02381 N I-76 Frontage Road, Wiggins, CO 80654, said that Mr. Jones wanted to split off 10 acres from a 35 acre parcel and Dave Knievel wants to buy that land for his hired hand. Regarding the water issues, Dave Knievel asked why it was so hard to get this through the process. He was afraid of augmentation on the remaining parcel that will still be owned by Mr. Jones who uses a domestic well.

Pam Cherry said the subdivision process requires water for each lot. She had not heard of augmentation for the well.

Allyn Wind asked Pam if there was a State Statute for requiring water. Pam Cherry said we tell everybody to contact the State when they come in to ask about subdivisions.

#### PUBLIC COMMENT OPEN:

Favor:

Chuck Miller, Brush, Colorado, said he was in favor of this application which is in order without the requirement of the Water Supply Information Sheet. He said there is no such statute existing regarding a working well that will continue to be used. He handed Pam Cherry a list of water forms – which one are you needing. Pam Cherry said we need the Water Supply Information form.

Nathan Troutd asked Chuck if he was looking for a certain form. Chuck Miller said there is no material injury here. The tributary area is not changing and the well was drilled in 1973. Pass this on the Board of County Commissioners with no restriction on sending in the Water Supply form. Time to straighten up.

Opposed: No one spoke in opposition of this application.

#### PUBLIC COMMENT CLOSED

Dave Musgrave asked Knievel and Jones why they did not know about sending this form into the State.

Dave Knievel said they were not aware of the form.

Kathryn Sellars said this form should be on every subdivision application and referred to 30-28-163(1)(8)(I) referral provision which the County pretty much has to follow.

Chuck Miller – Has the Water Supply Summary form been read by anyone. He read through the questions stating most people will not know how to fill the form out. There is no place to check off if the person is using Quality Water or not. CLOSED COMMENTS AGAIN.

Mike Erker said this matter was not up to the Board to decide, but the State's water board.

Allyn Wind asked if the Board can recommend approval without the Water Supply form. Kathryn Sellars said yes. Dave Musgrave asked if the applicant will lose money if this matter is tabled for another month in order to get the information submitted to the state. Kathryn Sellars offered to help Mr. Knievel to fill out the form so it could get sent in.

**It was moved by Clay Miller and seconded by Dave Musgrave to recommend approval of a two lot Minor Subdivision Application known as Jones Minor Subdivision for Walter Thomas Jones as landowner located in SW1/4SW1/4 of Section 4, Township 3 North, Range 60 West of the 6<sup>th</sup> P.M. Morgan County, Colorado aka 17024 Co Rd 2, Wiggins, CO 80654 and to send it on the Board of County Commissioners. Lot 1 consists of 10.15 acres with existing residence and Lot 2 consists of 25.33 acres with existing residence. This approval does not include the recommendation by Pam Cherry that a Water Supply Information Summary be submitted to the State Engineer's Office. Motion carried 4-1 with Clay Miller, Allyn Wind, Dave Musgrave and Nathan Troudt being in favor and with Mike Erker being opposed to this motion and Pete Mercer had recused himself from this hearing.**

#### **PROPOSED AMENDMENTS TO THE MORGAN COUNTY ZONING REGULATIONS**

Proposed Amendments to the Morgan County Zoning Regulations regarding sections related to the land use enforcement provisions:

Kathryn Sellars, Morgan County Attorney, reviewed the proposed amendments in the draft document sent to the Planning Commission members. She said the main change was the insertion of Section 6-108 to establish a mechanism and process for the enforcement of zoning regulations.

Kathryn Sellars said Section 6-105 repeats what the State Statute already says so we don't need wording in there twice. She also said that when doing amendments the attorneys look at similar counties for input but they also need input from the Planning Commission. Nathan Troudt thought the amendments were fine. Kathryn Sellars said the amendment establish a procedure and process to follow for code enforcement.

Mike Erker said 2-137(B) where it talked about 2 years to finish the project; he thought that was a long time. On the building permit it says 6 months OR 90 DAYS, but that means the project needs to get started within six months. There was discussion on extensions for construction projects.

**It was moved by Mike Erker and seconded by Allyn Wind to recommend approval of these proposed amendments regarding land use enforcement and send them on to the County Commissioners for their review. Motion carried 6-0.**

There was more discussion on water issues.

**It was moved by Mike Erker and seconded by Dave Musgrave to adjourn this meeting. Motion carried 6-0.**

Jody Meyer  
Planning Assistant