

AGENDA - SPECIAL MEETING
MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
Assembly Room, Administration Building
231 Ensign Street, Fort Morgan, CO 80701
Wednesday, May 28, 2025

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/89427062901> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 894 2706 2901

9:00 A.M.

A. WELCOME – CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commissioner Becker
Commissioner Malone
Commissioner Bernhardt

B. GENERAL BUSINESS AND ADMINISTRATIVE TIEMS

1. Consideration of approval – **Resolution 2025 BCC 23**, A Resolution granting a four-lot minor subdivision, known as Greener Minor Subdivision. (Nicole Hay, Planning and Zoning Administrator)
2. Consideration of approval – **Road Use Agreement**, South Platte Solar, LLC. (Nicole Hay, Planning and Zoning Administrator)

C. PLANNING AND ZONING

1) PUBLIC HEARINGS:

- a) **Applicant:** Josh Norell
Landowners: Ascend Equity LLC
Legal Description: Lot 2 of the Quiet Acres Subdivision in the SE¹/₄SW¹/₄ of Section 27, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, otherwise known as 15445 Hwy 144, Fort Morgan, CO 80701.
Request: An Amended Plat to reduce and relocate the existing road easement on Lot 2, of the Quiet Acres Subdivision.
Date of Application: March 31, 2025.
- b) Zoning Amendments related to Variances
- c) Zoning Amendments related to Wireless Service Facilities

*Morgan County is committed to making its public meetings accessible to persons with disabilities. If you need special accommodations, please call (970)542-3500, extension 1410, at least 2 business days in advance of a meeting to make arrangements.

PREPARED BY: Mindi Cloyd, Administrative Services Manager for BCC
Agenda Posted on May 23 @ 4:00 P.M.

- d) Zoning Amendments related to Solar Collector Facilities, Battery Energy Storage Systems, and Wind Energy Facilities.
- e) Zoning Amendments related to Planning Developments and Miscellaneous Amendments to Definitions, Terminology, and Drainage.
- f) Subdivision Amendments related to Major and Minor Subdivisions and Miscellaneous Amendments to Definitions and References to Standards.

D. ADJOURNMENT

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PREPARED BY: Mindi Cloyd, Administrative Services Manager for BCC
Agenda Posted on May 23 @ 4:00 P.M.

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

RESOLUTION 2025 BCC 23

**A RESOLUTION GRANTING A FOUR-LOT MINOR SUBDIVISION, KNOWN AS
GREENER MINOR SUBDIVISION, LOCATED IN THE SE¼ OF SECTION 11,
TOWNSHIP 2 NORTH, RANGE 60 WEST OF THE 6TH OF P.M., MORGAN COUNTY,
COLORADO**

WHEREAS, Buck Creek LandCO, LLC (the “Owner”) owns property located in the SE¼ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, (the “Property”);

WHEREAS, Jay Greener (the “Applicant”) on behalf of the Owner applied for a four-lot minor subdivision pursuant to the County’s Subdivision Regulations (“Application”);

WHEREAS, on April 28, 2025, the Morgan County Planning Commission held a duly noticed public hearing on the Application;

WHEREAS, during the public hearing, the Planning Commission received testimony and evidence from the Applicants, Morgan County staff, and the public and recommended approval;

WHEREAS, on May 6, 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 Applicants, Morgan County staff, and the public; and

WHEREAS, the Board desires to approve the Application.

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

1. FINDINGS OF FACT

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

- A. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access. A shared access acknowledgment has been signed and recorded in the records of the Morgan County Clerk and Recorder for the shared driveway off of County Road K.

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

2. GENERAL PROVISIONS

- A. Any past, present, or future drainage problems on this site are the responsibility of the landowner and their successors and not that of Morgan County.
- B. Morgan County is not responsible for the quantity or quality of water supplied to this subdivision.

3. APPROVAL

The Board hereby approves the Greener Minor Subdivision, located in the SE¼ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado.

DATED this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

Jon J. Becker, Chair

Tim A. Malone, Commissioner

Kelvin S. Bernhardt, Commissioner

ATTEST:
(SEAL)

Kevin Strauch, Clerk to the Board

ROAD USE AGREEMENT

THIS ROAD USE AGREEMENT (hereinafter "Agreement") is made this ____ day of _____, 20 ____ ("Effective Date"), by and between Morgan County, Colorado, whose address legal address is 218 W. Kiowa Avenue, Fort Morgan, Colorado 80701 (hereinafter "County") and South Platte Solar, LLC, a Delaware limited liability company, whose legal address 700 Universe Blvd Juno Beach, FL, its successors and assigns ("South Platte Solar").

RECITALS

WHEREAS, South Platte Solar applied for and obtained a Special Use Permit to construct and operate a solar collector facility and battery energy storage system site in Morgan County;

WHEREAS, South Platte Solar's agents, employees, affiliates, contractors, subcontractors, workforce and related service companies may utilize equipment and heavy vehicles on Morgan County roads and Appurtenances in or around such roads (collectively, the "County Roads"), as identified in Exhibit A, in connection with development of the Project;

WHEREAS, South Platte Solar's use of County Roads may cause impacts which require mitigation and repair to ensure the public's continued ability to use County Roads; and

WHEREAS, as condition of the Special Use Permit approval, the County requires South Platte Solar to enter into this road use agreement to mitigate the impact on the County Roads due to the Project.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the sufficiency of which are hereby acknowledged, the County and South Platte Solar agree as follows:

1. **Purpose of Agreement.** The purpose of this Agreement is to define the terms and conditions under which South Platte Solar will pay for the cost of repairing any damage arising from the use of County Roads by South Platte Solar and any contractors or subcontractors of South Platte Solar ("Contracting Companies"). South Platte Solar has indicated that it intends to use approximately 4.5 miles of County Roads, identified on Exhibit A, of which approximately 3.6 miles are asphalt-paved. This Agreement is intended to mitigate the damage to County Roads, minimize interruptions to the traveling public, and compensate the County for the costs of repairing any damage to the County Roads and any increased maintenance costs resulting from the Project.
2. **Definitions.**
 - A. Appurtenance means a ditch, culvert, or any type of wall, fence, guardrail, pavement marking, traffic control device, illumination device, mailbox or barrier adjacent to or in, along or on a road, or any construction, obstruction, erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or on a road that is not on the traveled portion of the road.
 - B. County Roads means a roadway under the direction, control and management of the County, including:

- i. A developed road on which improvements such as grading or surfacing have been made for the purpose of public access and included any Appurtenances, and includes a bridge forming part of a public road and any structure incidental to a public road; and/or
 - ii. An undeveloped road or right of way under the County's jurisdiction.
- C. Mitigation Plan means a plan, approved by the County Planning Department, detailing which County Roads will be used for Project traffic, the route of Project traffic, a schedule of when County Roads will be used (including daily hours of use), and plans for how impacts to the County Roads, neighboring properties, and traffic will be minimized.

3. Repair and Maintenance Obligations.

- A. South Platte Solar will submit a pre-construction baseline survey of the County Roads, attached hereto as Exhibit B (“Initial Baseline Survey”).
- B. Prior to construction, South Platte Solar shall submit a second baseline survey of the County Roads to update the conditions of the County Roads (“Second Baseline Survey”). The second baseline survey shall include all portions of the County Roads included in the Initial Baseline Survey.
- C. South Platte Solar has submitted a Mitigation Plan for its and Contracting Companies’ use of the County Roads, attached hereto as Exhibit C. South Platte Solar and Contracting Companies shall comply with the Mitigation Plan at all times. Failure to comply with the Mitigation Plan shall be grounds for the County to suspend the Special Use Permit until such time as the Company provides sufficient assurances to the County that South Platte Solar will comply with the Mitigation Plan. Nothing in the foregoing shall limit South Platte Solar’s ability to cure any failure to comply with the Mitigation Plan as set forth in Section 10.B below.
- D. South Platte Solar shall be responsible for all costs and expenses required to restore County Roads used by South Platte Solar or its Contracting Companies to conduct operations for the Project. This obligation shall require South Platte Solar to restore roads to the same condition as reflected in Second Baseline Survey.
- E. During the time when South Platte Solar, or any of its Contracting Companies, is engaged in the use of a County Road for access to conduct operations for the Project, South Platte Solar shall be responsible for road damage resulting from such use, including but not limited to Examples of Road Damage (defined below) in this Agreement, to keep County Roads in safe condition for the public.
- F. All restoration of County Roads shall be completed within six (6) months of the completion of the installation of the project.

4. **Security.**

- A. To secure the maintenance and restoration of the County Roads, South Platte Solar shall furnish the County, at South Platte Solar's expense and prior to commencement of installation and construction of the Project described in Exhibit A, a performance bond, cash or an irrevocable letter (or letters) of credit in which the County is designated as beneficiary in an amount equal to one hundred fifteen percent (115%) of the Estimated Costs of maintenance and restoration of the County Roads as described in this Agreement (the "Performance Guarantee").
- B. The Performance Guarantee shall be in a form approved by the County in its sole discretion.
- C. The purpose of the Estimated Costs is solely to determine the amount of security. No representations are made as to the accuracy of these estimates, and South Platte Solar agrees to pay all costs of the maintenance and restoration for which it is legally obligated, regardless of the Estimated Costs.
- D. The Estimated Costs may increase in the future. Accordingly, the County reserves the right to review and adjust the Estimated Costs at any time, prior to the restoration of the County Roads. Adjustments shall be made according to changes in the Construction Costs Index as published by the Engineering News Record. If the County adjusts the Estimated Costs, the County shall give written notice to South Platte Solar. South Platte Solar shall within thirty (30) days after receipt of said written notice, provide the County with a new or amended Performance Guarantee in the amount of the adjusted Estimated Costs. If South Platte Solar fails to provide a new or amended Performance Guarantee, the County may exercise the remedies provided for in Section 10 hereof.
- E. If the County Roads are not restored within the period of time specified by Section 3 above, the County may draw on the Performance Guarantee to restore the County Roads. If the Performance Guarantee is to expire within fourteen (14) calendar days and South Platte Solar has not yet provided a satisfactory replacement, the County may draw on the Performance Guarantee and either hold such funds as security for performance of this Agreement or spend such funds to restore the County Roads.
- F. Upon preliminary acceptance of the County Roads, the Performance Guarantee shall be reduced to the amount of fifteen percent (15%) of the total actual cost of restoration of the County Roads. The reduced Performance Guarantee shall be held by the County until expiration of the two (2) year warranty period.
- G. If no restoration is required at the time of post-construction inspection, the Performance Guarantee shall be released by the County.

- 5. **Inspections.** Inspections of County Roads identified in this Agreement may be carried out after the baseline inventory is completed and again, following the restoration of the County Roads in the presence of official designates of both the County and South Platte Solar at a time set by the County or the County's official designee if so agreed to by South Platte Solar.

6. Road Damage.

A. Examples of Road Damage include but are not limited to the following:

- i. Potholes or wheel-depressed areas after the roads have been maintained or graded.
- ii. Damage to shoulders due to heavy vehicles running off the edge of the road.
- iii. Damage to ditches due to heavy vehicles squeezing the ditches closed by running on the shoulders of the road.
- iv. Damage to culverts crushed by heavy hauling activities or being "plugged" by sediment from closed ditches.
- v. Damage to road surface causing the re-cycling of the surface for the purpose of proper roadway drainage.
- vi. Damage to the existing base by heavy traffic.
- vii. Damage to the profile of the road and the loss of aggregate on the driving surface.

7. **Emergencies.** The County may, in emergency situations, and acting reasonably, and without giving any notice to South Platte Solar as required elsewhere in this Agreement, take immediate and all action necessary to complete repairs to County Roads that the County deems necessary for public safety.

8. **Indemnification.** South Platte Solar shall indemnify, release and hold harmless the County and its officers, agents, employees, successors and assignees from any and all actions, proceedings causes of action, claims, demands and/or costs attributable to, whether directly and indirectly, damages or injuries arising out of or resulting from acts or omissions by South Platte Solar or otherwise arising out of the performance under this Agreement by South Platte Solar, its employees, agents, contractors or subcontractors, or its Contracting Companies, but such indemnity shall not apply to the intentional acts or negligence of the County, its officers, agents, employees, successors and assignees.

9. **Assignment.** Except as otherwise provided herein, or except as may be hereafter determined by the parties, no party to this Agreement may sell, assign, partially assign or transfer its interest in this Agreement, or any of its rights, duties or obligations hereunder, without the prior written consent of the other party. Whenever consent or the approval of a party is required herein, such party shall not unreasonably withhold, delay, or deny such consent or approval.

10. Breach.

A. If South Platte Solar breaches this Agreement, the County may take such action as permitted or authorized by law or this Agreement as the County deems necessary to protect the

public health, safety and welfare. The remedies include, but are not limited to:

- i. A suspension or revocation of South Platte Solar's Special Use Permit;
 - ii. A demand that the security given for the completion of the public improvements be paid or honored; and
 - iii. Any other remedy available at law or in equity.
- B. Unless necessary to protect the immediate health, safety and welfare of the County, or to protect the interest of the County with regard to security given for the restoration of the County Roads, the County shall provide South Platte Solar thirty (30) days' written notice of its intent to take any action under this Section, during which South Platte Solar may initiate such action required to cure the breach, and continue to pursue the cure through completion using diligence and commercially reasonable efforts as determined in the County's sole discretion, and prevent further action by the County.
- C. The rights and remedies of the County under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement shall in no way limit the County's legal or equitable remedies, or the period in which such remedies may be asserted, for Public Improvement work negligently or defectively performed.
- D. Should this Agreement become the subject of litigation to resolve a claim of breach by South Platte Solar and a court of competent jurisdiction determines that South Platte Solar was in breach of this Agreement, South Platte Solar shall pay the attorney fees, expenses and court costs of the County.

11. Nuisance Conditions. South Platte Solar shall prevent the existence of any nuisances by way of its maintenance or restoration of County Roads under this Agreement. If the County determines that a nuisance exists, it shall notify South Platte Solar that such nuisance exists. If the nuisance is not abated or an abatement plan is not submitted to the satisfaction of the County, the County may, upon thirty (30) days' notice, draw upon the Performance Guarantee to pay the cost of abating the nuisance. The decision to draw on the Performance Guarantee shall be within the sole discretion of the County.

12. Waivers.

- A. Failure by either party to this Agreement to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not constitute a general waiver or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect.
- B. By entering this Agreement, the County does not waive, nor shall it be deemed to waive, any immunity or defense that would otherwise be available to it against claims arising by third parties.

- 13. Successors and Assigns.** This Agreement shall inure to the benefit of, and be binding upon the County and South Platte Solar and their respective successors and permitted assigns.
- 14. Severability.** If any provision of this Agreement shall be held invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement.
- 15. Venue and Jurisdiction.** This Agreement shall be interpreted in accordance with the laws of the State of Colorado. Venue of any suit or cause of action under this Agreement shall lie exclusively in Morgan County, Colorado.
- 16. Entire Agreement.** This Agreement constitutes the entire agreement and understanding between the parties and supersedes any prior agreement or understanding relating to the subject matter of this Agreement. However, South Platte Solar remains subject to the conditions on its Special Use Permit.
- 17. Modification.** This Agreement may be modified or amended only by a duly authorized written instrument executed by the parties hereto.
- 18. Notices.** All notices required to be given under the terms of this Agreement shall be in writing and may be mailed or electronically transmitted, addressed to the parties as follows:

Morgan County:

Bruce Bass, Director of Public Works
218 W. Kiowa Avenue
Fort Morgan, Colorado 80701
Email: bbass@co.morgan.co.us

South Platte Solar:

Ash Moore, Project Director
700 Universe BLVD, Juno Beach, FL 33408
ashard.moore@nexteraenergy.com

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement as of the Effective Date.

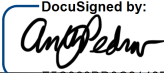
MORGAN COUNTY

Jon J. Becker, Chair of Board of County
Commissioners

Attest:

Kevin Strauch, Clerk

SOUTH PLATTE SOLAR

DocuSigned by:


F5C968BD9C2148B...
Applicant Representative
Anthony Pedroni, National Vice President

Print Name

EXHIBIT A

INTERSTATE HIGHWAY 76



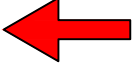

US HIGHWAY 34

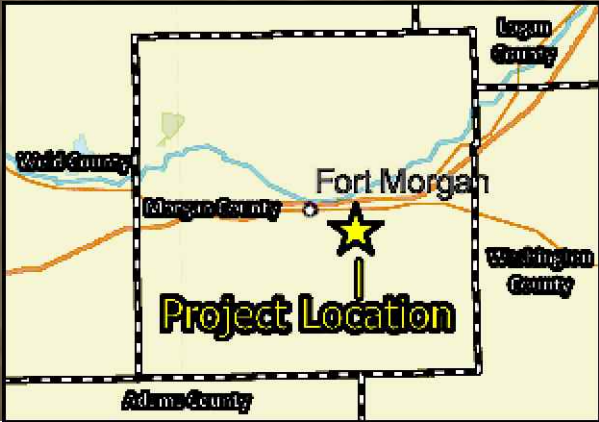
COUNTY RD 24

APPROXIMATE
SITE



LEGEND:

-  DELIVERY ROUTE
-  APPROXIMATE SITE
-  ALL DELIVERIES INGRESS
-  ALL DELIVERIES EGRESS



Westwood

Phone (720) 531-8350 10170 Church Ranch Way, Suite #201
Toll Free (888) 937-5150 Westminster, CO 80021
westwoodps.com

Westwood Professional Services, Inc.

**South Platte
Solar**
Morgan County, Colorado

Haul Route Map

DATE: 1/29/2025

MEMORANDUM

Date: May 6, 2025

Re: South Platte Solar Project –Visual Road Study

Attachments:

To: NextEra Energy Resources
700 Universe Blvd
Juno Beach, FL 33408

From: Westwood Professional Services

NextEra Energy plans to develop the South Platte Solar Project located in Morgan County, Colorado. The project is located northeast of Denver, Colorado.

Westwood Professional Services (Westwood) has been contracted by NextEra Energy to evaluate County Road 24 which will potentially be used for site deliveries and access.

Westwood completed visual road evaluations on the roads below on April 22nd, 2025. This assessment evaluated 0.9 miles of dirt roads and 3.6 miles of asphalt roads coming to a total of 4.5 miles of road assessment. The roads are divided into segments based on surface type and consist of bituminous and dirt roads.

The visual road evaluation is used to:

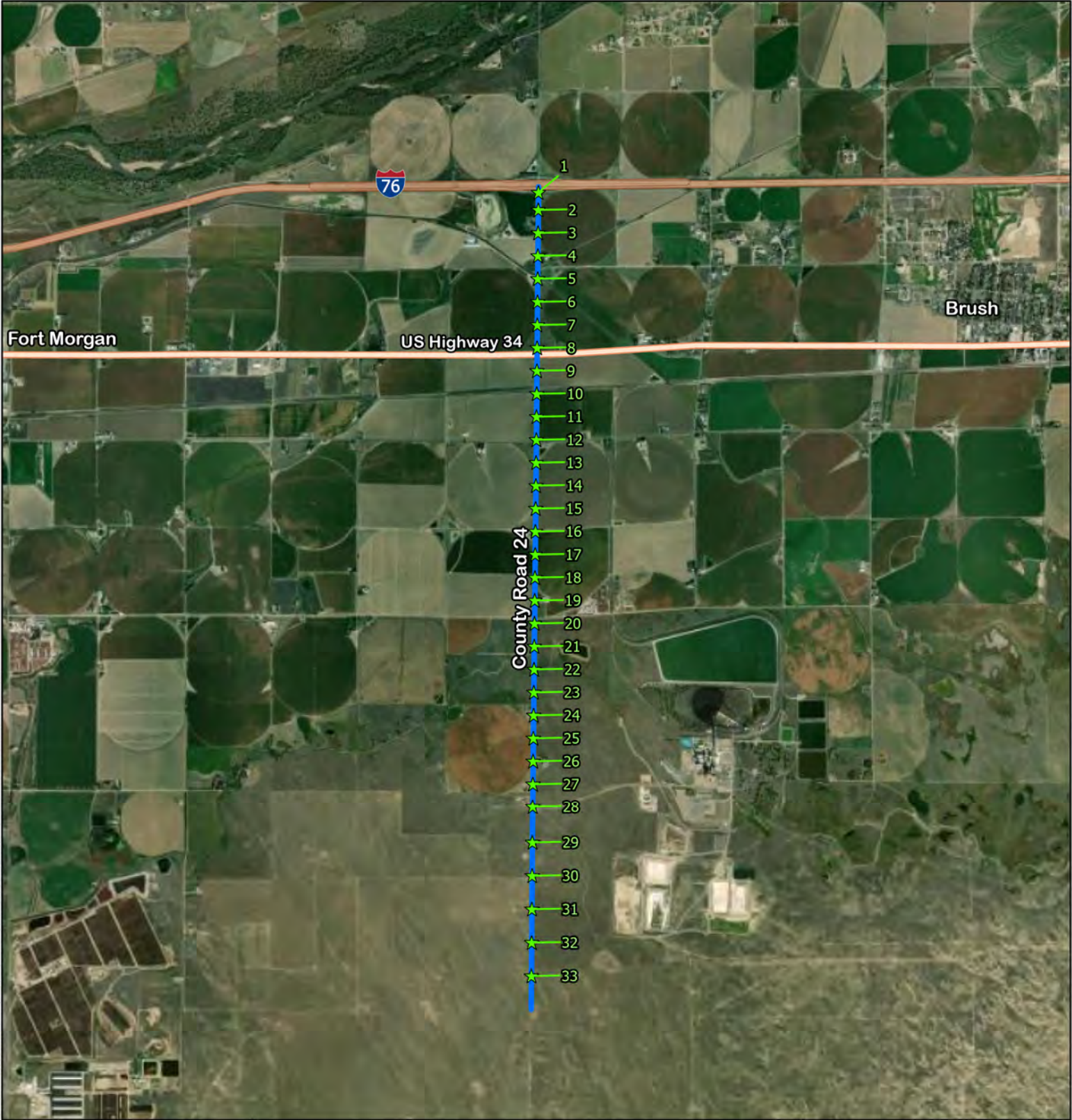
- Determine the existing road surface type and width of each road.
- Provide a rating based on the road condition. The rating scale is in accordance with the PASER manual and falls into one of the following categories: Good, Fair, Poor and Failed.
- Take minimum 1 picture for every tenth of a mile for all asphalt roads, and every quarter of a mile for all dirt roads.
- For all asphalt roads, assign each road a rating on a scale of 1-10 in alliance with the PASER Manual.

Observations:



The roads assessed were found to be asphalt or dirt. For the asphalt portion of the road, the width ranges from 24 to 25 feet. For the dirt portion of the road, the width is 10 to 12 feet. All of County Road 24 that was evaluated is in fair condition and the PASER rating for the asphalt roads ranges from 5 to 7. The dirt road portion of County Road 24 will likely need slight widening and gravel improvements prior to construction. In addition, 2 bridges and 1 culvert were found along this stretch of County Road 24.


The background of the slide is a dark red topographic map. It features intricate, light red contour lines that represent elevation changes across the terrain. A dashed red line runs vertically through the center of the map, starting from the top and extending towards the bottom. Near the bottom of this dashed line, there is a solid red circular dot.

Visual Road Evaluation Overview Map



Data Source(s): Westwood (2025); .









Toll Free (888) 937-5150 westwoodps.com

South Platte Solar Project


Visual Road Evaluation Overview Map

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  Interstate Highway
-  US Highway

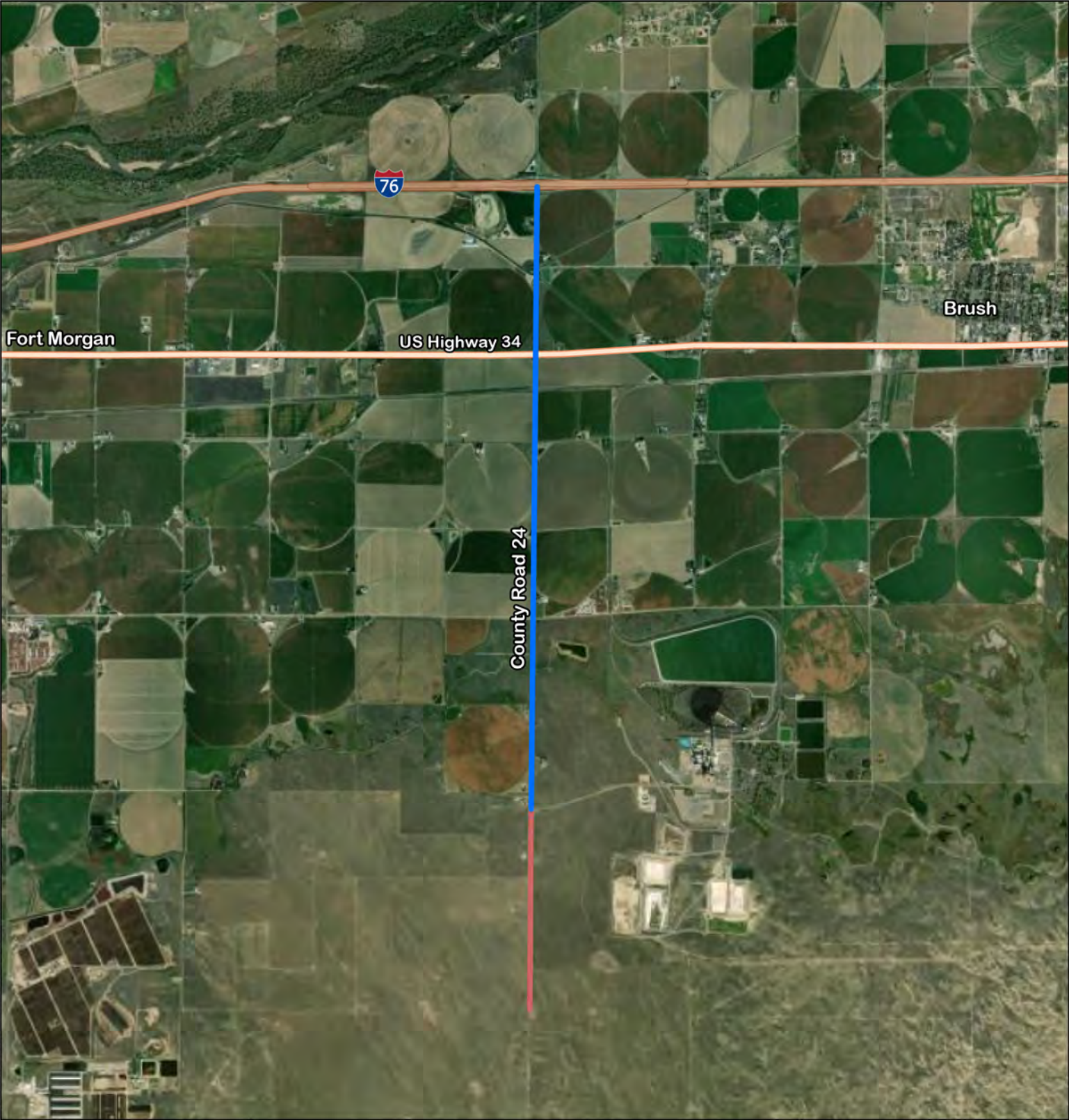
Morgan County, Colorado

May 6th, 2025





The background of the slide is a topographic map with red contour lines on a dark red background. A dashed red line runs diagonally from the top center towards the bottom left. A small red dot is located on this dashed line in the lower-left quadrant. A small red 'x' is positioned to the left of the word 'Map' in the title.

Existing Road Surface x Map



Data Source(s): Westwood (2025); .



South Platte Solar Project

Morgan County, Colorado


Existing Road Surface Map


May 6th, 2025




Toll Free (888) 937-5150 westwoodps.com


Legend

 Interstate Highway

 US Highway

Inventoried Roads - Existing Road Surface Type

 Bituminous

 Dirt



The background of the slide is a dark red topographic map with intricate contour lines. A dashed red line runs vertically through the center, and a solid red dot is located in the lower-left quadrant.

Visual Road Evaluation (PASER Method)

South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

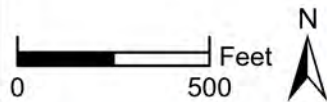
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 1
 Observation Date: 4/22/2025
 Road Name: County Road 24
 Road Width (ft): 25
 Road Condition: Fair
 Road Type: Bituminous
 PASER Rating: 6
 Latitude: 40.267365
 Longitude: -103.697018

Notes:
 Cracks less than .5" good
 drainage minimal crowning

Legend

- ★ Visual Road Evaluation Point
- Inventoried Roads
- US Highway
- Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado





Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

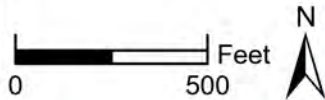
Report ID: 2
Observation Date: 4/22/2025
Road Name: County Road 24
Road Width (ft): 24
Road Condition: Fair
Road Type: Bituminous
PASER Rating: 6
Latitude: 40.265932
Longitude: -103.697034

Notes:

No crowning no centerline marking minimal cracking

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

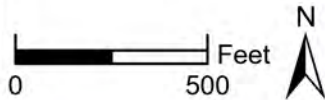
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 3
Observation Date: 4/22/2025
Road Name: County Road 24
Road Width (ft): 24
Road Condition: Fair
Road Type: Bituminous
PASER Rating: 6
Latitude: 40.264034
Longitude: -103.697056

Notes:
Light crowning minimal
cracking

Legend

- ★ Visual Road Evaluation Point
- Inventoried Roads
- US Highway
- Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**





Morgan County, Colorado

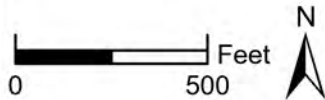
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 4
Observation Date: 4/22/2025
Road Name: County Road 24
Road Width (ft): 24
Road Condition: Fair
Road Type: Bituminous
PASER Rating: 6
Latitude: 40.262141
Longitude: -103.697077

Notes:
Light crowning minimal
cracking

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**





Morgan County, Colorado

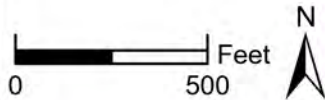
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 5
Observation Date: 4/22/2025
Road Name: County Road 24
Road Width (ft): 24
Road Condition: Fair
Road Type: Bituminous
PASER Rating: 5
Latitude: 40.260254
Longitude: -103.697098

Notes:
Light crowning cracks

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**



Morgan County, Colorado

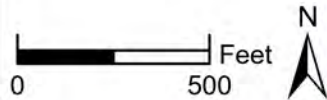
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 6
 Observation Date: 4/22/2025
 Road Name: County Road 24
 Road Width (ft): 24
 Road Condition: Fair
 Road Type: Bituminous
 PASER Rating: 7
 Latitude: 40.258345
 Longitude: -103.697119

Notes:
 Minimal cracking no patches

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**





Morgan County, Colorado

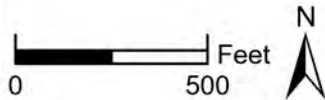
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 7
Observation Date: 4/22/2025
Road Name: County Road 24
Road Width (ft): 24
Road Condition: Fair
Road Type: Bituminous
PASER Rating: 6
Latitude: 40.25644
Longitude: -103.697141

Notes:
Light rutting crowning
minimal cracking

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 8

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Good

Road Type: Bituminous

PASER Rating: 6

Latitude: 40.25455

Longitude: -103.697162

Notes:

Rutting minimal cracking no
crowning

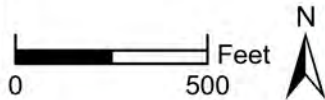
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado





Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

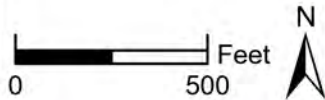
Report ID: 9
Observation Date: 4/22/2025
Road Name: County Road 24
Road Width (ft): 24
Road Condition: Fair
Road Type: Bituminous
PASER Rating: 6
Latitude: 40.252658
Longitude: -103.697183

Notes:

Cracks some rutting no
crowning

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 10

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 6

Latitude: 40.25076

Longitude: -103.697204

Notes:
Rutting & cracks

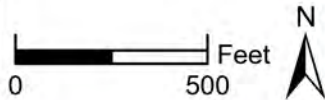
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 11

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 6

Latitude: 40.248874

Longitude: -103.697225

Notes:

Rutting and <1\4" cracks

Legend

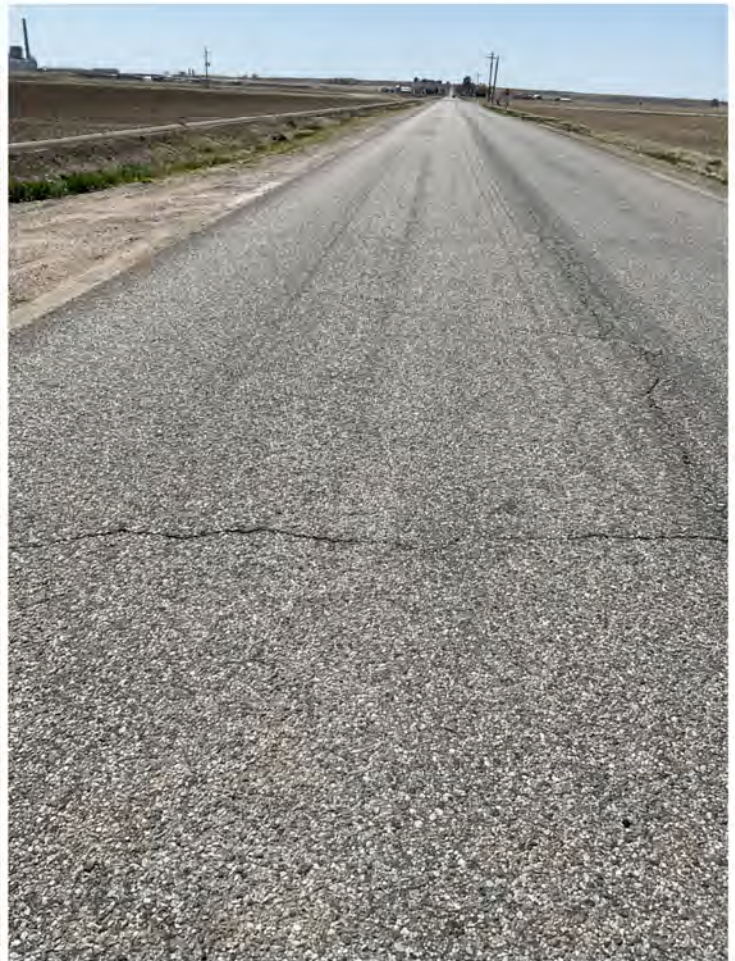
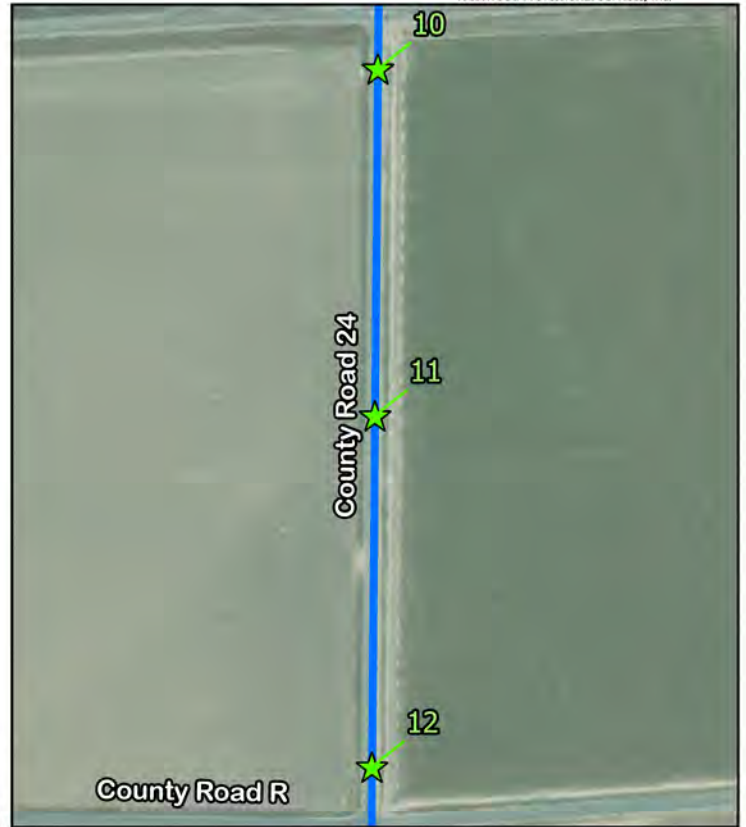
★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway

0 500 Feet



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 12

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 6

Latitude: 40.246965

Longitude: -103.697247

Notes:

Rutting and <1\4" cracks

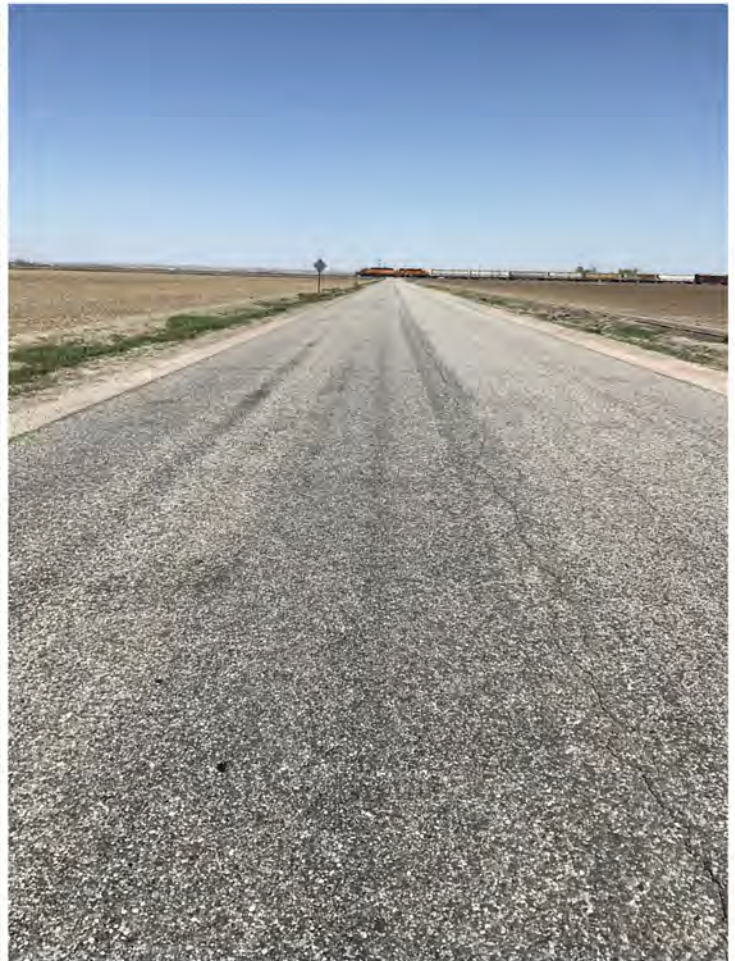
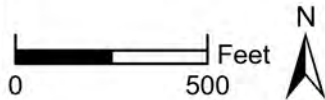
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 13

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.245074

Longitude: -103.697269

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

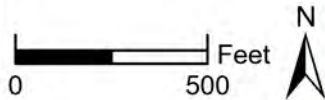
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 14

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.243181

Longitude: -103.697294

Notes:

Transverse cracking >10' apart no patches some crownings light long. Cracking

Legend

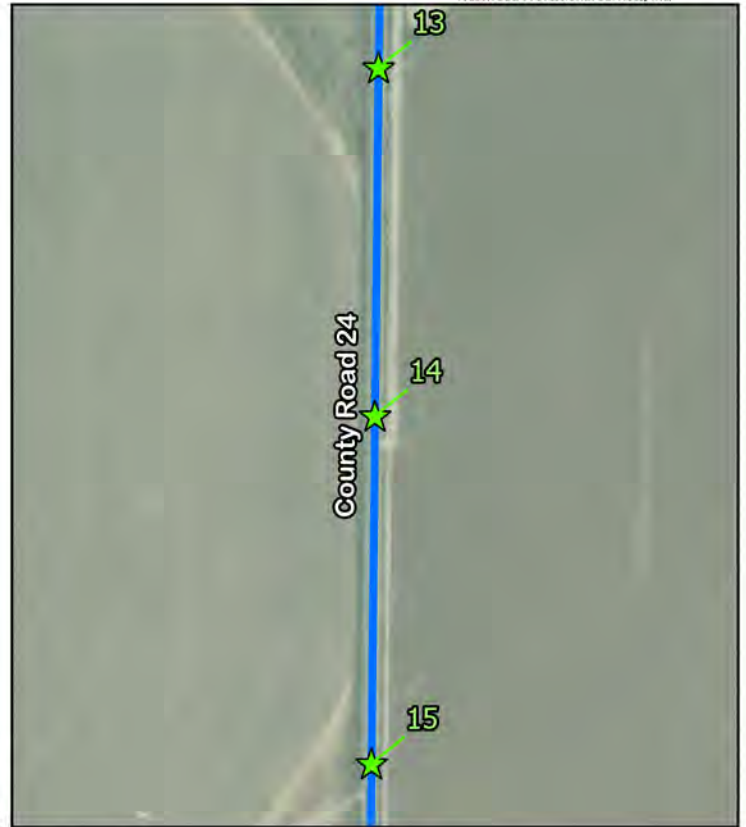
★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway

0 500 Feet



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 15

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.241291

Longitude: -103.697319

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

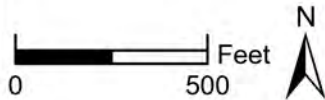
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 16

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7





Latitude: 40.239392

Longitude: -103.697344

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway

0 500 Feet



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 17

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.237493

Longitude: -103.697369

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

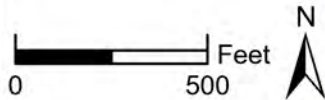
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 18

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7





Latitude: 40.235594

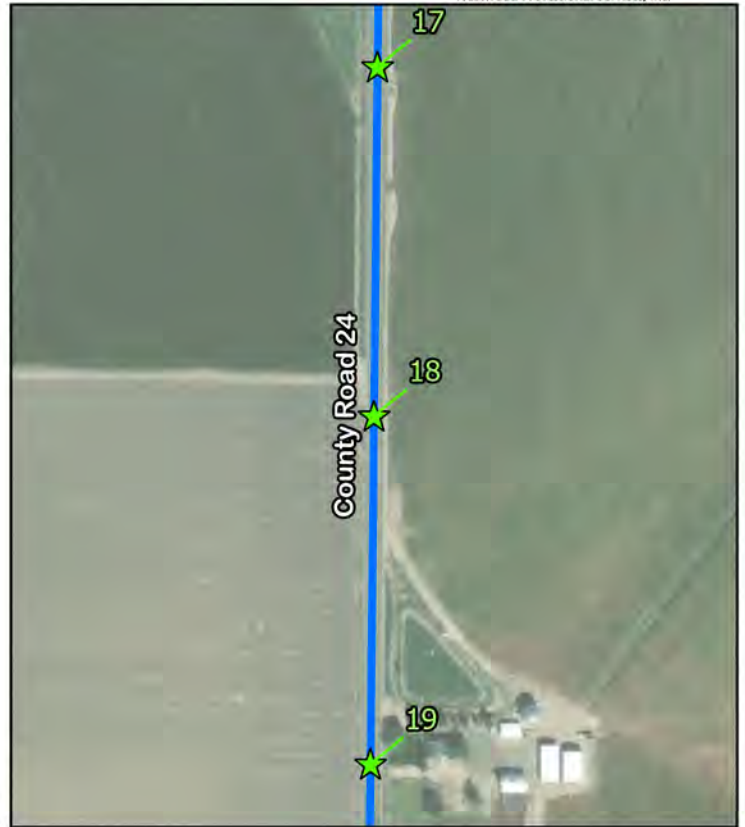
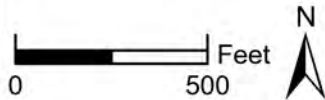
Longitude: -103.697394

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 19

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.233702

Longitude: -103.697419

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

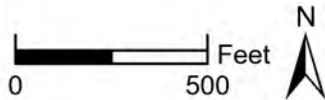
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 20

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.231805

Longitude: -103.697445

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

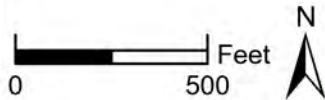
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 21

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.229911

Longitude: -103.69747

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

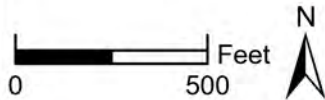
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 22

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7



Latitude: 40.228013

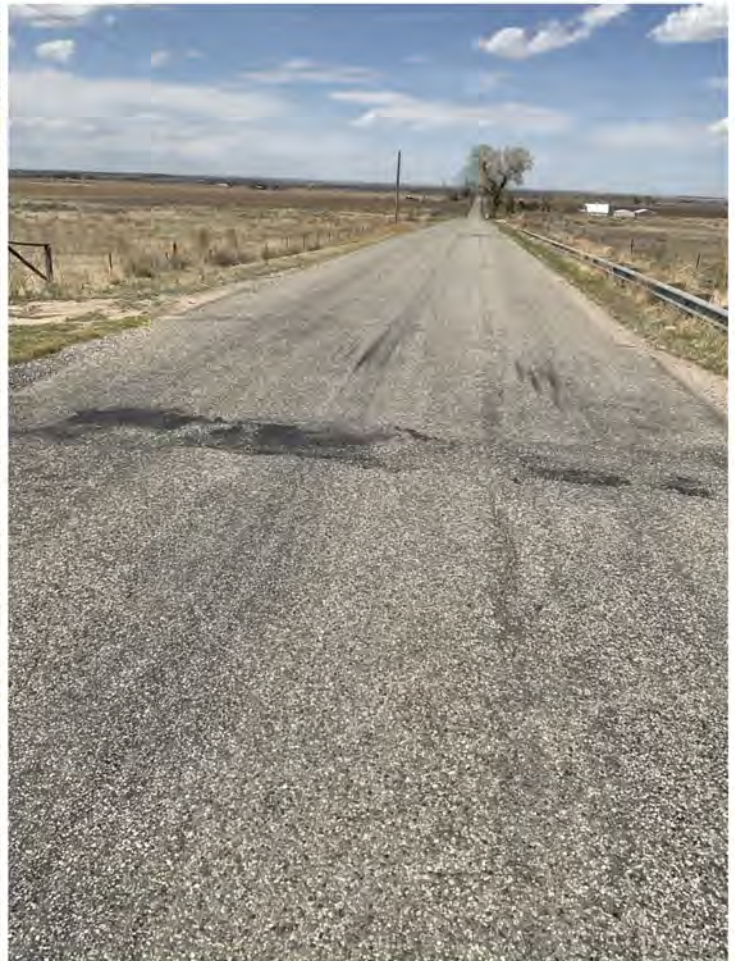
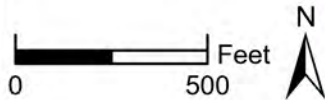
Longitude: -103.697495

Notes:

Transverse cracking >10'
apart some patches patches
some crownings light long.
Cracking

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 23

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.226117

Longitude: -103.69752

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

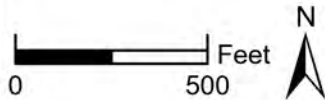
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 24

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.224221

Longitude: -103.697545

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

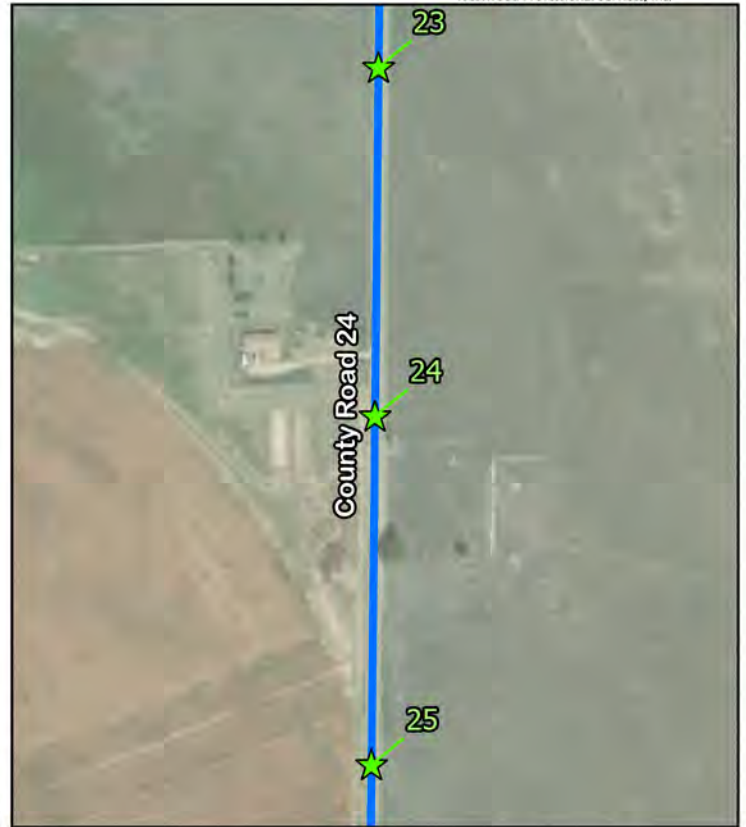
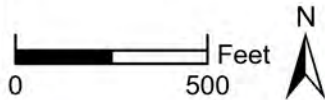
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 25

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.222325

Longitude: -103.69757

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

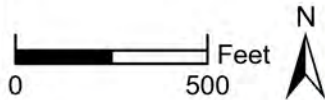
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 26

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7





Latitude: 40.220429

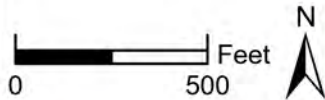
Longitude: -103.697595

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

Legend

-  Visual Road Evaluation Point
-  Inventoried Roads
-  US Highway
-  Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 27

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.218533

Longitude: -103.69762

Notes:

Transverse cracking >10'
apart no patches some
crownings light long. Cracking

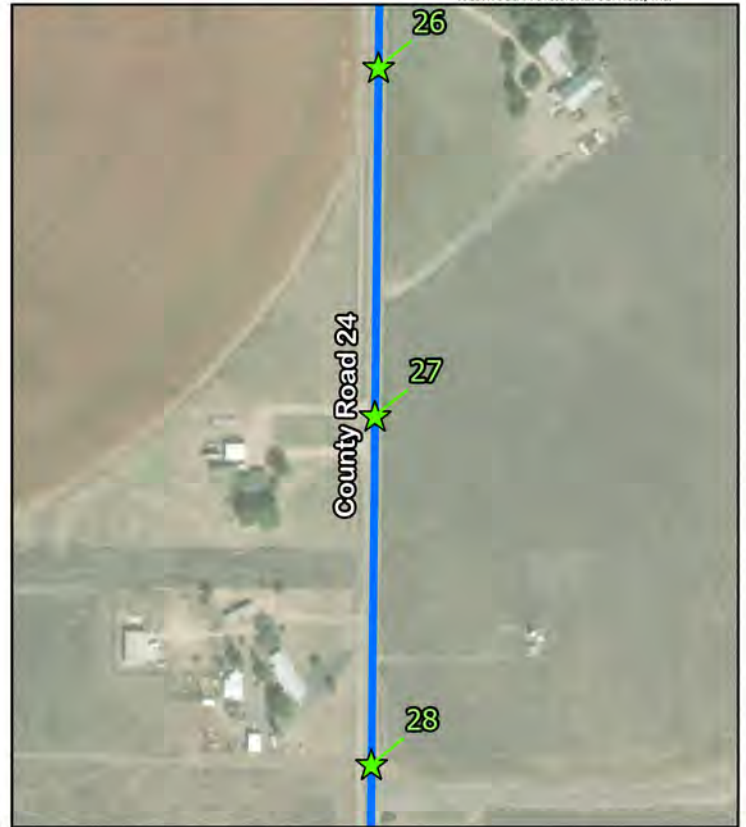
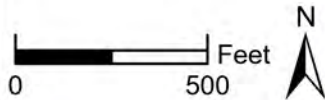
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 28

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 24

Road Condition: Fair

Road Type: Bituminous

PASER Rating: 7

Latitude: 40.216637

Longitude: -103.697646

Notes:

Transverse cracking >10'
apart no patches some
crownings

Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway

0 500 Feet



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 29

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 10

Road Condition: Fair

Road Type: Other

PASER Rating: N/A

Latitude: 40.213677

Longitude: -103.697675

Notes:

Single lane, sand/gravel and grass is kept.

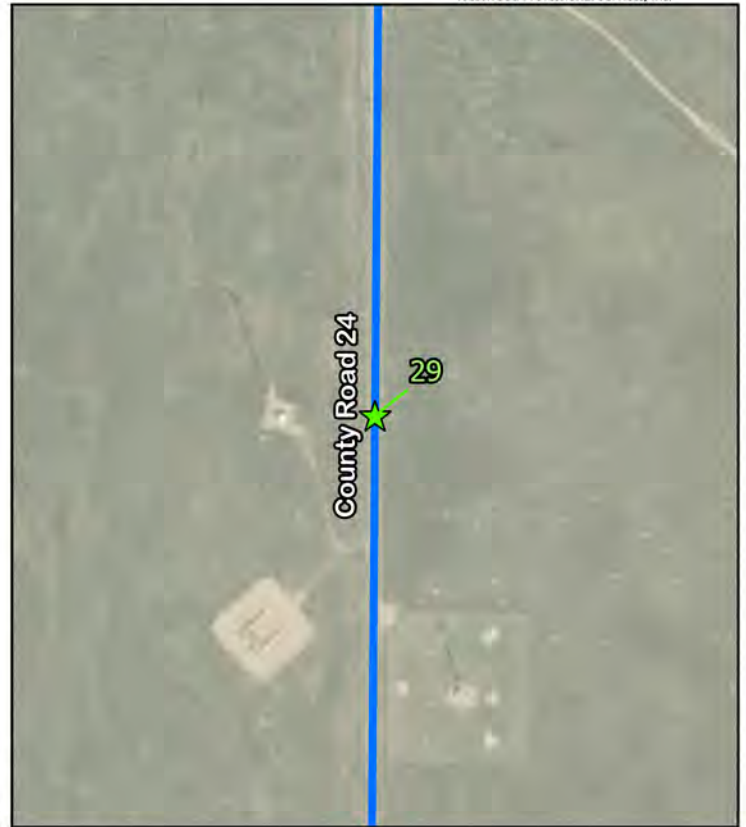
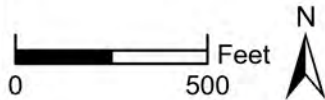
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 30

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 10

Road Condition: Fair

Road Type: Other

PASER Rating: N/A

Latitude: 40.210917

Longitude: -103.697702

Notes:

Single lane, sand/gravel and grass

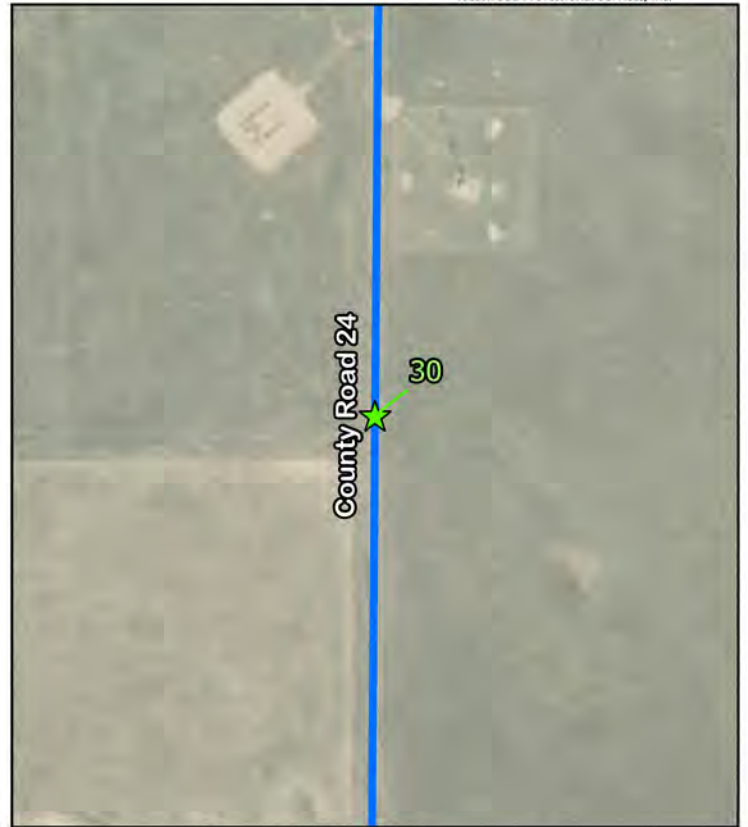
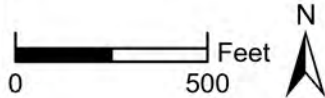
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 31

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 10

Road Condition: Fair

Road Type: Other

PASER Rating: N/A

Latitude: 40.208157

Longitude: -103.697729

Notes:

Single lane, sand/gravel and grass

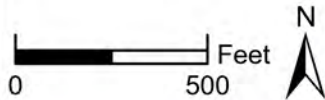
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 32

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 10

Road Condition: Fair

Road Type: Other

PASER Rating: N/A

Latitude: 40.205396

Longitude: -103.697757

Notes:

Single lane, sand/gravel and grass

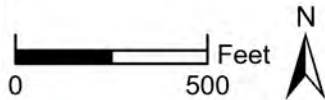
Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway



South Platte Solar - Visual Road Evaluation (PASER Method) **Westwood**

Morgan County, Colorado

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Report ID: 33

Observation Date: 4/22/2025

Road Name: County Road 24

Road Width (ft): 12

Road Condition: Fair

Road Type: Other

PASER Rating: N/A

Latitude: 40.202636

Longitude: -103.697784

Notes:

Single lane, sand/gravel and grass had to cross gate

Legend

★ Visual Road Evaluation Point

— Inventoried Roads

— US Highway

— Interstate Highway

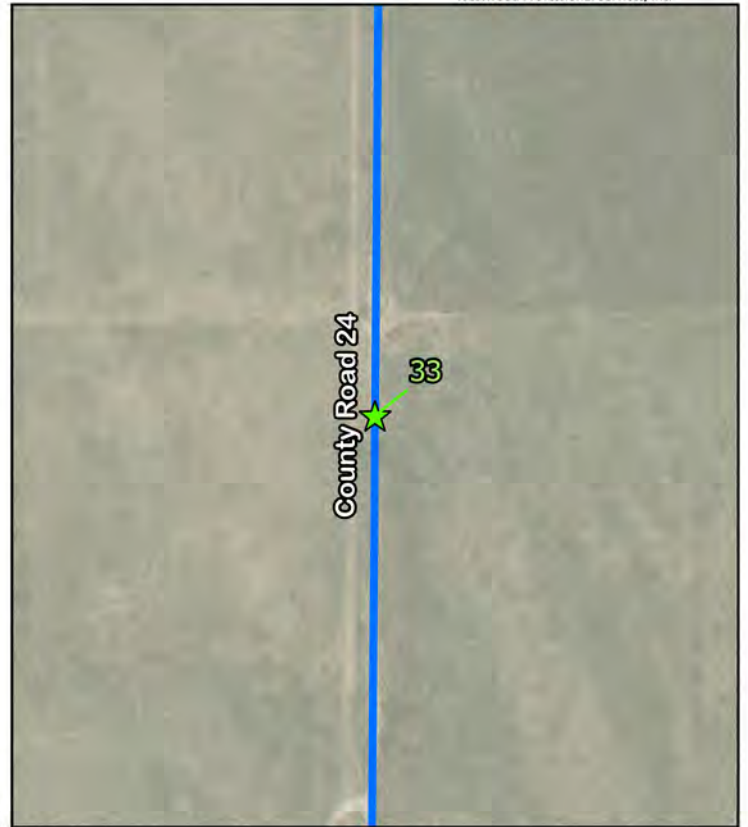
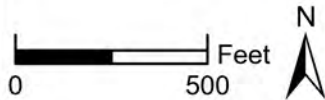


EXHIBIT C

South Platte Solar LLC Road Use Mitigation Plan

The South Platte Solar Project, developed by South Platte Solar, LLC, is a significant initiative aimed at harnessing solar energy to generate clean, renewable power. Located in Morgan County, Colorado, this 150-Megawatt (MW) alternating solar power generation project will require the use of various County roads for the transportation of equipment, materials, and personnel during its construction phase. To ensure the safety and convenience of the public, as well as to preserve the condition of the County's infrastructure, a comprehensive Road Use Mitigation Plan has been developed.

This Road Use Mitigation Plan outlines the measures that South Platte Solar, LLC will implement to manage and mitigate the impact of construction traffic on County roads. The plan includes a detailed map of the roads to be used, traffic congestion control strategies, dust mitigation activities, and measures to restore the roads to their pre-construction condition.

The primary objectives of this Road Use Mitigation Plan are to minimize traffic congestion, ensure the safety of the traveling public, prevent damage to County roads, and maintain effective communication with local authorities and residents. By adhering to the guidelines and mitigation measures outlined in this plan, South Platte Solar, LLC is committed to minimizing the impact of construction activities on the local community and ensuring the successful completion of the South Platte Solar Project with minimal disruption.

1) **Pre-Construction Phase:**

a. **Identify County Roads for Use:** - Prepare a detailed map showing which County roads will be used during construction.

b. **Baseline Road Condition Survey:** - Conduct and document a pre-construction baseline survey of County roads to be used during construction within 30-days prior to construction. This survey should be carried out by a Colorado licensed engineer and funded by South Platte Solar, LLC. The survey will assess the current condition of the roads to set a benchmark for post-construction restoration.

c. **Mitigation Measures:** - Implementing the following comprehensive mitigation measures, the South Platte Solar Project aims to manage traffic flow effectively, minimize disruptions, ensure safety, and reduce the impact on County roads during the construction and post-construction phases.

- i) **Staggered Schedule:** Implement a staggered schedule for construction vehicle movements to avoid peak traffic hours and reduce congestion. Dedicated Entry and
- ii) **Exit Points:** Designate and use specific entry and exit points for construction vehicles to improve traffic flow and minimize the impact on public roads.

- iii) **Traffic Signals and Signage:** Install temporary traffic signals and signage to manage and direct construction traffic safely.
- iv) **Route Planning:** Establish pre-approved, clearly marked haul routes for construction vehicles to follow. Provide detailed maps to all drivers. **Avoid Sensitive Areas:** Plan routes to avoid residential areas, schools, and other sensitive locations to minimize disruption and safety concerns.
- v) **Weight Restrictions:** Enforce weight restrictions on vehicles to prevent damage to roads and bridges.
- vi) **Speed Limits:** Impose and enforce reduced speed limits for construction traffic in designated areas to enhance safety. **Vehicle Inspections:** Conduct regular inspections of construction vehicles to ensure compliance with safety standards.
- vii) **Road Maintenance and Repair:** Conduct regular inspections of all roads used during construction to identify and address any damage or wear promptly.
- viii) **Dust Control:** Implement dust control measures, such as water spraying and the use of dust suppression materials, to reduce the impact of construction traffic on air quality.
- ix) **Road Repairs:** Promptly repair any damage to roads caused by construction activities to maintain safe and smooth travel surfaces. **Communication and Coordination:**
- x) **Stakeholder Communication:** Maintain open lines of communication with local authorities, emergency services, and residents to keep them informed about construction activities and any traffic disruptions.
- xi) **Traffic Coordination Plan:** Develop a comprehensive traffic coordination plan in collaboration with local traffic management authorities. This plan should include details on traffic control measures, detour routes, and emergency response protocols.
- xii) **On-Site Traffic Controllers:** Deploy on-site traffic controllers or flaggers during peak construction times to manage vehicle movements and ensure safety.
- xiii) **Temporary Road Improvements:** Where necessary, temporarily widen roads to accommodate construction traffic and prevent bottlenecks.
- xiv) **Turning Lanes:** Add temporary turning lanes at key intersections to facilitate smooth turning movements for construction vehicles.
- xv) **Paving and Grading:** Pave or grade unpaved roads and access points to handle increased traffic loads and prevent deterioration. **Emergency Response Plan:**
- xvi) **Emergency Access:** Ensure that emergency vehicles have unimpeded access to all areas during construction. Plan alternate routes if necessary.
- xvii) **Incident Response Protocols:** Establish clear incident response protocols for traffic accidents or emergencies involving construction vehicles.
- xviii) **Employee Transportation Planning:** Provide shuttle services for construction workers to and from the site to reduce the number of individual vehicles accessing the site.
- xix) **Carpooling Coordination:** Encourage and facilitate carpooling among construction workers to reduce traffic volume.

d. Financial Security: - Post financial security equal to 115% of the estimated cost to restore roads to their pre-construction condition. The cost estimation should be provided by a licensed Colorado engineer. This financial security must be in the form of an irrevocable letter of credit or cash escrow.

2) **Construction Phase:**

- a) **Mitigation Measures:** - Implementing the following comprehensive mitigation measures, the South Platte Solar Project aims to manage traffic flow effectively, minimize disruptions, ensure safety, and reduce the impact on County roads during the construction and post-construction phases.

i)

- b) **Access Permissions:** - Ensure all necessary permissions from landowners are obtained before using private roads or developing access roads on private property. - No private access roads should be converted into public rights of way without approval from the Board of County Commissioners.

b. **Temporary Areas:** - Provide written notice and a map detailing staging or laydown areas or other temporary construction areas. Include the perimeter size, list of materials, equipment stored, and activities conducted.

c. **Traffic Management:** - Implement the traffic control and congestion mitigation measures outlined in the pre-construction plan.

d. **Road Maintenance:** - Monitor the condition of the roads during construction and perform necessary maintenance to prevent deterioration.

3) **Post-Construction Phase:**

a. **Road Restoration:** - Upon completion of construction, restore all County roads to their pre-construction conditions as documented in the baseline survey. This includes repairing any damages caused by construction activities.

b. **Inspection and Reporting:** - The County will conduct inspections of the restored roads, funded by South Platte Solar, LLC. These costs are due upon demand by the County. - Pay all applicable fees and costs associated with the County's inspections and verifications.

c. **Release of Financial Security:** - Following preliminary acceptance of the restored roads, the County will release all but 15% of the total actual restoration costs. This retained portion serves as a guarantee that the restored roads will remain defect-free during a two-year warranty period.

d. **Warranty Period:** - Address any defects or issues with the restored roads that may arise during the warranty period. - South Platte Solar, LLC can propose substitute or supplemental forms of security for the retained amount during the preliminary acceptance and warranty period, subject to the County's discretion.

4) **Additional Considerations:**

a. **Communication:** - Establish a clear line of communication with Morgan County officials, including the Planning Administrator, to ensure timely updates and responses to any concerns or requirements.

b. **Compliance:** - Adhere to all applicable laws, regulations, safety standards, and emergency management protocols during the entire project cycle.

c. **Documentation:** - Maintain detailed records of all activities, surveys, plans, permits, and correspondence related to road use and restoration throughout the project lifecycle.

By following these steps, the South Platte Solar Project can effectively mitigate the impacts on County roads, ensuring they are maintained and restored to their original condition while minimizing disruptions to the public.

| BOARD OF COUNTY COMMISSIONERS 9:00 A.M. | MAY 28, 2025 |
NORELL AMENDED PLAT

TABLE OF CONTENTS

- **File Summary**
- **Original Subdivision Plat**
- **Original Submittal**
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 - Current Title Insurance Commitment
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 - Driveway Permit
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 - Soil Map
 - Tax Account Statement
- **Landowner Letter Sent & Responses Received**
- **Notification**



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

May 13, 2025

Josh Norell
8451 CR 10
Merino, CO 80741
Sent via email: [REDACTED]

Re:

HEARING RESCHEDULED FROM JUNE 3RD 2025 TO MAY 28TH 2025.

Dear Applicant/Landowner:

Your Application for an Amended Plat will go to review and decision by the Board of County Commissioners. The hearing for the Board of County Commissioners will be held on **Wednesday, May 28, 2025 at 9:00 A.M.**

It is necessary that you be present at the hearing to answer any questions the Board of County Commissioners may have. If you are unable to attend, a letter stating who will be representing you will be needed.

Do not hesitate to contact us at any time if you have questions.

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

April 24, 2025

Josh Norell
8451 CR 10
Merino, CO 80741
Sent via email: [REDACTED]

Dear Applicant/Landowner:

Your Application for an Amended Plat will go to review and decision by the Board of County Commissioners. The hearing for the Board of County Commissioners will be held on **Tuesday, June 3, 2025 at 9:00 A.M.**

It is necessary that you be present at the hearing to answer any questions the Board of County Commissioners may have. If you are unable to attend, a letter stating who will be representing you will be needed.

Do not hesitate to contact us at any time if you have questions.

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

FILE SUMMARY



**MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT**

**BOARD OF COUNTY COMMISSIONERS
FILE SUMMARY**

Hearing Date: May 28, 2025

**APPLICANT: Josh Norell
LANDOWNER: Ascend Equity LLC**

Josh Norell, as applicant, has submitted an application for an Amended Plat, related to Lots 1 and 2 of the Quiet Acres Subdivision. The purpose of the application is to vacate the 40' road easement as shown in the original plat of the Quiet Acres Subdivision over Lot 2 which serves Lot 1, decrease the size from 40 feet down to 20 feet, and relocate it to the west. This application does not request the change of the easement over Lot 1.

Lot 1 will continue to be able to use the relocated access easement over Lot 2. CDOT has issued a revised access permit to move the driveway access off of Highway 144.

The property is zoned Estate Residential and is in the Morgan Fire District.

Notice of the public hearing was mailed to the landowner of Lot 1 to the address listed on the County's Assessor site. Due to the letter not being returned and lack of response, Staff is assuming the landowner of Lot 1 consents to the smaller size and relocation of the easement.

In reviewing an application for an amended plat to vacate a right-of-way in a previously approved subdivision, the Board of County Commissioners shall apply the criteria as listed from Section 10-200(G)(5) of the Morgan County Subdivision Regulations.

- (a) The plat vacation complies with these Subdivision Regulations and the original conditions of approval of the recorded plat.
- (b) No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.
The lots are currently nonconforming and the nonconformity is not increasing.
- (c) The approval will not adversely affect the public health, safety, and welfare.
- (d) No land is left, by reason of this vacation, without an established public right-of-way or private access easement connecting the land with an established public road.
Lots 1 and 2 access is still off of Highway 144. Lot 1 will use the smaller and relocated easement over Lot 2.
- (e) A dedication or intent to dedicate has been established, where necessary.

Nicole Hay
Morgan County Planning Administrator

ORIGINAL SUBDIVISION PLAT

PLAT OF QUIET ACRES SUBDIVISION

A SUBDIVISION OF A PART OF THE S.E.1/4-S.W.1/4, SECTION 27
TWP. 4 N.—RNG. 58 W., 6th. PM
MORGAN COUNTY, COLORADO

LEGAL DESCRIPTION

That part of the SW $\frac{1}{4}$ of Section 27, Township 4 North, Range 58 West of the 6th P.M. described as commencing at a point 225 feet West of the SE corner of said SW $\frac{1}{4}$ of Section 27, thence North parallel to the East side of said SW $\frac{1}{4}$ Section 27 740 feet, thence Westerly and parallel to the South side of said SW $\frac{1}{4}$ Section 27 176.7 feet, thence South and parallel to the East side of said SW $\frac{1}{4}$ Section 27 740 feet to a point on the South side of the SW $\frac{1}{4}$ of Section 27, thence Easterly along the South side of the SW $\frac{1}{4}$ Section 27 176.7 feet to the point of beginning and subject to any easements and rights of way now existing on the property and those depicted aside including a 30 foot right of way for Highway 144 running East and West along the South side of subject property and subject to any other easements and rights of way of record.

SURVEYOR'S CERTIFICATE

I, Billy C. Holloway, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat of Quiet acres Subdivision truly and correctly represents the results of a survey made by me or under my direct supervision.

September 28, 1990

Surveyor

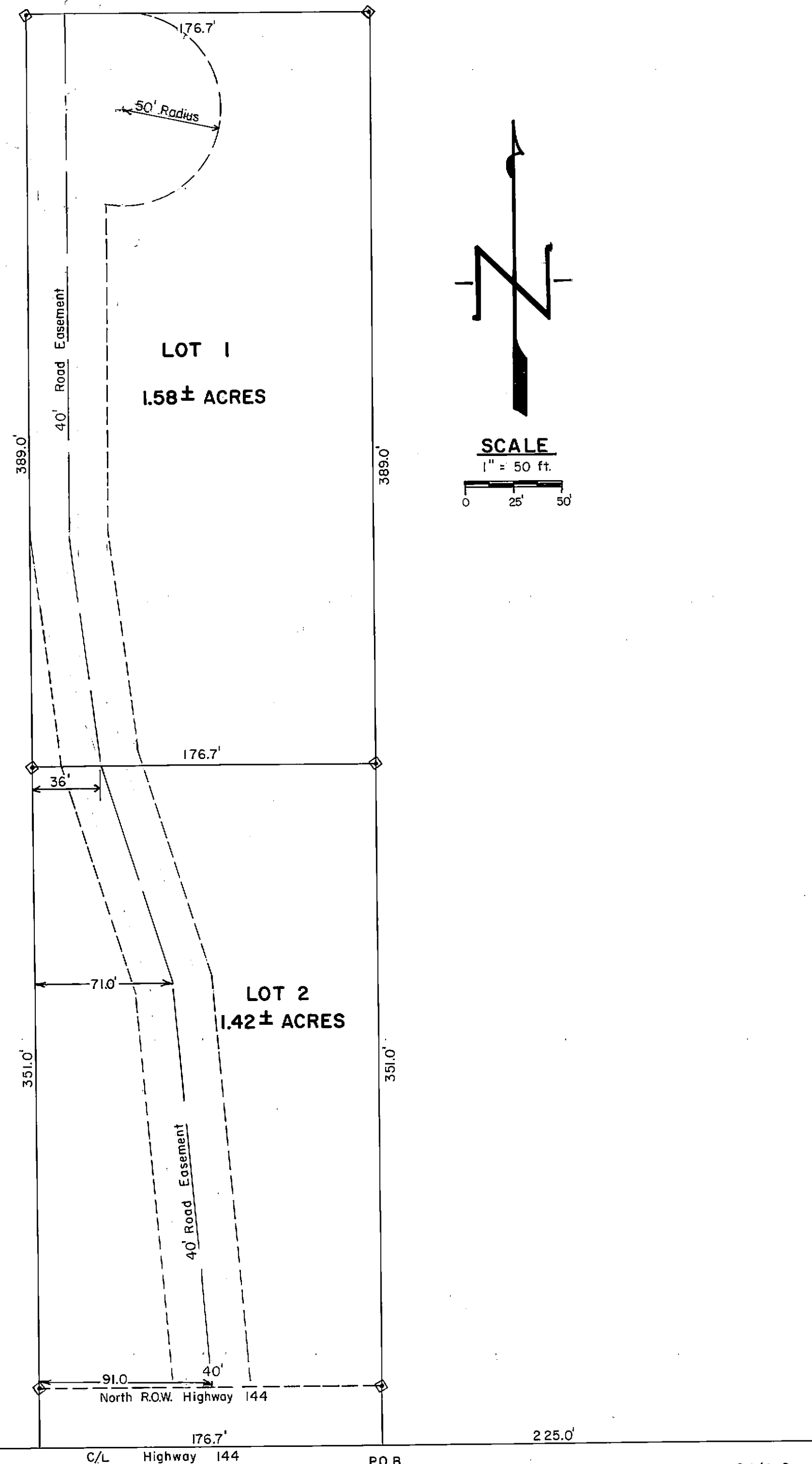
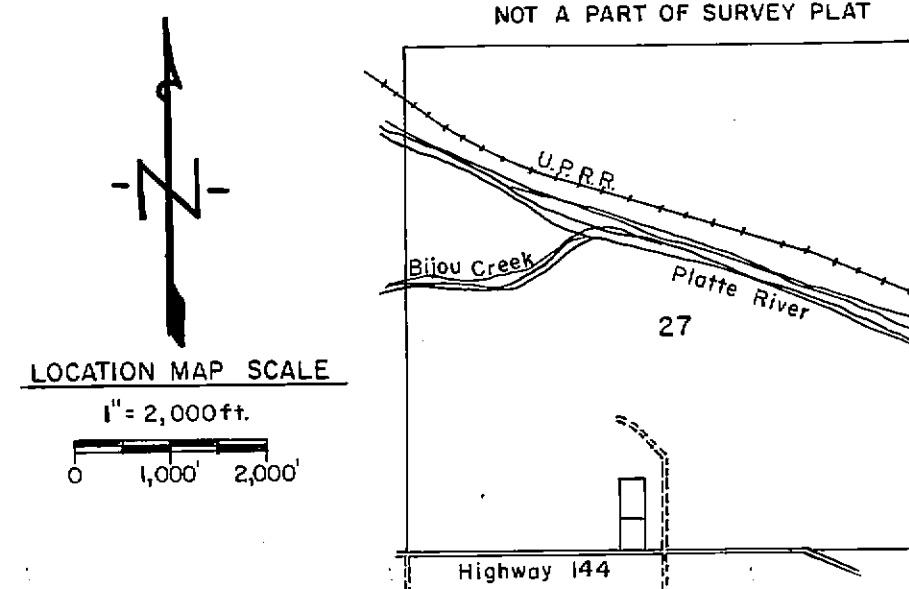


Legend:

- monuments found
- monuments set No.5 re-bar capped LS 2853

LOCATION MAP

FOR REFERENCE ONLY
NOT A PART OF SURVEY PLAT



PLANNING COMMISSION CERTIFICATE:

Approved the 10th day of October, 1990. County Planning Commission, Morgan County, Colorado.

Chairman

COMMISSIONERS' CERTIFICATE

Approved this 7th day of November, 1990, Board of County Commissioners, Morgan County, Colorado. This approval does not guarantee that the size, soil conditions, subsurface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, well permit, or sewage disposal permit will be issued, nor the acceptance of any dedication. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the subdivider and not the County of Morgan.

Attest: Clerk to the Board

Chairman

CLERK AND RECORDER'S CERTIFICATE

State of Colorado) ss.

County of Morgan) 725174

I hereby certify that this instrument was filed in my office at 800 A.M. this 22nd day of May, 1991, and is duly recorded in Plat File BK 6-879, Fees -0- paid.

RECORDER

DEPUTY

S.W. Cor.-Sec. 27
Found GLO Brass Cap
(Monument Record on File)

S.1/4-Sec. 27
Found GLO Brass Cap
(Monument Record on File)

ORIGINAL SUBMITTAL

Original Application

Right to Farm



EMAIL permits_licensing@co.morgan.co.us

Date Received 3 / 31 / 25 Received By JS
 Fee: ☐ Administrative Review \$ ☒ Full Review \$ 400
 Ck/CC #: 3379 Paid 4 / 14 / 25 Recording Fee \$ _____
 Ck/CC #: _____ Paid _____ / _____ / _____ PC Date: _____ / _____ / _____
 100 Year Floodplain? Y (N) Taxes Current? Y (N)

Landowner MUST Sign Application and Right to Farm Policy

LANDOWNER

Email [REDACTED]

Emai

Address 913 38 TH AVENUE COURT GREELEY, CO Phone [REDACTED]

- Minimum lot size for parcels containing both a water well and septic system is 2.5 (two and one half) acres
- Minimum lot size for parcels without a water well and served by a public or private water system and septic system is 1 (one) acre

Address of Property to be divided (or general location if not yet addressed): *Attach extra pages if needed
15445 Highway 144, Fort Morgan Lot 2

Quiet Acres Subdivision

Parcel #: 1041-270 01-002

Zone District: ER

S: 27 T: 4N R: 58W $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{4}$

Total acreage in parcel: 1.42

Number of lots to be created: 0

Is property located within 1320' (1/4) of a livestock confinement facility? Y/N

Distance and Direction to Nearest Community: 1.5 mi SE to Log Lane Village

PRESENT use of property Single Family residence

PROPOSED use of property Single Family residence

SEE REQUIRED ATTACHMENT LIST ON BACK OF THIS PAGE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED OR PROCESSED

APPLICATION REQUIRED ATTACHMENT LIST

Additional information may be required by staff

Application Fee:

- ☒ Non-Refundable Application Fee due with application
-Made payable to Morgan County Planning & Zoning
*Additional fees and charges may be required pursuant to Section 2-160 of Morgan County Zoning Regulations. Applicant will be responsible for any legal fees after the first 5 hours.

Project Narrative:

- ☒ Narrative to include:
- ☒ Project Description
 - ☒ Purpose of request
 - ☒ Additional information to show project's intent
 - ☒ How project will relate to or impact existing adjacent uses
 - ☒ General topography of land and potential hazards
- ☐ If property is in the floodplain, give Zone, panel number, and panel date -See link <https://msc.fema.gov/portal/home>

Site Plans/Maps:

- ☒ Plat map (survey) per requirements set forth in the Morgan County Subdivision Regulations Section 6-170-- **(SUBMIT ELECTRONICALLY)**
- ☐ Improvement location certificate, including setbacks of existing structures, wells and septic system **(SUBMIT ELECTRONICALLY)**
- ☒ Include any **easements** required for the project-widths and other pertinent information.
May be required to supply copies of easement agreements

Proof of Ownership:

- ☒ **Current** title insurance commitment (within last **6 months**)
- ☐ Names, addresses and phone numbers for all property owners

Utilities/Access:

- ☒ **Water (if applicable)** Water tap must be paid in full and well must be fully operational, before plat can be recorded.
- ☒ **Septic System (if applicable)**
- ☐ Existing Septic System - Evaluation of adequacy in terms of today's regulations from local Health Department
 - ☐ Private System - "Will Serve Letter" or bill
 - ☐ Proposed Septic System - "Will Serve Letter"
 - ☐ Public System - "Will Serve Letter" or bill
- ☒ **Electric (if applicable)** (Electric bill or letter of commitment from electricity provider)
- ☒ **Driveway Permit (if applicable)** from CDOT or Morgan County Road and Bridge (If required by staff)

Technical:

- ☐ **Ditch Company**- Proof of contact if there is a ditch on or next to your property
- ☒ **Soil Map** From Morgan Conservation District showing suitability for sanitary facilities, and building site development for site specific soil
- ☒ **Right to Farm Policy** signed by Landowner (attached)

☐ **Recording Fees:** *All recording fees will be collected at the **conclusion** of all hearings
Made payable to Morgan County Clerk & Recorder*

☐ Plat map recording fee

\$13.00 first page

\$10.00 per page thereafter

___ # additional pages x 10=\$ + \$13= \$ Total Recording Cost

*Title to any or all of the Minor Subdivision **CANNOT** be transferred until all required documents have been recorded in the Morgan County Clerk and Records office.

☒ Additional Information required by staff: Statement of Authority
☐ # **Paper Application Sets** ☐ **Digital Copy of Complete Application**
One sided only please

LANDOWNER AND APPLICANT STATEMENTS

Property taxes must be current prior to processing application.

I hereby certify that to the best of my knowledge, the information contained within this application package is true and correct. Application must be signed by applicant and landowner as it appears in title insurance.

Josh Norell 3/4/25
Applicant Signature Date

Josh Norell 3/4/25
Landowner Signature Date

Applicant Signature Date

Landowner Signature Date

MORGAN COUNTY RIGHT TO FARM POLICY / NOTICE

Morgan County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all other manner of agricultural activities and operations in Morgan County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape and lifestyle. Morgan County specifically recognizes the importance of agricultural operations as necessary and worthy of recognition and protection.

Landowners, residents and visitors must be prepared to accept as normal the effects of agriculture and rural living. These may include noise from tractors, equipment, and aerial spraying sometimes at night or in the early morning; dust from animal pens, field work, harvesting, and gravel roads; odor from animal confinement operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers, including aerial spraying; and movement of livestock or machinery on public roads. Under the provisions of the State of Colorado's "Right to Farm" law (Section 35-3.5-101 and following, C.R.S.), all normal and non-negligent agricultural operations may not be considered nuisances.

Also public services in a rural area are not at the same level as in an urban or suburban setting. Road maintenance may be at a lower level, mail delivery may not be as frequent, utility services may be nonexistent or subject to interruption, law enforcement, fire protection and ambulance service will have considerably longer response times, snow may not be removed from county roads for several days after a major snow storm. First priority for snow removal is that school bus routes are normally cleared first.

Children are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farm and oilfield equipment, ponds, and irrigation ditches, electrical service to pumps and oil field operations, high speed traffic, noxious weeds, livestock, and territorial farm dogs may present real threats to children. It is necessary that children's activities be properly supervised for both the protection of the children and protection of the farmer's livelihood.

All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Morgan County. This includes but is not limited to obligations under Colorado State law and Morgan County Zoning Regulations regarding maintenance of fences, controlling weeds, keeping livestock and pets under control. There may be provisions of which you are unaware. For example, because Colorado is a Fence Law State, owners of property may be required to fence livestock out.

Information regarding these topics may be obtained from the Colorado State University Cooperative Extension Office, the County Planning and Zoning Department, and the County Attorney.

RECEIPT AND STATEMENT OF UNDERSTANDING

I hereby certify that I have received, read, and understood the Morgan County Statement of Policy and Notice regarding Right to Farm.

I further state that I am aware that the conditions of living in an unincorporated area are different than living in a town or city and that the responsibilities of rural residents are different from urban or suburban residents. I understand that under Colorado law that a pre-existing, non-negligent agricultural operation may not be considered a public or private nuisance.

Josh Norell

3/31/25

Signature

Date

Joshua Norell

Printed Name

15445 HW 144, Fort Morgan CO 80701

Address

To Be Signed by Landowner

Adopted by the Morgan County Board of County Commissioners by Resolution #96BCC41 on July 23, 1996 and amended by Resolution 2008 BCC 34 on September 2, 2008.

RECEIPT

Morgan County
231 Ensign, Fort Morgan, CO 80701
(970) 542-3526



AP2025-0003 | Amended Plat

Receipt Number: 545663
April 14, 2025

Payment Amount: \$400.00

Transaction Method	Payer	Cashier	Reference Number
Check	Josh Norell	Jenafer Santos	cc 3379

Comments

Assessed Fee Items

Fee items being paid by this payment

Assessed On	Fee Item	Account Code	Assessed	Amount Paid	Balance Due
04/23/25	Amended Plat		\$400.00	\$400.00	\$0.00
Totals:			\$400.00	\$400.00	
			Previous Payments		\$0.00
			Remaining Balance Due		\$0.00

Application Info

Property Address	Property Owner	Property Owner Address	Valuation
15445 HWY 144 FORT MORGAN, CO 80701	Ascend Equity LLC	8451 CR 10 MERINO, CO 80741	

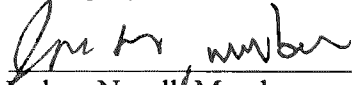
Description of Work

Amended Plat to move an easement from the center of the property to the west side of the property

STATEMENT OF AUTHORITY
(38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity named: Ascend Equity LLC
2. The type of entity is a: Limited Liability Company
3. The entity is formed under the laws of: CO
4. The mailing address for the entity is: 8451 County Road 10, Merino, CO 80741
5. The name and position of each person or entity authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is:
Joshua Norell, Member
6. The authority of the foregoing to bind the entity is NOT limited as follows:
7. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of 38-30-172. C.R.S.

Executed this 25th day of February, 2025,
Ascend Equity LLC, a Colorado Limited Liability Company

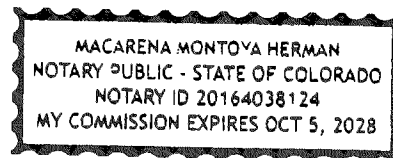
By: 
Joshua Norell, Member

STATE OF COLORADO
COUNTY OF ARAPAHOE

The foregoing instrument was acknowledged before me this 25th day of February, 2025, by Joshua Norell, Member of Ascend Equity LLC, a CO Limited Liability Company, on behalf of the Limited Liability Company.


Notary's Official Signature

My Commission Expires: October 5, 2028



2025-1224



APPLICANT NARRATIVE

Project: Relocate easement – 15445 HW 144

The proposed project is to relocate the existing road easement in lot 2, of the Quiet Acres subdivision, located in the SW ¼ of Section 27, T4N, R58W. The existing easement cuts through the middle of the lot. We desire to update the plat, to show the current location of the easement, on the very west side of the lot. This maximizes the usable space on lot 2, while continuing to allow access to the properties to the north.

The project will have minimal impact to adjacent uses. Land owners to the north will have to utilize a driveway on the west end of the lot.

The topography of the land is relatively flat. No known hazards.

Josh Norell, Member

Ascend Equity LLC

ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT ASCEND EQUITY LLC, AS OWNER OF LOT 2, QUIET ACRES SUBDIVISION, WHOSE LEGAL ADDRESS IS 8451 CR 10 , MERINO, COLORADO, 80741, HEREINAFTER REFERRED TO AS "GRANTOR", FOR AN IN CONSIDERATION OF TEN AND NO/100 DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, HEREBY GRANTS AND CONVEYS TO HIMSELF, ASCEND EQUITY LLC, WHOSE LEGAL ADDRESS IS 8451 CR 10, MERINO, COLORADO, 80741, HEREINAFTER REFERRED TO AS "GRANTEE", A NON-EXCLUSIVE ACCESS EASEMENT AS DESCRIBED BELOW:

SEE ATTACHED LEGAL DESCRIPTION AND EXHIBIT

THE ACCESS EASEMENT HEREBY GRANTED SHALL ENTITLE THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, FOR THE BENEFIT OF OWNERS AND ALL FUTURE OWNERS OF THE GRANTOR'S INTEREST IN SAID LOT 2, FOR THE PURPOSE OF PLANNING, DESIGNING, INSTALLING, MAINTAINING & UPGRADING, OR OTHERWISE IMPROVING, AN ACCESS ROAD AND APPURTENANCES THERETO.

NO PERMANENT STRUCTURES ARE TO BE BUILT WITHIN THIS EASEMENT. THIS GRANT SHALL BE BINDING UPON THE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS OF THE PARTIES HERETO.

IN THE WITNESS WHEREOF THE GRANTORS HAVE HEREUNTO SET THEIR HANDS AND SEALS ON THIS _____ DAY OF _____, 2025.

JOSHUA NORELL, AS MANAGING MEMBER OF ASCEND EQUITY LLC

STATE OF COLORADO)

)

COUNTY OF _____)

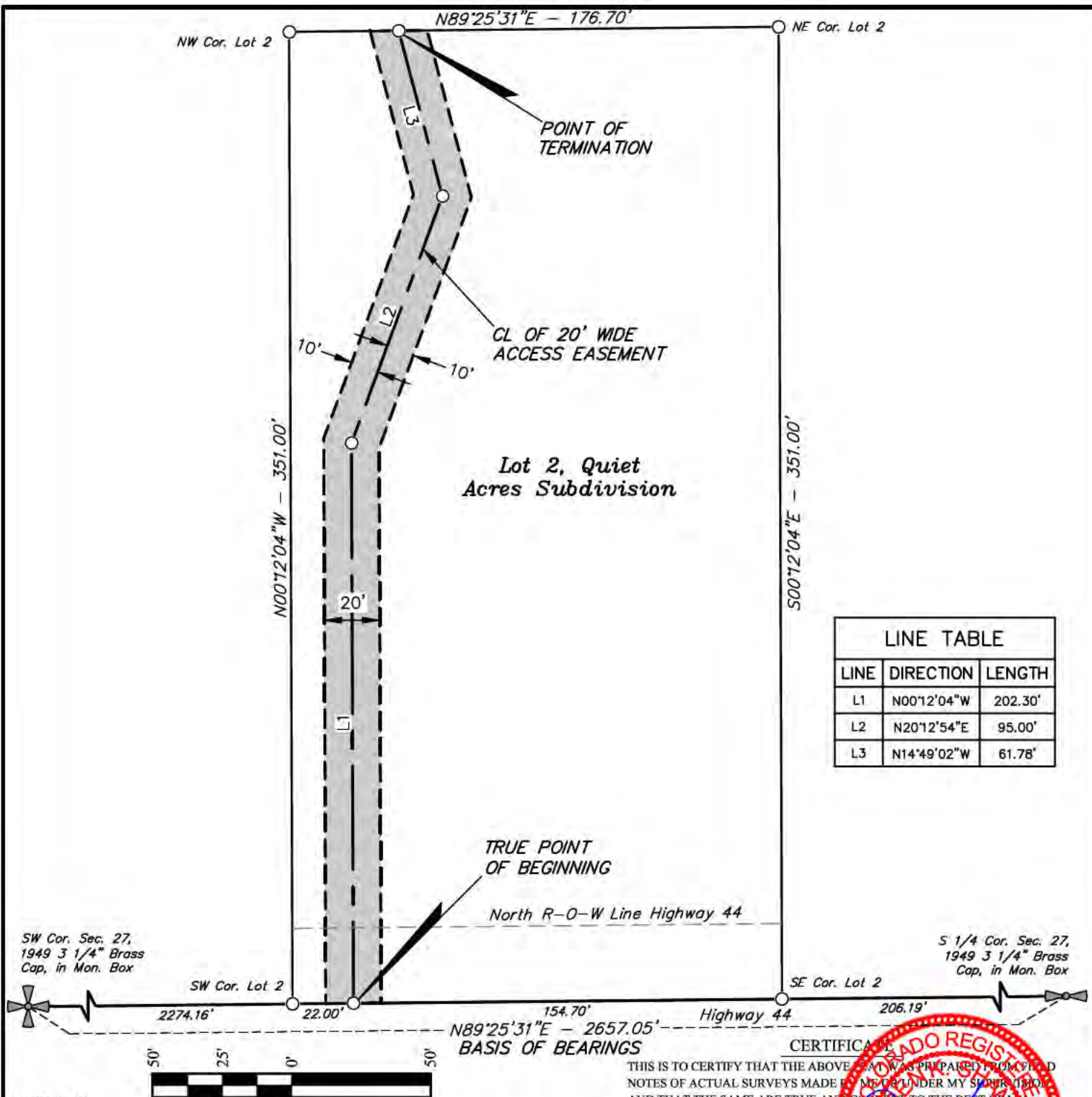
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2025,
BY _____, AS MANAGING MEMBER OF ASCEND EQUITY LLC.

WITNESS MY HAND AND MY SEAL

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

GRANTOR: BY JOSHUA NORELL, AS MANAGING MEMBER OF ASCEND EQUITY LLC.



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N00°12'04\"W	202.30'
L2	N20°12'54\"E	95.00'
L3	N14°49'02\"W	61.78'

SW Cor. Sec. 27,
1949 3 1/4\" Brass
Cap, in Mon. Box

S 1/4 Cor. Sec. 27,
1949 3 1/4\" Brass
Cap, in Mon. Box

LEGEND



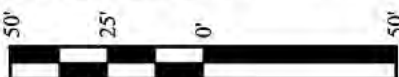
PLSS SECTION CORNER FOUND



PLSS 1/4 SECTION CORNER FOUND



DIMENSION CORNER ONLY (NOT SET)



THIS IS TO CERTIFY THAT THE ABOVE MAP WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION, AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR
REGISTRATION NO. 28285
STATE OF COLORADO

FILE: J - 82

ACREAGE / LENGTH TABLE

FEET	RODS	ACRES
359.08	21.76	0.165



JOSH NORELL

15445 HIGHWAY 144 ACCESS EASEMENT
ON ASCEND EQUITY LLC LANDS IN
LOT 2, QUIET ACRES SUBDIVISION,
SECTION 27, T4N, R58W, 6th P.M.
MORGAN COUNTY, COLORADO

SURVEYED BY	O.R. J.M.	02-20-25	SCALE
DRAWN BY	C.H.	02-21-25	1\" = 50'

ACCESS EASEMENT



UELS, LLC
Corporate Office * 85 South 200 East
Vernal, UT 84078 *

LEGAL DESCRIPTION
ACCESS EASEMENT

A STRIP OF LAND 20.00 FEET IN WIDTH LOCATED IN LOT 2, QUIET ACRES SUBDIVISION, LOCATED IN THE SW1/4 OF SECTION 27, T4N, R58W OF THE 6TH P.M., MORGAN COUNTY, COLORADO, EXTENDING FROM THE SOUTH LINE OF SAID LOT 2, NORTHERLY TO THE NORTH LINE OF SAID LOT 2, SAID STRIP OF LAND BEING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2, FROM WHICH THE S1/4 CORNER OF SAID SECTION 27 BEARS N89°25'31"E, THENCE N89°25'31"E, 22.00 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE TRUE POINT OF BEGINNING;

THENCE N00°12'04"W, 202.30 FEET;

THENCE N20°12'54"E, 95.00 FEET;

THENCE N14°49'02"W, 61.78 FEET TO THE NORTH LINE OF SAID LOT 2 AND THE POINT OF TERMINATION.

AREA = 0.165 ACRES (7,182 SQ. FT.), MORE OF LESS

LEGAL DESCRIPTION PREPARED 2/20/25 BY:

LOREN K. SHANKS, COLORADO PLS 28285

UELS, LLC

913 38TH AVENUE COURT

GREELEY, CO 80634

970-506-1544 OFFICE

970-590-8515 REMOTE MOBILE

SITE PLAN / MAPS

ROAD EASEMENT TO BE VACATED

PROOF OF OWNERSHIP

Current Title Insurance Commitment

Deed



6888 S. Clinton Street, Ste #201, Greenwood Village, CO 80112

TITLE COMMITMENT COVER LETTER

Date: February 13, 2025

File No.: 2025-1221

Seller(s): Dwight D. Schreiner and Harold W. Schreiner, Personal
Representatives of Estate of Wilbur E. Schreiner

Buyer(s) Ascend Equity LLC

Property Address: 15445 Highway 144, Fort Morgan, CO 80701

Please direct ALL Closing inquiries to: Genae Horton and

and

Distribution List:

Seller(s):

Dwight D. Schreiner and Harold W. Schreiner,
Personal Representatives of Estate of Wilbur E. Schreiner

Agent/ Realtor: Rinda Emick

The TC Collective

Buyer(s):

Ascend Equity LLC

Agent/Realtor: _____

Lender:

Conventus LLC, a California limited liability company
111 Potrero Avenue
San Francisco, CA 94103



ALTA COMMITMENT FOR TITLE INSURANCE
issued by
WESTCOR LAND TITLE INSURANCE COMPANY

NOTICE

IMPORTANT – READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I – Requirements; Schedule B, Part II – Exceptions; and the Commitment Conditions, Westcor Land Title Insurance Company, a(n) South Carolina corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I – Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

- system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
 - j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I – Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;
 - e. Schedule B, Part I – Requirements;
 - f. Schedule B, Part II – Exceptions; and
 - g. a counter-signature by the Company or its issuing agent that may be in electronic form.
 4. **COMPANY'S RIGHT TO AMEND**
The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.
 5. **LIMITATIONS OF LIABILITY**
 - a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I – Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II – Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
 - b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
 - c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
 - d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
 - e. The Company is not liable for the content of the Transaction Identification Data, if any.
 - f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I – Requirements have been met to the satisfaction of the Company.
 - g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.
 6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM**
 - a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
 - b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
 - c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - d. The deletion or modification of any Schedule B, Part II – Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

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- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
7. **IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.
8. **PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
9. **CLAIMS PROCEDURES**
This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.
10. **CLASS ACTION**
ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.
11. **ARBITRATION**
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

WESTCOR LAND TITLE INSURANCE COMPANY
875 Concourse Parkway South Suite 200, Maitland, FL
32751



By: _____
President

By: _____
Secretary

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Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: Closing Connection Title
Issuing Office: 6888 South Clinton Street, Ste #201
Greenwood Village, CO 80112
Issuing Office's ALTA® Registry ID: 1218217
Loan ID Number: 8007342
Commitment Number: 2025-1221
Issuing Office File Number: 2025-1221
Property Address: 15445 Highway 144, Fort Morgan, CO 80701
Revision Number: 1

SCHEDULE A

1. Commitment Date: February 7, 2025 12:00 AM
2. Policy to be issued:
 - (a) 2021 ALTA Owner's Policy
Proposed Insured: **Ascend Equity LLC, a Colorado Limited Liability Company**
Proposed Amount of Insurance: **\$205,000.00**
Policy Premium: **\$847.00**
The estate or interest to be insured: **Fee Simple**
 - (b) 2021 ALTA Loan Policy
Proposed Insured: **Conventus LLC, a California limited liability company, ISAOA/ATIMA**
111 Potrero Avenue, San Francisco, CA 94103
Proposed Amount of Insurance: **\$292,500.00**
Policy Premium: **\$450.00**
The estate or interest to be insured: **Fee Simple**
3. The estate or interest in the Land at the Commitment Date is:
Fee Simple
4. The Title is, at the Commitment Date, vested in:
Estate of Wilbur E. Schreiner
5. The land is described as follows:
The land is described as set forth in Exhibit A attached hereto and made a part hereof.

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CLOSING CONNECTION TITLE

6888 South Clinton Street, Ste #201, Greenwood
Village, CO 80112
Telephone: (720) 419-0921

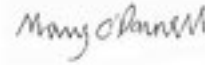
WESTCOR LAND TITLE INSURANCE COMPANY

875 Concourse Parkway South Suite 200, Maitland,
FL 32751

Countersigned by:



Genae M. Horton
Closing Connection Title, License #713398



By: _____
President



By: _____
Secretary

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SCHEDULE B, PART I – Requirements

All of the following Requirements must be met:

Duly authorized and executed Deed from Dwight D. Schreiner and Harold W. Schreiner, Personal Representatives of Estate of Wilbur E. Schreiner, to Ascend Equity LLC, a Colorado Limited Liability Company, to be executed and recorded at closing.

Duly authorized and executed Deed of Trust from Ascend Equity LLC, a Colorado Limited Liability Company, to Conventus LLC, a California limited liability company, securing its loan in the amount of \$292,500.00.

1. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

Deed from Estate of Wilbur E. Schreiner to Ascend Equity LLC, A Colorado Limited Liability Company conveying the land described under Schedule "A".

Deed of Trust from Trio Properties LLC, A Colorado Limited Liability Company to The Proposed Insured Lender, encumbering the land in the amount shown on Schedule A hereof.

2. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
3. Pay the agreed amount for the estate or interest to be insured.
4. Pay the premiums, fees, and charges for the Policy to the Company.
5. A search of the public records of Morgan County CO did not disclose a recorded mortgage encumbering the subject property. The Agent must confirm with the owner(s) that the property is free and clear and no unrecorded mortgages exist.
6. Obtain and record a certified copy of the Death Certificate for Wilbur E. Schreiner, to be filed in the Public Records of Morgan County, CO.
7. The following requirements are made for the Estate of Wilbur E. Schreiner, deceased: a. Personal Representative's Deed describing the time and place of probate and date of his appointment, and noting the state documentary fee to establish that the transaction was made for value. b. Certified copy of letters evidencing appointment of Personal Representative. c. Evidence from the attorney or personal representative representing the estate that the Federal Estate Tax has been paid, or a letter indicating the estate's non-liability under said tax. NOTE: The above must be submitted to and approved by underwriting prior to closing.
8. The following must be submitted for review prior to closing for Trio Properties LLC a CO limited liability company:
 - a. A copy of the Operating Agreement and any amendments.Note: If the LLC is a single member entity, the Operating Agreement is not necessary.
 - b. Evidence satisfactory to the company that Trio Properties LLC, a CO limited liability company, is a duly authorized entity in good standing capable of transacting business in the State of Colorado.

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c. Duly executed and acknowledged Statement of Authority for Trio Properties LLC, a CO limited liability company, pursuant to C.R.S. 38-30-172.

NOTE: FOR INFORMATIONAL PURPOSES ONLY: The following instrument(s) affecting said land is the last conveying instrument(s) filed for record within 24 months of the effective date of this Commitment: None.

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SCHEDULE B, PART II – Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Easements or claims of easements not shown by the Public Records.
3. Any lien, or right to a lien, for services, labor or materials heretofore or hereafter furnished, imposed by law and not shown by public records.
4. All taxes, assessments, levies and charges which constitute liens or are due or payable including unredeemed tax sales.
5. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
6. Discrepancies, conflicts in boundary lines, encroachments, overlaps, variations or shortage in area or content, party walls and any other matters that would be disclosed by a correct survey and/or physical inspection of the land.
7. Any water or well rights, or rights or title to water or claims thereof, in, on or under the land.
8. Unpatented mining claims; reservations or exceptions in patents or in the Acts authorizing the issuance of said patents.
9. Certificate of Survey recorded 11/07/1984 at Reception No. 686504 in Book 861, Page 687.
10. Easement recorded 11/20/1990 at Reception No. 722119 in Book 927, Page 415, of the Public Records of Morgan County, CO.
11. Easements, rights of way, roads, notes, terms, conditions, provisions, restrictions, covenants, agreements and obligations as shown on the Plat of Quiet Acres Subdivision, recorded 05/22/1991 at Reception No. 725174 in Book 6, Page 79.

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EXHIBIT "A"

The Land referred to herein below is situated in the County of Morgan, State of Colorado and is described as follows:

Lot 2 of Quiet Acres Subdivision, as shown on the recorded Plat thereof, County of Morgan, State of Colorado.

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PERSONAL REPRESENTATIVE'S DEED
(Testate Estate)

THIS DEED is made by **DWIGHT D. SCHREINER** and **HAROLD W. SCHREINER**, Co-Personal Representatives of the **ESTATE OF WILBUR E. SCHREINER**, also known as **WILBUR EDWARD SCHREINER**, deceased, Grantors, and **ASCEND EQUITY, LLC**, a Colorado Limited Liability Company, whose address is 8476 CR 10, Merino, CO 80741, Grantee.

WHEREAS, the Last Will and Testament of the above-named decedent was made and executed in the lifetime of the decedent and is dated March 6, 2012 which Will was duly admitted to informal probate on December 12, 2024 by the District Court in and for the County of Morgan, State of Colorado, Probate No. 2024PR30117.

WHEREAS, Grantors were duly appointed as Co-Personal Representatives of said Estate on December 12, 2024 and are now qualified and acting in said capacity.

NOW THEREFORE, pursuant to the powers conferred upon Grantors by the Colorado Probate Code, Grantors do hereby sell, convey, assign, transfer and set over unto said Grantee, for and in consideration of the sum of Two Hundred Five Thousand and 00/100 Dollars (\$205,000.00) the following described premises situate in the County of Morgan, State of Colorado, to-wit:

Lot 2 of Quiet Acres Subdivision, as shown on the recorded Plat thereof, County of Morgan, State of Colorado.

Commonly known as 15445 Highway 144, Fort Morgan, Colorado 80701.

TOGETHER with all improvements located thereon.

With all appurtenances thereto and subject only to easements and rights of way of record; special assessment and taxing districts of record; US Patent reservations; Certificate of Survey recorded November 7, 1985 at Reception No. 686504; Easements, rights of way, roads, notes, terms, conditions, provisions, restrictions, covenants, agreements and obligations as shown on the Plat of Quiet Acres Subdivision, recorded May 22, 1991 at Reception No. 725174; and the 2025 real property taxes due and payable in 2026 and thereafter.

Executed February 25, 2025.

Estate of Wilbur E. Schreiner, also known as Wilbur Edward Schreiner, deceased

By:

Dwight D. Schreiner
Co-Personal Representative

By:

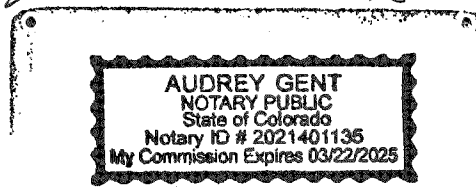
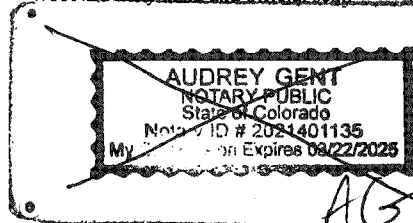
Harold W. Schreiner
Co-Personal Representative

STATE OF COLORADO)
COUNTY OF Morgan) ss.

The foregoing instrument was acknowledged before me this 25th day of February 2025 by ~~Dwight D. Schreiner and Harold W. Schreiner~~, Co-Personal Representatives of the Estate of Wilbur E. Schreiner, also known as Wilbur Edward Schreiner, deceased, and Harold W. Schreiner

WITNESS my hand and official seal

Notary Public



PERSONAL REPRESENTATIVE'S DEED
(Testate Estate)

THIS DEED is made by **DWIGHT D. SCHREINER** and **HAROLD W. SCHREINER**, Co-Personal Representatives of the ESTATE OF **WILBUR E. SCHREINER**, also known as **WILBUR EDWARD SCHREINER**, deceased, Grantors, and **ASCEND EQUITY, LLC**, a Colorado Limited Liability Company, whose address is 8476 CR 10, Merino, CO 80741, Grantee.

WHEREAS, the Last Will and Testament of the above-named decedent was made and executed in the lifetime of the decedent and is dated March 6, 2012 which Will was duly admitted to informal probate on December 12, 2024 by the District Court in and for the County of Morgan, State of Colorado, Probate No. 2024PR30117.

WHEREAS, Grantors were duly appointed as Co-Personal Representatives of said Estate on December 12, 2024 and are now qualified and acting in said capacity.

NOW THEREFORE, pursuant to the powers conferred upon Grantors by the Colorado Probate Code, Grantors do hereby sell, convey, assign, transfer and set over unto said Grantee, for and in consideration of the sum of Two Hundred Five Thousand and 00/100 Dollars (\$205,000.00) the following described premises situate in the County of Morgan, State of Colorado, to-wit:

Lot 2 of Quiet Acres Subdivision, as shown on the recorded Plat thereof, County of Morgan, State of Colorado.

Commonly known as 15445 Highway 144, Fort Morgan, Colorado 80701.

TOGETHER with all improvements located thereon.

With all appurtenances thereto and subject only to easements and rights of way of record; special assessment and taxing districts of record; US Patent reservations; Certificate of Survey recorded November 7, 1985 at Reception No. 686504; Easements, rights of way, roads, notes, terms, conditions, provisions, restrictions, covenants, agreements and obligations as shown on the Plat of Quiet Acres Subdivision, recorded May 22, 1991 at Reception No. 725174; and the 2025 real property taxes due and payable in 2026 and thereafter.

Executed February 25, 2025.

Estate of Wilbur E. Schreiner, also known as Wilbur Edward Schreiner, deceased

By: Dwight D. Schreiner
Dwight D. Schreiner
Co-Personal Representative

COUNTERSIGNED

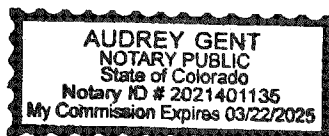
By: Harold W. Schreiner
Harold W. Schreiner
Co-Personal Representative

STATE OF COLORADO)
) ss.
COUNTY OF Morgan)

The foregoing instrument was acknowledged before me this 25th day of February 2025 by Dwight D. Schreiner and ~~Harold W. Schreiner~~, Co-Personal Representatives of the Estate of Wilbur E. Schreiner, also known as Wilbur Edward Schreiner, deceased.

WITNESS my hand and official seal.

Dwight D. Schreiner only
Notary Public



2025/24



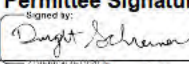
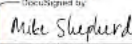
ACCESS

Driveway Permit

<div>COLORADO DEPARTMENT OF TRANSPORTATION</div> <div>STATE HIGHWAY ACCESS CODE</div> <div>NOTICE TO PROCEED</div>		<div>CDOT Permit No.</div> <div>424150</div> <div>State Highway/Mile Post/Side</div> <div>144A / 25.45/Left</div> <div>Local Jurisdiction</div> <div>CDOT</div>			
<div>Permittee(s): Wilber Schreiner Wilber Schreiner 15445 Hwy 144 Fort Morgan, Colorado 80701 [REDACTED]</div> <div>Applicant: Dwight Schreiner Dwight Schreiner 15449 Hwy 144 Fort Morgan, Colorado 80701 [REDACTED]</div>					
<p>The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.</p> <p>This Notice to Proceed is valid only if the referenced Access Permit has not expired. Access Permits expire one year from date of issue if not under construction, or completed. Access Permits may be extended in accordance with Section 2.3(11)(d), of the Access Code.</p> <p>Adequate advance warning is required at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.</p> <p>All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permittee or applicant shall notify the Department prior to commencing construction as indicated on the Access Permit.</p> <p>Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.</p> <p>This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.</p>					
<div>Municipality or County Approval (When the appropriate local authority retains issuing authority)</div> <table><tr><td>By (X)</td><td>Title</td><td>Date</td></tr></table>			By (X)	Title	Date
By (X)	Title	Date			
<div>This Notice is not valid until signed by a duly authorized representative of the Department</div> <div>Colorado Department of Transportation</div> <table><tr><td>By (X) <div>DocuSigned by: Mike Shepherd E1296FE818614ED</div></td><td>Title Assistant Access Manager</td><td>Date 12/4/2024 7:48 AM MST</td></tr></table>			By (X) <div>DocuSigned by: Mike Shepherd E1296FE818614ED</div>	Title Assistant Access Manager	Date 12/4/2024 7:48 AM MST
By (X) <div>DocuSigned by: Mike Shepherd E1296FE818614ED</div>	Title Assistant Access Manager	Date 12/4/2024 7:48 AM MST			

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 424150
			State Highway No / Mp / Side 144A / 25.450 / Left
Permit Fee \$50.00	Date of Transmittal 12/03/2024	Region / Section / Patrol / Name 4 / 01 / 26 Fort Morgan	Local Jurisdiction CDOT

The Permittee(s): Wilber Schreiner 15445 Hwy 144 Fort Morgan, Colorado 80701 [Redacted]	The Applicant(s): Dwight Schreiner 15449 Hwy 144 Fort Morgan, Colorado 80701 [Redacted]						
<p>is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.</p>							
Location: On Hwy 144 West of Log Lane Village 2,355 feet East of CR 15 on the Left (east) side of the roadway.							
<table><tr><td>Access to Provide Service to: (Land Use Code)</td><td>(Size)</td><td>(Units)</td></tr><tr><td>210 - Single-Family Detached Housing 2 separate residents</td><td>20</td><td>ADT</td></tr></table>		Access to Provide Service to: (Land Use Code)	(Size)	(Units)	210 - Single-Family Detached Housing 2 separate residents	20	ADT
Access to Provide Service to: (Land Use Code)	(Size)	(Units)					
210 - Single-Family Detached Housing 2 separate residents	20	ADT					
Additional Information: All terms and conditions associated with permit 424151 must be met before use of this access							

MUNICIPALITY OR COUNTY APPROVAL Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Date	Title
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.			
The permittee shall notify Bruce Barnett with the Colorado Department of Transportation, at (970) 381-1742 at least 48 hours prior to commencing construction within the State Highway right-of-way.			
The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.			
Permittee Signature: 	Print Name Dwight Schreiner	Date 12/3/2024 4:25 PM MST	
Co-Permittee Signature: (if applicable)	Print Name	Date	
This permit is not valid until signed by a duly authorized representative of the Department.			
COLORADO DEPARTMENT OF TRANSPORTATION			
Signature 	Print Name Mike Shepherd	Title Assistant Access Manager	Date (of issue) 12/4/2024 7:48 AM MST

State Highway Access Permit Form 101, Page 2

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

COLORADO DEPARTMENT OF TRANSPORTATION

Environmental Clearances Information Summary

PURPOSE - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive—additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT: Please Review The Following Information Carefully – Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies.**

CLEARANCE CONTACTS - As indicated in the permit/clearance descriptions listed below, the following agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE): General Information – (303) 692-2000 Water Quality Control Division (WQCD): (303) 692-3500
Environmental Permitting Website <https://www.colorado.gov/pacific/cdphe/all-permits>
- CDOT Water Quality Program Manager: (303) 512-4053 <https://www.codot.gov/programs/environmental/water-quality>
- CDOT Asbestos Project Manager: (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-5216
- U.S. Army Corps of Engineers, District Regulatory Offices:
Omaha District (Northeastern CO), Denver Office (303) 979-4120
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>
Sacramento District (Western CO), Grand Junction Office (970) 243-1199
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>
Albuquerque District (Southeastern CO), Pueblo Office (719) 543-9459
<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <https://www.codot.gov/business/permits>

Wildlife Resources - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat requires special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website, <http://www.codot.gov/programs/environmental/wildlife/guidelines>, or the Colorado Parks and Wildlife (CPW) website, <http://www.cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx>. Additional guidance may be provided by the appropriate Region Planning and Environmental Manager (RPEM).

Cultural Resources - The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAHP), Denver, to ascertain if historic or archaeological resources have previously been identified (<https://www.historycolorado.org/file-access>; 303-866-5216). Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of CDOT. If archaeological sites/artifacts or historic resources are encountered as the project progresses, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office and RPEM.

Paleontological Resources - The level of effort required for paleontological resources is dependent on the amount of ground disturbance, including rock scaling, digging, trenching, boring, ground leveling, and similar activities.

- If the permit will involve extensive ground disturbance (generally involving more than one mile of CDOT ROW), a full review will be required by a qualified paleontologist, including map, file, and locality searches, with final recommendations provided by the CDOT paleontologist upon receipt of the report. Based on results of the review, a survey or inventory of the permit area may be necessary.
- If the permit will involve a small amount of ground disturbance (less than one mile of ROW), the applicant must request a fossil locality search through the University of Colorado Museum of Natural History (<https://www.colorado.edu/cumuseum/research-collections/paleontology/policies-procedure>) and the Denver Museum of Nature and Science (<https://www.dmns.org/science/earth-sciences/earth-sciences-collections/>). The museum collections manager will provide information about localities in the project area. If there are no known localities, the permit requirement for paleontology is complete upon submitting that information to CDOT. If there are known localities, the CDOT paleontologist will be contacted by the museum with details, and additional recommendations will be made if necessary. Note that museum staff are not required to disclose the details of fossil localities to the permit applicant, nor is detailed locality information required for the permit application to proceed.
- If the permit involve no ground disturbance, no action is required for paleontological resources. If fossils are encountered during the permitted action, all work in the immediate area of the find should stop and the CDOT Staff Paleontologist and the Region Environmental Manager should be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. Contact Information: See the museum websites listed above. The CDOT Paleontologist is not able to conduct locality searches independently. For further information contact CDOT Paleontologist Nicole Peavey at nicole.peavey@state.co.us or (303)757-9632.

CDOT UTILITY/RELOCATION/SPECIAL USE PERMIT STANDARD PROVISIONS

Hazardous Materials, Solid Waste - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or petroleum contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed.

Contact Information: Theresa Santangelo-Dreiling, CDOT Hazardous Materials Management Supervisor: (303) 512-5524.

Asbestos Containing Materials, Asbestos Contaminated Soil - All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDPHE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions. **Contact Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information [concerning clearance on CDOT projects](#) is available from the CDOT Asbestos Project Manager (303) 512-5519, or Theresa Santangelo-Dreiling, Hazardous Materials Management Supervisor: (303) 512-5524.

Transportation of Hazardous Materials - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra- state HAZMAT Registration (303) 969-6748. Colorado Public Utilities Commission: (303) 894-2868.

Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD - Clean Water Act section 404 permits are often required for the discharge of dredged or fill material into waters of the U.S., including wetlands. Several types of section 404 permits exist, including nationwide, regional general, and individual permits. Nationwide permits are the most commonly authorized type for activities with relatively minor impacts. If an individual 404 permit is required, section 401 water quality certification from the CDPHE WQCD is also required. Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (contact information above). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

Working on or in any stream or its bank - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project measured by valley length. The CPW application, as per guidelines agreed upon by CDOT and CPW, can be accessed at <https://www.codot.gov/programs/environmental/wildlife/guidelines>.

Erosion and Sediment Control Practices - Any activities that disturb one or more acres of land require a Stormwater Construction Permit (SCP) from the CDPHE-WQCD. Erosion & sediment control requirements will be specified in that permit. In situations where a stormwater permit is not required, all reasonable erosion and sediment control measures should be taken to minimize erosion and sedimentation. Control practices should be in accordance with CDOT Standard Specifications 107.25, 208, 213 and 216 (<https://www.codot.gov/business/designsupport/cdot-construction-specifications>). The CDOT Erosion Control and Stormwater Quality Guide (website: <https://www.codot.gov/programs/environmental/landscape-architecture/erosion-storm-quality>) can also be used to design erosion/sediment controls. **Contact Information:** Contact the CDPHE-WQCD at (303) 692-3500. Website: <https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>

Site Stabilization - All disturbances require a stabilization plan, native seeding or landscape design plan according to applicable CDOT Standard Specifications 212-217 and 623. The CDOT Erosion Control and Stormwater Quality Guide should also be used to plan restoration of disturbed vegetation. Website: <https://www.codot.gov/programs/environmental/landscape-architecture/erosion-storm-quality>

Stormwater Discharge From Industrial Facilities - Discharges of stormwater runoff from certain types of industrial facilities, such as concrete batch plants - require a CDPS Stormwater Permit. **Contact Information:** Contact the CDPHE-WQCD at (303) 692- 3500. Website: <https://colorado.gov/pacific/cdphe/wq-commerce-and-industry-permits>

Concrete Washout - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility and must be located a minimum of 50 feet from state waters, drainageways, and inlets. Concrete washout shall be in accordance to CDOT specifications and guidelines at <https://www.codot.gov/business/designsupport/cdot-construction-specifications> and refer to the specifications and their revisions for sections 101, 107 and 208.

Construction Dewatering (Discharge or Infiltration) and Remediation Activities - Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering or Remediation Activities Discharge Permit. **Contact**

Information: Contact the CDPHE-WQCD at (303) 692-3500. For Applications and Instructions:

<https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>.

Municipal Separate Storm Sewer System (MS4) Requirements - When working in a MS4 area, discharges to the storm sewer system are subject to CDOT's or other municipalities' MS4 Permit. For activities within the boundaries of a municipality that has a MS4 permit, the owner of such activity should contact the municipality regarding stormwater related requirements. All discharges to the CDOT highway drainage system or within the Right of Way (ROW) must comply with the applicable provisions of the Colorado Water Quality Control Act, the Water Quality Control Commission (WQCC) Regulations (<https://www.colorado.gov/pacific/cdphe/wqcc-regulations-and-policies-and-water-quality-statutes>) and the CDOT MS4 Permit #COS-000005 (<https://www.codot.gov/programs/environmental/water-quality/documents>). Discharges are subject to inspection by CDOT and CDPHE. For CDOT-related MS4 programs and requirements, go to:

<https://www.codot.gov/programs/environmental/water-quality/stormwater-programs>.

Post-Construction Permanent Water Quality - When working in a CDOT MS4 area and the activity disturbs one or more acres, permanent water quality control measures may be required. Information on the requirements can be found under the CDOT Permanent Water Quality MS4 Program at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality>

Discharges to Storm Sewer Systems

Prohibited Discharges - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include, but are not limited to, substances such as wash water, paint, automotive fluids, solvents, oils or soaps and sediment.

Allowable Discharges - The following discharges to stormwater systems are allowed without a permit from the CDPHE-WQCD: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, uncontaminated springs, footing drains, water line flushing, flows from riparian habitats and wetlands, and flow from firefighting activities. **Contact Information:** Contact the CDPHE-WQCD at (303) 692-3500. Information can also be found in the CDOT Illicit Discharge MS4 Program PDD at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/idde.html>.

Spill Reporting - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4426 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, any spill in the highway right-of-way exceeding 25 gallons, or that may otherwise present an immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-877-518-5608. More information can be found at <https://www.colorado.gov/pacific/cdphe/emergency-reporting-line>.

Disposal of Drilling Fluids - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes," and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact CDPHE (telephone #'s listed above).

Noxious Weeds and Invasive Species Management Plan - Noxious Weeds and Invasive Species guidance can be found by contacting the Colorado Department of Agriculture (<https://www.colorado.gov/pacific/agconservation/noxiousweeds>) and the Colorado Division of Parks and Wildlife (<http://cpw.state.co.us/aboutus/Pages/RS-NoxiousWeeds.aspx>). In either case, management plans involving the control of noxious weeds associated with the permitted activity and cleaning of equipment will be required.



COLORADO
Department of
Transportation

What is stormwater runoff?

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like roads and sidewalks prevent stormwater from naturally soaking into the ground.

Why is stormwater runoff a problem?

Stormwater can pick up debris, chemicals, dirt and other pollutants and flow into CDOT's storm drain system or directly into a stream, river, lake, wetland or reservoir. Anything that enters CDOT's storm drain system is discharged untreated into the waterways we use for fishing, swimming, and providing drinking water.



Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, radioactive material, heat, pH, wrecked or discarded equipment, rock, sand, any industrial, municipal, or agricultural waste.

Tips for Reporting an Illicit Discharge

Call the illicit discharge hotline at (303) 512-4426
From a safe distance try to estimate the amount of the discharge.
Identify characteristics of the discharge (color, odor, algae, etc.).
Obtain information on the vehicle dumping the waste (if applicable).
Do not approach!
Call *CSP for illicit dumping.
If possible, take a photo, record a license plate.

REMEMBER:

Never get too close to the illicit discharge, it may be dangerous!!!

For more information on CDOT Utility Permits:

<https://www.codot.gov/business/permits/utilities/specialuse>

For more information on CDOT Access Permits:

<https://www.codot.gov/business/permits/access/permits>

For more information on CDOT Water Quality Program:

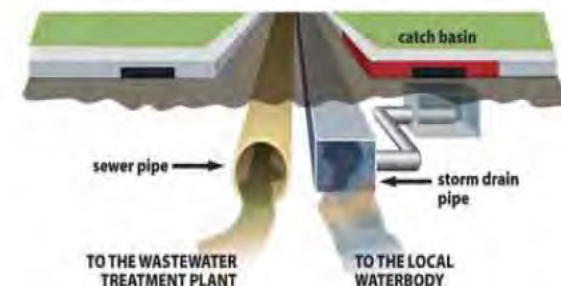
Water Quality Program Manager
4201 E. Arkansas Ave.
Shumate Building
Denver, Colorado 80222
303-757-9343



COLORADO
Department of
Transportation

Water Quality Program Industrial Facilities Program

CDOT has a Municipal Separate Storm Sewer System permit, otherwise known as (MS4) from the Colorado Department of Public Health and Environment. The permit states that only stormwater can be discharged from CDOT's storm drain system.



As part of the permit, CDOT has several different programs to prevent pollutants from entering into the storm drain system:

- Construction Site Program
- New Development Redevelopment Program
- Illicit Discharge Program
- Industrial Facilities Program
- Public Education and Outreach Program
- Pollution Prevention and Good Housekeeping Program
- Wet Weather Monitoring Program



COLORADO
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Control Measures for Industrial Facilities

Industrial facilities can use control measures (CM) otherwise known as Best Management Practices (BMP) during the construction of a facility and when operating the facility. Control measures are schedules of activities, maintenance procedures, and other management practices to prevent and reduce pollution entering into CDOT's storm drain system. Control Measures also include treatment, operating procedures, and practices to control site run off which can include structural and non-structural controls.

CDOT defines a utility, or utility facility as any privately, publicly, or cooperatively owned line, facility, or system producing, transmitting or distributing the following:

- ✓ Communications
- ✓ Cable television
- ✓ Power
- ✓ Electricity
- ✓ Light
- ✓ Heat Gas
- ✓ Oil
- ✓ Crude Products
- ✓ Water
- ✓ Stream
- ✓ Waste
- ✓ Stormwater not connected with highway drainage
- ✓ Similar Commodity

Industrial Facilities Program Elements:

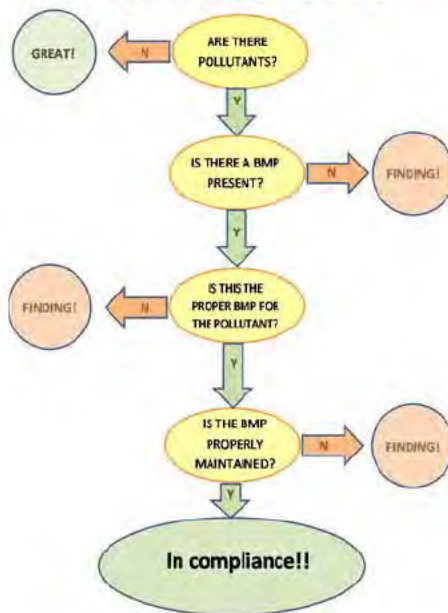
1. Educate and outreach to owners or operators that have potential to contribute substantial pollutant to water.
2. Report and include information on discharge and water quality concerns. Provide written notification within 15 days of discovery to CDPHE.
3. Submit an annual report to CDPHE containing the number of informational brochures distributed; name and title of each individual trained.

Education

There are instances when a utility company or other entity doing work in the state highway right-of-way will require some type of environmental permit or clearance for that work. CDOT has put together an Environmental Clearances Information Summary for those applying for a CDOT Utility and Special Use Permit or Access Permit to obtain all required clearances. This fact sheet is given to each permittee and is available at:

<http://www.coloradodot.info/programs/environmental/resources/guidance-standards/Environmental%20Clearances%20Info%20Summary.pdf>

THE GAUNTLET



State Highway Access Permit
Attachment to Permit No. 424150 - Additional Terms and Conditions

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1. If there are any questions regarding this permit, please contact Mike Shepherd at 970-324-4823.
2. **Pre-Construction On-Site Meeting.** The Permittee or the contractor shall notify Bruce Barnett at (970) 350-2147 at least two working days prior to beginning any access improvements or construction of any kind within the State Highway right-of-way. Failure to comply with this requirement may result in revocation of this permit.
3. **Construction Final On-Site Meeting.** The Permittee shall request final inspection by Bruce Barnett at (970) 350-2147 within 10 days following the completion of access construction, and prior to authorized use. The Permittee or their representative shall be present.
4. **Permit Availability.** A fully executed complete copy of this permit must be on the job site with the contractor at all times during construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.
5. **Requirements.** The Permittee shall refer to all additional standard requirements included with this permit and any enclosed additional terms, conditions, exhibits, and noted attachments.
6. **Communications.** All communications related to the deliberative process are considered to be part of the permit.
7. **Inclusions.** Incorporated as part of this permit are the following:
 - Application for Access Permit (CDOT Form No. 137)
 - Permit (CDOT Form No. 101) and its attachments
 - Exhibits:
 - "A" – Access Plan
 - "B" – Vicinity Map
 - "C" -- Seeding
8. **Limited Use.** This permit is issued in accordance with the State Highway Access Code (2 CCR 601-1) and is based upon the information submitted by the Permittee. This permit is only for the use and purpose stated in the Application and Permit. Any changes in traffic volumes or type, drainage, or other operation aspects may render this permit void, requiring a new permit to be applied for based upon the existing and anticipated future conditions.
9. **Conformance.** All work is to conform to the plans referenced by this permit on file with the Department or as modified by this permit. (If discrepancies arise, this permit shall take precedence over the plans.) The Department plan review is only for the general conformance with the Department's design and code requirements. The Department is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and any other elements which shall be confirmed and correlated at the work site. The Department, through the approval of this document, assumes no responsibility for the completeness and/or accuracy of the plans.

State Highway Access Permit
Attachment to Permit No. 424150 - Additional Terms and Conditions

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10. **Additional Permits & Clearances.** The Permittee is responsible for obtaining any necessary additional federal, state, and/or city/county permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee.
11. **Unforeseen Circumstances.** The Permittee is responsible for the resolution of any unforeseen circumstances.
12. **Certificate of Insurance.** The State requires a Certificate of Insurance prior to commencing any work on the State Highway right-of-way. Policies shall name the State of Colorado as additional insured party. All vendors, contractors, and utility companies shall procure, at their own expense, and maintain for the duration of the work period, the following minimum insurance coverages:
 - A. Standard workman's compensation and employer's liability, including occupational disease, covering all employees engaged in performance of the work at the site, in the amount required by State Statutes.
 - B. Comprehensive general liability in the amount of \$600,000 combined single limit bodily injury and property damage, each occurrence and \$2,000,000 annual aggregate.
 - C. Automobile liability in the amount of \$1,000,000 combined single limit bodily injury and property damage, for each accident.

Certificates of insurance showing compliance with these provisions shall be attached to and made a part of this permit and be available on the site during construction.

13. **All Costs.** All costs associated with the installation of this access are the responsibility of the Permittee. This includes design, construction, signing and striping, utility relocation, testing of materials, and inspections. In the event a signal is warranted in the future, CDOT will not participate in any fashion with that signal installation, including financially.
14. **Traffic Signal Costs.** The Department will not participate in any costs related to the design and installation of a traffic signal, should one be warranted or approved at this access location or any other serving this development.
15. **No Negative Impacts.** The development of this property shall not negatively impact adjacent nearby properties. Correction of the problem and cost resulting from damages shall be borne by the Permittee.
16. **Environmental Regulations.** It is the responsibility of the Permittee to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly for the appropriate agency prior to commencing work. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" (ECIS) for details. The ECIS may be obtained from the CDOT Permitting Offices or may be accessed via the CDOT Planning/Construction-Environmental Guidance webpage at <http://www.dot.state.co.us/environmental/Forms/asp>. FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN THE SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.

State Highway Access Permit
Attachment to Permit No. 424150 - Additional Terms and Conditions

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ALL discharges are subject to the provisions of the Colorado Water Quality Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as: wash water, paint, automotive fluids, solvents, oils or soaps.

Unless otherwise identified by CDOT or the Colorado Department of Public Health and Environmental (CDPHE) Water Quality Control Division (WQCD) as significant sources of pollutants to the waters of the State, the following discharges to storm water systems are allowed without a Colorado Discharge Permit System Permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air condition condensation, irrigation water, springs, footing drains, waterline flushing, flows from riparian habitats and wetlands, and flow from fire-fighting activities.

ANY OTHER DISCHARGES, including storm water discharges from industrial facility or construction sites, may require Colorado Discharge Permit System permits from CDPHE before work begins. For additional information and forms, go to the CDPHE website at:

<http://cdphe.state.co.us/wq/PermitsUnit/wqu>.

17. **Excavation Discovery.** Should any excavation encounter plant or animal fossils, the remains of historic or prehistoric structures, artifacts, (pottery, stone tools, arrowheads, etc.), the work shall be stopped and the Permittee shall notify the Department inspector.
18. **Survey Markers and Monuments.** Survey markers or monuments must be preserved in their original positions. Notify the Department at (970) 350-2173 immediately upon damage to or discovery of such markers or monuments at the work site. Any survey markers or monuments disturbed during the permitted work shall be repaired and/or replaced immediately at the expense of the Permittee.
19. **Sight Distance.** Landscaping and site construction shall not obstruct sight distance at any State Highway access point. Landscaping within the State Highway right-of-way requires the Permittee to obtain a CDOT Landscaping Permit from the Traffic/Access Section. The access permit does not authorize that activity. Irrigation of features within the right-of-way may require the Permittee to install a subsurface drain in accordance with CDOT Standard M-605-1 or other approved system.
20. **Revocation.** This permit is subject to revocation due to: 1) Noncompliance with the provisions of this permit; 2) Abandonment; 3) Supersededure by new permit covering the same installation; or 4) Conflict with necessary planned highway construction and/or improvements. The permittee shall promptly terminate occupancy upon notice of cancellation of the permit from the Department, unless a new permit is applied for and granted.
21. **Suspension of Work.** The Department inspector may suspend work due to: 1) Noncompliance with the provisions of this permit; 2) Adverse weather or traffic conditions; 3) Concurrent highway construction or maintenance in conflict with permit work; 4) Any condition deemed unsafe for workers or the general public. The work may be resumed upon notice from the Department Inspector.

State Highway Access Permit
Attachment to Permit No. 424150 - Additional Terms and Conditions

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22. **Changes & Corrections.** If necessary, minor changes, corrections, and/or additions to this permit may be ordered by the Department inspector, other Department representative or local authority to meet unanticipated site conditions. Changes may not be in violation of the State Highway Access Code. All major changes to the plan must be approved in writing by the Department prior to commencement of any work on or within the State Highway right-of-way.
23. **Repairs, Re-Design & Reconstruction.** Reconstruction and improvements to the access may be required when the Permittee has failed to meet the required design and/or material specifications. If any construction element fails within two years due to improper construction or material specifications, the Permittee is responsible for all such repairs.
24. **Maintenance.** The Department retains the right to perform any necessary maintenance work in this area.
- Routine, periodic maintenance and emergency repairs may be performed within the State Highway right-of-way, under general terms and conditions of the permit. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, will require written authorization from the Department. The Department shall be given proper advance notice whenever maintenance work will affect the movement or safety of traffic on the State Highway. In an emergency, the Department Region Office and the State Patrol shall immediately be notified of possible hazards.
25. **Methods & Materials.** Access construction methods and materials shall conform to the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction (current edition).
26. **Improvement Requirements.** All materials, equipment, installation, construction, and design, including the auxiliary lane(s) and intersection improvement(s) within the State Highway shall be in accordance with the following Department standard references as applicable.

- A. State Highway Access Code, 2 CCR601-1
- B. Roadway Design Manual
- C. Materials Manual
- D. Construction Manual
- E. Standard Specifications for Road and Bridge Construction, latest edition
- F. Standard Plans (M&S Standards)
- G. Manual on Uniform Traffic Control Devices (M.U.T.C.D.) for Streets and Highways and the Colorado Supplement thereto
- H. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO), latest edition
- I. AASHTO Roadside Design Guide
- J. Institute of Transportation Engineer's Trip Generation Manual, 6th Edition

Some of the reference materials listed above (A through E) may be purchased from:

Colorado Department of Transportation
Bid Plans Room
4201 East Arkansas Avenue

State Highway Access Permit
Attachment to Permit No. 424150 - Additional Terms and Conditions

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Denver, CO 80222-3400
(303) 757-9313

The State Highway Access Code may be purchased from:

The Public Records Corporation
1666 Lafayette Street
PO Box 18186
Denver, CO 80218
(303) 832-8262

The website address is: www.cdote.gov

27. **Health & Safety.** All workers within the State Highway right-of-way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations – including, but not limited to, the applicable sections of 29 CFR Part 1910 – Occupational Safety and Health Standards and 29 CFR Part 1926 – Safety and Health Regulations for Construction.

At a minimum, all workers in the State Highway right-of-way, except when in their vehicles, shall wear the following personal protective equipment:

- Head protection that complies with the ANSI Z89.1-1997 standard;
- At all construction sites or whenever there is danger of injury to feet, protective footwear that complies with the ANSI Z41-1999 standard will be worn
- High visibility apparel as specified in the Traffic Control provision of this permit (at such a minimum ANSI/ISEA 107-1999, Class 2).

Where any of the above referenced ANSI standards have been revised, the most recent version of the standard shall apply.

28. **No Night or Weekend Work.** No work will be allowed at night, or on Saturdays, Sundays, and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
29. **No ROW Parking or Storage.** No construction vehicles shall be parked, or construction materials/equipment stored, on the State Highway right-of-way overnight.
30. **No Backing within ROW.** Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exit the highway right-of-way in forward movement. Backing into the right-of-way shall be considered a violation of the terms and conditions of the access permit and may result in revocation of the permit by the Department and/or the issuing authority.
31. **Traffic.** Traffic detours or lane closures will not be allowed, unless pre-approved by the Department.

Two-way traffic shall be maintained throughout the work area at all times unless specific written authorization is obtained from the Department.

State Highway Access Permit
Attachment to Permit No. 424150 - Additional Terms and Conditions

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32. **Control Devices.** Construction traffic control devices, when not in use, shall be removed or turned away from traffic. Devices must be stored outside of the roadway clear zone per the latest AASHTO guidelines.

33. **Right-of-Way.** Cattle guards are not permitted in State Highway right-of-way.

34. **Fencing.** Any fencing modifications should follow the included Standard M-607-1 sheets 1 through 3. Permittee will be required to obtain a highway right-of-way fence agreement for a special fence if the Permittee desires to remove the existing standard highway fencing in this area.

When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard, before the fence is cut to prevent slacking of the remaining fence. All posts and wire removed shall be returned to the Department.

35. **45-Day Completion.** The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within State Highway right-of-way.

36. **Authorized Use.** All required access improvements shall be installed prior to the herein authorized use of this access. Failure to do so will result in the appropriate legal action from the Department, up to Permit Revocation.

37. **Access Specifications.** The access shall be constructed and maintained as per Exhibit "A".

The access shall be constructed no larger than 20 feet wide with 20 foot radii.

The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet and shall slope down and away from the adjacent pavement edge at a rate of 2% grade for a minimum of 20 feet.

38. **Surfacing.** The access shall be surfaced immediately upon completion of earthwork construction and prior to use.

Surfacing of the access shall be completed as per Exhibit "A".

No paved surface shall be cut unless specified in this permit. Asphalt removal shall be saw cut to assure a straight edge for patching. Full panel concrete replacement is required for any concrete work.

The new State Highway pavement shall slope on the same plane as the present pavement surface.

If frost, water, or moisture is present in the subgrade, no surfacing materials shall be placed until all frost, water, or moisture is gone or removed.

State Highway Access Permit

Attachment to Permit No. 424150 - Additional Terms and Conditions

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39. **Drainage.** The access shall be constructed and maintained in such a manner that will not cause water to enter onto the roadway and will not interfere with the existing drainage system within the State Highway right-of-way. Drainage to the State Highway right-of-way shall not exceed historical rate of flow.
40. **Drainage Methods.** All existing drainage structures shall be extended, modified, or upgraded as necessary, to accommodate all new construction and safety standards, in accordance with the Department's standard specifications.
41. **Utility Permits.** Utility plans are not reviewed or authorized by the access permit. They must be submitted to the Region Utility Office. The Permittee shall locate all utilities within the existing right-of-way and any area which may be affected by access or roadway improvements. Plans shall conform to Section 2.3(11)(f) of the State Highway Access Code. The Permittee shall contact the Region Utility Office (970) 350-2164.

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION		Issuing authority application acceptance date:																
Instructions: Please print or type - Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority. - Contact the issuing authority to determine what plans and other documents are required to be submitted with your application. - Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority. - Submit an application for each access affected. - If you have any questions contact the issuing authority. - For additional information see CDOT's Access Management website at http://www.dot.state.co.us/AccessPermits/index.htm																		
1) Property owner (Permittee) Wilbur Schreiner Street address 15445 Hwy 144 City, state & zip FORT MORGAN CO 80701 Phone # 970-768-2018 E-mail address _____	2) Applicant or Agent for permittee (if different from property owner) Dwight Schreiner Mailing address 15491 Hwy 144 City, state & zip FORT MORGAN CO 80701 Phone # (required) [REDACTED] E-mail address if available [REDACTED]																	
3) Address of property to be served by permit (required) 15445 Hwy 144 - 15449 Hwy 144 - 15491 Hwy 144																		
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">county MORGAN</td> <td style="width: 25%;">subdivision QUIET ACRES</td> <td style="width: 10%;">block 2</td> <td style="width: 10%;">lot 27</td> <td style="width: 10%;">township 4N</td> <td style="width: 20%;">range 58W</td> </tr> </table>			county MORGAN	subdivision QUIET ACRES	block 2	lot 27	township 4N	range 58W										
county MORGAN	subdivision QUIET ACRES	block 2	lot 27	township 4N	range 58W													
5) What State Highway are you requesting access from? COLORADO HIGHWAY 144																		
6) What side of the highway? <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W																		
7) How many feet is the proposed access from the nearest mile post? Approx. 2400 feet (N S E W) from: 25																		
8) What is the approximate date you intend to begin construction? Nov. 20, 2024																		
9) Check here if you are requesting a: <input type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated: _____) <input type="checkbox"/> change in access use <input checked="" type="checkbox"/> removal of access <input type="checkbox"/> improvement to existing access <input checked="" type="checkbox"/> relocation of an existing access (provide detail: _____)																		
10) Provide existing property use RESIDENTIAL PROPERTIES																		
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: _____ and/or, permit date: _____																		
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe: _____																		
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.																		
14) If you are requesting agricultural field access - how many acres will the access serve?																		
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">business/land use</th> <th style="width: 20%;">square footage</th> <th style="width: 30%;">business</th> <th style="width: 20%;">square footage</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>			business/land use	square footage	business	square footage												
business/land use	square footage	business	square footage															
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units? <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">type</th> <th style="width: 20%;">number of units</th> <th style="width: 30%;">type</th> <th style="width: 20%;">number of units</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>			type	number of units	type	number of units												
type	number of units	type	number of units															
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"> Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input type="checkbox"/> average daily volumes. </td> <td style="width: 30%;"> # of passenger cars and light trucks at peak hour volumes </td> <td style="width: 30%;"> # of multi unit trucks at peak hour volumes </td> </tr> <tr> <td> # of single unit vehicles in excess of 30 ft. </td> <td> # of farm vehicles (field equipment) </td> <td> Total count of all vehicles </td> </tr> </table>			Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes	# of multi unit trucks at peak hour volumes	# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment)	Total count of all vehicles										
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# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment)	Total count of all vehicles																

Previous editions are obsolete and may not be used

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- | | |
|--|---|
| a) Property map indicating other access, bordering roads and streets. | e) Subdivision, zoning, or development plan. |
| b) Highway and driveway plan profile. | f) Proposed access design. |
| c) Drainage plan showing impact to the highway right-of-way. | g) Parcel and ownership maps including easements. |
| d) Map and letters detailing utility locations before and after development in and along the right-of-way. | h) Traffic studies. |
| | i) Proof of ownership. |

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage <http://www.dot.state.co.us/environmental/Forms.asp>.

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at:

<http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

I understand receipt of an access permit does not constitute permission to start access construction work.

Applicant or Agent for Permittee signature

Dwight Schreiner

Print name

DWIGHT SCHREINER

Date

11/18/24

If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.

Property owner signature

Dwight Schreiner PERSONAL REPRESENTATIVE

Print name

DWIGHT SCHREINER

Date

11/18/24

GENERAL DURABLE POWER OF ATTORNEY

I, **WILBUR E. SCHREINER**, also known as **WILBUR EDWARD SCHREINER**, of Morgan County, Colorado, designate **DWIGHT D. SCHREINER** and **HAROLD W. SCHREINER**, acting either jointly or separately, as my attorney-in-fact (subsequently called agent(s)). My agent(s) shall have the following authority:

My agent(s) may do everything necessary in my name and for my benefit, which I could do if I were personally present and able. It is my intention that my agent(s) may perform any act and exercise any power, duty, right or obligation that I could perform or exercise. Such authority is intended to relate to any person, transaction or interest concerning real and personal property, including intangible property interests, in which I now have an interest and property in which my interest is subsequently acquired.

The following powers are illustrative of my agent(s)' authority; they are not intended to be exclusive:

1. To acquire, encumber and dispose of any interest of mine in real or personal property upon such terms as my agent(s) determine to be appropriate.
2. To hold, invest, lease and otherwise manage any interest of mine in real or personal property; to recover possession of property by lawful means; and to maintain, protect, insure, move, or store any of the property.
3. To transact every kind of business including the collection, payment and settlement of all amounts and interest receivable by me or payable by me or to me.
4. To make, endorse, execute, deliver and receive deeds, assignments, contracts, checks, drafts, notes, receipts, releases and any other written instruments that may be necessary. This power expressly includes the authority to endorse and collect obligations of the United States Government or any other governmental entity.
5. To deposit or withdraw from any account or interest of mine in any bank, investment institution, credit union, savings and loan association or similar institution; to open accounts in any such institution in my name, or in the name of my agent(s).
6. To borrow in my name and for my benefit, upon such terms as my agent(s) determines to be necessary, and to pledge or give security therefor any of my property.
7. To institute, prosecute, defend, compromise, arbitrate and settle legal or administrative proceedings, or otherwise engage in litigation on my behalf.
8. To pay persons and organizations for goods and services provided to me or for my benefit, including reasonable compensation to my agent(s). If I become disabled or incompetent, my agent(s) shall not be obligated to obtain approval of such payments by any individual or court. I exonerate my agent(s) for payments made in good faith pursuant to this authorization.
9. To prepare, execute and file income and other tax returns in all appropriate taxing jurisdictions; to execute Federal Tax Form 2848 or any power of attorney form required by the Internal Revenue Service or state authority; to exercise any elections I may have under federal, state or local tax law; and generally to represent me in all tax matters and proceedings of all kinds and for all periods before or after the date of this delegation, before all offices and officers of the Internal Revenue Service, state taxing authority, and any other taxing body.
10. To have access to any safe deposit box or boxes in which I am an owner; to remove or deposit property of mine; to surrender any such box or boxes; and to rent a safe deposit box or boxes in my name or in the name of my agent(s), or both.
11. To contract for any type of insurance including, but not limited to, liability, life, health and accident in my name and to designate, change, modify and amend ownership or beneficiary designations thereon; and to otherwise do any and all acts or execute any powers with regard to said insurance contracts that I otherwise could do if I were personally present.
12. To make, endorse, execute, deliver, receive, transfer and assign securities of any kind or nature including, but not limited to, common stocks, mutual funds, bonds, indentures, preferred stock, and stock rights.
13. To operate, manage and act on behalf of any entity or business in which I am a member, owner, partner or stockholder.
14. To make, create, amend, revoke or terminate any Trust agreement in which I am the Settlor.
15. To make any gift, subject to the limitations of the "Uniform Power of Attorney Act" set forth in C.R.S.

This general power of attorney is durable. It shall not terminate in the event of my incapacity and shall survive until my death. It is written and executed in the State of Colorado and shall be interpreted in accordance with the laws of that state.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 6th day of March 2012.

Wilbur E. Schreiner
Wilbur E. Schreiner, also known as

Wilbur Edward Schreiner
Wilbur Edward Schreiner

STATE OF COLORADO)
)
) ss.
COUNTY OF MORGAN)

The foregoing instrument was acknowledged before me this 6th day of March 2012 by Wilbur E. Schreiner, also known as Wilbur Edward Schreiner.

WITNESS my hand and official seal.
My commission expires: 9/22/2012

Kimberly
Notary Public

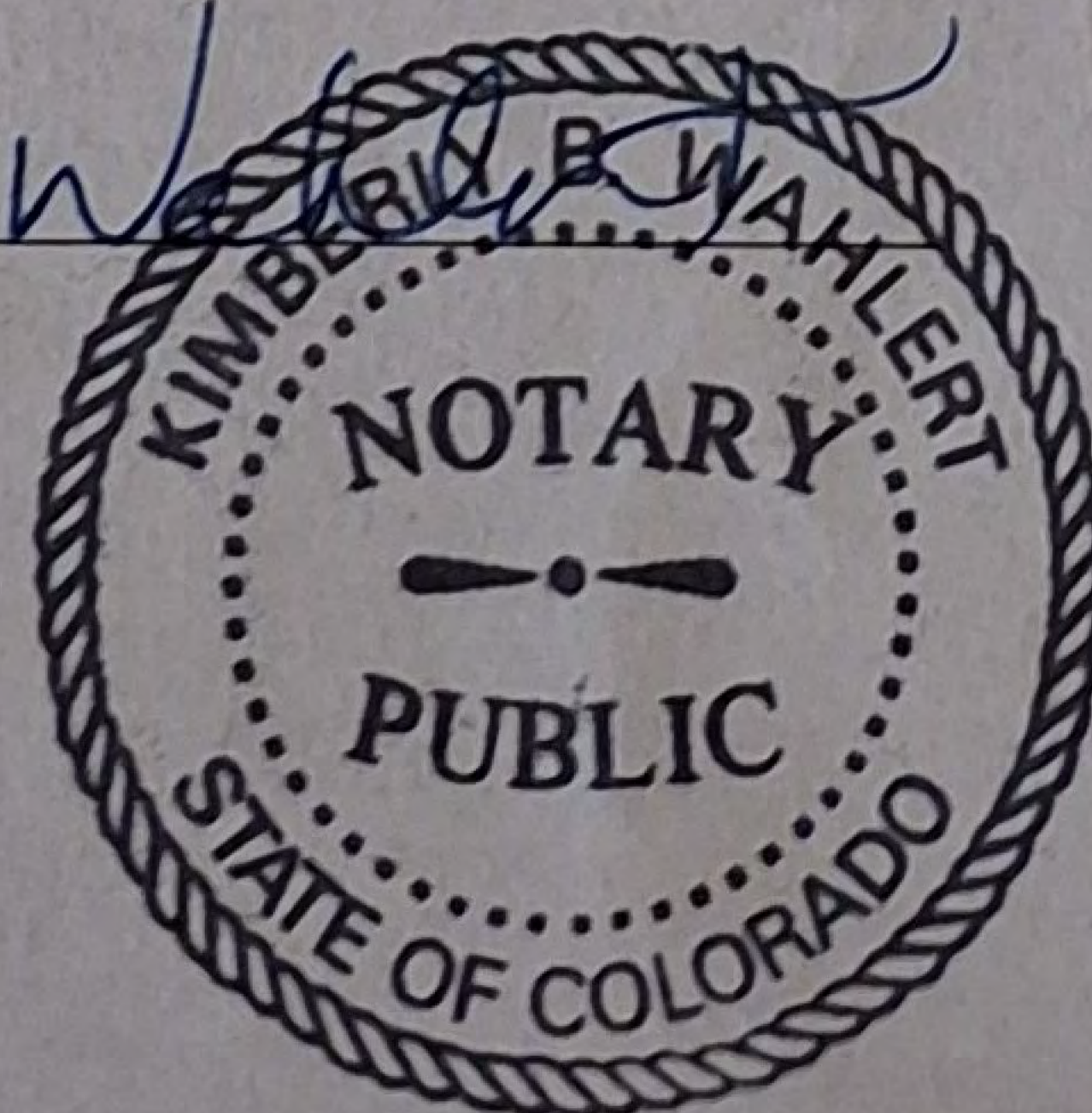


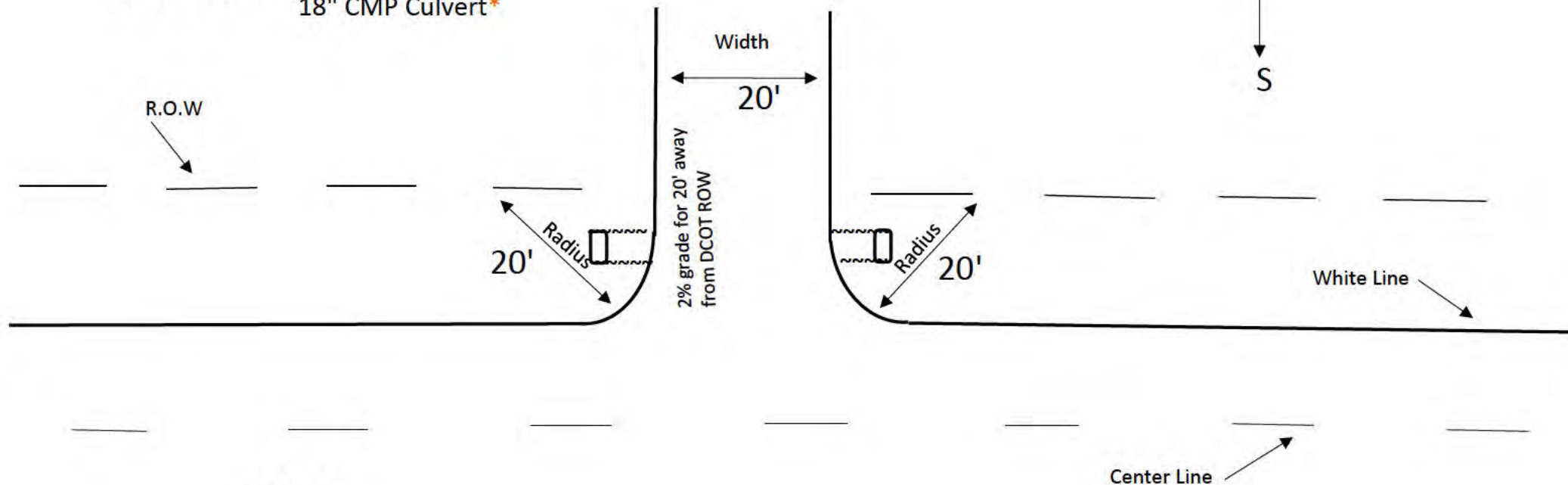
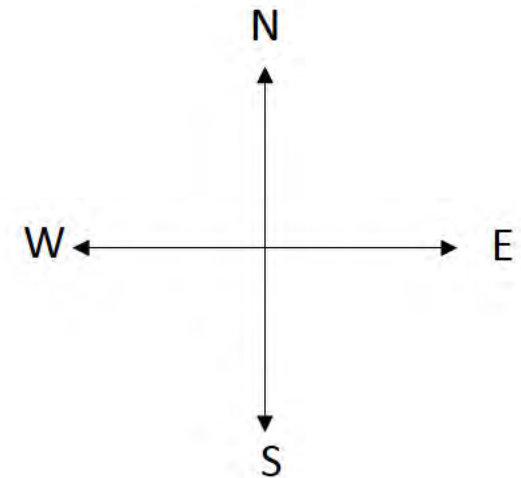
EXHIBIT A

Permit# 424150

EXHIBIT "A" – SIMPLE ACCESS DESIGN

Define: Width of access exclusive of radii
Radii
Profile
Angle if other than 90°
Surfacing – material type (asphalt, grading, concrete class, total thickness, individual mat thickness for asphaltic materials)
Curb and gutter type/dimensions/material
Permanent signing or pavement markings necessary
Drainage features – culvert type and size (no RCP in ROW), no increased runoff to ROW
Special or unusual features
Any landscaping in ROW
*Confirm with CDOT Inspector.

SURFACING: 6" ABC or asphalt*
18" CMP Culvert*



CO 144

NEW DRIVEWAY



Dad Wilbur
Schreiner (Home


15471 1

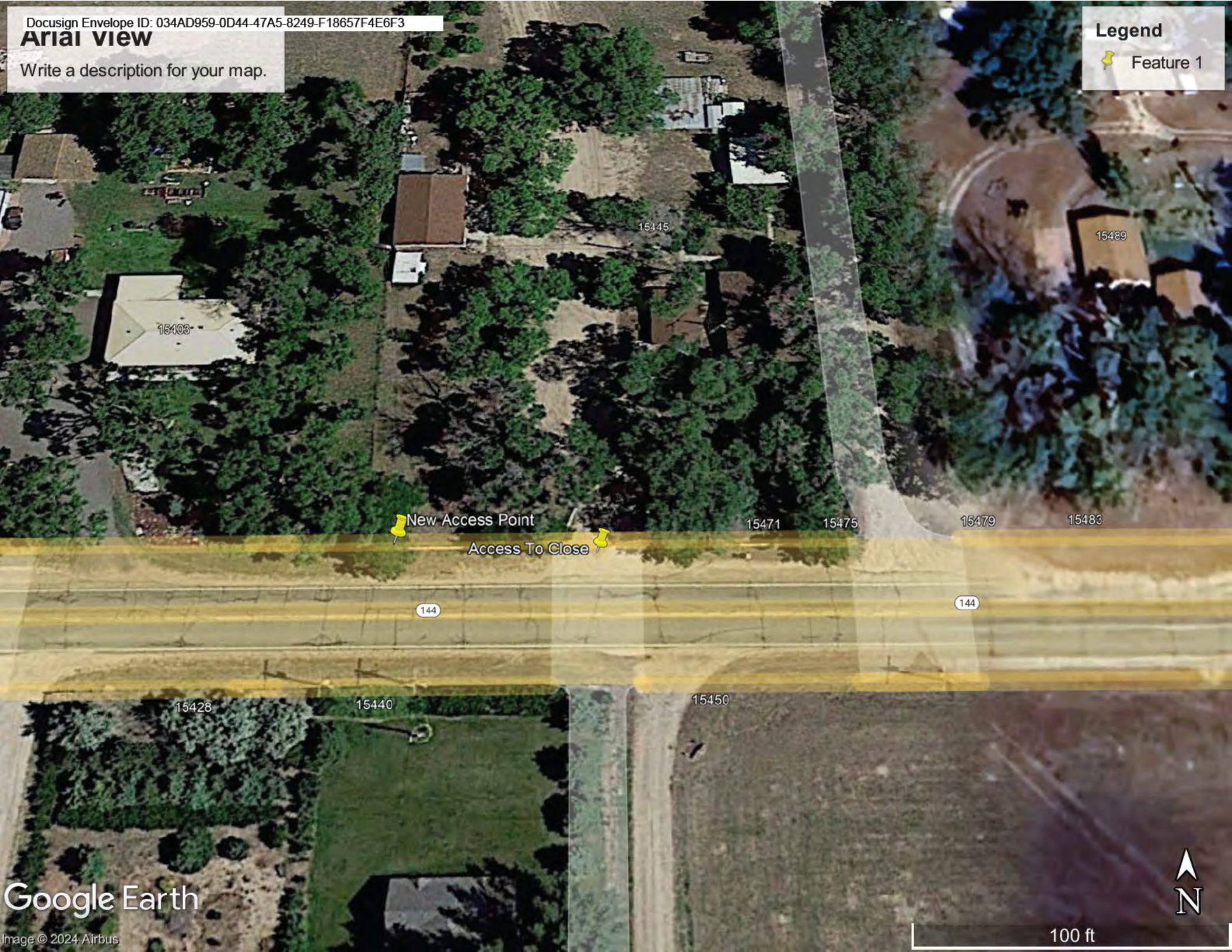
144

Arial View

Write a description for your map.

Legend

 Feature 1



PLANNING COMMISSION CERTIFICATE:

Approved the 10th day of October, 1990. County Planning Commission, Morgan County, Colorado.

[Signature]
Chairman

COMMISSIONERS' CERTIFICATE

Approved this 7th day of November, 1990, Board of County Commissioners, Morgan County, Colorado. This approval does not guarantee that the size, soil conditions, subsurface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, well permit, or sewage disposal permit will be issued, nor the acceptance of any dedication. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the subdivider and not the County of Morgan.

Attest: [Signature]
CLERK TO THE BOARD

[Signature]
CHAIRMAN

CLERK AND RECORDER'S CERTIFICATE

State of Colorado)
County of Morgan) ss.

725174

I hereby certify that this instrument was filed in my office at 800 o'clock A.M. this 22nd day of MAY, 1991, and is duly recorded in Plat File BK 6 B 79. Fees - 0 - paid.

RECORDER

[Signature]
DEPUTY

COLORADO

Wilbur E.Schreiner and Betty C.
Schreiner

to
Public Trustee Morgan Co., Colo.
for

Morgan County Federal Savings
And Loan Association of Fort Morgan

Ack. Sept. 25, 1959, by Wilbur E. Schreiner and Betty C. Schreiner, before
D.C. Hunter, N.P. Morgan Co., Colo. Seal. Com. exp. 3/5/61.

DEED OF TRUST

Dated Sept. 25, 1959

Filed Sept. 25, 1959; 2:05 P.M.

Rec. Book 622 page 253

Conveys in Trust in Morgan County, Colorado, to-wit:

That part of the SW $\frac{1}{4}$ of Sec. 27, Twp. 4 N., Rge. 58 W. of the 6th P.M., described as commencing at a point 225 feet West of the Southeast corner of said SW $\frac{1}{4}$ of Sec. 27, thence North parallel to the East side of said SW $\frac{1}{4}$ Sec. 27, 1162.7 feet to a point; thence Northwesterly 224.5 feet more or less, to a point on the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, which point is 401.7 feet West of the East side of SW $\frac{1}{4}$ Sec. 27, thence South parallel to the East side of said SW $\frac{1}{4}$ Sec. 27 to a point on the South line of said SW $\frac{1}{4}$ Sec. 27, thence East along the South side of said SW $\frac{1}{4}$ Sec. 27, 176.7 feet to the point of beg.

Secures his promissory note bearing even date herewith, for the principal sum of Eight Thousand #-----Dollars (\$8,000.00) payable to the order of Morgan County Federal Savings and Loan Association of Fort Morgan, with interest thereon, together with such charges and advancements as may be due and payable under the terms and conditions of said promissory note, payable as expressed in said note, and to secure the performance of all the terms and conditions contained therein. Final payment due Fifteen (15) years after date.

AND WHEREAS, said note provides for additional advances at the option of said association, provided that the maximum amount of all principal indebtedness under said note shall not exceed the sum of Eight Thousand #-----Dollars, (\$8,000.00) it is specifically agreed that all of the covenants and agreements therein shall be made a part hereof and that any additional advances to the maker or his successors in title made by said association up to and including said maximum sum shall be a part of the indebtedness secured hereby; provided, however, if the debtor, his heirs, executors, administrators, or assigns shall hereafter exhibit said above described note or notes, duly cancelled, to the Public Trustee with a written request for the release of this Deed of Trust containing a statement that the entire indebtedness secured hereby has been fully paid, the Public Trustee may release this Deed of Trust without further showing as to the additional indebtedness and without liability for so doing,

Clear

Warrants

Insurance Clause, Attorney's fees, Foreclosure Clause including Assignment of rents.

Signed: Wilbur E. Schreiner
Betty C. Schreiner

Seed Mix 1 - Orange

Elevation: Low

Water: Low

Grasses

1. *Achnatherum hymenoides* (indian ricegrass) – 7% (1.0 lbs/acre)
2. *Andropogon hallii* (sand bluestem) – 4% (0.5 lbs/acre)
3. *Bouteloua curtipendula* (sideoats grama) – 5% (0.6 lbs/acre)
4. *Bouteloua gracilis* (blue grama) – 7% (0.5 lbs/acre)
5. *Distichlis spicata* (saltgrass) – 2% (0.3 lbs/acre)
6. *Elymus canadensis* (Canada wildrye) – 4% (0.7 lbs/acre)
7. *Elymus elymoides* (squirreltail) – 7% (1.5 lbs/acre)
8. *Hesperostipa comata* (needle and thread) – 7% (1.2 lbs/acre)
9. *Panicum virgatum* (switchgrass) – 7% (0.4 lbs/acre)
10. *Schizachyrium scoparium* (little bluestem) – 5% (0.5 lbs/acre)
11. *Sporobolus airoides* (alkali sacaton) – 5% (0.1 lbs/acre)
12. *Sporobolus cryptandrus* (sand dropseed) – 5% (0.1 lbs/acre)

Forbs/Flowering

1. *Asclepias speciosa* (showy milkweed) – 6% (1.8 lbs/acre)
2. *Cleome serrulata* (Rocky Mountain bee plant) – 5% (0.8 lbs/acre)
3. *Coreopsis tinctoria* (golden tickseed) – 3% (0.03 lbs/acre)
4. *Dalea purpurea* (purple prairie clover) – 3% (0.2 lbs/acre)
5. *Gaillardia aristata* (blanketflower) – 4% (0.6 lbs/acre)
6. *Helianthus annuus* (common sunflower) – 5% (0.8 lbs/acre)
7. *Linum lewisii* (Lewis flax) – 4% (0.3 lbs/acre)
8. *Machaeranthera tanacetifolia* (Tahoka daisy) – 2% (0.2 lbs/acre)
9. *Verbena stricta* (hoary verbena) – 3% (0.03 lbs/acre)

Seeding Application:

Drill seed 0.25" to 0.50" into the topsoil. In areas that are not accessible to drill, hand broadcast at triple the above rate and rake 0.25" to 0.50" into the topsoil.

Mulching Application:

1.5 tons of certified weed free hay per acre to be mechanically crimped into the topsoil in combination with an organic mulch tackifier at 200 pounds per acre.

Note: Hydroseeding and/or Hydromulching will not be allowed.

ADDITIONAL APPLICATION INFORMATION

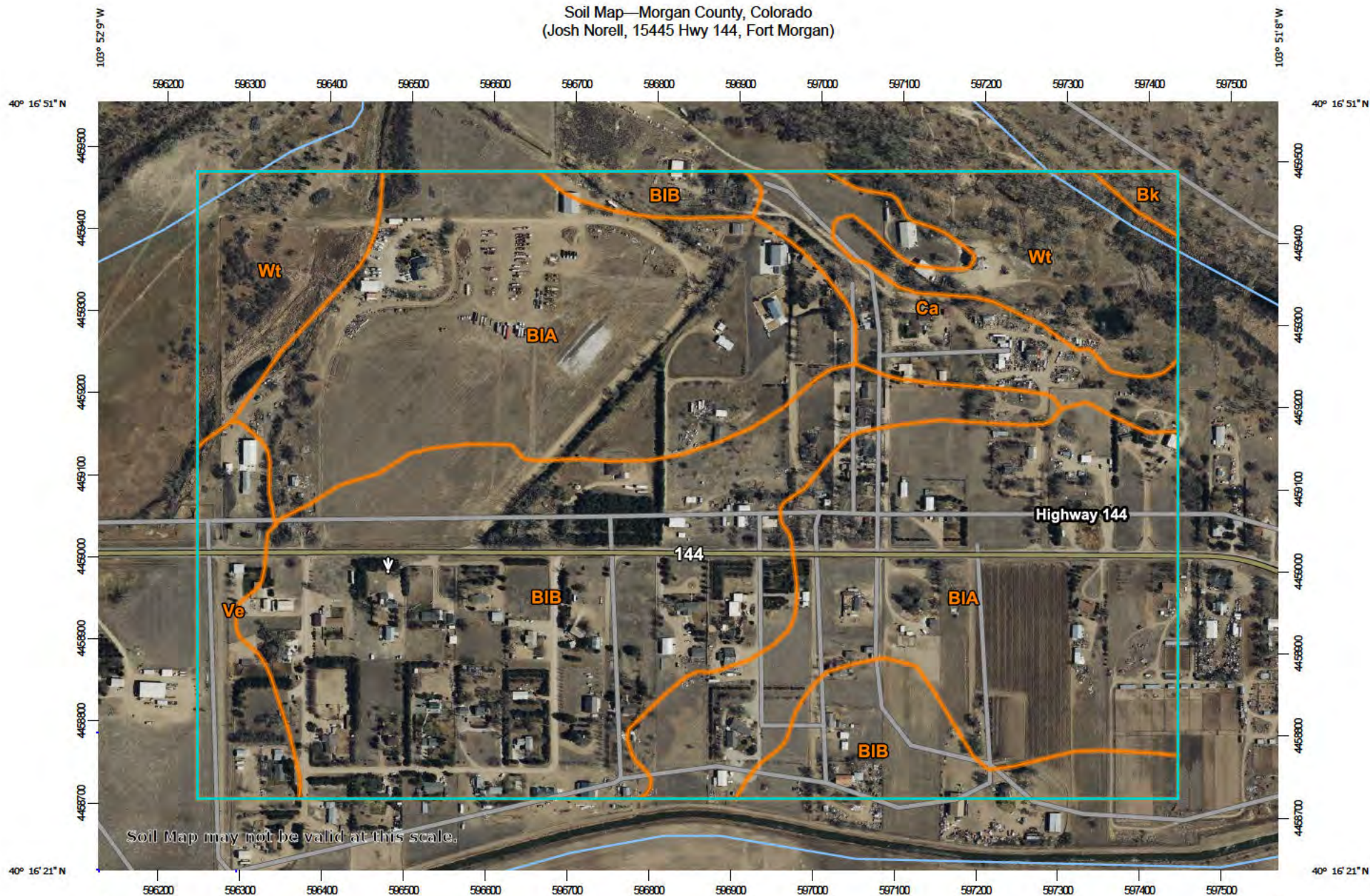
Schreiner Letter

Soil Map

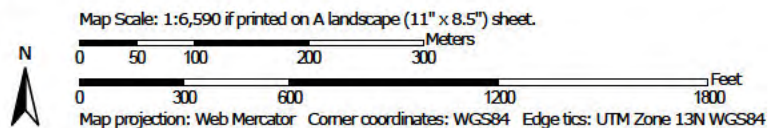
Tax Account Statement

in regards to the easement that crosses through 15445 Hwy 144 that is access to my property at 15491 Hwy 144. I am in favor of moving the easement to the west edge of the property and not through the middle. By not driving through the middle of the property it would also serve as a safety factor for whoever purchases the property and have children playing in the yard. I have a permit from the State of Colorado that was approved to move the driveway to the west edge of the property and to close the access to the existing easement. Thank you, if you have any further questions you can contact me at [REDACTED] Dwight Schreiner, 15491 Hwy 144, Fort Morgan Colorado 80701

Soil Map—Morgan County, Colorado
(Josh Norell, 15445 Hwy 144, Fort Morgan)



Soil Map may not be valid at this scale.




Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey


3/6/2025
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Morgan County, Colorado

Survey Area Data: Version 25, Aug 29, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 14, 2022—Jun 15, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Bk	Ellicott-Glenberg complex, 0 to 3 percent slopes, occasionally flooded	1.1	0.5%
BIA	Bijou loamy sand, 0 to 1 percent slopes	97.5	42.9%
BIB	Bijou loamy sand, 1 to 3 percent slopes	78.0	34.3%
Ca	Cascajo soils and gravelly land	13.5	5.9%
Ve	Valent-Dwyer sands, terrace, 0 to 3 percent slopes	9.9	4.3%
Wt	Wet alluvial land	27.3	12.0%
Totals for Area of Interest		227.2	100.0%

Morgan County Treasurer

Statement of Taxes Due

Account Number R010462

Assessed To

Parcel 104127001002

SCHREINER, WILBUR E
15445 HWY 144
FORT MORGAN, CO 80701

Legal Description

Subd: QUIET ACRES SUB, FM (27-4-58) Lot: 02

Situs Address

15445 HWY 144

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2024	\$790.12	\$0.00	\$0.00	(\$790.12)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 04/16/2025					\$0.00

Tax Billed at 2024 Rates for Tax Area 248 - 248 - RE 3

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.5360000	\$217.63	SINGLE FAMILY - LAND	\$71,040	\$4,760
ROAD AND BRIDGE FUND	7.5000000	\$83.55			
SOCIAL SERVICES FUND	2.0000000	\$22.28	SINGLE FAMILY - IMPS	\$95,250	\$6,380
FT MORGAN RURAL FIRE DIST	2.9960000*	\$33.38			
FT MORGAN PEST CONTROL	0.2930000*	\$3.26	Total	\$166,290	\$11,140
LOWER S PLATTE WATER CD	0.5000000	\$5.57			
MORGAN CO QUALITY WATER	0.8240000	\$9.18			
NORTHERN COLO WATER CD	1.0000000	\$11.14			
RE 3 F M GENERAL FD	27.0790000	\$301.66			
RE 3 F M M/L OVRD	1.5370000	\$17.12			
RE 3 F M BOND RED	7.6620000	\$85.35			
Taxes Billed 2024	70.9270000	\$790.12			
* Credit Levy					

*****TAX LIEN SALE REDEMPTIONS MUST BE PAID BY CASH OR CASHIER'S CHECK*****

Special taxing districts and the boundaries of such districts may be on file with the County Commissioners, County Clerk, or County Assessor. Unless specifically mentioned, this statement does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or miscellaneous tax collected on behalf of other entities, special or local improvement district assessments, or manufactured homes.

ROBERT A SAGEL, MORGAN COUNTY TREASURER
231 Ensign St, PO Box 593, Fort Morgan, CO 80701
Phone: 970-542-3518, Email: esale@co.morgan.co.us
Website: morgancounty.colorado.gov

LANDOWNER LETTER & RESPONSES



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

May 9, 2025

Dear Landowners:

Josh Norell, as applicant and Ascend Equity LLC as Landowner, have submitted an application to our office for an Amended Plat to relocate the existing road easement on Lot 2, of the Quiet Acres Subdivision.

Legal Description: Lot 2 of the Quiet Acres Subdivision in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, otherwise known as 15445 Hwy 144, Fort Morgan, CO 80701.

This application is scheduled to be heard by the Board of County Commissioners at a Special Hearing on **Tuesday, June 3, 2025 at 9:00 A.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level) Fort Morgan, Colorado. Landowners within the Quiet Acres Subdivision are notified of the application and hearing date.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office located at 231 Ensign St., Fort Morgan, Colorado. If you have any questions pertaining to this application or if you would like to review the file, either contact us at (970) 542-3526 or stop by our office prior to the hearing. You may attend the public hearing and provide comments on the application, or alternatively, if you are not able to attend you may submit written comments to our office no later than **May 23, 2025**.

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations.



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

May 13, 2025

Re:

HEARING RESCHEDULED FROM JUNE 3RD 2025 TO MAY 28TH 2025.

Dear Landowners:

Josh Norell, as applicant and Ascend Equity LLC as landowner, have submitted an application to our office for an Amended Plat to relocate the existing road easement on Lot 2, of the Quiet Acres Subdivision.

Legal Description: Lot 2 of the Quiet Acres Subdivision in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, otherwise known as 15445 Hwy 144, Fort Morgan, CO 80701.

This application is scheduled to be heard by the Board of County Commissioners at a Special Hearing on **Wednesday, May 28, 2025 at 9:00 A.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level) Fort Morgan, Colorado. Landowners within the Quiet Acres Subdivision are notified of the application and hearing date.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office located at 231 Ensign St., Fort Morgan, Colorado. If you have any questions pertaining to this application or if you would like to review the file, either contact us at (970) 542-3526 or stop by our office prior to the hearing. You may attend the public hearing and provide comments on the application, or alternatively, if you are not able to attend you may submit written comments to our office no later than **May 27, 2025**.

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations.

LINKER, LINDA A
1201 E 8TH AVE SPC07
FORT MORGAN, CO 80701

Ascend Equity LLC
C/O Josh Norell
8451 CR 10
Merino, CO 80741

NOTIFICATION

**NOTICE OF SPECIAL PUBLIC HEARING
MORGAN COUNTY BOARD OF COMMISSIONERS
MAY 28, 2025 AT 9:00 A.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY
ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO**

Notice is hereby given that on the date and time above (or as soon as possible following the scheduled time) and at the location above, or at such time and place as this hearing may be adjourned, the Morgan County Board of Commissioners will conduct public hearings on the following proposed **Land Use Applications**:

- 1.) **Applicant:** Josh Norell
Landowner: Ascend Equity LLC
Legal Description: Lot 2 of the Quiet Acres Subdivision in the SE¼SW¼ of Section 27, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, otherwise known as 15445 Hwy 144, Fort Morgan, CO 80701.
Request: An Amended Plat to relocate the existing road easement on Lot 2, of the Quiet Acres Subdivision.
Date of Application: March 31, 2025.

THE COUNTY WILL CONTINUE TO OFFER THE OPTION TO ATTEND MEETINGS REMOTELY. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT THE PLANNING OFFICES AT 970-542-3526.

To participate remotely you may connect via Zoom at:

<https://us02web.zoom.us/j/89427062901>

Join via audio:

+1 719 359 4580 US

Webinar ID: 894 2706 2901

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. Twenty-four hours prior to the meeting, the Board of County Commissioners meeting packet is available here: morgancounty.colorado.gov

At time of the meeting an opportunity will be given for presentation of evidence in support of or in opposition to the application.



Nicole Hay
Morgan County Planning Administrator

Posted to website: May 14, 2025

For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations.

**AMENDMENTS TO THE MORGAN COUNTY
ZONING & SUBDIVISION REGULATIONS**

TABLE OF CONTENTS

- **Amendment Summary**
 - Variances
- **Amendment Summary**
 - Wireless Service Facilities
- **Amendment Summary**
 - Solar Collector Facilities, Battery Energy Storage Systems, and Wind Energy Facilities
- **Amendment Summary**
 - Planned Developments
- **Amendment Summary**
 - Major and Minor Subdivisions
- **Notification**

VARIANCES

AMENDMENT SUMMARY



**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
AMENDMENT SUMMARY
May 19, 2025
May 28, 2025 (meeting date)**

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

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

Overview of proposed changes:

- A. Definitions. Addition of a definition for bulk requirements. This will clarify certain sections of the zoning regulations
- B. Powers and Duties of the Board of Adjustment. The proposed amendment will reference the new bulk requirement definition and remove variances regarding maximum number of residences permitted per parcel. The removal is proposed because it contradicts the special use regulations for maximum number of residences.

Nicole Hay
Morgan County Planning Director

PROPOSED AMENDMENTS

1-130 Definitions

Bulk Requirements: Minimum lot size, maximum lot area per unit, minimum setbacks, minimum lot frontage width, maximum building height fence height max, lot frontage limit, maximum lot coverage by structures, open space requirement, and any setbacks as defined in these Regulations.

5-150 Powers and Duties of the Board of Adjustment

- (B) To hear and grant or deny variances from the bulk requirements as defined in Sec. 1-130 of these Regulations, ~~variances regarding the maximum number of residences permitted per parcel,~~ and the floodplain regulations, as provided for in Sections 3-800 and 3-805 of these Regulations

WIRELESS SERVICE FACILITIES

AMENDMENT SUMMARY



**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
AMENDMENT SUMMARY
May 19, 2025
May 28, 2025 (meeting date)**

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

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

Wireless Service Facilities. Removal of Section 4-715(D) that states wireless service facilities are considered a permitted use in all zoning districts and adding the permitted use to the use table. This was accidentally missed last year when the use table was created.

Nicole Hay
Morgan County Planning Director

PROPOSED AMENDMENTS

WSF AMENDMENTS

DRAFT – 5/7/2025

4-715 Standards for all WSFs

~~(D) Permitted zoning districts. WSFs shall be considered a permitted use in all zoning districts subject to administrative review as provided in these regulations.~~

USE TABLE													
UBR - Use-by-right NP – Not Permitted			CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified						
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	
PRIMARY USES													
Adult Entertainment Business	NP	NP	NP	NP	NP	NP	NP	NP	NP	SU	NP	NP	4-325 through 4-345
Agricultural Cultivation	UBR	UBR		CU	CU	CU				UBR	UBR	NP	
Agricultural fertilizer and chemical storage, excluding any sales activity	UBR	UBR										NP	
Agricultural fertilizer and chemical storage, including on and off premises sales	SU	SU	CU						SU	CU	CU	NP	
Agricultural processing, with no retail or wholesale activity	UBR	UBR	UBR						SU	UBR	UBR	NP	
Airports, heliports, airstrips, and/or aircraft recreational facilities	SU	SU	SU							SU	SU	NP	
Auto and truck sales – new and used									CU			NP	
Automobile service stations with gasoline pumps and retail gift and sundry sales										CU	CU	NP	
Batch Plants	SU	SU	SU							SU	CU	NP	
Batch plants for a single road project provided all other federal, state, and local laws and regulations are complied with	CU	CU										NP	
Bed and breakfast facilities	SU	SU							CU			NP	
BESS	SU	SU	SU							SU	SU	NP	4-850 through 4-880
Boarding, raising, or otherwise keeping exotic animals	SU	SU	CU									NP	
Campgrounds and recreational vehicle (RV) parks	SU	SU	SU						SU			NP	4-100
Car washes									CU			NP	
Cattle truck washing and cleaning	SU	SU							CU			NP	
Cemeteries	CU	CU										NP	
Commercial boat and recreational vehicle storage	CU	CU								CU		NP	
Commercial dairies – milk processing only			CU									NP	
Commercial disposal injection wells	CU	CU	CU							CU	CU	NP	4-452 through 4-474
Commercial grain elevators	SU	SU	CU									NP	
Commercial synthetic fuel production	SU	SU	SU							SU	SU	NP	
Commercial trucking and heavy equipment parking	UBR		UBR							CU	CU	NP	
Communication facilities	UBR	UBR	UBR	CU	CU	CU	CU	CU	UBR	UBR	UBR	SU	4-705
Community Building						UBR			CU			UBR	
Community Residential Homes	Use classification based upon type of residential dwelling											NP	
PRIMARY USES													
Confined animal feeding operations	CU	CU										NP	4-200 through

USE TABLE													
UBR - Use-by-right NP – Not Permitted			CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified						
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	
confining more than the allowed animal unit densities but fewer than 200 animal units in a confinement area of two (2) or more acres or fewer than 90 animal units in a confinement area of one-half (1/2) acre or more or 15 animal units of fowl, game birds or other small animals in a confined area of 1500 square feet or more													4-260
Confined animal feeding operations in excess of the allowed animal unit densities or conditional use permit allowances	SU	SU										NP	4-200 through 4-260
Confined animal feeding operations not exceeding the animal densities of Table 3, Appendix B	UBR	UBR	UBR	CU	CU	CU	CU	NP	CU	CU	CU	NP	
Contractor’s office with outside storage for construction materials or equipment									CU			NP	
Crop dusting operations and/or crop dusting airstrips	SU	SU	SU							SU	SU	NP	
Digesters which process plant or animal matters originating from activity not included in the permitted area where the digester is located	SU	SU	SU									NP	
Distilleries, brew pubs, or wineries (without growing operations)										CU	CU	NP	
Dry cleaning and dyeing establishments									UBR			NP	
Elementary schools, secondary schools, colleges, universities, trade or vocational schools	CU	CU	CU	CU	CU	UBR	CU	CU				NP	
Emergency response and public safety facilities	UBR	UBR	UBR	CU	CU	CU	CU	CU	UBR	UBR	UBR	SU	
Entertainment and recreational facilities 75,000 square feet and greater									CU			NP	
Equipment rental										CU	CU	NP	
Event center	CU	CU	CU						CU			NP	
Extraction and/or crushing of sand, gravel, dirt or other natural resource extraction, with the exception of oil and gas activities	CU		SU						CU	CU	CU	NP	
Extraction of sand, gravel, or dirt for a single public road project provided all requirements of the Colorado Mined Land Reclamation Board have been met	CU	CU										NP	
PRIMARY USES													
Farm equipment and heavy equipment sales – new and used	CU	CU	UBR						UBR			NP	
Feed mills	SU	SU							CU			NP	

USE TABLE													
UBR - Use-by-right NP – Not Permitted			CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified						
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	
Flea markets, farmers’ markets									UBR			NP	
Flowlines and Gathering lines	CU	CU	CU						CU	CU	CU	NP	4-472
Fresh and frozen food lockers										CU	CU	NP	
Full service truck stores and repair, including farm and heavy equipment repair			SU						SU			NP	
Gas utility facilities, electric utility facilities	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	UBR	NP	
General commercial facilities over 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries									CU	UBR		NP	
General commercial facilities under 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries									UBR	UBR		NP	
General retail facilities over 50,000 square feet and up to 100,000 square feet and which have a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries			UBR						CU	UBR		NP	
General retail facilities under 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries			UBR						UBR	UBR		NP	
Golf courses, with or without driving ranges	CU	CU	CU	CU	CU	CU						NP	
Grazing of livestock not exceeding the animal densities of Table 3, Appendix B	UBR	UBR	UBR	UBR				NP	UBR	UBR	UBR	NP	3-730
Ground-mounted WEF	SU	SU	SU							SU	SU	NP	4-885 through 4-920
Group Homes, Aged	UBR	UBR		UBR	UBR	UBR	UBR	UBR				NP	
Group Homes, Behavior or Mental Health Disorders	Use classification upon type of residential dwelling											NP	
Hazardous chemicals											SU	NP	
Hospitals	CU	CU	CU				CU	CU	CU			NP	
Hotels and motels, including other incidental business uses located inside the principal building, such as restaurants									CU			NP	
PRIMARY USES													
Hunting and/or fishing preserves and hunting parks	CU	CU										NP	
Indoor shooting range									UBR	UBR	UBR	NP	
Injection wells, except commercial disposal injection wells	UBR	UBR	UBR						CU	UBR	UBR	NP	4-452 through 4-474
Junk, scrap metal, auto wrecking and	SU	SU	SU							SU	SU	NP	

USE TABLE													
UBR - Use-by-right NP – Not Permitted			CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified						
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	
farm and other equipment storage and salvage yards													
Keeping of alternative livestock	CU	CU										NP	
Kennels	SU	SU	SU	SU	SU	SU	SU	SU	CU	SU	SU	NP	4-265
Livestock and animal sales yards and associated buildings and structures, including auction sales	UBR	UBR	UBR					SU				NP	
Major facility of a public utility for which a development permit has been issued	UBR			UBR	UBR	UBR	UBR	UBR				NP	See Morgan County 1041 Regulations
Manufactured home parks	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UBR	4-575
Manufacturing, assembly and distribution of primary and secondary goods									CU	CU	CU	NP	
Miniature golf courses									CU			NP	
Mini-warehouses									CU	UBR	UBR	NP	
Mixed-use structures where the residential portion of the use is located at the rear of the structure or on an upper flood and is 5,000 square feet or more. The residential portion may be use for single-family or multi-family dwellings									CU			NP	
Mixed-use structures where the residential portion of the use is located at the rear of the structure or on an upper floor. The residential portion must be less than 5,000 square feet and may only be a single-family dwelling.									UBR			NP	
Mortuaries and funeral homes									SU			NP	
Motor vehicle, motorized equipment, recreational equipment sales, service, repairs, and storage (indoor or outside)										UBR		NP	
Multi-family dwellings					CU / SU ¹		UBR	UBR				NP	
Natural Medicine Business	NP	NP	NP	NP	NP	NP	NP	NP	NP	SU	NP	NP	4-757
Nursing homes and other extended care facilities						CU	CU	CU				NP	
PRIMARY USES													
Oil and gas wells	UBR	UBR	UBR						CU	UBR	UBR	NP	
One (1) single-family dwelling per lot ²	UBR	UBR		UBR	UBR	UBR	UBR	SU	CU			NP	
Outdoor recreation facilities	CU	CU	CU									NP	
Outdoor shooting ranges	SU	SU									SU	NP	4-275
Outdoor storage											SU	NP	
Packing plants	SU	SU								SU	SU	NP	4-200 through

¹ Multifamily dwellings with 3 units require a conditional use permit. Multifamily dwelling units with more than 3 units require a special use permit.

² Manufactured homes are permitted but only with a permanent foundation in the MDR and commercial zones.

USE TABLE														
UBR - Use-by-right NP – Not Permitted			CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified							
Uses	Zone District													Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		
													4-260	
Personal services									UBR			NP		
Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operation to a commercial disposal well facility or wastewater designed for hazardous waste	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR		
Places of worship	CU	CU	CU	CU	CU	UBR	CU	CU	CU			NP		
Pre-schools, nursery schools, and day care centers				CU		CU	CU	CU				NP		
Processing and bottling plants, including agricultural and non-agricultural products										CU	CU	NP		
Processing plants, including agricultural and non-agricultural products											UBR	NP		
Professional offices over 50,000 square feet and which traffic has a generation of less than 150 vehicle trips per day, including customer, employees and deliveries										UBR	UBR	NP		
Professional offices under 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries									UBR	UBR	UBR	NP		
Public and private parking lots										CU	CU	NP		
Public parks, playground, and open space				UBR	UBR	UBR	UBR	UBR				UBR		
Recovery Residence	Use classification based upon type of residential dwelling												NP	
Regulated Marijuana Businesses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
Rendering plants	SU	SU								SU	SU	NP	4-200 through 4-260	
Residential child care facility	CU	CU		CU	CU	CU	CU	CU				NP		
Restaurants and other food and drinking establishments (retail only)									UBR	CU	CU	NP		
PRIMARY USES														
Restaurants and other food and drinking establishments (wholesale only)										CU	CU	NP		
Scientific research facilities										CU	CU	NP		
Sign painting business									CU	CU	CU	NP		
Single family dwellings located less than 1,320 feet from an existing confined animal feeding operation, packing plant, slaughterhouse, or rendering plant except for single-family dwellings located on the same legal	SU	SU										NP		

USE TABLE													
UBR - Use-by-right NP – Not Permitted			CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified						
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	
parcel as an existing confined animal feeding operation													
Single-family dwellings and manufactured homes on permanent foundations (one per lot)							UBR		CU			NP	
Slaughterhouses	SU	SU								SU	SU	NP	
Sod farms, vineyards, orchards and associated sales activities	UBR	CU	UBR									NP	
Solar collector facilities more than 20 acres	SU	SU	SU							SU	SU	NP	4-810
Solar collector facilities, 20 acres or less	CU	CU	CU							CU	CU	NP	4-810
Solid waste management facilities (excluding digesters)	SU	SU								SU	SU	NP	4-505 through 4-550
Synthetic fuel production not exceeding 10,000 gallons per year and provided the fuel is used where the production occurs	CU											NP	
Training, breeding and boarding facilities which do not exceed the animal unit densities of Table 3, Appendix B	UBR	UBR	UBR									NP	
Truck terminals and loading areas											CU	NP	
Two family dwelling, as the only residential structure, site built or manufactured home on a permanent foundation	SU	SU					UBR	CU				NP	
Veterinary clinics or veterinary hospitals	CU	CU	CU									NP	
Warehouses									SU		UBR	NP	
Wastewater Facility	SU	SU	SU	SU	SU	SU	SU	SU	CU	CU	CU	SU	4-555 through 4-570
Water facility	SU	SU	SU	SU	SU	SU	SU	SU	CU	CU	CU	SU	
PRIMARY USES													
Water reservoirs of 10 acres and greater and less than 20 acres maximum surface area or 65 feet and greater and less than 130 acre feet maximum capacity	CU	CU	CU									NP	
Water reservoirs of 20 acres and greater maximum surface area or 130 acre feet and greater maximum capacity	SU	SU	SU									NP	
Water reservoirs of less than 10 acres maximum surface are or 65 acre feet maximum capacity	UBR	UBR	UBR						CU	CU	CU	NP	
<u>Wireless Service Facility</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>4-705 through 4-730</u>
ACCESSORY USES													
Above ground fuel storage tanks	UBR	UBR	UBR						UBR	UBR	UBR	NP	4-480
Accessory uses, buildings, and	UBR	UBR	UBR						UBR	UBR	UBR	NP	3-130

USE TABLE													
UBR - Use-by-right NP – Not Permitted			CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified						
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	
structures													
Additional antennas for communication facilities.	CU	CU								CU	CU	NP	
Agriculture related businesses if associated with owner occupied housing	CU	CU										NP	
BESS	SU	SU	SU							SU	SU	NP	4-850 through 4-880
Building-mounted wind energy facilities (WEFs)	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	
Digesters (Confined animal feeding operations only)	UBR	UBR										NP	4-207
Garages, parking and other equipment storage buildings	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR			UBR	
Ground-mounted WEF	SU	SU	SU							SU	SU	NP	
Home occupations conducted in an accessory building	CU	CU	CU	CU	CU	CU	CU	CU				NP	4-310
Home occupations conducted in residence	UBR	UBR	UBR	UBR	UBR	UBR						UBR	4-310
Roadside stands for sale of personally grown vegetables, fruits, and farm products	UBR	UBR	UBR									NP	
Solar collector facilities, 20 kilowatt capacity or less	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR			UBR	4-810
Solar collector facilities, more than 20 kilowatt capacity	CU	CU	CU									NP	4-810
Second single family dwellings per lot	UBR	CU										NP	
Third single family dwellings per lot	CU											NP	
Fourth single family dwellings per lot	CU											NP	
Wind energy conversion systems	CU	CU	CU	CU								NP	
TEMPORARY USES													
Fireworks stands, Christmas tree stands, or other short term retail activities	T	T	T	NP	NP	T	NP	NP	T	T	T	NP	3-155
Residential sales offices				T	T	T	T	T				T	3-155
RVs as temporary residence	T	T	T	T	T	T	NP	NP	NP	NP	NP	NP	3-155
Temporary construction structures	T	T	T	T	T	T	T	T	T	T	T	T	3-155
Temporary non-residential offices			T						T	T	T		3-155
Temporary residence	T	T	T	T	T	T							3-155
Tents or other temporary structures used for bazaars, festivals, or other group activities	T	T	T	NP	NP	T	NP	NP	T	T	T	NP	3-155

SOLAR COLLECTOR FACILTIES

BATTERY ENERGY STORAGE SYSTEMS

WIND ENERGY FACILITIES

AMENDMENT SUMMARY



**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
AMENDMENT SUMMARY
May 19, 2025
May 28, 2025 (meeting date)**

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

The Board of County Commissioners held a work session on April 8, 2025. The Planning Commission held a work session/stakeholder meeting on April 21, 2025 and a public hearing on May 12, 2025 regarding Solar, Battery Energy Storage System (BESS) and Wind Regulations. Recommendations were made by the Planning Commission and industry representatives and those revisions to the initial draft are highlighted.

Comments from industry representatives are included in the packet

1. Solar Collector Facilities:

4-820 Submittal Requirements.

Subsection (C) - Narrative and Impact Analysis

- a. A new subsection (5) requires a description of the defensible space proposed around the perimeter of the solar collector facility. Staff have received questions regarding whether the County requires defensible fence. The Regulations currently do not expressly require the establishment of defensible space. This amendment would require information regarding defensible space at the submittal stage but there is no current proposal that defensible space is part of the solar collector facility standards and therefore, required. Planning commission did not want to require a defensible space around the perimeter of a solar collector facility.
- b. A new subsection (6) requires photos and a description of the type of fencing that will be used on the perimeter of the facility. The issue of what might constitute an acceptable fence from an aesthetic perspective has been expressed by members of the public. No standards are proposed to be adopted, only information provided as part of the submittal.

- c. Subsection (E). Staff would like to clarify that a preliminary decommissioning plan can be submitted at the time of the land use permit application. Change to Sec. 4-835 (below) would require a final decommissioning plan prior to submission of any construction permit. Due to the fact the equipment proposed for the permit is not finalized, preliminary decommissioning plans have been submitted as a part of the applications and final plans with the construction application. This change would conform to the County's current practice.

4-825 Solar Collector Standards.

- a. Subsection (D)(7) has additional language suggested by the industry. This could possibly clarify the measurement of the maximum height of the solar panels.
- b. A new subsection (11)(g) would move the road agreement requirement from the submittal requirements to the standards. Additional language is proposed in the road agreement to allow the Board the option to delay the required pre-construction baseline survey to prior to construction instead of prior to the road agreement. If delayed, no construction permit would be issued until the survey is submitted and approved by Planning and Public Works Departments.

4-835 Decommissioning Requirements for Solar.

- a. Subsection (A)(1) requires the final decommission plan to be submitted as a part of the submission of any construction permit application.
 - b. Subsection (A)(2) and (3) amends the timeframe for the initiation and completion of decommissioning. Several industry representatives said the original 270 days was too short to complete the decommissioning process.
 - c. Subsection (A)(5) adds language requiring updated decommissioning plans every 3 years. With the possibility of no changes within 3 years, Staff is recommending notification to the County Planning Department if there are no updates, however an updated plan is required every 6 years. New or additional surety is required with any updated plans.
- 1. Amended language in subsection (C) would eliminate the subtraction of the salvage value from the bond. The concern is that if the decommissioning bond has to be used, the County needs to be able to access sufficient monetary resources to cover the entire costs of decommissioning at the beginning of process, not recoup salvage value during and after the decommissioning process.

2. Battery Energy Storage System (BESS) Facility:

The word "facility" will be added to all "BESS" references as the context requires

4-850 Definitions.

- a. Addition of a BESS container definition.

4-855 Submittal Requirements.

- a. Like the proposed revisions in the solar collector facility regulations, subsection (8) allows for the submission of a preliminary decommissioning plan.
- c. As the County has reviewed and approved more BESS facilities, it has developed certain standards in the conditions of approval. Changes to subsection (9)(d) (fire mitigation) would insert this standard into the regulations as a submittal requirement. Subsection (9)(f) (incident reporting) references Section 4-860(F) as a standard requirement.

4-860 BESS Standards.

- a. Specifying a 6-foot-tall chain link fence with 1 foot barbed wire is being added into subsection (B).
- b. Like the submittal requirements above, the County has consistently required a defensible space of at least 200 feet to surround a BESS facility and the addition of subsection (D) would include this in the standards. Planning Commission recommended changing the defensible space required from 200 feet to 100 feet.
- c. New subsection (E) clarifies the requirement for a road agreement for BESS facilities.
- d. New subsection 4-860(F) would add incident reporting into the BESS standards. The term BESS container is proposed to be used. Incident notifications are to be posted on the County's website and the addition of 4 minor incidents within the BESS facility within 1 year were recommended by the Planning Commission.

4-870 Decommissioning Requirements for BESS.

The same amendments are proposed as summarized in the solar collector facility decommissioning requirements.

3. Wind Energy Facility (WEF):

4-895 Submittal Requirements.

The same amendments regarding clarification of accepting a preliminary decommissioning plan are proposed as summarized in the solar collector facility and BESS sections above.

4-900 WEF Standards.

- a. In subsection (B), Planning Commission agreed with the expanded setbacks. One of the industry representatives suggested 500 feet instead of the 420 feet for a setback

from public road or highway with ADT of 7,000 or more, this was also agreed upon by the Planning Commission.

- b. Similar revisions proposed for the road agreement associated with solar collector facilities is proposed for WEF – moving it from a submittal requirement and allowing for the delay in the submission of a survey.

4-910 Decommissioning Requirements for WEF.

The same amendments proposed as summarized in the solar collector facility and BESS facility decommissioning requirements are proposed for the WEF.

Nicole Hay
Morgan County Planning Director

PROPOSED AMENDMENTS

SOLAR, BESS, WIND AMENDMENTS

DRAFT – 5/19/25

PC Revisions (Highlighted in yellow)

Industry Revisions (Highlighted in green)

Staff suggested revisions (Highlighted in blue)

SOLAR COLLECTOR FACILITY REGULATIONS

4-820 Submittal Requirements

(C) Narrative and Impact Analysis. A narrative, in addition to the requirements of the application permit, including:

- (1) Project description and proposed phasing of development.
- (2) A description of the project and each phase of development, including the approximate number of solar panels, and the accessory structures, power output (in MW~~WM~~), and infrastructure and interconnection requirements for each phase.
- (3) Description of potential access route(s), including road surface material, proposed measures for dust control, and proposed road maintenance schedule or program.
- (4) Impact Analysis. The applicant will provide a description of the impacts that the proposed solar collector may cause, based upon the standards in these Solar Collector Facility and Zoning Regulations. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on the County services and capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a solar collector facility are identified, the applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the applicant may be required to pay the county a mutually agreed upon impact fee to allow the County to maintain existing County services and capital facilities.

~~(5) — Defensible Space. A description of the defensible space to be proposed around the perimeter of the solar collector facility.~~

~~(5)(6) Fencing. The applicant shall provide a photograph and a description of the type of proposed perimeter fencing of the solar collector facility.~~

(E) Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Section 4-835.

4-825 Solar Collector Facility Standards

(D) Principal Ground-Mounted Solar Collectors.

SOLAR, BESS, WIND AMENDMENTS

DRAFT – 5/19/25

PC Revisions (Highlighted in yellow)

Industry Revisions (Highlighted in green)

Staff suggested revisions (Highlighted in blue)

- (7) Maximum Height. The maximum height of ~~the each~~ solar panels shall not exceed 30 feet in height above final grade or 35 feet in height above final grade for agrivoltaics when oriented at maximum tilt.
- (11) Roadways and Access.
- (f) The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. ~~The applicant will prepare a roads agreement that includes a mitigation plan addressing potential impacts to County roads to be used during construction. As part of the roads agreement, the applicant at their expense will be required to return any County roads that are impacted by construction to their pre-construction baseline condition.~~
- (g) Road Agreement. ¹ If any County roads will be used during construction of a solar collector facility for the purpose of transporting parts, materials and/or equipment, the owner or operator shall enter into a road agreement with the County, in a form provided by the County. The roads agreement shall comply with Section 4-825 and shall also include the following:
- (1) A map showing which County roads will be used during construction.
- (2) A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The owner or operator is responsible for obtaining and paying for the costs of the baseline survey. The Board, when considering approval of the road use agreement, may delay the submission of the baseline survey to prior to issuance of a construction permit for the solar collector facility. If delayed, no construction permit may be issued until the survey is submitted and approved in writing by the Planning and Public Works Departments.
- (3) A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.
- (4) A requirement that the owner or operator to make repairs to any roads during construction and return any County roads to their pre-construction baseline condition, at its expense. A performance guarantee will be required to ensure the restoration of the roads.

¹ Moved from Section 4-820(K)

SOLAR, BESS, WIND AMENDMENTS

DRAFT – 5/19/25

PC Revisions (Highlighted in yellow)

Industry Revisions (Highlighted in green)

Staff suggested revisions (Highlighted in blue)

4-835 Decommissioning Requirements for Solar Collector Facilities

(A) General Requirements.

(1) The owner or operator shall provide a final decommissioning plan in accordance with this Section as a part of the submission of any construction permit application related to the approved land use permit or earlier if required by the County.

(2) If a solar collector facility ceases to perform its originally intended function for more than 12 consecutive months unless for the purpose of repowering the facility with replacement solar panels or as explicitly agreed to in writing by the County Planning Department, the ~~operator, owner, permit holder~~ and/or property owner shall initiate the decommissioning of the solar generation collector facility within 60 calendar days after the end of the 12 month abandonment period and remove the facility, mount and associated equipment and facilities by no later than ~~270 days~~ 12 months after the end of the initial 12-month period.

(32) If ~~the permit holder~~ operator, owner, and/or property owner notifies the County of the termination of operations, decommissioning shall be initiated within 60 calendar days of the written notification and completed within 12 months ~~no less than 180 days~~ from the date of the notice.

(43) Upon ~~removal of a solar collector facility~~ completion of decommissioning activities to remove the facility, mounts and associated equipment and facilities, the property shall be restored to the condition prior to development of the facility or as ~~explicitly~~ expressly agreed to in writing by the County Planning Department and landowner.

(54) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy of the updated plan to the County Planning Department. If there are no updates to the plan, the owner or operator shall notify in writing the County instead of submitting an updated plan. However, the owner or operator must submit an updated plan every six (6) years. The amount of surety, described below in subsection C, for decommissioning shall be reevaluated and if necessary, due to increased decommissioning costs, a new surety or additional surety in the required amount must be submitted with any updated decommissioning plan.

(C) Decommissioning Bond or Letter of Credit. The decommissioning cost, ~~minus the salvage value~~ of the facility equipment, shall be made by cash, surety bond or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the facility.

SOLAR, BESS, WIND AMENDMENTS

DRAFT – 5/19/25

PC Revisions (Highlighted in yellow)

Industry Revisions (Highlighted in green)

Staff suggested revisions (Highlighted in blue)

BATTERY ENERGY STORAGE SYSTEM (BESS) FACILITY REGULATIONS

4-850 Definitions

Battery Energy Storage System (BESS) Facility: A rechargeable energy storage system consisting of containers of batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power to a building or to provide electrical grid-related services. Battery energy storage systems designed and operated for a single residential household shall not be included in the definition.

BESS Container: The container within a BESS facility where individual battery modules are stored.

4-855 Submittal Requirements

(89) Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Section 4-870.

(409) Emergency Operation Plan. An emergency operation plan including the following:

- (a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- (b) Procedures for inspection and testing of associated alarms, interlocks, and controls.
- (c) Procedures ~~in conformance with Section 4-860~~ to be followed in response to notifications from the BESS facility management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, and/or summoning service and repair personnel, ~~and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.~~
- (d) A fire mitigation plan including identification of the nearest water source for fire suppression, or written confirmation from the local fire department district with jurisdiction over the property stating that the site has been evaluated for fire hazards and sufficiently mitigated any identified hazards, and providing emergency notifications procedures to the fire district department with jurisdiction and other emergency services.²

² Moved from Section 4-855(A)(7)

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PC Revisions (Highlighted in yellow)

Industry Revisions (Highlighted in green)

Staff suggested revisions (Highlighted in blue)

- (e) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. ~~Procedures can include sounding the alarm, notifying the fire department or district, including~~ evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- (f) An incident reporting plan compliant with the standards in Sec. 4-860(G).
- (g) Response considerations similar to a safety data sheet (SDS) that will address hazard communication standards, response to safety concerns and protective measures or safety precautions ~~extinguishment~~ when an SDS is not required.
- (h) Procedures for dealing with BESS equipment damaged in a fire or other emergency event, including maintaining contact information for qualified personnel to safely remove damaged BESS equipment from the facility.

4-860 Battery Energy Storage System (BESS) Facility Standards

- (B) All BESS facilities, including all mechanical equipment, shall be enclosed by a minimum of a six (6) foot tall chain link fence with one (1) foot barbed wire and ~~fence with~~ a self-locking gate to prevent unauthorized access, unless housed in a building dedicated to the BESS facility. No fencing may interfere with any ventilation or exhaust ports.
- (D) Defensible Space for Fire Control. The BESS facility must be surrounded by a defensible space of at least 200 100 feet in width from the edge of the BESS facility, unless a wider space is required by the Board. Within this facility defensible space, the operator or owner must employ natural material which is nonflammable and will aid in the prevention of fire and suppress any vegetation or other flammable materials to slow the spread of a fire. Conditions or materials which will create fugitive dust, such as the employment of dirt only in the defensible space, are also not permitted.
- (E) Roadways and Access. The County may require that the road use agreement for the related solar collector facility govern any road use impacts related to the construction of the BESS facility or require a separate road use agreement.
- (F) Incidents at BESS facilities. The following procedures shall be followed during the operation of a BESS facility:
 - (1) A minor incident, defined as failure of or fire in one BESS container, shall trigger an immediate shutdown of the effected battery container by the operator or owner. A major incident is defined as occurrence of one or more of the following: 1) a failure of or fire in two or more BESS containers, 2) when a fire expands beyond

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PC Revisions (Highlighted in yellow)

Industry Revisions (Highlighted in green)

Staff suggested revisions (Highlighted in blue)

the defensible space required in Section 4-860(D), or 3) an incident at the BESS facility that results in an order of evacuation or shelter in place to residents in the vicinity of the facility. A major incident shall trigger an immediate shutdown of the entire BESS facility by the operator or owner.

- (2) Upon the occurrence of either type of incident, the owner or operator shall issue an incident notification within three (3) days of the incident. The incident notification will describe the time, duration or nature of incident and must be mailed to all property owners within a half mile of the BESS facility at the addresses of record through the Morgan County Assessor's Office; the County Planning and Zoning Department; the appropriate municipality; the appropriate fire district; Morgan County Sheriff's Office; Morgan County Ambulance Services and Morgan County Emergency Management Department. The incident notification shall be posted on the County's website. The notice shall remain posted through the conclusion of the review of the incident as provided below.
- (3) Within thirty (30) calendar days of a major incident or after 4 minor incidents within the BESS facility occurring in one calendar year, the owner or operator shall deliver to the County Planning and Zoning Department an after-action review report prepared by a qualified independent third-party with expertise in subject matter and shall identify any changes to the operations of the BESS facility necessary to maintain life and safety within the BESS facility and the neighboring residential properties. No operations may occur in the BESS container or at the BESS facility, until the after-action review report has been considered by the Board of County Commissioners at a noticed public hearing and the Board of County Commissioners approves restarting operations at the BESS facility, or within the BESS container. Such decision shall be made based upon the impact of the failure on neighboring residential properties, the existing threat and continuing threat to public safety, the response to the incident, cause of the failure, and whether the operator or owner has implemented or is in the process of implementing changes to the operations of the BESS facility, or BESS container, necessary to maintain life and safety within the BESS facility and neighboring residential properties. Notice of the hearing shall be provided in the same manner as public notice for a permit for a use by special review as provided in the Morgan County Zoning Regulations, as amended. If the Board of County Commissioners decides that the BESS facility or the BESS container, as applicable, may not be returned to operation, the Board of County Commissioners may direct the owner or operator to take any necessary steps to protect the public safety and welfare or alternatively, schedule a hearing to determine whether the permit shall be revoked for failure to meet the standards in these regulations.

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PC Revisions (Highlighted in yellow)

Industry Revisions (Highlighted in green)

Staff suggested revisions (Highlighted in blue)

4-870 Decommissioning Requirements for BESS Facilities

(A) General Requirements.

- (1) ~~The applicant~~ owner or operator shall provide a final decommissioning plan in accordance with this Section ~~prior to the submission of any construction permit related to the approved project~~ as a part of the submission of any construction permit application related to the approved land use permit or earlier if required by the County.
- ~~(2)~~(4) If a BESS facility ceases to perform its originally intended function for more than 12 consecutive months, the ~~permit holder~~operator, owner, and/or property owner shall initiate the decommissioning of the BESS facility within 60 calendar days after the end of the 12 month period during which the BESS facility ceased to perform and decommission the BESS facility and remove the system, foundation and associated equipment and facilities by no later than 180 12 months days after the end of the initial 12-month period.
- ~~(3)~~(2) If ~~the permit holder~~operator, owner, and/or property owner notifies the County of the termination of operations, decommissioning shall be initiated within 60 calendar days of the written notification and completed within 12 months ~~no less than 180 days~~ from the date of the notice.
- ~~(4)~~(3) Upon ~~removal of a BESS~~completion of decommissioning activities to remove the system, foundation and associated equipment and facilities, the property shall be restored to the condition prior to development of the system or as expressly explicitly agreed to in writing by the County Planning Department and landowner.
- (5) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy of the updated plan to the County Planning Department. If there are no updates to the plan, the owner or operator shall notify in writing the County instead of submitting an updated plan. However, the owner or operator must submit an updated plan every six (6) years. The amount of surety, described below in subsection C, for decommissioning shall be reevaluated and if necessary, due to increased decommissioning costs, a new surety or additional surety in the required amount must be submitted with any updated decommissioning plan.

- (C) Decommissioning Bond or Letter of Credit. The decommissioning cost ~~, minus the salvage value~~ of the system, foundation, and associated equipment and facilities, shall be made by cash, surety bond, or irrevocable letter of credit at 50% before construction commences

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and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the system.

WIND ENERGY FACILITY REGULATIONS

4-895 Submittal Requirements

- (C) Narrative and Impact Analysis. A narrative, in addition to the requirements of the applicable permit, including:
- (4) Impact Analysis. The applicant will provide a description of the impacts that the proposed WEF may cause, based upon the standards in these WEF and Zoning Regulations. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause, ~~as described in Section 6-105~~; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on County services and capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a WEF are identified, the applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the applicant may be required to pay the County a mutually agreed upon impact fee to allow the County to maintain existing County Services and Capital facilities.
- (E) Decommissioning Plan. The applicant shall provide a ~~preliminary d~~preliminary Decommissioning ~~p~~Plan in accordance with Section 4-910.

4-900 WEF Standards

- (B) Setbacks from Ground-Mounted WEF.
- (1) The setbacks in this subsection shall govern over any setbacks established in these Zoning Regulations.

	Minimum Setback ³
Setback from above-ground public utility power lines or communication lines	21.1 times system height
Setback from existing public road or highway or railroad	21.1 times system height

³ All redlines except “2.5 times system height” reference Sedgwick County Regulations

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Setback from inhabited buildings including: residence, school, hospital, church or public library	<u>2.5</u> ⁴ <u>2</u> times system height <u>or 2000 feet, whichever is greater</u>
Setback from public road or highway with ADT of 7,000 or more	<u>24.1</u> times system height <u>or 500 420 feet, whichever is greater</u>
Setback from all other property lines, unless appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Board	<u>24.1</u> times system height <u>or 1000 feet, whichever is greater</u>

(H) Roadways and Access.

- (6) The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. ~~The applicant will prepare a roads agreement that includes a mitigation plan addressing potential impacts to County roads to be used during construction. As part of the roads agreement, the applicant at their expense will be required to return any County roads that are impacted by construction to their pre-construction baseline condition.~~

- (7) Road Agreement.⁵ If any County roads will be used during construction of a WEF for the purpose of transporting parts, materials and/or equipment, the applicant owner or operator shall enter into a road agreement with the County, in a form provided by the County. The roads agreement shall comply with Section 4-900 and shall also include the following:

- (a) A map showing which County roads will be used during construction.
- (b) A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey. The Board, when considering approval of the road use agreement, may delay the submission of the baseline survey to prior to construction issuance of a construction permit for the wind energy facility. If delayed, no construction permit may be issued until the survey is submitted and approved in writing by the Planning and Public Works Departments.
- (c) A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.

⁴ 2.5 times the system height is the largest height requirement after checking several counties in the State. This requirement is from Prowers County.

⁵ Moved from Section 4-895(K)

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(a)(d) A requirement that the owner or operator is to make repairs to any roads during construction and return any County roads to their pre-construction baseline condition, at its expense. A performance guarantee will be required to ensure the restoration of the roads.

4-910 Decommissioning Requirements for WEF

(A) General Requirements.

- (1) The owner or operator applicant shall provide a final decommissioning plan in accordance with this Section as a part of the submission of any construction permit application related to the approved land use permit prior to the submission of any construction permit related to the approved project or earlier if required by the County.
- (2) If a WEF ceases to perform its originally intended function for more than 12 consecutive months unless for the purpose of repowering the facility with replacement equipment or as explicitly agreed to in writing by the County Planning Department, the permit holderoperator, owner, and/or property owner shall initiate the decommissioning of the WEF within 60 calendar days after the end of the 12 month period during which the WEF ceased to perform anddecommission the WEF and remove the facility, mount and associated equipment and facilities by no later than 12 months 270 days after the end of the initial 12-month period.
- (32) If permit holder the operator, owner, and/or property owner notifies the County of the termination of operations, decommissioning shall be initiated within 60 calendar days of the written notification and completed within 12 months no less than 180 days from the date of the notice.
- (43) Upon removal of a WEFcompletion of decommissioning activities to remove the facility, mounts and associated equipment and facilities, the property shall be restored to the condition prior to development of the facility or as explicitly expressly agreed to by the County Planning Department and landowner.
- (45) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy of the updated plan to the County Planning Department. If there are no updates to the plan, the owner or operator shall notify in writing the County instead of submitting an updated plan. However, the owner or operator must submit an updated plan every six (6) years. The amount of surety, described below in subsection C, for decommissioning shall be reevaluated and if necessary, due to increased decommissioning costs, a new surety or additional surety in the required amount must be submitted with any updated decommissioning plan.

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Industry Revisions (Highlighted in green)

Staff suggested revisions (Highlighted in blue)

- (C) Decommissioning Bond or Letter of Credit. The decommissioning cost of the facility, mounts, and associated equipment and facilities shall be made by cash, surety bond or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the facility.

SOLAR COLLECTOR FACILITY REGULATIONS

4-820 Submittal Requirements

(C) Narrative and Impact Analysis. A narrative, in addition to the requirements of the application permit, including:

- (1) Project description and proposed phasing of development.
- (2) A description of the project and each phase of development, including the approximate number of solar panels, and the accessory structures, power output (in MWWM), and infrastructure and interconnection requirements for each phase.
- (3) Description of potential access route(s), including road surface material, proposed measures for dust control, and proposed road maintenance schedule or program.
- (4) Impact Analysis. The applicant will provide a description of the impacts that the proposed solar collector may cause, based upon the standards in these Solar Collector Facility and Zoning Regulations. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on the County services and capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a solar collector are identified, the applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the applicant may be required to pay the county a mutually agreed upon impact fee to allow the County to maintain existing County services and capital facilities.

(5) Defensible Space. A description of the defensible space to be proposed around the perimeter of the solar collector facility.

(6) Fencing. The applicant shall provide a photograph and a description of the type of proposed perimeter fencing of the solar collector facility.

(E) Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Section 4-835.

4-825 Solar Collector Facility Standards

(D) Principal Ground-Mounted Solar Collectors.

- (7) Maximum Height. The maximum height of the solar panels shall not exceed 30 feet in height or 35 feet in height for agrivoltaics when oriented at maximum tilt.¹

¹ Discuss

Commented [MP1]: a solar collector facility

Commented [MP2]: above the final or finished grade

Commented [MP3]: above the final or finished grade

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(11) Roadways and Access.

(f) The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. ~~The applicant will prepare a roads agreement that includes a mitigation plan addressing potential impacts to County roads to be used during construction. As part of the roads agreement, the applicant at their expense will be required to return any County roads that are impacted by construction to their pre-construction baseline condition.~~

(g) Road Agreement.² If any County roads will be used during construction of a solar collector facility for the purpose of transporting parts, materials and/or equipment, the applicant owner or operator shall enter into a road agreement with the County. The road agreement shall comply with Section 4-825 and shall also include the following:

(1) A map showing which County roads will be used during construction.

(2) A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey. The Board, when considering approval of the road use agreement, may delay the submission of the baseline survey to prior to construction. If delayed, no construction permit may be issued until the survey is submitted and approved in writing by the Planning and Public Works Departments.

(3) A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.

(4) A legally binding agreement between the applicant and the County that requires the applicant to return any County roads to their pre-construction baseline condition.

Commented [MP4]: of the solar collector facility.

Commented [MP5]: A mitigation plan to address the proposed project's traffic impacts to County roads to be used during the construction process.

4-835 Decommissioning Requirements for Solar Collector Facilities

(A) General Requirements.

(1) The applicant shall provide a final decommissioning plan in accordance with this Section prior to the submission of any construction permit related to the approved project or earlier if required by the County.

(2) If a solar collector facility ceases to perform its originally intended function for more than 12 consecutive months unless for the purpose of repowering the facility with replacement solar panels or as explicitly agreed to in writing by the County

Commented [MP6]: submission for the building permit

Commented [MP7]: approved land use permit

Commented [MP8]: or six months prior to the initial commercial operating date of the solar collector facility.

² Moved from Section 4-820(K)

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Planning Department, the permit holder and/or property owner shall remove the facility, mount and associated equipment and facilities by no later than 270 days after the end of the 12-month period.

- (32) If permit holder and/or property owner notifies the County of the termination of operations, decommissioning shall be completed no less than 180 days from the date of the notice.

- (43) Upon removal of a solar collector facility, the property shall be restored to the condition prior to development of the facility or as explicitly agreed to in writing by the County Planning Department and landowner.

- (54) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy of the updated plan to the County Planning Department.

- (C) Decommissioning Bond or Letter of Credit. The decommissioning cost, ~~minus the salvage value~~ of the facility equipment, shall be made by cash, surety bond or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the facility.

BATTERY ENERGY STORAGE SYSTEM (BESS) REGULATIONS

4-855 Submittal Requirements

- ~~(9)(8)~~ Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Section 4-870.

- ~~(10)(9)~~ Emergency Operation Plan. An emergency operation plan including the following:

- (a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- (b) Procedures for inspection and testing of associated alarms, interlocks, and controls.
- (c) Procedures in conformance with Section 4-860 to be followed in response to notifications from the BESS management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, and/or summoning service and repair personnel, ~~and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.~~
- (d) A fire mitigation plan including identification of the nearest water source for fire suppression, or written confirmation from the local

Commented [MP9]: "the permit holder and/or property owner shall decommission the solar generation facility and remove all equipment within twelve months of the conclusion of operation or useful life."

270 days is too short of a timeframe for the decommissioning & removal of all equipment & materials from a large-scale solar energy project site.

Commented [MP10]: Implementation of the decommissioning plan shall be initiated within 60 calendar days of written notification to the County on termination of the solar collector facility operations or abandonment of the solar project.

Commented [MP11]: Upon completion of decommissioning activities to remove all equipment and materials related to the solar collector facility, the disturbed areas shall be restored to substantially the same physical condition as existed prior to the development of the facility on the property.

Commented [MP12]: three (3) years would be too short a timeframe for any substantial changes in solar energy facility decommissioning associated engineering & salvage market conditions for all the equipment and materials removed during the facility decommissioning.

Commented [MP13]: the amount of financial security shall be the cost of decommissioning minus salvage value

Commented [MP14]: Water is not recommended for use in suppressing BESS facility-related fires. If water is available on-site, it may be used to prevent wildfires from encroaching onto the BESS facility. Defensible space is a common practice for fire mitigation. The BESS facility will be designed and evaluated to inhibit propagation of fire below a level that would otherwise.

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fire department with jurisdiction over the property stating that the site has been evaluated for fire risks and sufficiently mitigated any such risk and emergency notifications to fire department with jurisdiction and other emergency services.³

Commented [MP15]: fire risks or fire hazards?
fire risks refer to the probability of occurrence

Commented [MP16]: risk or hazard?

Commented [MP17]: local fire department

~~(d)~~(e) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department or district, including evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

(f) An incident reporting plan with the minimum standards:

Incidents at BESS facility. The following procedures shall be followed during the operation of a BESS facility:

(1) A minor incident, defined as failure of or fire in one battery container, shall trigger an immediate shutdown of the effected battery container by the operator/ owner. A major incident is defined as occurrence of one or more of the following: 1) a failure of or fire in two or more battery containers, 2) when a fire expands beyond the defensible space required in Section 4-860(D), or 3) an incident at the BESS facility results in an order of evacuation or shelter in place to residents in the vicinity of the facility. A major incident shall trigger an immediate shutdown of the entire BESS facility by the operator/owner.

Commented [MP18]: too loose - what about if a UPS battery dies - is that a "failure"? can this be more specific?

background info:
an uninterruptible power supply (UPS) or uninterruptible power source is a type of continual power system that provides automated backup electric power to a load when the input power source or mains power fails.

(2) Upon the occurrence of either type of incident, the owner/operator shall issue an incident notification within three (3) days of the incident. The incident notification will describe the time, duration or nature of incident and must be mailed to all property owners within a half mile of the BESS facility at the addresses of record through the Morgan County Assessor's Office; the County Planning and Zoning Department; the appropriate municipality; the appropriate fire district; Morgan County Sheriff's Office; Morgan County Ambulance Services and Morgan County Emergency Management Department.

Commented [MP19]: within three (3) business days of the incident.

Commented [MP20]: to all adjacent property owners

Commented [MP21]: the appropriate municipality having jurisdiction

Commented [MP22]: the appropriate local fire department with jurisdiction

(3) Within thirty (30) days of the incident, the applicant shall deliver to the County Planning and Zoning Department an after-action report prepared by a qualified independent third-party with expertise in subject matter and shall identify any

Commented [MP23]: thirty (30) calendar days

Commented [MP24]: owner/operator

Commented [MP25]: after-action review report

³ Moved from Section 4-855(A)(7)

changes to the operations of the BESS facility necessary to maintain life and safety within the BESS facility and the neighboring residential properties. No operations may occur in the battery container or at the BESS facility, as applicable based upon the type of incident, until the after-action report has been considered by the Board of County Commissioners at a noticed public hearing and the Board of County Commissioners approves restarting operations at the BESS facility, or within the battery container. Such decision shall be made based upon the impact of the failure on neighboring residential properties, the threat and continuing threat to public safety, the response to the incident, cause of the failure, and whether the operator or owner has implemented or is in the process of implementing changes to the operations of the BESS facility, or battery container, necessary to maintain life and safety within the BESS facility and neighboring residential properties. Notice of the hearing shall be provided in the same manner as public notice for a permit for a use by special review as provided in the Morgan County Zoning Regulations, as amended. If the Board of County Commissioners decides that the BESS facility or the battery container, as applicable, may not be returned to operation, the Board of County Commissioners may direct the applicant to take any necessary steps to protect the public safety and welfare or alternative, schedule a hearing to revoke this permit.

~~(e)(g)~~ Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

~~(f)(h)~~ Procedures for dealing with BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged BESS equipment from the facility.

4-860 Battery Energy Storage System (BESS) Standards

(B) All BESS, including all mechanical equipment, shall be enclosed by a minimum of a six (6) foot tall fence with a self-locking gate to prevent unauthorized access, unless housed in a building dedicated to the BESS. No fencing may interfere with any ventilation or exhaust ports.⁴

⁴ Discuss

Commented [MP26]: identify areas of improvement to the operations

Commented [MP27]: The after-action review report prepared by the subject-matter expert may exclude sensitive information covered by a non-disclosure agreement or other business confidentiality agreement.

Commented [MP28]: after-action review report

Commented [MP29]: adverse impacts

Commented [MP30]: the existing threat and continuing threat

Commented [MP31]: improvements to the operations

Commented [MP32]: owner/operator

Commented [MP33]: , or alternatively schedule a hearing

Commented [MP34]: to potentially revoke the permit if and when lacking of adverse impacts-related remedy actions or corrective measures by the owner/operator.

Commented [MP35]: that will address hazard communication standard, response to safety concerns, and protective measures or safety precautions

Commented [MP36]: a minimum of a six (6) foot tall chain link fence with one (1) foot barbed wire and a self-locking gate to prevent unauthorized access,

Commented [MP37]: security fencing

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(D) Defensible Space. The BESS facility must be surrounded by a defensible space of at least 200 feet in width from the edge of the BESS facility, unless a large space is required by the Board. Within this facility, the operator or owner must employ natural material which is nonflammable and will aid in the prevention of fire and suppress any vegetation or other flammable items. Conditions or materials which will create dust, such as the employment of dirt only in the defensible space, are also not permitted.

(F) Roadways and Access. The County may require that the road use agreement for the related solar collector facility govern any road impacts related to the construction of the BESS facility or require a separate road use agreement.

4-870 Decommissioning Requirements for BESS

(A) The applicant shall provide a final decommissioning plan in accordance with this Section prior to the submission of any construction permit related to the approved project or earlier if required by the County.

(B) Decommissioning Plan. The decommissioning plan shall include:

- (1) Contact information for all parties involved (e.g., landowner, developer, utilities, etc.);
- (2) A detailed plan for the removal of all systems and equipment from the site, including provisions for the removal of structures, debris and cabling including those below the soil surface to depths agreed to in landowner agreements or down twenty-four (24) inches;
- (3) A cost estimate for the decommissioning prepared by a professional engineer or contractor with expertise in related decommissioning projects; and
- (4) Roles and responsibilities of each party involved in the decommissioning.

(5) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy to the County Planning Department.

(C) Decommissioning Bond or Letter of Credit. The decommissioning cost, ~~minus the salvage value~~ of the system, foundation, and associated equipment and facilities, shall be made by cash, surety bond, or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the system.

WIND ENERGY FACILITY REGULATIONS

4-895 Submittal Requirements

(C) Narrative and Impact Analysis. A narrative, in addition to the requirements of the applicable permit, including:

Commented [MP38]: Defensive Space for Fire Control.

Commented [MP39]: Defensive space is a common, reasonable, & prudent best practice for fire mitigation measure related to BESS facility.

Recommend considering NFPA 855 guidance of 100 feet as common leading practice or exception based on fire test and simulation by accredited Fire Protection Engineer.

Commented [MP40]: Would recommend that the defensible space requirement for BESS include "or fire protection of equivalent efficacy" so that project developers can use a fire-rated wall or fence in lieu of 200 feet of defensible space, especially for BESS only projects.

Commented [MP41]: unless a wider space is

Commented [MP42]: Within the perimeter of the facility,

Commented [MP43]: suppress any vegetation or other flammable materials to slow the spread of a fire.

Commented [MP44]: fugitive dust

Commented [MP45]: road use impacts

Commented [MP46]: as part of a solar plus battery storage system,

Commented [MP47]: , or require a separate road use agreement for a standalone storage system.

Commented [MP48]: submission for the building permit

Commented [MP49]: approved land use permit

Commented [MP50]: or six months prior to the initial commercial operating date of the BESS facility.

Commented [MP51]: BESS facility decommissioning

Commented [MP52]: decommissioning activities.

Commented [MP53]: three (3) years would be too short a timeframe for any substantial changes in BESS facility decommissioning associated engineering & salvage market conditions for all the equipment and materials removed during the facility decommissioning.

Commented [MP54]: and provide a copy of the updated plan to the County Planning Department.

Commented [MP55]: the amount of financial security shall be the cost of decommissioning minus salvage value

Commented [MP56]: see review comments/edits above in the Solar Collector Facility Regulations section.

all the review comments/edits there are applicable here for the Wind Energy Facility Regulation.

SOLAR, BESS, WIND AMENDMENTS
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- (4) Impact Analysis. The applicant will provide a description of the impacts that the proposed WEF may cause, based upon the standards in these WEF and Zoning Regulations. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause, ~~as described in Section 6-105~~; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on County services and capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a WEF are identified, the applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the applicant may be required to pay the County a mutually agreed upon impact fee to allow the County to maintain existing County Services and Capital facilities.

- (E) Decommissioning Plan. The applicant shall provide a preliminary Decommissioning Plan in accordance with Section 4-910.

4-900 WEF Standards

- (B) Setbacks from Ground-Mounted WEF.

- (1) The setbacks in this subsection shall govern over any setbacks established in these Zoning Regulations.

	Minimum Setback ⁵
Setback from above-ground public utility power lines or communication lines	2+1 times system height
Setback from existing public road or highway or railroad	2+1 times system height
Setback from inhabited buildings including: residence, school, hospital, church or public library	2.5 ⁶ 2 times system height <u>or 2000 feet, whichever is greater</u>
Setback from public road or highway with ADT of 7,000 or more	2+1 times system height <u>or 420 feet, whichever is greater</u>
Setback from all other property lines, unless appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Board	2+1 times system height <u>or 1000 feet, whichever is greater</u>

Commented [MP57]: legal residence

Commented [MP58]: 2 times system height

Commented [MP59]: 1,500 feet

Commented [MP60]: 500 feet

- (H) Roadways and Access.

- (6) The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. ~~The applicant will prepare a roads agreement that includes a mitigation plan addressing potential impacts to County roads to be used during construction.~~

⁵ All redlines except "2.5 times system height" reference Sedgwick County Regulations

⁶ 2.5 times the system height is the largest height requirement after checking several counties in the State. This requirement is from Prowers County.

SOLAR, BESS, WIND AMENDMENTS
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~~As part of the roads agreement, the applicant at their expense will be required to return any County roads that are impacted by construction to their pre-construction baseline condition.~~

- (7) ~~Road Agreement. If any County roads will be used during construction of a WEF for the purpose of transporting parts, materials and/or equipment, the applicant owner or operator shall enter into a road agreement with the County. The roads agreement shall comply with Section 4-900 and shall also include the following:~~

- ~~(a) A map showing which County roads will be used during construction.~~
- ~~(b) A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey. The Board, when considering approval of the road use agreement, may delay the submission of the baseline survey to prior to construction. If delayed, no construction permit may be issued until the survey is submitted and approved in writing by the Planning and Public Works Departments.~~
- ~~(c) A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.~~
- ~~(d) A legally binding agreement between the applicant and the County that requires the applicant to return any County roads to their pre-construction baseline condition.~~

Commented [MP61]: construction of the wind energy facility.

Commented [MP62]: A mitigation plan to address the proposed project's traffic impacts to County roads to be used during the construction process.

4-910 Decommissioning Requirements for WEF

(A) General Requirements.

- ~~(1) The applicant shall provide a final decommissioning plan in accordance with this Section prior to the submission of any construction permit related to the approved project or earlier if required by the County.~~
- ~~(2) If a WEF ceases to perform its originally intended function for more than 12 consecutive months unless for the purpose of repowering the facility with replacement equipment or as explicitly agreed to by the County Planning Department, the permit holder and/or property owner shall remove the facility, mount and associated equipment and facilities by no later than 270 days after the end of the 12-month period.~~
- ~~(3) If permit holder and/or property owner notifies the County of the termination of operations, decommissioning shall be completed no less than 180 days from the date of the notice.~~

Commented [MP63]: see Solar section above

Commented [MP64]: see Solar section above

Commented [MP65]: see Solar section above

SOLAR, BESS, WIND AMENDMENTS

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(43) Upon removal of a WEF, the property shall be restored to the condition prior to development of the facility or as explicitly agreed to by the County Planning Department and landowner.

Commented [MP66]: see Solar section above

(45) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy to the County Planning Department.

Commented [MP67]: see Solar section above

(C) Decommissioning Bond or Letter of Credit. The decommissioning cost of the system, foundation, and associated equipment and facilities shall be made by cash, surety bond or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the facility.

Commented [MP68]: see Solar section above



April 16, 2025

Morgan County Planning and Zoning Department
Morgan County BOCC
218 Kiowa Ave.
Fort Morgan, CO 80701

RE: Morgan County Solar Collector Facility Regulations Redlines

Dear Nicole Hay and the Morgan County Board of County Commissioners, County Planning Commission, and Staff,

On behalf of the COSSA Institute, we would like to thank you for your efforts to update Morgan County's regulations concerning Renewable Energy and Battery Energy Storage Systems (BESS). We appreciate the County's clear commitment to protecting public safety while also fostering responsible clean energy development.

The COSSA Institute is a Colorado-based 501(c)(3) nonprofit committed to accelerating the deployment of community-driven clean energy projects in Colorado. Our organization strives to bridge the gap between local leaders, community members, and developers to advance clean energy projects and has worked closely with several jurisdictions around the state to assist with changes to local land use codes to incorporate regulations for solar energy and battery storage systems.

As the energy landscape evolves, it is critical that local regulations that ensure safety while balancing regulation and the practical realities of deploying and operating storage technologies. Our comments are submitted with that shared goal in mind. We have provided suggestions based on current industry standards, safety practices (including those referenced by NFPA 855), and the operational characteristics of lithium-ion battery systems.

Specifically, we respectfully recommend:

- Extending timelines for decommissioning milestones (cost updates and completion) to align with industry norms and allow for all needed activities in the decommissioning plan
- Maintaining the inclusion of salvage value in decommissioning bond calculations to ensure a fair, non-excessive bonding process based on actual financial risk;
- Clarifying incident definitions and response protocols, to differentiate between minor technical issues and true safety hazards, and to avoid overly broad requirements that could discourage transparency or future investment;
- Reconsidering permit revocation language and having a qualified subject matter experts ensure that any post-incident response is informed by subject matter experts and proportionate to the event, to ensure safety and transparency without discouraging development or infringing on private property rights;

- Updating fire suppression language to reflect the latest safety standards, including the limited role of water in BESS fire response;
- Incorporating flexibility in requirements such as setbacks and defensible space by referencing professional guidance and best practices.

We believe these revisions will support Morgan County in adopting regulations that are protective, practical, and supportive of both public safety and clean energy investment.

We appreciate the opportunity to provide input and welcome any questions or opportunities to discuss these recommendations further. Thank you again for your leadership in this important matter.

Sincerely,

Adrienne Dorsey
VP of Strategic Initiatives

Jeremiah Garrick
Manager of Community Engagement and Strategy

Attachment 1: COSSA Institute Redlines and Comments

SOLAR, BESS, WIND AMENDMENTS

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SOLAR COLLECTOR FACILITY REGULATIONS

4-820 Submittal Requirements

- (C) Narrative and Impact Analysis. A narrative, in addition to the requirements of the application permit, including:
- (1) Project description and proposed phasing of development.
 - (2) A description of the project and each phase of development, including the approximate number of solar panels, and the accessory structures, power output (in [MWWM](#)), and infrastructure and interconnection requirements for each phase.
 - (3) Description of potential access route(s), including road surface material, proposed measures for dust control, and proposed road maintenance schedule or program.
 - (4) Impact Analysis. The applicant will provide a description of the impacts that the proposed solar collector may cause, based upon the standards in these Solar Collector Facility and Zoning Regulations. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on the County services and capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a solar collector are identified, the applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the applicant may be required to pay the county a mutually agreed upon impact fee to allow the County to maintain existing County services and capital facilities.
 - (5) [Defensible Space. A description of the defensible space to be proposed around the perimeter of the solar collector facility.](#)
 - (6) [Fencing. The applicant shall provide a photograph and a description of the type of proposed perimeter fencing of the solar collector facility.](#)
- (E) Decommissioning Plan. The applicant shall provide a [preliminary](#) decommissioning plan in accordance with Section 4-835.

4-825 Solar Collector Facility Standards

- (D) Principal Ground-Mounted Solar Collectors.
- (7) Maximum Height. The maximum height of the solar panels shall not exceed 30 feet in height or 35 feet in height for agrivoltaics when oriented at maximum tilt.¹

¹ Discuss

SOLAR, BESS, WIND AMENDMENTS
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(11) Roadways and Access.

- (f) The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. ~~The applicant will prepare a roads agreement that includes a mitigation plan addressing potential impacts to County roads to be used during construction. As part of the roads agreement, the applicant at their expense will be required to return any County roads that are impacted by construction to their pre-construction baseline condition.~~

- (g) Road Agreement. ² If any County roads will be used during construction of a solar collector facility for the purpose of transporting parts, materials and/or equipment, the applicant owner or operator shall enter into a road agreement with the County. The roads agreement shall comply with Section 4-825 and shall also include the following:

- (1) A map showing which County roads will be used during construction.
- (2) A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey. The Board, when considering approval of the road use agreement, may delay the submission of the baseline survey to prior to construction. If delayed, no construction permit may be issued until the survey is submitted and approved in writing by the Planning and Public Works Departments.
- (3) A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.
- (4) A legally binding agreement between the applicant and the County that requires the applicant to return any County roads to their pre-construction baseline condition.

4-835 Decommissioning Requirements for Solar Collector Facilities

(A) General Requirements.

- (1) The applicant shall provide a final decommissioning plan in accordance with this Section prior to the submission of any construction permit related to the approved project and use permit or earlier if required by the County 6 months prior to the commercial operation date (COD) of the solar collector facility.
- (2) If a solar collector facility ceases to perform its originally intended function for more than 12 consecutive months unless for the purpose of repowering the facility

Commented [JG1]: To provide a timeline and align with industry standard

² Moved from Section 4-820(K)

SOLAR, BESS, WIND AMENDMENTS

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with replacement solar panels or as explicitly agreed to in writing by the County Planning Department, the permit holder and/or property owner shall remove the facility, mount and associated equipment and facilities by no later than 270 days 12 months after the end of the 12-month period.

Commented [JG2]: 270 days is a short timeframe, we suggest a year to align with industry standards

- (32) If permit holder and/or property owner notifies the County of the termination of operations, decommissioning shall be completed no less than 180 days from the date of the notice one year from the date of notice.

Commented [JG3]: Same as above, this could be a very difficult standard to meet, as the developer has to complete everything in the decommissioning plan. Recommend initiating within 180 days and completed no less than 1 year from date of notice.

- (43) Upon removal of a solar collector facility, the property shall be restored to the condition prior to development of the facility or as explicitly agreed to in writing by the County Planning Department and landowner.

- (54) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy of the updated plan to the County Planning Department.

Commented [JG4]: Considering the life of these projects we recommend 5 or 7 years to actually capture some changes in market conditions.

- (C) Decommissioning Bond or Letter of Credit. The decommissioning cost, minus the salvage value of the facility equipment, shall be made by cash, surety bond or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the facility.

Commented [JG5]: We recommend keeping the salvage value in the equation as it reflects real-world financial incentives and market realities, and helps ensure that bonding is fair, not excessive

BATTERY ENERGY STORAGE SYSTEM (BESS) REGULATIONS

4-855 Submittal Requirements

- ~~(9)~~(8) Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Section 4-870.

- ~~(10)~~(9) Emergency Operation Plan. An emergency operation plan including the following:

- (a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- (b) Procedures for inspection and testing of associated alarms, interlocks, and controls.
- (c) Procedures in conformance with Section 4-860 to be followed in response to notifications from the BESS management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment; and/or summoning service and repair personnel; and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

SOLAR, BESS, WIND AMENDMENTS
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- (d) A fire mitigation plan including identification of the nearest water source for fire suppression, ~~or~~ or written confirmation from the local fire department with jurisdiction over the property, stating that the site has been evaluated for fire risks and sufficiently mitigated any such risk and emergency notifications to fire department with jurisdiction and other emergency services.³

Commented [JG6]: Consider leaving this as an “or” requirement or removing “identification of the nearest water source for fire suppression”.

Water is not recommended for suppressing BESS fires. In some situations, it is used on the surrounding area, but that is the purpose of the defensible space requirement and therefore redundant.

- ~~(d)~~(e) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. ~~Procedures can include sounding the alarm, notifying the fire department or district, including~~ evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

- (f) An incident reporting plan with the minimum standards:

Incidents at BESS facility. The following procedures shall be followed during the operation of a BESS facility:

- (1) A minor incident, defined as failure of or fire in one battery container, shall trigger an immediate shutdown of the effected battery container by the operator/ owner, if deemed a safety hazard by the owner/operator. A major incident is defined as occurrence of one or more of the following: 1) a failure of or fire in two or more battery containers, 2) when a fire expands beyond the defensible space required in Section 4-860(D), or 3) an incident at the BESS facility results in an order of evacuation or shelter in place to residents in the vicinity of the facility. A major incident shall trigger an immediate shutdown of the entire BESS facility by the operator/owner.

Commented [JG7]: Failure can be defined as many things and would not always warrant this process and notifications. For example, a single cell in a battery may fail, but not have a thermal event or pose a safety hazard. It may not even warrant replacement until a future date if that is the only issue. It is worth listing what kinds of failures would qualify as a “minor incident” as some are inconsequential. This could also be addressed by adding language like “if deemed a safety hazard” or similar.

Commented [JG8]: Similar to the above comment on minor incident, it would make sense to apply the same logic of differentiating a safety hazard versus internal failure that is a performance issue that poses no threat. For example, internal components failing in a way that results in no safety hazard, but in 2 containers or more.

Commented [JG9]: Clarification on if this applies only if the facility is the cause of the incident or in any situation, even acts of God or similar would be beneficial.

- (2) Upon the occurrence of either type of incident, the owner/operator shall issue an incident notification within three (3) days of the incident. The incident notification will describe the time, duration or nature of incident and must be mailed to all property owners within a half mile of the BESS facility at the addresses of record through the Morgan County Assessor’s Office; the County Planning and Zoning Department; the appropriate municipality; the appropriate fire district; Morgan County Sheriff’s Office; Morgan County Ambulance Services and Morgan County Emergency Management Department.

Commented [JG10]: Similar to above, as long as the failure doesn’t result in overheating, gas release, or risk of fire, it’s essentially an internal performance issue—not a public safety concern.

³ Moved from Section 4-855(A)(7)

(3) Within thirty (30) days of the incident, the applicant shall deliver to the County Planning and Zoning Department an after-action report prepared by a qualified independent third-party with expertise in subject matter and shall identify any changes to the operations of the BESS facility necessary to maintain life and safety within the BESS facility and the neighboring residential properties. No operations may occur in the battery container or at the BESS facility, as applicable based upon the type of incident, until the after-action report has been considered by the Board of County Commissioners. ~~a qualified independent third-party with expertise in subject matter and a licensed PE has certified that the project can safely resume operation, at a noticed public hearing and the Board of County Commissioners approves restarting operations at the BESS facility, or within the battery container.~~ Such decision shall be made based upon the impact of the failure on neighboring residential properties, the threat and continuing threat to public safety, the response to the incident, cause of the failure, and whether the operator or owner has implemented or is in the process of implementing changes to the operations of the BESS facility, or battery container, necessary to maintain life and safety within the BESS facility and neighboring residential properties. ~~Notice of the hearing shall be provided in the same manner as public notice for a permit for a use by special review as provided in the Morgan County Zoning Regulations, as amended. If the Board of County Commissioners decides that the BESS facility or the battery container, as applicable, may not be returned to operation, the Board of County Commissioners may direct the applicant to take any necessary steps to protect the public safety and welfare or alternative, schedule a hearing to revoke this permit.~~

Commented [JG11]: Does this apply to either type of incident or only major?

Commented [JG12]: This approach still ensures transparency through the public notifications and ensures safety by making sure the review agencies of the action report and system are qualified individuals with subject matter expertise.

Commented [JG13]: A permit should not be revoked for an incident occurring. The requirements to cease operations and certify the facility can safely re-operate before proceeding when an incident occurs covers the intent of this language and won't inhibit development. Once the facility is certified by subject matter experts that it can safely reoperate, there is no difference between that system and others that operate in and around the County. Revocation of permits risks infringement on private property rights. As written, this language will deter both funding for projects and developers of projects from developing storage projects.

(e)(g) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

(f)(h) Procedures for dealing with BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged BESS equipment from the facility.

4-860 Battery Energy Storage System (BESS) Standards

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(B) All BESS, including all mechanical equipment, shall be enclosed by a minimum of a six (6) foot tall fence with a self-locking gate to prevent unauthorized access, unless housed in a building dedicated to the BESS. No fencing may interfere with any ventilation or exhaust ports. ⁴

(D) Defensible Space. The BESS facility must be surrounded by a defensible space of at least 200-100 feet in width from the edge of the BESS facility, unless a larger wider space is required by the Board. Within this facility, the operator or owner must employ natural material which is nonflammable and will aid in the prevention of fire and suppress any vegetation or other flammable items. Conditions or materials which will create dust, such as the employment of dirt only in the defensible space, are also not permitted.

Commented [JG14]: The recommendation from NFPA 855 is 100 feet or a wider space if deemed necessary by an accredited subject matter expert

(F) Roadways and Access. The County may require that the road use agreement for the related solar collector facility govern any road impacts related to the construction of the BESS facility or require a separate road use agreement.

4-870 Decommissioning Requirements for BESS

(A) The applicant shall provide a final decommissioning plan in accordance with this Section prior to the submission of any construction permit related to the approved project or earlier if required by the County.

(B) Decommissioning Plan. The decommissioning plan shall include:

- (1) Contact information for all parties involved (e.g., landowner, developer, utilities, etc.);
- (2) A detailed plan for the removal of all systems and equipment from the site, including provisions for the removal of structures, debris and cabling including those below the soil surface to depths agreed to in landowner agreements or down twenty-four (24) inches;
- (3) A cost estimate for the decommissioning prepared by a professional engineer or contractor with expertise in related decommissioning projects; and
- (4) Roles and responsibilities of each party involved in the decommissioning.

(5) The owner or operator shall update the decommissioning plan every threefive (53) years and provide a copy to the County Planning Department.

Commented [JG15]: Same comment as above

(C) Decommissioning Bond or Letter of Credit. The decommissioning cost, minus the salvage value, ~~minus the salvage value~~ of the system, foundation, and associated equipment and facilities, shall be made by cash, surety bond, or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the system.

Commented [JG16]: Same comment as above

⁴ Discuss

SOLAR, BESS, WIND AMENDMENTS

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WIND ENERGY FACILITY REGULATIONS

4-895 Submittal Requirements

- (C) Narrative and Impact Analysis. A narrative, in addition to the requirements of the applicable permit, including:
- (4) Impact Analysis. The applicant will provide a description of the impacts that the proposed WEF may cause, based upon the standards in these WEF and Zoning Regulations. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause, ~~as described in Section 6-105~~; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on County services and capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a WEF are identified, the applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the applicant may be required to pay the County a mutually agreed upon impact fee to allow the County to maintain existing County Services and Capital facilities.
- (E) Decommissioning Plan. The applicant shall provide a preliminary Decommissioning Plan in accordance with Section 4-910.

4-900 WEF Standards

- (B) Setbacks from Ground-Mounted WEF.
- (1) The setbacks in this subsection shall govern over any setbacks established in these Zoning Regulations.

	Minimum Setback ⁵
Setback from above-ground public utility power lines or communication lines	24.4 times system height
Setback from existing public road or highway or railroad	24.4 times system height
Setback from inhabited buildings including: residence, school, hospital, church or public library	2.5 ⁶ 2 times system height <u>or 2000 feet, whichever is greater</u>
Setback from public road or highway with ADT of 7,000 or more	24.4 times system height <u>or 420 feet, whichever is greater</u>
Setback from all other property lines, unless appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Board	24.4 times system height <u>or 1000 feet, whichever is greater</u>

⁵ All redlines except “2.5 times system height” reference Sedgwick County Regulations

⁶ 2.5 times the system height is the largest height requirement after checking several counties in the State. This requirement is from Prowers County.

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(H) Roadways and Access.

- (6) The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. ~~The applicant will prepare a roads agreement that includes a mitigation plan addressing potential impacts to County roads to be used during construction. As part of the roads agreement, the applicant at their expense will be required to return any County roads that are impacted by construction to their pre-construction baseline condition.~~

- (7) Road Agreement. If any County roads will be used during construction of a WEF for the purpose of transporting parts, materials and/or equipment, the applicant owner or operator shall enter into a road agreement with the County. The roads agreement shall comply with Section 4-900 and shall also include the following:

- (a) A map showing which County roads will be used during construction.
- (b) A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey. The Board, when considering approval of the road use agreement, may delay the submission of the baseline survey to prior to construction. If delayed, no construction permit may be issued until the survey is submitted and approved in writing by the Planning and Public Works Departments.
- (c) A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.
- (d) A legally binding agreement between the applicant and the County that requires the applicant to return any County roads to their pre-construction baseline condition.

4-910 Decommissioning Requirements for WEF

(A) General Requirements.

- (1) The applicant shall provide a final decommissioning plan in accordance with this Section prior to the submission of any construction permit related to the approved project or earlier if required by the County.
- (2) If a WEF ceases to perform its originally intended function for more than 12 consecutive months unless for the purpose of repowering the facility with replacement equipment or as explicitly agreed to by the County Planning Department, the permit holder and/or property owner shall remove the facility, mount and associated equipment and facilities by no later than 270 days after the end of the 12-month period.

SOLAR, BESS, WIND AMENDMENTS

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- (32) If permit holder and/or property owner notifies the County of the termination of operations, decommissioning shall be completed no less than 180 days from the date of the notice.
- (43) Upon removal of a WEF, the property shall be restored to the condition prior to development of the facility or as explicitly agreed to by the County Planning Department and landowner.
- (45) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy to the County Planning Department.
- (C) Decommissioning Bond or Letter of Credit. The decommissioning cost of the system, foundation, and associated equipment and facilities shall be made by cash, surety bond or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the facility.



Nicole Hay <nhay@co.morgan.co.us>

***POSTPONED* - April 14th Work Session**

Moore, Ashard [REDACTED]

Mon, Apr 21, 2025 at 8:26 AM

To: Jenafer Santos <jsantos@co.morgan.co.us>, Cheryl Brindisi <cbrindisi@co.morgan.co.us>, Nicole Hay <nhay@co.morgan.co.us>

Good morning All,

Hope everyone is well. I've attached a few comments we made to the amendments. The proposed regulations on solar, wind, and Battery Energy Storage Systems (BESS) present several challenges that need addressing to ensure they are conducive to the development of energy projects in Morgan County.

Key concerns include vague definitions, inconsistencies in timelines, excessive control by regulatory bodies, and requirements that could impede project viability.

1. **Defensible Space:** The definition of defensible space needs to be clarified to avoid unnecessary over-implementation. A narrower, context-specific definition would ensure balanced fire prevention measures.
2. **Fencing Requirements:** Clarification is needed on whether fencing must comply with CPW recommendations or if there are new requirements.
3. **Regulatory Consistency:** It is unclear if certain requirements are new or part of existing regulations. Clear differentiation between current and additional regulations is necessary.
4. **Grandfathering of Projects:** Explicit guidelines are needed to specify whether existing projects will be exempt from new regulations to prevent legal disputes and ensure fairness.
5. **BESS Operational Halts:** The requirement for a complete halt of operations due to battery failure is excessively severe and would discourage investment in battery storage projects.
6. **Control by BOCC:** Control of energy production by the Board of County Commissioners (BOCC) over the resumption of operations could drive away potential developers from investing in battery storage in Morgan County.
7. **Report Timeline for IE:** A 30-day timeline for an Independent Engineer (IE) to produce a report is impractical. Extending this to a more realistic period would prevent disruptions to energy production.
8. **Defensible Space Distance:** The 200-foot requirement for defensible space is not practical. A reassessment to determine a more feasible distance is necessary.
9. **Salvage Value in Decommissioning Cost:** Including the salvage value in the decommissioning cost is essential for accurate financial planning for developers.
10. **Setback Requirements:** The 2-times setback requirements are excessively restrictive and would effectively prohibit wind energy projects in Morgan County, infringing on landowners' property rights.
11. **Baseline Survey Approval Timeline:** Establishing a clear timeline for the approval of baseline surveys ensures predictability and efficiency in project planning.

Impact on Morgan County: If the setback and BESS regulations are implemented as currently proposed, they would effectively prohibit the development of wind energy and battery storage projects in

Morgan County. The stringent setback requirements would restrict wind energy projects, while the severe operational halt provisions for BESS would deter investment in battery storage. Addressing these concerns is crucial to fostering a favorable environment for energy development in the county.

Best regards,

Ash Moore

Project Director

NextEra Energy Resources

Mobile: [REDACTED]



[Quoted text hidden]



SBW Zoning Redlines 041425_NEXTERA.pdf
241K

SOLAR COLLECTOR FACILITY REGULATIONS

4-820 Submittal Requirements

- (C) Narrative and Impact Analysis. A narrative, in addition to the requirements of the application permit, including:
- (1) Project description and proposed phasing of development.
 - (2) A description of the project and each phase of development, including the approximate number of solar panels, and the accessory structures, power output (in [MWWAM](#)), and infrastructure and interconnection requirements for each phase.
 - (3) Description of potential access route(s), including road surface material, proposed measures for dust control, and proposed road maintenance schedule or program.
 - (4) Impact Analysis. The applicant will provide a description of the impacts that the proposed solar collector may cause, based upon the standards in these Solar Collector Facility and Zoning Regulations. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on the County services and capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a solar collector are identified, the applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the applicant may be required to pay the county a mutually agreed upon impact fee to allow the County to maintain existing County services and capital facilities.
 - (5) Defensible Space. A description of the defensible space to be proposed around the perimeter of the solar collector facility.
 - (6) Fencing. The applicant shall provide a photograph and a description of the type of proposed perimeter fencing of the solar collector facility.
- (E) Decommissioning Plan. The applicant shall provide a [preliminary](#) decommissioning plan in accordance with Section 4-835.

Commented [AM1]: We should include a definition of "Impacts" within the document to exclude subjectivity

Commented [AM2]: Does the defensible space equate to a firebreak. A 10' firebreak would mean the balding and harrowing will be installed. Could we narrow the definition?

Commented [AM3]: Should the fencing comply with CPW recommendations of 7' smooth top chain link steel post? Are there any new requirements?

4-825 Solar Collector Facility Standards

- (D) Principal Ground-Mounted Solar Collectors.
- (7) Maximum Height. The maximum height of the solar panels shall not exceed 30 feet in height or 35 feet in height for agrivoltaics when oriented at maximum tilt.¹

¹ Discuss

SOLAR, BESS, WIND AMENDMENTS
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(11) Roadways and Access.

- (f) The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. ~~The applicant will prepare a roads agreement that includes a mitigation plan addressing potential impacts to County roads to be used during construction. As part of the roads agreement, the applicant at their expense will be required to return any County roads that are impacted by construction to their pre-construction baseline condition.~~

- (g) Road Agreement.² If any County roads will be used during construction of a solar collector facility for the purpose of transporting parts, materials and/or equipment, the applicant owner or operator shall enter into a road agreement with the County. The roads agreement shall comply with Section 4-825 and shall also include the following:

- (1) A map showing which County roads will be used during construction.
- (2) A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey. The Board, when considering approval of the road use agreement, may delay the submission of the baseline survey to prior to construction. If delayed, no construction permit may be issued until the survey is submitted and approved in writing by the Planning and Public Works Departments.
- (3) A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.
- (4) A legally binding agreement between the applicant and the County that requires the applicant to return any County roads to their pre-construction baseline condition.

Commented [AM4]: Can we add a timeframe for approval, this could cause delays. Perhaps, approval and/or response 30 days from submission

Commented [AM5]: Is this part of the current RUA requirements, or in addition to?

4-835 Decommissioning Requirements for Solar Collector Facilities

(A) General Requirements.

- (1) The applicant shall provide a final decommissioning plan in accordance with this Section prior to the submission of any construction permit related to the approved project or earlier if required by the County.
- (2) If a solar collector facility ceases to perform its originally intended function for more than 12 consecutive months unless for the purpose of repowering the facility with replacement solar panels or as explicitly agreed to in writing by the County

² Moved from Section 4-820(K)

SOLAR, BESS, WIND AMENDMENTS

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Planning Department, the permit holder and/or property owner shall remove the facility, mount and associated equipment and facilities by no later than 270 days after the end of the 12-month period.

- (32) If permit holder and/or property owner notifies the County of the termination of operations, decommissioning shall be completed no less than 180 days from the date of the notice.

Commented [AM6]: Should this be 270 days similar to what is stated above?

- (42) Upon removal of a solar collector facility, the property shall be restored to the condition prior to development of the facility or as explicitly agreed to in writing by the County Planning Department and landowner.

(54) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy of the updated plan to the County Planning Department.

- (C) Decommissioning Bond or Letter of Credit. The decommissioning cost, ~~minus the salvage value~~ of the facility equipment, shall be made by cash, surety bond or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the facility.

Commented [AM7]: The salvage value should be included in decommission LOC. This cost is included in the total

BATTERY ENERGY STORAGE SYSTEM (BESS) REGULATIONS

4-855 Submittal Requirements

~~(9)~~(8) Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Section 4-870.

~~(10)~~(9) Emergency Operation Plan. An emergency operation plan including the following:

- (a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- (b) Procedures for inspection and testing of associated alarms, interlocks, and controls.
- (c) Procedures ~~in conformance with Section 4-860~~ to be followed in response to notifications from the BESS management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment ~~and/or~~ summoning service and repair personnel, ~~and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.~~
- (d) A fire mitigation plan including identification of the nearest water source for fire suppression, ~~or~~ written confirmation from the local

fire department with jurisdiction over the property stating that the site has been evaluated for fire risks and sufficiently mitigated any such risk and emergency notifications to fire department with jurisdiction and other emergency services.³

Commented [AM8]: Are permitted projects grandfathered into this?

- (d)(e) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. ~~Procedures can include sounding the alarm, notifying the fire department or district, including~~ evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

(f) An incident reporting plan with the minimum standards:

Incidents at BESS facility. The following procedures shall be followed during the operation of a BESS facility:

- (1) A minor incident, defined as failure of or fire in one battery container, shall trigger an immediate shutdown of the effected battery container by the operator/ owner. A major incident is defined as occurrence of one or more of the following: 1) a failure of or fire in two or more battery containers, 2) when a fire expands beyond the defensible space required in Section 4-860(D), or 3) an incident at the BESS facility results in an order of evacuation or shelter in place to residents in the vicinity of the facility. A major incident shall trigger an immediate shutdown of the entire BESS facility by the operator/owner.

Commented [AM9]: Why would a "failure" of a battery trigger a complete halt to operations?

- (2) Upon the occurrence of either type of incident, the owner/operator shall issue an incident notification within three (3) days of the incident. The incident notification will describe the time, duration or nature of incident and must be mailed to all property owners within a half mile of the BESS facility at the addresses of record through the Morgan County Assessor's Office; the County Planning and Zoning Department; the appropriate municipality; the appropriate fire district; Morgan County Sheriff's Office; Morgan County Ambulance Services and Morgan County Emergency Management Department.

- (3) Within thirty (30) days of the incident, the applicant shall deliver to the County Planning and Zoning Department an after-action report prepared by a qualified independent third-party with expertise in subject matter and shall identify any

Commented [AM10]: These provisions are extremely concerning concerning. Giving the BOCC to control over resuming operations to an existing utility sized project would prohibit developers from investing in battery storage in the county.

Commented [AM11]: 30 Days would be insufficient for an IE to produce a report and halting energy production would prohibit any energy storage in the county.

³ Moved from Section 4-855(A)(7)

SOLAR, BESS, WIND AMENDMENTS

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changes to the operations of the BESS facility necessary to maintain life and safety within the BESS facility and the neighboring residential properties. No operations may occur in the battery container or at the BESS facility, as applicable based upon the type of incident, until the after-action report has been considered by the Board of County Commissioners at a noticed public hearing and the Board of County Commissioners approves restarting operations at the BESS facility, or within the battery container. Such decision shall be made based upon the impact of the failure on neighboring residential properties, the threat and continuing threat to public safety, the response to the incident, cause of the failure, and whether the operator or owner has implemented or is in the process of implementing changes to the operations of the BESS facility, or battery container, necessary to maintain life and safety within the BESS facility and neighboring residential properties. Notice of the hearing shall be provided in the same manner as public notice for a permit for a use by special review as provided in the Morgan County Zoning Regulations, as amended. If the Board of County Commissioners decides that the BESS facility or the battery container, as applicable, may not be returned to operation, the Board of County Commissioners may direct the applicant to take any necessary steps to protect the public safety and welfare or alternative, schedule a hearing to revoke this permit.

- ~~(e)~~(g) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- ~~(f)~~(h) Procedures for dealing with BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged BESS equipment from the facility.

4-860 Battery Energy Storage System (BESS) Standards

- (B) All BESS, including all mechanical equipment, shall be enclosed by a minimum of a six (6) foot tall fence with a self-locking gate to prevent unauthorized access, unless housed in a building dedicated to the BESS. No fencing may interfere with any ventilation or exhaust ports.⁴

⁴ Discuss

SOLAR, BESS, WIND AMENDMENTS

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(D) Defensible Space. The BESS facility must be surrounded by a defensible space of at least 200 feet in width from the edge of the BESS facility, unless a large space is required by the Board. Within this facility, the operator or owner must employ natural material which is nonflammable and will aid in the prevention of fire and suppress any vegetation or other flammable items. Conditions or materials which will create dust, such as the employment of dirt only in the defensible space, are also not permitted.

Commented [AM12]: This is not a reasonable space

(F) Roadways and Access. The County may require that the road use agreement for the related solar collector facility govern any road impacts related to the construction of the BESS facility or require a separate road use agreement.

4-870 Decommissioning Requirements for BESS

(A) The applicant shall provide a final decommissioning plan in accordance with this Section prior to the submission of any construction permit related to the approved project or earlier if required by the County.

(B) Decommissioning Plan. The decommissioning plan shall include:

- (1) Contact information for all parties involved (e.g., landowner, developer, utilities, etc.);
- (2) A detailed plan for the removal of all systems and equipment from the site, including provisions for the removal of structures, debris and cabling including those below the soil surface to depths agreed to in landowner agreements or down twenty-four (24) inches;
- (3) A cost estimate for the decommissioning prepared by a professional engineer or contractor with expertise in related decommissioning projects; and
- (4) Roles and responsibilities of each party involved in the decommissioning.

(5) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy to the County Planning Department.

(C) Decommissioning Bond or Letter of Credit. The decommissioning cost, ~~minus the salvage value~~ of the system, foundation, and associated equipment and facilities, shall be made by cash, surety bond, or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the system.

Commented [AM13]: This should be included into the decommissioning cost

WIND ENERGY FACILITY REGULATIONS

4-895 Submittal Requirements

(C) Narrative and Impact Analysis. A narrative, in addition to the requirements of the applicable permit, including:

SOLAR, BESS, WIND AMENDMENTS

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- (4) **Impact Analysis.** The applicant will provide a description of the impacts that the proposed WEF may cause, based upon the standards in these WEF and Zoning Regulations. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause, ~~as described in Section 6-105~~; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on County services and capital facilities. In the event that impacts to County services or County capital facilities from construction and operation of a WEF are identified, the applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the applicant may be required to pay the County a mutually agreed upon impact fee to allow the County to maintain existing County Services and Capital facilities.

- (E) **Decommissioning Plan.** The applicant shall provide a preliminary Decommissioning Plan in accordance with Section 4-910.

4-900 WEF Standards

- (B) **Setbacks from Ground-Mounted WEF.**

- (1) The setbacks in this subsection shall govern over any setbacks established in these Zoning Regulations.

	Minimum Setback ⁵
Setback from above-ground public utility power lines or communication lines	24-1 times system height
Setback from existing public road or highway or railroad	24-1 times system height
Setback from inhabited buildings including: residence, school, hospital, church or public library	2.5 ⁶ times system height <u>or 2000 feet, whichever is greater</u>
Setback from public road or highway with ADT of 7,000 or more	24-1 times system height <u>or 420 feet, whichever is greater</u>
Setback from all other property lines, unless appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Board	24-1 times system height <u>or 1000 feet, whichever is greater</u>

Commented [AM14]: These setback requirements would prohibit wind in Morgan County and dictate what land owners can do with there land

- (H) **Roadways and Access.**

- (6) The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. ~~The applicant will prepare a roads agreement that includes a mitigation plan addressing potential impacts to County roads to be used during construction.~~

⁵ All redlines except "2.5 times system height" reference Sedgwick County Regulations

⁶ 2.5 times the system height is the largest height requirement after checking several counties in the State. This requirement is from Prowers County.

SOLAR, BESS, WIND AMENDMENTS

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~~As part of the roads agreement, the applicant at their expense will be required to return any County roads that are impacted by construction to their pre-construction baseline condition.~~

- (7) Road Agreement. If any County roads will be used during construction of a WEF for the purpose of transporting parts, materials and/or equipment, the applicant owner or operator shall enter into a road agreement with the County. The roads agreement shall comply with Section 4-900 and shall also include the following:
- (a) A map showing which County roads will be used during construction.
 - (b) A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey. The Board, when considering approval of the road use agreement, may delay the submission of the baseline survey to prior to construction. If delayed, no construction permit may be issued until the survey is submitted and approved in writing by the Planning and Public Works Departments.
 - (c) A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.
 - ~~(a)(d)~~ A legally binding agreement between the applicant and the County that requires the applicant to return any County roads to their pre-construction baseline condition.

Commented [AM15]: We should include a timeline for approval

4-910 Decommissioning Requirements for WEF

(A) General Requirements.

- (1) The applicant shall provide a final decommissioning plan in accordance with this Section prior to the submission of any construction permit related to the approved project or earlier if required by the County.
- (2) If a WEF ceases to perform its originally intended function for more than 12 consecutive months unless for the purpose of repowering the facility with replacement equipment or as explicitly agreed to by the County Planning Department, the permit holder and/or property owner shall remove the facility, mount and associated equipment and facilities by no later than 270 days after the end of the 12-month period.
- (3~~2~~) If permit holder and/or property owner notifies the County of the termination of operations, decommissioning shall be completed no less than 180 days from the date of the notice.

Commented [AM16]: This should be 270-days

SOLAR, BESS, WIND AMENDMENTS

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- (43) Upon removal of a WEF, the property shall be restored to the condition prior to development of the facility or as explicitly agreed to by the County Planning Department and landowner.
- (45) The owner or operator shall update the decommissioning plan every three (3) years and provide a copy to the County Planning Department.
- (C) Decommissioning Bond or Letter of Credit. The decommissioning cost of the system, foundation, and associated equipment and facilities shall be made by cash, surety bond or irrevocable letter of credit at 50% before construction commences and the remaining 50% prior to the twelfth anniversary of the commencement of construction of the facility.



May 22, 2025

Morgan County Planning and Zoning Department
Morgan County Board of County Commissioners
218 W. Kiowa
P.O. Box 569
Fort Morgan, CO 80701

RE: Proposed Amendments to the Morgan County Solar Collector Facility Regulations and Battery Energy Storage System (BESS) Land Use Regulations

Dear Nicole Hay, The Morgan County Board of County Commissioners, The Morgan County Planning Commission, and Staff,

We appreciate the County's proactive work to ensure public safety in the context of Battery Energy Storage System (BESS) facilities. Safety is a top priority we all share. At the same time, we recognize the importance of clear, predictable regulations that provide certainty for project developers and investors.

As currently drafted, some of the incident language and provisions that trigger a hearing in the code may unintentionally introduce ambiguity that could affect project financing and feasibility.

To help strike a better balance between public safety and the practical realities of project development, we have provided below (Attachment 1) an alternative version of the relevant language, adding a definition for "Failure" and an alternative approach to 4-860 that will not impact financing projects. Our proposed revisions retain the core intent of the County's draft—ensuring a robust review and safety certification process—while streamlining procedures, clarifying roles, and reducing redundancy. These adjustments are designed to maintain strong protections for the public while improving clarity and enforceability.

We also welcome the opportunity to support the County in this effort by connecting you with subject matter experts in BESS system safety, thermal event response, and fire suppression technologies. In addition, we can facilitate conversations with land use consultants and legal experts who can speak to the regulatory and financial implications of the current drafted language.

Thank you again for your thoughtful work on this important issue and for the opportunity to comment. We strongly recommend revisiting the drafted language in 4-860 and appreciate your consideration of our proposed language.

Sincerely,

Adrienne Dorsey
VP of Strategic Initiatives

Jeremiah Garrick
Manager of Community Engagement and Strategy

Attached: Proposed Alternative Language

Attachment 1: Proposed Alternative Language

Definitions:

“Failure” shall refer to an unplanned event or condition in which a component or subsystem of the Battery Energy Storage System (BESS) is unable to perform its intended function, and which:

1. Presents an immediate or credible threat to human health, safety, or the environment; or
2. Results in an uncontrolled release of energy (e.g., fire, thermal runaway, explosion); or
3. Requires emergency intervention (e.g., by fire or hazardous materials personnel).

Failures do not include routine maintenance events, non-critical alarms, or internal system responses that safely isolate or deactivate equipment in accordance with manufacturer specifications.

4-860 BESS Standards

(G) Incidents at BESS Facilities. The following procedures shall apply during the operation of a BESS facility:

1. **Minor Incident.** A minor incident is defined as the failure of, or fire in, a single BESS container. A minor incident shall require immediate shutdown of the affected equipment by the owner or operator.
2. **Major Incident.** A major incident is defined as any of the following:
 - Simultaneous failure of, or fire in, two or more BESS containers;
 - A fire that expands beyond the defensible space required in Section 4-860(D);
 - An incident that results in an official order to evacuate or shelter in place for nearby residents.

In the event of a major incident, the operator shall immediately shut down the affected portion(s) of the facility, and, where necessary, the entire facility if required to protect life and safety.

3. **Incident Notification.** Following any minor or major incident, the owner/operator shall issue a written incident notification within three (3) business days. The notification shall describe the time, duration, nature, and location of the incident and shall be:

- Mailed to all property owners within one-half ($\frac{1}{2}$) mile of the BESS facility, using addresses from the Morgan County Assessor's Office;

- Sent to the County Planning and Zoning Department, the applicable municipality, the relevant fire district, the Morgan County Sheriff's Office, Ambulance Services, and Emergency Management Department;
- Posted on the County's website and remain posted until the County concludes its review of the incident under this Section.

4. **After-Action Report.** Within thirty (30) days of the incident, the owner/operator shall submit an After-Action Report to the County Planning and Zoning Department. The report must be prepared by a qualified, independent third-party with relevant BESS experience. The report shall include:

- A root cause analysis;
- A summary of containment and emergency response measures;
- Recommended corrective actions.

5. **Resumption of Operations.** Once all recommended corrective actions have been completed, the affected portion(s) of the facility may resume operations upon submission of a certified report from the licensed PE, considering the findings and recommendations in the after-action report stating that the facility, or relevant portions, may safely resume operation.

The County shall formally acknowledge resumption of operations upon receipt of the certified report and expert concurrence.

6. **County Authority.** Nothing in this section limits the County's authority to enforce permit conditions, suspend operations, or revoke permits in cases of non-compliance or repeated violations of County regulations.

PLANNED DEVELOPMENTS

AMENDMENT SUMMARY



**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
AMENDMENT SUMMARY
May 20, 2025
May 28, 2025 (meeting date)**

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

The Board of County Commissions held work sessions on April 8 and April 22, 2025. The Planning Commission held a work session on April 28, 2025 and a public hearing on May 12, 2025 regarding Planned Development procedures, standards and definitions and other miscellaneous changes. The recommended revisions to the initial draft are highlighted.

Please note there are minor typographical changes in these documents that are redlined for reference.

Planned Development Procedural Amendments

1. Sec. 2-287. This section clarifies that there are two types of planned developments. A Planned Development Zone District which completely supplants base zoning and a Planned Development Overlay Zone District which relies on base zoning with modifications. It appears that it is the intent of the current regulations to allow these two types of PDs but the provisions are not as clear as they could be.
2. Sec. 2-287(D). This section addresses eligibility. The County has flexibility on this provision. Currently, the regulations require ½ acre to rezone to planned development. The Planning Commission recommended to keep that threshold and there is a recommendation that for development which will be primarily residential that at least existing or planned lots are being proposed. This would prevent minor subdivisions from rezoning to PD or PDO.
3. Sec. 2-287(E) and (F). These proposed changes would move the planned development process to the current rezoning procedure in Zoning Regulations because it is a special rezoning process. Sec. 2-287(E) addresses the additional submittal requirements and designated referral agencies are included in Sec. 2-287(F). There are no referrals on a typical rezone application, only landowner notifications. If subdivision is submitted at the same time, the referral agencies for subdivision might overlap with this list or alternatively, any additional referral agencies will be included in the subdivision referral. The Planning Commission recommended the inclusion of the maintenance plan in Sec. 2-287(E)(4)(h). Staff has suggested a language change (highlighted in blue-page 6). Please note that the

PUD Act has special enforcement provisions for maintenance plans. See below, item #6 under PD Standards. The Board discussed whether the distance for referrals for municipalities and counties (2 miles) was appropriate. State law requires major subdivisions to be referred to municipalities and counties within 2 miles of the subdivision. The 2-mile distance was used for consistency, but the distance can be greater or smaller.

4. Sec. 2-287(G). The criteria have been significantly revised for consideration. Planned developments are intended to be an area the local government can exercise more discretion in what it would like to approve/require as compared to rezoning to an established base district. PDs are not subject to the traditional rezoning criteria which is intended to avoid spot zoning. The Planning Commission considered whether Sec. 2-287(G)(4) should remain in the proposed changes or be amended. The recommendation was to keep subsection (4)(a) and remove (b) thru (d). The portion highlighted in yellow on pages 10 and 11 show that change with subsection (a) language being added into subsection (4).
5. Sec. 2-287(I). The regulations currently describe two types of amendments of a planned development – amendments and modifications. Amendments are characterized as major amendments in the proposed changes. Modifications are characterized as minor amendments in the proposed changes. The distinction between the two is unchanged – see subsection 2. A minor amendment would only go to the Board. A major amendment goes through the same process as the original rezoning with different criteria. See criteria for amendments in subsection 5.

Planned Development Standards Amendments

These standards are proposed to be heavily modified. Several provisions, for example, the landscaping requirements are proposed to be deleted in part because it is not clear whether this is something that the County wants to regulate.

1. Sec. 3-530(B) identifies what can be included as open space. Staff has recommended adding in parks with improvements.
2. In Sec. 3-540 (A), Staff has suggested language regarding pedestrian circulation and its requirement. The Planning Commission did not want to requires pedestrian circulation.
3. Drainage and Utilities in Sec. 3-560 includes suggestions from the Planning Commission and Staff clarifying drainage plan requirements and to include other established ditches and canals regarding the transportation of pollution and sediments.
4. Sec. 3-570 includes Staff suggested revisions regarding failure to maintain areas that are not maintained by public entities.
5. Sec. 3-580. This section addresses requirements for improvement agreements.
6. Sec. 3-590. For clarity, enforcement provisions have been added to make it clear that Zoning Regulations established through the PD or PDO plan are regulations the County

enforces, unlike private covenants. This is not a deviation from the law, just a statement to make the County's authority clear to the public.

Miscellaneous Changes

Addition of new definitions for "developer" and "drainage plan". The definition of drainage plan is currently in the Subdivision Regulations and needs to be added to the Zoning Regulations. There are also revisions to two current definitions. The definition of planned development is taken from state statute. There are other minor changes to include "base" when describing zone districts.

Sec. 3-705 Drainage Requirements: The proposed changes are regarding detention storage which will be less stringent than the current regulations and essentially match the proposed language in the Subdivision Regulations for consistency. There is also additional language to clarify criteria for exemptions from on-site detention storage, technical design criteria and erosion protection. Staff have also included additional language determining who can grant the exemption.

Nicole Hay

Morgan County Planning Director

PROPOSED AMENDMENTS

PD Procedural Amendments

DRAFT 5/19/25

PC Revisions (Highlighted in yellow)

Staff suggested revisions (Highlighted in blue)

REZONING

2-267 Policy

For the purpose of establishing and maintaining sound, stable and desirable development within the County, the rezoning of land is to be discouraged and allowed only under circumstances provided for in the re Regulations. This policy is based on the opinion of the Board that the County's Zoning Map is the result of a detailed and comprehensive appraisal of the County's present and future needs regarding land use allocation and other zoning considerations and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area or the County in general. The rezoning process shall not apply to Zoning Map amendments that have broad application and are in the nature of policy making by the County.

2-270 Submittal Requirements

The submittal requirements in this Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion.

- (A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.
- (B) Applicable fee.
- (C) A general description of the rezoning request and the reasons for it, and a description of any future development plans, including a narrative description of how the request meets the criteria of Sec. 2-285.
- (D) Names, addresses and phone numbers of the property owner(s), applicant(s) and/or representatives.
- (E) Proof of ownership of all parties in the area to be rezoned consisting of a title commitment issued within the previous six (6) months.
- (F) A list of names and addresses of property owners within one-thousand three ~~thirteen~~ hundred and twenty feet (1,320²) of the perimeter of the property or properties to be rezoned.
- (G) A discussion of how the rezoning request may impact adjacent uses and integrate with existing zone districts.
- (H) Rezoning map pursuant to Sec. 2-460.

PD Procedural Amendments

DRAFT 5/19/25

PC Revisions (Highlighted in yellow)

Staff suggested revisions (Highlighted in blue)

2-275 Review Procedure

- (A) Initiation. Rezoning may be initiated by the Board or the owner(s) of the property to be rezoned. Rezoning initiated by the Board shall not be subject to Secs. 2-270, 2-275(B) through (C).
- (B) Pre-application conference. Prior to actual submission of a rezoning application, each applicant shall attend a pre-application conference with the Planning Department. After the pre-application conference, the Planning Department may furnish the applicant with written comments regarding the proposed rezoning to inform and assist the applicant prior to the preparation of the application.
- (C) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to review by the Planning Commission. An incomplete submittal will not be processed.
- (D) Availability of Information. The proposed rezoning application, if applicable, and map shall be available for inspection at the Planning Department beginning fourteen (14) days prior to the Planning Commission hearing until the final decision by the Board.
- (E) Planning Commission Hearing. After a complete application for rezoning is submitted or a Board-initiated rezoning has been prepared for review, Planning staff shall schedule a public hearing on the proposed rezoning before Planning Commission and draft an advisory report on the proposed rezoning. Notice of the public hearing shall be given in accordance with Sec. 2-280 of these Regulations. Planning Commission shall hold a public hearing, review the proposed rezoning and make a recommendation to the Board.
- (F) Board Hearing. After review by the Planning Commission, the Board shall hold a public hearing on the proposed rezoning. Notice of the public hearing shall be given in accordance with Sec. 2-280.
 - (1) Refer back. If a rezoning application considered by the Board contains additional or modified information from the application considered by the Planning Commission, the Board may, at its sole discretion and at any time prior to rendering a decision, refer the application back to the Planning Commission for its comments and recommendation on the additional or modified information. The public hearing before the Board shall then be continued to such time subsequent to the receipt of the Planning Commission recommendation on the revised application. In the event of resubmission to the Planning Commission, Planning staff shall schedule a public hearing as soon as possible and shall provide notice pursuant to Sec. 2-280(A) and (C).

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Staff suggested revisions (Highlighted in blue)

- (G) Decision. Within fifteen (15) days of the closing of the public hearing, the Board shall render a decision on the application. The Board shall consider all evidence presented and make specific findings. A vote for approval is to be followed by insertion of boundary changes on the Official Map within fifteen (15) days of the decision.

2-280 Notice Requirements

Notice of the public hearings required under Sec. 2-275 shall be given at least fourteen (14) days prior to the hearing by all of the following methods:

- (A) Publication in a newspaper of general circulation and on the County's website which shall remain posted through the conclusion of the hearing. Notice shall be in the form provided in Appendix A.
- (B) The applicant shall be required to post notice on the property for which the rezoning is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than twenty-four inches by thirty-six inches (24"x 36"). The size of the letters should be a minimum of two inches (2") high and such signs shall be erected on posts no less than four feet (4'2') above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the rezoning of property -in- must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:
- (1) Photographs of the signs posting the property shall be submitted to the Planning Department at least ten (10) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least fourteen (14) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.
- (2) Posted sign(s) shall be removed by the applicant within two (2) weeks following the final decision by the Board.
- (C) Mailed notice to property owners within one-thousand threethirteen hundred and twenty feet (1,320'2') of the perimeter of the property or properties to be rezoned.

2-285 Review Criteria

The following criteria applies to all rezoning applications but does not apply to acts of legislative rezoning by the Board. Rezoning of property should only be approved if the following criteria are satisfied:

- (A) The rezoning is consistent with the provisions of the Morgan County Comprehensive Plan;
- (B) The rezoning is compatible with surrounding zone districts;

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- (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.

2-287 Rezoning to Planned Development

(A) ~~Purpose.~~ The rezoning procedure shall be used to amend the Official Zoning Map to rezone land to the planned development (“PD”) zone district or the planned development overlay (“PDO”) zone district. ~~The planned developments PD and PDO zone districts to allow~~ provide for a development technique which is in the best interest of the County and will promote good design, enhancement of environmental amenities and increased efficiency of public and private services, ~~but also creates a development under– under a~~ unified control or ~~a~~ unified plan ~~of development~~ for residential, commercial, industrial, ~~or educational~~, recreational uses, or any combination of the foregoing uses.

~~(A)~~(B) The standards and procedures provided in these Zoning Regulations concerning planned developments are intended to ensure integrated planning goals and objectives of the Comprehensive Plan for Morgan County, while allowing greater flexibility and innovations in development and site designs than is typically possible under the base zone district.

(C) Planned Development and Planned Development Overlay Zone Districts

(1) Planned Development. Establishment of a PD zone district is intended to completely supplant zoning regulations as established in the base zone district regulations. Applicants are expected to provide all appropriate documents to establish regulations for the planned development zone district.

~~(1)~~(2) Planned Development Overlay. The PDO zone district is intended to allow for deviations from the base zone district regulations but not fully supplant the base zone district regulations.

(D) ~~Applicability~~ Eligibility

(1) ~~(1)~~ — Minimum area to be eligible for rezoning is one-half (1/2) acre. Primarily residential developments must have a minimum of five existing or planned lots to be eligible for rezoning to a PD or PDO zone district. Rezoning to the PD or PDO zone districts is not required to subdivide land.

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- ~~(2) A Planned Development shall consist of a minimum of one-half (1/2) acre.~~
- (2) Subdivision applications submitted subsequent to the rezoning of a property to PD or PDO must satisfy the above eligibility criteria.
- (E) Submittal Requirements. In addition to the submittal requirements of a rezoning application, an application for rezoning to a PD or PDO zone district shall include the items in this Section. The submittal requirements in this Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion. The Planning Administrator may request additional information if necessary to process the application and evaluate the application under applicable standards and criteria.
- (1) A description of the character of the proposed development, the goals and objectives of the project, and explanation of the rationale behind the assumption and choices made by the applicant, and an explanation of the manner in which it has been planned to generally conform to Morgan County's Comprehensive Plan. This description shall include a discussion of the project's impact and influence on surrounding zone districts and existing uses.
- (2) A general description and detailed studies, if required by the Planning Administrator, of the impact the project will have on public services. General description of the concept and method for providing utility services to the project; domestic water development and supply plan and description of water rights associated with the project. Underground utilities are favored for residential PD's developments. Areas of particular interest are roads, schools, fire protection, and law enforcement. Information provided shall be detailed enough to permit local governments and agencies to evaluate the impact of the project on their ability to provide services.
- (3) A development schedule detailing the timing of the installation and construction of public improvements and the phases of the development, if applicable. The phasing shall coordinate development of all land use in coordination with the construction and installation of improvements in a timely fashion. All phases shall be adequately described and a map of the phases included if required by the Planning Administrator. Each PD shall include a development schedule. If the developer of the PD does not adhere to this schedule and does not meet the target development by eighteen (18) months or more after the date specified in the schedule, the Planning Commission shall schedule a special review. After the special review, the Planning Commission may recommend to the Board of County Commissioners that the PD Zone be cancelled in whole or in part and the property revert to its original or other appropriate zoning. This modification by the Board of County Commissioners shall not be taken within three years of original approval so as not to affect the vested rights granted by Section 24-68-101 and following C.R.S

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(4) A development plan that formally establishes the standards and requirements for development within the entire property to be rezoned a PD or PDO zone district. The plan shall include but not be limited to the following, as applicable:

- a. The location, height and dimensions of each existing structure in the development and the uses to be contained therein.
- b. The boundary and the proper building setbacks and building area with reference to said boundary lines and to property lines, highways, or street rights-of-way.
- c. A list of all permitted, conditional and special uses and standards.
- d. A summary data chart indicating: size of the development, proposed population and dwelling unit density, various land uses within the approximate acres and percent of development. All density figures shall represent maximum numbers.

~~(2) — Permitted Uses.~~

~~a. — Conditional Uses.~~

~~b. — Special Review Uses.~~

~~c. — Standards for Principal and Accessory Uses:~~

- ~~i. — Minimum lot area~~
- ~~ii. — Minimum lot width~~
- ~~iii. — Minimum setbacks~~
- ~~iv. — Minimum lot coverage~~
- ~~v. — Maximum building height~~
- ~~vi. — Fence height~~

~~d.e. — Buffer requirements~~

~~e.f. — Parking requirements~~

~~f.g. — Sign regulations~~

~~e. — A land use table which indicates the total land use for the planned development for each type of land use by percentage, acreage and number of units.~~

h. In cases in which maintenance of roads, common areas, open space, or facilities normally maintained by public entities are proposed to be maintained by homeowners' associations, or other non-governmental bodies, the applicant shall submit a maintenance plan. For proposals, which contemplate use of common water system by two or more dwelling units or

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~~uses, a maintenance plan may be required if, in the opinion of the Planning Director, such a plan is necessary to protect the public health, safety and welfare.~~ Maintenance plan shall include the following:

- i. Identification of present and proposed ownership for the facilities or areas included within the maintenance plan. In the case of condominiums, townhouses, or other multiple dwelling units, the method of conveying title and the land to be conveyed shall be noted;
 - ii. Proposed method of guaranteeing maintenance;
 - iii. Proposed form of unified control, which shall include identification and description of corporations, partnerships, trusts, owners associations, or other legal entities having the right to assess individual landowners within the development and identification of the method proposed to enforce required assessments;
 - ~~ii~~.iv. Date of implementation of the provisions of the proposed method of guaranteeing maintenance. Appropriate recording of such documents and agreements as may be required shall be a condition of any plan approval;
 - ~~iii~~.v. Cost of capital construction for proposed facilities, cost of maintenance for such facilities per year, amount proposed to be assessed to meet such expenses;
 - vi. Proposed administration mechanism to ensure that maintenance is carried out as planned. In the County's discretion, suitable collateral to ensure that in case of discontinuance of control and maintenance, the County may, but shall not be required to, assume such duties as may be appropriate without additional cost to the taxpayer. Collateral shall be limited to an irrevocable letter of credit, or such other method of ensuring and guaranteeing such maintenance as may be approved by the Board.
- i. For PDO plan, the following information shall be included:
- (a) a statement of the base zone district;
 - (b) a clear description of deviations from the base zone district

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- j. For PD or PDO rezoning applications involving residential development, identification of any confined animal feeding operation, packing plant, slaughterhouse, or rendering plant located within one-thousand three hundred and twenty feet (1,320') of any portion of the exterior boundary of the property to be rezoned. Distance to the confined animal feeding operation, packing plant, slaughterhouse, or rendering plant shall be measured from the boundary of the permitted area upon which the use is located.
- k. Planned development map shall comply with the requirements of Section 2-460 and include the following information as applicable:
 - (a) The cover sheet shall include the title of the planned development.
 - (b) Land use summary chart that identifies, by each land use type and subdistrict or area, the following (as applicable):
 - i. area and percent of total area.
 - ii. number of lots.
 - iii. number of dwelling units and types.
 - iv. dwelling units per land use area.
 - v. square footage of non-residential.
 - vi. total acreage and gross density.
 - vii. parks and open space dedication total.
 - viii. private parks and open space total
 - (c) General layout/location/area of land uses if planned development is divided into separate subdistricts or areas.
- ~~(3)~~(5) Written confirmation from all utility providers of an ability to serve the development.
- ~~(4)~~ — ~~A detailed parking plan.~~
- ~~(5)~~(6) Any general physiographic and environmental studies of the proposed site if required by the Planning Administrator. These may include but are not limited to:
 - (a) Wildlife report and/or wildlife impact mitigation plan.
 - (b) Revegetation and erosion control plan; this will be required if the undeveloped property is presently cultivated or does not have adequate ground cover.

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~~(e) Landscape plan.~~

(c) Floodplain studies and/or mitigation reports.

(d) Drainage plans showing runoff patterns and proposed drainage control structures or easements, prepared by a licensed Colorado engineer.

~~(6) Maps. Maps shall comply the requirements of Sections 2-460 and 2-470:~~

~~(a)~~

~~(b) Sheets shall be numbered “x of y sheets” in the upper right hand corner.~~

~~(c) A cover sheet with the title of the PD, its assigned number, the approval signature blocks shown on Form 5, Appendix A, legal description, and County Clerk recording information.~~

~~(d) Existing site conditions, including appropriate topographic contours, 100 year floodplains and floodways, and any unique natural features or vegetation.~~

~~(e) Utilities plan showing all on site utilities and utilities easements.~~

~~—— Drainage plan showing runoff patterns and any runoff or drainage control structures or easements. The Planning Administrator may require that this sheet be prepared by and certified by a licensed hydrologic or civil engineer.~~

~~10(9). If the applicant submits an application for a subdivision concurrently with a rezoning application for a rezoning to PD or PDO the applicant shall comply with the submittal requirements in Sec. _____ if any showing streets, alleys, easements, parks, and any areas to be conveyed to common ownership.~~

(F) Review Procedure and Notice. Applications for rezoning to PD or PDO zone districts shall be subject to the review procedures in Sec. 2-275 and the notice requirements in Sec. 2-280. In addition, applications for rezoning to the PD zone district shall require referral to the following agencies:

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- (1) All necessary County departments, including but not limited to Public Works, Sheriff's Office, Ambulance Services, Emergency Management, and County Attorney.
- (2) Northeast Colorado Heath Department.
- (3) Colorado Parks and Wildlife.
- (4) Relevant public utility companies.
- (5) The appropriate fire protection agency.
- (6) The local soil conservation district.
- (7) Municipalities and counties located within two (2) miles of the boundary of the area to be rezoned.
- (8) Other agencies as deemed necessary by the Staff.

~~(F)~~(G) Review Criteria. The following criteria will be used by the ~~Planning Commission and the Board~~County when reviewing an application for ~~a planned development~~rezoning to a PD or PDO zone district and approval of the proposed plan:

- (1) The proposed PD or PDO rezoning constitutes a unique and truly innovative project ~~which is represented by the developer~~ to be constructed within a reasonable period of time in relation the project's² size and scope and which will be of economic benefit to Morgan County. ~~thereby qualifying the project under this and other criteria for review under these PD regulations.~~
- (2) ~~PD Plan~~The proposed PD or PDO rezoning is found to be in ~~substantial general~~ conformity~~ee~~ with the County's Comprehensive Plan ~~as amended for Morgan County.~~
- ~~(1)~~(3) The PD or PDO rezoning application complies with the Planned Development Standards in Sec. [REDACTED] as applicable.
- (4) The proposed PD or PDO zone district's relationship to and compatibility with its surroundings, including whether proposed uses are commonly developed or are allowed land use adjacent to the area as a PD or PDO zone district. ~~shall be considered in order to avoid adverse effects caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy. Criteria below may be used to assess compatibility. These criteria include, but are not limited to:~~
 - a. The proposed uses are commonly developed or allowed land uses adjacent to the area proposed as a PD or PDO zone district.
 - b. The proposed roads follow the general contours of the land without extensive cutting and filling.

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- ~~e. — Agreements are made or mitigation measures are included to confine potential off-site impacts.~~
 - ~~d. — The proposed development is generally consistent with the surrounding property when viewed from bordering public access roads by incorporating visual mitigation techniques into the development plan. These techniques may include, but are not limited to:~~
 - ~~i. — Avoidance of excessive heights of improvements.~~
 - ~~ii. — Avoidance of placing improvements on ridge lines.~~
 - ~~iii. — Screening of improvements by existing vegetation, landscaping, and/or landforms~~
 - ~~iv. — Using materials, colors and design improvements to “blend in” with the surrounding environment and land uses.~~
- ~~(5) Design and construction of the development shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-road parking, and loading space, as applicable. Provides for and improves existing commercial, residential, industrial and education facilities within the County.~~
- ~~(6) The development must have an adequate internal road circulation system. Public roads must serve all planning areas and meet construction standards as required by the County and adequately sized for emergency vehicles. The development shall also provide for adequate egress and ingress so as not to impede traffic along existing public roads. Each nonresidential structure or use in the development must provide off-road loading spaces, loading berths, utility service areas, or access for delivery and service vehicles. The road plan shall be prepared by a registered Colorado engineer.~~
- ~~(7) That existing and proposed public services are adequate for the proposed development, and that proposed public services will be timely provided. Public services shall include any necessary utilities, emergency services or other government provided services.~~
- ~~(2)(8) There are demonstrated positive benefits to the County with the PD or PDO zone district classification versus a base district zone classification.~~

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~~(3)(9)~~ Ensures that the provisions of the zoning laws which direct the The PD or PDO development demonstrates uniform treatment of dwelling type, bulk, density and open space. ~~within other zones will not be applied in a manner which would distort the objectives of the Morgan County Zoning Regulations.~~

~~(4)(10)~~ Allows innovations in ~~residential, commercial and industrial~~ development and renewal so that the growing demands of population may be met by greater variety and types, design and layout of buildings and the conservation, specialized interests and more efficient use of open space ancillary to said buildings.

(11) Any PD or PDO rezoning application is subject to Sec. 6-150(C) of the County's Subdivision Regulations.

~~Allows an efficient use of land and of public and private services to reflect changes in the technology of land development so that resulting economies may benefit the community as a whole.~~

~~Reduces energy consumption and demand.~~

~~Lessens the burden of traffic on streets and highways by encouraging land uses which decrease trip length and encourage the use of public transit.~~

~~Conserves the value of the surrounding land and preserves environmental quality.~~

~~Provides a technique of development which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.~~

~~Encourages integrated community planning and development in order to achieve the above purposes.~~

(H) Post-Decision Actions

(1) The applicant shall prepare all necessary final documents as required by the Board and Staff, as a result of the approval or conditional approval. Failure of the applicant to submit all necessary and executed final documents within six (6) months of the completion of the public hearing adoption of the resolution approving or conditionally approving the application. before the Board shall void the approval or conditional approval.

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(2) Upon submission of all final documentation in conformity with the approval or conditional approval and these Regulations, Staff shall record, at the applicant's cost, the development plan and ~~approving~~any associated documentation.

(I) Amendments to PD or PDO plans

(1) Minor amendments may be approved by the Board of County Commissioners. Major amendments shall be required to comply with the submittal requirements and review procedures for planned development or planned development overlap applications, as applicable. The determination of whether an amendment is major or minor shall be made by the Planning Administrator according to this subsection (I).

(2) Minor amendments shall include the following:

- (a) Increases in density of up to a fifteen percent (15%) increase over the originally approved density.
- (b) ~~RA~~reduction of less than fifteen percent (15%) of areas reserved for the open space and recreation areas.
- (c) ~~Increasing-Increases in~~ the ~~original~~ floor areas ~~proposed~~ for non-residential uses by up to fifteen percent (15%).
- (d) ~~Increasing-Increases in~~ the ~~original~~ total ground area covered by buildings up to fifteen percent (15%).
- (e) ~~Reducing-Reduction in~~ the setbacks ~~by~~ up to twenty-five percent (25%).
- (f) ~~Variance in ying~~ the ~~original~~ lot area requirements by up to twenty-five percent (25%).

(3) Major amendments shall include any modification not considered a minor amendment.

(4) Review Procedures for Minor Amendments

- (a) Pre-application conference. Prior to submission of an amendment application, each applicant shall attend a pre-application conference with the Planning Department. After the pre-application conference, the Planning Department may provide the applicant with written comments

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- regarding the proposed amendment to inform and assist the applicant prior to the preparation of the application.
- (b) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal materials. Staff may request that the applicant make changes or clarifications to the submittal materials prior to review by the Board of County Commissioners. An incomplete submittal will not be processed.
 - (c) Availability of Information. The proposed amendment application shall be available for inspection at the Planning Department beginning fourteen (14) days prior to the Board hearing and until the final decision by the Board.
 - (d) Board Hearing. The Board shall hold a public hearing on the application. Notice of the public hearing shall be given in accordance with Sec. 2-280.
 - (e) Decision. Within fifteen (15) days of the closing of the public hearing, the Board shall render a decision on the application. The Board shall consider all evidence presented and make specific findings by resolution.
- (5) Criteria for Amendments. The criteria for any amendment to the PD or PDO plan are as follows:
- (a) Consistent with the nature of the PD or PDO plan and compatible with the land uses and character of the PD or PDO plan.
 - (b) General conformity with the County's Comprehensive Plan.
 - (c) Compliant with Planned Development Standards.
 - (d) Compatible with the health, safety, and welfare of the citizens of Morgan County.
- (6) Post-Decisions Actions
- (a) The applicant shall prepare all necessary final documents as required by the Board and Staff, as a result of the approval or conditional approval. Failure of the applicant to submit all necessary and executed final documents within six (6) months of the completion of the public hearing before the Board shall void the approval or conditional approval.

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(b) Upon submission of all final documentation in conformity with the approval or conditional approval and these Regulations, Staff shall record, at the applicant's cost, the amended development plan and approving documentation.

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PLANNED DEVELOPMENT ~~DESIGN~~ STANDARDS

3-5~~10~~¹⁰ ~~General Design Standards~~ Applicability

~~Basic design standards which are largely quantitative in nature are outlined in this section and are either negotiable or are specified. Except where otherwise noted, these standards are to be defined at the Planned Development District review stage~~

The standards herein shall apply to PD and PDO zone districts, as applicable. An applicant shall consult with the Planning Department to determine which standards are applicable.

3-5~~10~~¹⁵ Density

~~The density of land uses within the PD or PDO District shall be compatible with other uses within the PD or PDO zone district and the surrounding area. Compatibility shall be determined by, but not limited to, type of land uses, access, buffering, landscaping, and availability of services and infrastructure. Density is a negotiable item and is to be expressed in terms of residential or commercial units per acre (gross) on an entire site and/or on individual development parcels or as floor to area ratios for commercial, office and industrial uses. Densities shall be calculated for land areas comprising the property boundaries for entire sites and/or to the midpoint of adjacent streets for development parcels making up an entire site. Each site or parcel shall have the negotiated density numbers with the words “up to and including” on the plan to be recorded. All density figures represent maximum numbers and are not guaranteed; only final numbers are determined after detailed planning and site analysis and review at the Final Planned Development Plat stage.~~

3-520 Uses

- (A) Residential. Residential uses shall be designed and located to achieve an efficient and desirable use of land, preservation of natural features, and efficient and desirable use and placement of the necessary public and/or private infrastructure.
- (B) Non-Residential. Non-Residential uses shall be designed and located to achieve greater convenience to residential areas, efficient and desirable use of land, desirable use and placement of necessary public and/or private infrastructure, and to minimize the impact on transportation and drainage facilities.
- (C) Prohibited Uses. Uses expressly prohibited by the Zoning Regulations shall not be permitted in a PD or PDO zone district.
- (D) Use Permit. Use classifications (i.e., use by right, conditional, special use, etc.) will be governed by the permitting procedures in the Zoning Regulations and may not be altered by the development plan.

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~~Density Transfer~~

~~Within a total individual PD Plan, unused density initially negotiated at the PD Zone stage may be transferred from one portion of the entire PD site to another at the Final PD Plan stage so long as the parcel where density is being transferred to does not increase the density or commercial or industrial floor areas initially negotiated in the approved original PD District Plan by more than fifteen percent (15%). Density may not be transferred between different total PD sites (areas having different PD Zone numbers). Density may not be transferred from one parcel to another that already has an approved Final PD Plan without a formal Final PD Plan amendment and compliance with the rezoning procedures. All density transfer transactions between transferor and transferee must be reviewed and approved by the Planning Commission at a regularly scheduled meeting prior to the actual density transfer transaction taking place. Density transfer transactions discovered after the fact may be cause for not issuing future building permits until this violation is corrected.~~

~~3-525 Planned Development District Size~~

~~A Planned Development Zone shall consist of a minimum of one half (1/2) acre.~~

3-530 Open Space

- (A) ~~Open space may be required by the County if the development will be subject to the open space requirements in the County's Subdivision Regulations. When not required by the County, open space may be provided within the PD or PDO zone district. The applicant may provide additional open space beyond any County requirements. Common open space may be provided within the PD or PDO District. Depending on the nature of the development, open space may be required by the County. Generally, the amount and type of open space should be proportional to the proposed land uses, buildings and densities. The amount of open space in a PD is a negotiable item and is to be expressed in terms of acres and percentages on the entire PD site and any of its subparts or development parcels. Open space shall be land areas not occupied by buildings or structures and attachments thereto, parking areas, driveways, streets or alleys. Said open space shall be devoted to landscaping, planting, patios, walkways, recreational areas and facilities, and preservation of natural features.~~
- (B) ~~Streams, lakes, other bodies of water, slopes not in excess of thirty percent (30%), and floodplains may be included as open space. Parks with improvements shall be included in open space.~~ Land areas containing identified geologic hazards may not be included in the open space amounts.
- ~~(A)(C) Any amount of common or public open space may be left in its natural state except where landscaping plans are required.~~

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~~3-5305 Landscape Plan~~

~~All industrial, commercial, residential, or mixed-use PD's shall submit a landscape plan for open space at the Final PD Plan review stage.~~

~~3-540 Recreation Improvements~~

~~Recreation facilities or structures and their accessory uses located in common recreation areas shall be considered open space so long as total impervious surfaces, including courts and roofs, constitute no more than ten percent (10%) of the total open space negotiated for the development.~~

~~3-545 Natural Physical Characteristics~~

~~Streams, lakes, other bodies of water, slopes not in excess of thirty percent (30%), and floodplains may be included as open space. Land areas containing identified geologic hazards may not be included in the negotiated open space amounts.~~

~~Any amount of common or public open space may be left in its natural state except where landscaping plans are required as long as the recreational needs of the residents of the PD district and the general public are being met in the opinion of the Planning Commission.~~

~~3-54055~~ Streets and Ways Circulation

- (A) ~~(A) Development within a PD or PDO zone district shall be designed and constructed to include adequate, safe, and convenient arrangement for pedestrian and vehicular circulation, off-street parking, and loading spaces. Pedestrian and Vehicular circulation shall correlate with the external circulation system. Pedestrian circulation may be required to correlate to an external pedestrian system if one exists or is planned. All public roads shall be constructed as directed by the County based upon County standards or standards adopted by the Colorado Department of Transportation, in the County's sole discretion. Paving is encouraged. The County may accept roads as public roads in its sole discretion and has no obligation to undertake maintenance responsibilities for any road.~~
- (B) If any bridges are to be constructed within the development on public or private roads, ~~streets, paths, etc.,~~ these shall be built at the developer's expense to ~~County standards~~standards adopted by the Colorado Department of Transportation and in full compliance with the dredge and fill laws of local, state and federal jurisdictions.

~~Development of streets and ways in a Planned Development area shall be designed as per requirements of the Subdivision Regulations and Road Development Policies of the County. A general street plan showing, at a minimum, the public arterial and collector roads will be required at the PD Zone review stage. A detailed and engineered public and private street plan is required for any Final PD Plan approval. Compliance with any access control plan on state~~

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~~highways or county roads where such a plan exists will be required unless alternatives are approved by appropriate governing bodies.~~

~~(B) — Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential and recreational facilities provided in or adjacent to the PD. Where designated bicycle paths or trails exist adjacent to the PD, safe convenient access shall be provided. The Planning Commission may require, when necessary, traffic signalization in the vicinity of parks, shopping areas, or other uses that may generate considerable pedestrian and/or bicycle traffic and vehicular traffic conflicts.~~

~~(C) — All public and private streets are encouraged to be paved. The paving of streets and roads is a negotiable item in terms of location and sequence of completion. Private streets shall be dedicated to the utility districts or County as utility easements where said easements are necessary. All streets are to be completed as agreed in the Final PD Plan. Any paving requirements may be waived should weather conditions necessitate it. All improvement bonds, escrow funds, etc., are to be held by the County until streets are completed as agreed in the Final PD Plan.~~

~~All private streets shall be conveyed to a private homeowners or property owners association. If the private association or person(s) owning the private streets in the PD should in the future request that any private streets be changed to public streets, the private association or owner(s) will bear the full costs of reconstruction or any other action necessary to make the street conform to the applicable County standards for public streets and roads. The private association or owner(s) shall also agree that these streets shall be made to conform and be dedicated to public use without any form of public compensation to the private association or owner(s). It shall be the policy of Morgan County not to accept as county roads any dead end or cul-de-sac roads. Through roads may be accepted at the sole discretion of the Board of County Commissioners if the right-of-way is at least sixty(60)-feet in width and the road is constructed to then current county standards.[†]~~

~~3-560 Parking and Loading~~

~~(A) — Parking is a negotiable item in terms of space size and amounts but, in general, shall be provided as per the off-street parking requirements found elsewhere in these Regulations. A detailed parking plan is to accompany all Final PD Plan applications.~~

~~(B) — Parking areas in multi-family residential, commercial, industrial and mixed use developments shall be a minimum of ten feet (10') from public or private road right-of-way.~~

~~(C) — Parking areas shall be designed using architectural and engineering standards.~~

~~(D) — Landscaping is required in multi-family residential, commercial, industrial and mixed use development on the perimeters of parking areas to screen them from public view and large parking~~

[†] 2019 BCC 19

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~~areas are to be broken up with landscaped islands that provide a measure of aesthetics to the parking area.~~

~~(E) — Parking is to be allocated and located in proportion and in relation to the activity generated.~~

~~(F) — All parking areas are to adequately lighted for security reasons in commercial, industrial and mixed use developments.~~

~~(G) — All parking lots are to be provided with a minimum of two (2) accesses of double lane driveways.~~

~~(H) — Parking and loading areas are to be completed and paved before a Certificate of Occupancy (C.O.) is issued on any structure(s). The paving requirements may be waived in some residential areas at the discretion of the Commission or should weather conditions necessitate it or a separate paving schedule is agreed to as part of the Final PD Plan. All improvement bonds, escrow funds, etc., are to be held by the County until paving is complete.~~

~~3-565 Bridges~~

~~If any bridges are to be constructed within the PD on public or private ways (roads, streets, paths, etc.), these are to be built at the developer's expense to County standards and in full compliance with the dredge and fill laws of local, state and federal jurisdictions.~~

~~3-570 Buildings~~

~~(A) — Height: Height measurements shall be defined as per the Morgan County Building Regulations. Proposed height limits shall be negotiated at the Planned Development District stage. Final height of buildings may be negotiated by the planning staff at the Final PD Plan stage.~~

~~(B) — Spacing:~~

~~(1) — Each PD shall provide reasonable visual and acoustical privacy for buildings. Fences, insulation, walks, barriers, landscaping and sound reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable view or uses, and the reduction of noise.~~

~~(2) — No specific setback or lot size requirements shall be imposed, other than those provided herein, in the PD provided that the spirit and intent of this section are complied with in the Final PD Plan. The Commission may determine that certain setbacks and spacing be required within all or a portion of a PD for safety reasons.²~~

~~(3) — All buildings will be located so as to take advantage of any passive or active solar gain as deemed appropriate by the developer in the interest of energy conservation.~~

² 2021 BCC 11

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Staff suggested revisions (Highlighted in blue)

~~3-575~~ Signs

~~All signs are to conform to Appendix S and following of these Regulations with the following exceptions.~~

~~(A) No signs are allowed on roofs of buildings.~~

~~(B) Internal sign regulations may be approved as part of the PD plan.³~~

~~3-5080~~ **Planned Development District Perimeters and Major Road Right-of-Ways**Buffering and Screening

~~(A) Uses, buildings or structures within the PD or PDO zone district that would not be considered compatible with other uses, buildings, or structures within and adjacent to the PD or PDO zone district shall be adequately buffered and screened to ensure their appearance and operation will be compatible to the surrounding uses.~~

~~(A) Definition of the perimeters of a PD utilizing opaque barriers or fences is a negotiable item should they be desired by the applicant.~~

(B) Where a PD is adjacent to a railroad, state or federal highway right-of-way, a permanent open space at least thirty-five feet (35') in width shall be required as a setback from these rights-of-way line(s). This area shall be kept free of buildings, structures and parking and contain permanently maintained landscaping, unless screened or protected by natural features or fences or other types of barriers. Fences or barriers on the highway rights-of-way shall have a maximum height of three feet (3').

~~3-5085~~ **Drainage and Utilities**

~~General drainage and utility system layouts and off-site connection concepts are to be discussed at the PD pre-application stage. Utility details are to be worked out at the Final PD Plan stage.~~

~~(A) The Final PD Plan is to include a drainage plan with contours drawn at an appropriate contour interval.~~

~~(B) The drainage plan is to avoid point source drains from the development into streams.~~ shall include water quality features that improve the quality of stormwater runoff resulting from the impacts of site development. ~~Catchments~~ Detention basins or other suitable ~~means~~ water quality features shall be designed to provide the required water quality capture volume to reduce the transportation of pollution and sediment into ~~ation of~~ the South Platte River, and its tributaries, or other established ditches and canals. ~~are to be designed and detailed at this stage.~~ The required water quality capture volume of a feature is based on the site's size and imperviousness. An accepted methodology for water quality

³ 2019 BCC 19

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feature design may be found in the Mile High Flood District Criteria Manual, Volume 3, Best Management Practices.

- (A) ~~(C)~~—The drainage system shall be designed for the ~~Planned Development~~development by a registered professional engineer and shall be constructed in accordance with such design.
- (B) ~~(D)~~—The drainage plan shall include techniques and measures to prevent erosion on the site as well as into the South Platte River, ~~or~~ any of its tributaries, or other established ditches and canals during and after construction.
- (C) The storm drainage and run-off system is to be designed for sufficient capacity to ~~accommodate~~store the runoff generated from the 1-hour, 100-year storm falling on the fully developed site that is in excess of the historic runoff resulting from the 1-hour, 100-year storm falling on the pre-developed site.~~historical flows from a 100-year design storm onto and from the development~~PD in its developed state~~when fully developed.~~ All drainage construction areas are to be revegetated. Historic offsite flows may be diverted around the detention basin but may not be diverted onto The development PD may not divert historical incoming flows to adjacent properties during ~~and or~~ after construction.
- (D) Final locations of connection points to existing utility (sewer, water, telephone, electricity, etc.) systems, both on or off the site and line layouts and sizes on the site are to be provided ~~in the Final PD Plan~~in coordination with responsible utility districts. All utility easements shall be dedicated to the proper utility providers.

3-570 Maintenance Plans

In cases in which maintenance of roads, common areas, open space, or facilities normally maintained by public entities are proposed to be maintained by homeowners' associations, or other non-governmental bodies, the applicant shall submit a maintenance plan. ~~Failure to maintain areas that are not maintained by public entities in a reasonable order and condition in accordance with the approved PD or PDO zone district may result in the County, at its own discretion, correcting the deficiencies as provided in C.R.S. § 24-67-105(6)(c) and (d).~~

For proposals, which contemplate use of common sewerage or water system by two or more dwelling units or uses, a maintenance plan may be required if, in the opinion of the Planning Director, such a plan is necessary to protect the public health, safety and welfare.

3-580 Improvements Agreements

The developer shall be required to construct and install all necessary public improvements and enter into an improvements agreement to ensure all necessary facilities are constructed and

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Staff suggested revisions (Highlighted in blue)

installed in a timely manner. The improvements agreement, in a form provided by the County, shall include the following:

(A) Such agreement shall, at a minimum, set forth:

(1) Construction specifications for required public improvements;

(2) A construction and completion schedule;

(3) Provide for security and guarantees concerning the timely and satisfactory completion of the improvements;

(4) Identify the terms and conditions for the approval of the improvements by the County or any applicable utility providers;

(5) A two-year warranty period during which all improvements be maintained by the developer at the cost of the developer until such improvements have been fully approved by the County or any applicable utility providers.

(B) Agreement to Run with the Land. An improvements agreement shall run with the land and bind all successors, heirs, and assignees of the owner.

(C) Improvements agreements shall include a requirement for the posting of adequate financial security to ensure the timely, complete, and satisfactory construction or installation of all public improvements and infrastructure as called for in the agreement. Security shall be in an amount not less than one hundred fifteen percent (115%) of the estimated cost of completion of all improvements or infrastructure and may be provided by letter of credit, cash escrow, or other financial instrument as approved by the County within its sole discretion.

(1) If a developer posts a letter of credit as security, it shall:

(a) Be irrevocable.

(b) Be for a term, inclusive of renewals, sufficient to cover the completion, maintenance and warranty periods.

(c) Require only that the County present the letter of credit with a demand and an affidavit signed by the Chair of the Board of County Commissioners attesting to the County's right to draw funds under the letter of credit.

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(2) If a developer posts a cash escrow, the escrow instructions shall provide:

(a) That the developer shall have no right to a return of any of the funds except as provided in the agreement.

(b) That the escrow agent shall have a legal duty to deliver the funds to the County whenever the County presents an affidavit to the agent attesting to the County's right to receive funds, whether or not the developer protests that right.

(D) Reduction of Security.

(1) Upon preliminary approval of a public improvement or public infrastructure, the County shall release all but fifteen percent (15%) of the total actual costs of construction and installation of all improvements, so long as the developer is not in default of any provision of the improvements agreement.

~~(1)~~(2) The residual fifteen percent (15%) retained by the County shall act as security for the developer's guarantee that the public improvements and infrastructure remain free of defect during the applicable warranty period. The developer may at any time during the preliminary approval or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the County. The County may accept substitute or supplemental forms of security in its sole discretion.

(E) Coordination with Subdivision Applications

If the land subject to the PD or PDO zone district will be subdivided and a subdivision application is submitted concurrently with the rezoning application, the County may delay the imposition of- the requirement to enter into an improvements agreement until final plat in accordance with the County's Subdivision Regulations.

3-590 Enforcement

The provisions and standards of an approved and recorded PD or PDO plan is an extension of the Zoning Regulations and may be enforced in the same manner as these Zoning Regulations and through any method of enforcement under the law.

3-590—Other Provisions and Standards

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~~The Final PD Plan may include other provisions deemed necessary or desirable by the applicant for the efficient development and preservation of the PD subject to the approval of the Commission and the Board. In addition, the Commission and Board may, in review of each PD, require that additional provisions, unless previously accepted, be incorporated into the PD Final Plan where new circumstances, changed conditions, or the introduction of new information warrant them. New conditions may be imposed in the public interest to ensure that the PD will be developed in accordance with good design standards and practices and can exist compatibly with the neighboring land uses and the community as a whole. Such requirements and conditions may include, but shall not necessarily be limited to, any of the land use requirements or controls not mentioned in the previous sections which would otherwise be applicable by reason of the Morgan County Zoning Regulations or modifications thereof, including without limitation requirements relating to widths, building spacing and floor areas, and requirements regarding the availability and provision of streets, roads, utilities and other public or quasi-public facilities. Any such requirements and conditions imposed by the Commission or Board shall be specifically set forth in the Final PD Plan, as finally approved.~~

Planned Development Related Amendments – Miscellaneous Changes

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PC Revisions (Highlighted in yellow)

Staff suggested revisions (Highlighted in blue)

Definitions

Density: ~~The ratio of the number of dwelling units to gross land area. Dwelling units per acre is a common example. The number of units per acre (gross) on an entire site and/or on individual development parcels or as floor to area ratios for commercial, office and industrial uses. Such term should not be used in relation to animal unit density.~~

Developer: ~~The subdivider, applicant, person, firm, partnership, joint venture, association or corporation participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of lands which are subject to the provisions of the Zoning Regulations.~~

Drainage Plan: ~~A plan that accounts for the increased run-off from a particular site as a result of development that is in excess of the historical flow of water off the site. A drainage plan must show how the excess run-off water will be directed and contained~~ managed ~~on the site so as not to cause harm to adjacent properties.~~

Planned Development: ~~A development of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, industries, and associated uses planned as a single entity and therefore susceptible to development and regulation as one complex land use unit rather than as an aggregation of individual buildings located on separate lots. An area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.~~

Miscellaneous Changes

2-160 Processing Fees

(A) Minimum processing fees for zoning amendments, rezoning and planned developments ~~rezoning map changes~~, conditional and special use permits, variances, sign permits, ~~site permits, planned development reviews~~, building permits, zoning permits, manufactured home placement permits and other permits required by these Regulations will be established and be subject to change from time to time upon approval of the Board of County Commissioners.

2-510 Site Specific Development Plan

A plan which has been submitted to the County by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The following are designated by the County as site specific development plans:

~~(A) — A Planned Development District Plan.~~

[Rest remains the same]

Planned Development Related Amendments – Miscellaneous Changes

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PC Revisions (Highlighted in yellow)

Staff suggested revisions (Highlighted in blue)

BASE ZONING DISTRICTS [Revised Heading]

3-115 General

In order to carry out provisions of these Regulations, Morgan County, Colorado, is hereby and in the future may be, divided into the following base zoning districts:

- A** Agriculture Production District
- A/B** Agriculture / Agri-Business District
- ER** Estate Residential District
- RR** Rural Residential District
- RCR** Rural Community Residential District
- MDR** Moderate Density Residential District
- HDR** High Density Residential District
- C** Commercial District
- LI** Light Industrial District
- HI** Heavy Industrial District
- MH** Manufactured Home Park Zone District
- JLV** Jackson Lake Village District
- ~~**PD** Planned Development District~~

BASE ZONES DESCRIBED [Revised Heading]

3-705 Drainage Requirements

- (A) All users of land in all Zones shall provide and maintain storm water dretention facilities designed to dretain the storm water runoff in excess of historic flow from the undeveloped site. ~~The storm water retention facility on a developed site shall be designed for a 100 year storm. The~~

Planned Development Related Amendments – Miscellaneous Changes

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~~storm water retention facility shall be designed and operated to release the retained water at a quantity and rate of a five year storm falling on the undeveloped site.~~ Detention storage shall be provided by a method acceptable to the County and shall be designed on the basis of the following criteria:

- (1) The detention pond shall be sized to store the stormwater runoff generated by the 1-hour, 100-year storm falling on the developed site that is in excess of the historic runoff rate of the 1-hour, 100-year storm falling on the undeveloped site. Historic is herein defined as an undeveloped site with 2.0% imperviousness. At the County's discretion, a more stringent detention storage requirement may be imposed.
 - (2) Off-site flows may be routed over the detention pond spillway or routed around the pond.
 - (3) Outlet structures shall be sized and structurally designed to release the post-development peak discharge runoff rate in excess of the historic runoff rate for the 1-hour, 100-year event without structural or hydraulic failure. Historic is as defined in subsection (1) above. In the event where a more stringent release rate is imposed by the County, the outlet structure shall be sized and structurally designed for such rate.
 - (4) An emergency spillway capable of conveying the 1-hour, 100-year storm peak discharge runoff draining into the detention pond shall be provided. The invert of the emergency spillway must be equal to, or above, the 100-year water surface elevation. The spillway shall be designed with effective erosion protection. Riprap shall be engineered and properly sized to prevent catastrophic erosion failure.
 - (5) The elevation of the top of the detention pond embankment, except at the spillway, shall provide a minimum of 1-foot of freeboard above the 100-year water surface elevation in the detention pond.
 - ~~(4)~~(6) The detention pond shall be designed to drain in accordance with C.R.S. 37-92-602(8), as amended.
- (B) Buildings, hard surfacing, altercation of historic drainage patterns, or construction of any surface that inhibits soil permeability ~~non-percolating surface~~ requiring a building permit shall not be constructed until drainage plans for such improvements are approved by County staff.
- (C) Drainage plans are to be included with submittal documents ~~for site specific development plan approval~~ when required by the Planning Administrator.

Planned Development Related Amendments – Miscellaneous Changes

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Staff suggested revisions (Highlighted in blue)

- (D) Exemptions from on-site flood control detention requirements may be granted by the County when one of the following circumstances exist:
- (1) The total change in impervious area covers approximately 10,000 square feet or less; or
 - (2) The site for which detention would be required is adjacent to a major drainageway where the ratio of major drainageway basin area to site area is 1000:1 or more; or
 - (3) The site for which detention would be required drains into a publicly owned and maintained regional detention facility designed to accommodate flows from a fully developed basin, provided that adequate conveyance of 100-year developed flows from the site to the regional facility is provided; or
 - (4) Minor subdivisions that are not located in historically flood-prone areas or areas where drainage is substantially impaired by local topography or prior development. ~~Exemptions of this sort shall be evaluated by the Planning Administrator or the County engineer with drainage expertise.~~
- (E) Whether an exemption described in subsections (1) through (4) above should be granted shall be determined by the Planning Administrator, upon evaluation of the request by the County engineer with drainage expertise.
- (F) Qualification in any of the exemption criteria listed above does not preclude the requirement of a drainage plan in accordance with these Zoning Regulations. Furthermore, a flood control detention exemption does not grant an exemption from erosion and sedimentation controls, water quality treatment and best management practices, which shall be provided regardless of the size or location of the site.

4-115 Density

A campground shall have a ~~gross~~ density of not more than fifteen (15) units per acre.

SUBDIVISIONS

AMENDMENT SUMMARY



**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
AMENDMENT SUMMARY
May 20, 2025
May 28, 2025 (meeting date)**

**AMENDMENTS
MORGAN COUNTY SUBDIVISION REGULATIONS**

The Board of County Commissions held work sessions on April 8 and April 22, 2025. The Planning Commission held a work session on April 28, 2025 and a public hearing on May 12, 2025 regarding Major Subdivision procedures and standards, Minor Subdivisions, and definitions and other miscellaneous changes. The recommended revisions to the initial draft are highlighted.

Please note there are minor typographical changes in these documents that are redlined for reference.

Major Subdivision Procedural Amendments

There are a few changes in the major subdivision procedures. These procedures were substantially revised in 2019.

1. Sec. 6-110. The deletion of the fees provision is being moved to another section – see the Miscellaneous Changes document - to cover all applications.
2. Sec. 6-120(B)(7)(c) – Preliminary Utility Plan. Language regarding central sewage treatment facility would be removed as recommended by the Planning Commission.
3. New subsection Sec. 6-120(B)(7)(g) is added to match the standard preferred by the Planning Commission regarding documentation from fire districts.
4. Referral agencies would be removed from the definitions and added in new subsection 6-140(B).
5. Sec. 6-160(B)(6)(b). Final Utility Plans - the addition of wastewater systems.
6. New subsection 6-170(I) to add the requirement of showing the location of existing buildings and structures subject to setback restrictions on plats.
7. New subsection 6-170(K)(9) – a note to be added on all plats regarding shared access.

Major Subdivision Standards Amendments

The major subdivision standards, like the PD standards, have been significantly rewritten. Chapters 3, 4, and 5 of the Subdivision Regulations have been combined into one new Chapter 4

1. Revised language in Sec. 4-110(D)(3) is proposed by Staff after the discussion by the Planning Commission regarding desirable settings for construction.
2. Sec. 4-110(E)(2) now references the fees section.
3. Sec. 4-120(A) – Access and Roads, pg 3. With the recent requests from CDOT and the possibility of the state highway access code overreaching, Staff has recommended the removal of the state highway code reference.
4. Sec. 4-120(C) – Access and Roads. Planning Commission agreed that shared driveways are not permitted for major subdivisions.
5. Sec. 4-120(E) – Staff thought the current language was not adequate to describe all of the factors when looking at a subdivision, therefore has a suggested revision.
6. Sec. 4-120(I) – Access and Roads, pg. 4. The Planning Commission recommended that the County should be authorized to require a maintenance plan for private roads in a major subdivision.
7. Sec. 4-130(A) and (B) - Removal of language regarding Lot specifics.
8. The revisions suggested in Sec. 4-130(D) and (E) by the Planning Commission may cause additional issues such as preventing corner lots. This issue is really an aesthetic planning issue where the frontage of lots are all from a common street.
9. Sec. 4-140(C) – Open Space, pg. 6. Planning Commission wanted to keep the required minimum of 5% open space for subdivisions with 20 or more lots. Currently open space is preferred on the subdivision boundary entrance and road right-of-ways. The Planning Commission recommended the removal of the 2.5% max for natural open space and keeping (1) thru (3) if the applicant wants landscaped open space. Staff has also suggested a revision to pull in language from the PD standards to be consistent. The dedication of open space or parks to the County has been removed in Sec. 4-240.
10. Sec. 4-160 – Storm Drainage, pg. 6-10. This section is much broader than just storm drainage. The provisions have been revised based upon recommendations from the County's drainage consultant. There is also additional language to clarify criteria for exemptions from on-site detention storage, technical design criteria and erosion protection. Staff have also included additional language determining who can grant the exemption.
11. Sec. 4-180 – Water Service, pg. 10. This is currently in Chapter 5. These provisions have been revised to address three possibilities for water service:

- Subsection A describes the situation where water and the internal water distribution system is owned and operated by a public water utility.
 - Subsection B describes the situation where the water facilities and the water source will be privately owned and operated. Plans must be approved by CDPHE prior to the submission of a final plat.
 - Subsection C describes the situation where the water facilities will be privately owned and operated but the water source is from a public water utility.
 - Subsection D incorporates a state law requirement for subdivisions which has 50 or more lots.
 - Subsection E incorporates a state law requirement when a subdivision is approved despite the State Engineer's opinion that material injury would occur. This was originally located in the definition for "Referral Agencies."
12. Sec. 4-190 – Wastewater Service, pg. 12. This is currently in Chapter 5. Like the water service, these provisions have been revised and updated to provide two possibilities for service which are in the current regulations: 1) connection to a public sanitation utility, and 2) OWTS. The planning Commission does not want a private community wastewater facility to be an option.
 13. Sec. 4-210, Fire Protection, pg. 14. Planning Commission preferred the alternative language relying on the fire district to provide any requirements.
 14. Sec. 4-230, Public Dedications, pg. 15. This section has been pared down to address only those properties which would be dedicated to the County or other entities. The dedications for various public facilities (non-school) are proposed to be removed.
 15. Sec. 4-240, Public Improvements. This section is currently in Chapter 3. It has been added here and revised. The provisions regarding improvements agreements were expanded and mirror the provisions in the PD standards.

Minor Subdivisions Amendments

1. Sec. 8-130(D)(9). The County used to have a prohibition of resubdivisions for a period of 10 years. The provision was removed in 2014. The Planning Commission recommended bringing the 10 years back to prevent the circumvention of the major subdivision process by repeatedly using the minor subdivision process.
2. Sec. 8-130(E) – Special site conditions. Removed "swampy land" since the County doesn't have any. "Geologic hazards" was also removed, there could be subsidence, or the "sinking" of ground due to moisture content changes, groundwater fluctuations, etc. and expansive soils. Those types of hazards can typically be mitigated with a properly engineered foundation, but would not necessarily make developing a site impossible.

3. Planning Commission considered the prohibition in Sec. 8-150(C) and recommended its removal.
4. Sec. 8-160. The ability to drill successful wells may become more unlikely in the future. Currently, the State Engineer's Office will not accept or review a new well permit application until after approval of a minor subdivision or exemption. The County has had at least one instance where a property owner was unable to drill a well after the exemption was approved. As such, the proposed language includes some parameters when wells are proposed as a water source. These are added for your consideration but not legally required.
5. Sec. 8-200. The procedure for minor subdivision has been revised for clarity but no proposed changes to the current process are being recommended, except for one. These changes are mostly to bring the provisions into line with the County's current practice for minor subdivisions and mirror the structure of the major subdivision process and other processes in the Zoning Regulations. The one change that is being recommended is that notice of the public hearings for the Planning Commission and the Board, if a referral is made due to a landowner objection, be posted on the website. This is currently happened but codifies it. Further, if a minor subdivision is initially referred to the Planning Commission and the Board by the Planning Administrator, the notice is posted on the website. See Sec. 8-210(D).

Miscellaneous Changes

1. The addition of definitions for Applicant, Board, Developer, Major Storm Event, Minor Storm Event and On-Site Wastewater Treatment. A minor revision to the Drainage Plan definition and the removal of "Referral Agencies".
2. Sec. 1-155 – Fees provision addition

Nicole Hay
Morgan County Planning Director

PROPOSED AMENDMENTS

MAJOR SUBDIVISIONS PROCEDURAL AMENDMENTS

DRAFT – 5/19/25

PC Revisions (Highlighted in yellow)

Staff suggested revisions (Highlighted in blue)

CHAPTER 6 - MAJOR SUBDIVISIONS

6-100 Purpose

The purpose of the major subdivision process ~~to~~is to address the division of land which is not a minor subdivision but which may have a greater impact on existing infrastructure and neighboring properties and to ensure such impacts are mitigated through the major subdivision process.

6-110 Overview of Major Subdivision Process

A major subdivision consists of two steps: (1) preliminary plan and (2) the final plat. The purpose of the preliminary plan is to evaluate the proposed subdivision, including design, ability to obtain water/sanitation; source of required services; vehicular and pedestrian circulation; relationship to surrounding land use; conformance with the Comprehensive Plan, the Zoning Regulations and these Subdivision Regulations; and review of preliminary level engineering studies, plans, and reports. The purpose of the final plat is to ~~review of~~review all final engineering plans, ~~subdivision-public improvements~~improvement agreements, and other legal requirements.

Both the preliminary plan and the final plat involve the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, staff analysis and public hearings/meetings. Approval at any step in the process does not ensure approval at the next step. The preliminary plan shall be reviewed by the Planning Commission and by the Board at public hearings. The final plat shall be reviewed by the Board.

The ~~applicant-developer~~ is responsible for understanding the requirements and procedures contained in these Subdivision Regulations and the Comprehensive Plan and is responsible for attending all hearings or meetings at which the application is considered. Failure to attend the hearings or meetings may result in the application being tabled and a new hearing or meeting date scheduled. The applicant is responsible for submitting the information requested by staff and for the review of the application.

~~The applicant shall be responsible for payment of reasonable review fees established by a referral agency, or outside consultant engaged by the County to review the application.~~

6-120 Preliminary Plan

(A) Pre-Application Conference

- (1) Prior to ~~actual~~ submission of the preliminary plan, each applicant shall attend a pre-application conference with the County Planning Department and any other necessary departments, agencies, and other public entities. The general concept of the major subdivision and the applicable design standards are to be considered at this conference. After the pre-application conference, the Planning

MAJOR SUBDIVISIONS PROCEDURAL AMENDMENTS

DRAFT – 5/19/25

PC Revisions (Highlighted in yellow)

Staff suggested revisions (Highlighted in blue)

Department may furnish the applicant with written comments regarding the proposed major subdivision to inform and assist the applicant prior to the preparation of the major subdivision application.

- (2) Based upon the Planning Department's review of proposed subdivision and due to the nature, size and location of the proposed subdivision, the Planning Administrator may waive the submission requirements in Sec. 6-120(B)(7)(d) and (f).

(B) Submission Requirements

The following are required to be submitted as the preliminary plan:

- (1) Completed land use application provided by the County.
- (2) Application fee.
- (3) A project narrative which, at a minimum, provides the following information:
 - (a) The total land area to be subdivided.
 - (b) Current zoning of property; current use of property; use of surrounding properties. Identification of any confined animal feeding operation, packing plant, slaughterhouse, or rendering plant located within ~~thirteen~~ one-thousand three hundred and twenty feet (1,320²) of any portion of the exterior boundary of the subdivision. Distance to the confined animal feeding operation, packing plant, slaughterhouse, or rendering plant shall be measured from the boundary of the permitted area upon which the use is located.
 - (c) The total number of lots and proposed use by lot.
 - (d) The residential density and/or estimated nonresidential floor area.
 - (e) The total number of proposed off-street parking spaces, excluding those associated with single-family development.
 - (f) The total land area to be preserved as open space, parks and other public facilities.
 - (g) Roads (including proposed surface type).
 - (h) Existing and proposed utility and easements; irrigation facilities.
 - (i) Flood or drainage impacts and mitigation.

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- (j) Land dedications for schools, if applicable.
 - (k) Provision of water and sewer services.
 - (l) Provision of fire protection.
 - (m) Phasing of the proposed subdivision, if any.
 - (n) Proposed zoning change, if applicable.
 - (o) Any information necessary to address the standards and requirements of Chapters 4 ~~and 5~~ of these Subdivision Regulations.
- (4) Proof of ownership consisting of a current title commitment issued within the previous six (6) months. If the application is incomplete, the County may require that the title commitment be updated. The title commitment shall include any mineral estates, including mineral leases.
- (5) If applicable, a notarized letter of authorization from the landowner permitting a designated representative to process the application.
- (6) Plat drawing in conformity with Sec. 6-130 of these Subdivision Regulations.
- (7) Development Reports:
- (a) Preliminary Drainage Plan and Report. A report prepared by a professional engineer that ~~gauges-evaluates~~ increased storm water and water quality impacts associated with new development. The report should include a hydrologic analysis for quantifying peak flow rates of storm water entering, passing through, and leaving the site for the minor and major storm events. The report shall address the design standards for drainage in Chapter 4 of these Subdivision Regulations. If approved by the Planning Department, a simplified drainage narrative may be submitted as an alternative to the drainage plan and report.
 - (b) Preliminary Soils Report. Evidence establishing soil suitability in the form of a report prepared by a registered professional engineer or professional geologist. The report shall minimally include: a description of site soil types, locations, and characteristics with supporting soil maps, soil logs and other information needed to determine soil suitability for proposed development; depth to water table and an engineer's recommendation of how to handle the subsurface drainage (i.e.: sump pumps, trench drains, etc.); constraints on development based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, and a determination of the adequacy of the structural characteristics of the soil as they relate to

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the proposed development. The report shall address the design standards regarding geology and soils in the Chapter 4 of these Subdivision Regulations.

(c) Preliminary Utility Plan.

(i) Evidence of the physical and legal capability to provide adequate water and sanitation in conformity with Chapter ~~45~~ of these Subdivision Regulations, including the Water Supply Information Summary supplied by the Division of Water Resources. Evidence of adequate water may include, at the request of the County, evidence of ownership or right of acquisition of or use of existing and proposed water rights; historic use and estimate yield of claim water rights, amenability of existing rights to a change in use, and evidence concerning the potability of the proposed water supply for the subdivision. The plan should include estimates concerning the total number of gallons per day of water system requirements where a distribution system is proposed ~~and the estimated total number of gallons of sewage to be treated where a central sewage treatment facility is proposed.~~ The plan shall include any estimated costs for the water and sanitation systems and proposed method of financing of such facilities.

(ii) Plans for all other utility distribution systems within the subdivision demonstrating reliable and adequate service. This requirement may be satisfied by a letter of agreement between the ~~subdivider-developer~~ and utility serving the site.

(d) Preliminary Traffic Impact Study. A report prepared by a professional engineer to analyze the short- and long-term impacts of vehicular traffic associated with new development and identification of any improvements necessary to mitigate the impacts. The study should describe the circulation of traffic within the subdivision and access to the subdivision from the County's road system. The study shall include estimated costs of construction of ~~streets-roads~~ and related facilities and the proposed method for financing such ~~streets-roads~~ and facilities.

(e) Revegetation and Erosion Control Plan. This plan is required if the undeveloped property is presently cultivated or does not have an adequate ground cover. Prepared by a qualified professional, the plan should address erosion control both during any development and after the completion of such development. The plan should also outline the type of revegetation and any irrigation that will be established on the property.

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(f) Wildlife Impact Mitigation Plan. A wildlife impact mitigation plan may be required to address the impacts of development. ~~Applications will be referred to Colorado Parks and Wildlife for review as soon as possible.~~ The ~~subdivider~~ applicant will work with the County and CPW to determine the impacts on wildlife as a result of the subdivision. Based upon the recommendations from CPW, subdivisions which impact high-value wildlife habitats or other critical wildlife areas, a wildlife impact mitigation plan will be required. For subdivisions which do not impact these areas, the County may waive the requirement of the plan.

~~(f)(g)~~ Documentation from the applicable fire district describing any necessary requirements to ensure fire protection services to the subdivision including, if applicable, any agreement between the developer and the fire district.

6-130 Preliminary Plan Drawing

The preliminary plan drawing, required under Sec. 6-120(B)(6), shall contain the following information if applicable:

- (A) Project Name, Scale and North Arrows. The name cannot be a duplicate and cannot be changed after approval of the preliminary plat. The name of the subdivision should include the words “Preliminary Plan”. Scales must be both numerical and with a bar graph.
- (B) Owner Information. Name, Address and Phone Number of owner or owners.
- (C) Drawing. The preliminary plan should be at a size of 24” x 36” and at a scale of 1” = 100”, 1” = 200” or other scale approved by the Planning Administrator. The preliminary plan shall meet the following requirements:
 - (1) Each sheet shall include the name of the proposed subdivision.
 - (2) A vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a minimum one-mile radius.
 - (3) Legal description of the subdivision.
 - (4) The boundary of the proposed subdivision shall be depicted in a heavy line. Note areas not included in the subdivision.
 - (5) Acreage of total development and acreage of developable land.
 - (6) All easements, including existing and proposed, public and private one and adjacent to the proposed subdivision, their use, principal dimensions (including

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width), the owners or holders of the easement along with the recorded book and page number and the name of the entity responsible for construction and maintenance.

- (7) Delineation of all 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, inlets, storm sewers and culverts on and within 100'¹² of the affected property.
- (8) Location of all proposed lots, tracts, and when appropriate, existing buildings, proposed building envelopes or no-build zones, providing accurate dimensions for each. Lots should be numbered consecutively;³ tracts shall be lettered alphabetically.
- (9) Location of any public facility or areas proposed for dedication to a public entity.
- (10) Location of all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, or the ~~general~~ public. Include notes to indicate the purpose, disposition and maintenance responsibility for all such tracts and easements.
- (11) The total square footage for all defined lots, open spaces and public facility areas.
- (12) The zoning classification and ownership of adjacent land. The zoning classification(s) within the entire subdivision and the proposed zoning, if applicable.
- (13) Location and dimension of all street rights-of-way and include name in compliance with these Subdivision Regulations. Indicate the classification of roads^s, as defined in these Subdivision Regulations, and the maintenance responsibility, road percentage grades, centerline radii and other pertinent roadway information such as distance between intersections.
- (14) Location of any potential geological hazards and/or significant wildlife habitat areas.
- (15) Location of proposed buffers, landscape, and fencing.

6-140 Review of Preliminary Plan

- (A) After the pre-application conference required by Sec. 6-120(A), the applicant shall submit the required submittal information to the Planning Department. Staff shall review the submittal information within 15 working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information

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prior to referral agency review. An incomplete submittal will not be processed.

(B) The following agencies will be sent copies of the preliminary plan application and all material for comment. The comment period is a total of twenty-one (21) days and failure to comment is to be viewed as a favorable review. At the discretion of the planning staff, some referral agencies may be contacted for additional comments or clarifications.

(1) County Attorney

(2) Northeast Colorado Department of Health

(3) Colorado Parks and Wildlife

(4) Relevant public utility companies.

(5) Any ditch company with ownership over water delivery system/structure with rights over or adjacent to the property which is the subject of the application.

(6) The appropriate fire protection agency.

(7) Morgan Conservation District

(8) The appropriate school district, if subdivision is residential or mixed-use with residential uses.

(9) Municipalities and counties located within two (2) miles of the area to be subdivided, or to entities who conduct reviews by agreement with the County. This distance shall be determined by measuring from boundary to boundary at the location where the boundaries are closest.

(10) To the State Engineer for an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply to meet requirement of the proposed subdivision. If the State Engineer finds such injury or finds inadequacy, the State Engineer shall express such finding in an opinion in writing to the County, stating the reason for the findings, including, but not limited to, the amount of additional or exchange water that may be required to prevent such injury.

(11) State Geological Survey.

(12) Special service districts, associations, or companies, Colorado Department of Highways, Colorado Department of Public Health and Environment, or other agencies that may be deemed necessary by the Staff.

(13) Others as deemed necessary by the Staff.

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- ~~(B) — As part of its initial review, staff will identify the number of copies of the submittal information required for distribution to referral agencies and identify which referral agencies are regulatory and which are advisory.~~
- (C) If the referral agencies elect to comment, they shall respond within twenty-one (21) calendar days of the date the referral packets were mailed or electronically distributed. All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies timely received by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is encouraged to meet with referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies. Failure of a referral agency to respond shall be deemed an approval of the preliminary plan.
- (D) Following receipt of the applicant's written response to comments, including the submittal of any revised exhibits and plans, the Planning staff will provide additional comments to the applicant as necessary.
- (E) Staff will schedule a public hearing before the Planning Commission and notify the applicant in writing of the hearing date and time. At least fourteen (14) days prior to the public hearing notice of the hearing shall be mailed to landowners within one-thousand three hundred and twenty feet (1320²¹) of the boundary of the proposed subdivision and posted notice on the County's website. The notice shall remain posted through the conclusion of the hearing. Applicants are required to send notice, by certified mail, return receipt requested to mineral estate notice in accordance with C.R.S. § 24-65.5-103, thirty (30) days prior to the hearing. Applicants must file with the Planning Department a certification of notice to mineral estate owners on a form provided by the County. Failure to file certification may result in a continuation of the hearing.
- (F) Staff will provide a staff report to the Planning Commission. The Planning Commission shall evaluate the preliminary plan, staff report, referral agency comments, applicant responses, public comment and testimony, and, based upon the criteria in Sec. 6-150 of these Subdivision Regulations, make a recommendation to the Board to approve, approve with conditions, continue, table for further study or submission of additional information, or deny the preliminary plan. The Planning Commission's decision shall be based on the evidence presented, compliance with adopted County standards, regulations, and policies, and other guidelines.
- (G) Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board and notify the applicant in writing of the hearing date and time. At least fourteen (14) days prior to the public hearing, notice of the hearing shall be mailed to landowners within one-thousand three hundred and twenty feet (1320²¹) of the boundary of the proposed subdivision and posted notice on the County's website. The notice shall remain posted through the conclusion of the hearing.⁵²

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- (H) The applicant shall be required to post notice on the property for which the major subdivision is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such signs shall measure not less than twenty-four inches by thirty-six inches (24" x 36"). The size of the letters, indicating the notice, should be a minimum of two inches (2") above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the major subdivision application must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:⁵³
 - (1) Photographs of the signs posted on the property shall be submitted to the Planning Department at least five (5) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least ten (10) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.
- (I) The Board shall evaluate the preliminary plan, staff report, referral agency comments, applicant responses, Planning Commission recommendations, public comment and testimony, and, based upon the criteria in 6-150 of these Subdivision Regulations, shall either approve, approve with conditions, table for further study, remand to the Planning Commission, or deny the preliminary plan. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.
- (J) The preliminary plan shall be effective for a period of 3 years from the date of approval, unless stated otherwise in such approval. Requests for extensions may be granted by the Board. An extension request shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the County's Comprehensive Plan, the Zoning Regulations or these Subdivision Regulations that have occurred since approval of the plan as these changes affect the plan and the anticipated time schedule for completing the platting process.

6-150 Criteria for Preliminary Plan

- (A) In considering a preliminary plan, the Planning Commission and Board must apply the following review criteria and find that each criterion has been met or determined to be inapplicable:
 - (1) The proposed subdivision is compatible with existing and allowed land uses in the surrounding area;
 - (2) The proposed subdivision conforms with the goals, objects and policies of the Comprehensive Plan;

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- (3) The proposed subdivision addresses the ~~design~~ standards of these Subdivision Regulations;
 - (4) The proposed subdivision provides for a public wastewater collection and treatment system and, if other methods of wastewater collection and treatment are proposed, such systems comply with State and local laws and regulations;
 - (5) The proposed subdivision identifies all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions and the proposed uses of these areas are compatible with such conditions;
 - (6) The applicant has established that definite provision has been made for water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
 - (7) The recommendations of referral agencies have been considered; and
 - (8) Approval of the proposed subdivision will not result in a substantial adverse impact on other property in the vicinity of the proposed subdivision.
- (B) If applicable, the Planning Commission and Board shall also review the wildlife mitigation plan and consider the amount of vegetation/habitat removal or alteration within the development site; the amount of habitat of similar type and quality within the development site that remains contiguous; the existing and proposed amount of lot coverage; the existence of contiguous habitat of similar type and quality on adjoining land; and mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including, but not limited to clustering of development to avoid intrusion into or fragmentation of habitat; creation of buffers around critical areas; limits on the amount of disturbance on a site; restrictions on vegetation removal; and enhancement or restoration of equivalent habitat on or adjacent to the site. Particular attention shall be given to areas critical to the survival of a wildlife species.
- (C) It is the policy of Morgan County to maintain a distance of ~~thirteen-one-thousand three~~ hundred and twenty feet (1,320'²) between residential subdivisions and confined animal feeding operations, packing plants, slaughter-houses, or rendering plants as such uses are not necessarily compatible. The County desires to maintain its agricultural character while permitting limited residential development in relation to certain agricultural activities. If any portion of the proposed residential major subdivision is within ~~thirteen one-thousand three~~ hundred and twenty feet (1,320'²) of a confined animal feeding operation, packing plant, slaughter-house, or rendering plant, the Planning Commission and Board shall consider the following criteria:
- (1) Whether the applicant can demonstrate a sufficient hardship, which is not self-imposed, that supports a deviation from the County's policy to maintain the

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distance between residential subdivisions and confined animal feeding operations, packing plants, slaughter-houses, or rendering plants.

- (2) What specific mitigation measures will be implemented to reduce the impacts of the confined animal feeding operation, packing plant, slaughter-house, or rendering plant on the residential subdivision and how much measures will be enforced.
- (3) The size of the portion of the residential subdivision within the ~~thirteen-one-thousand three~~ hundred and twenty feet (1,320'²) distance from the confined animal feeding operation, packing plant, slaughter-house, or rendering plant.
- (4) Whether buildable areas for residences can be located outside the ~~thirteen-one-thousand three~~ hundred and twenty feet (1,320'²) distance, even if a portion of the residential subdivision is located within the ~~thirteen-one-thousand three~~ hundred and twenty feet (1,320'²) distance.

6-160 Final Plat

(A) Pre-Application Conference

Prior to actual submission of the final plat, each applicant shall attend a pre-application conference with the County Planning Department. Resolution of any outstanding issues from the approval of the preliminary plan are to be considered at this conference.

(B) Submission Requirements

- (1) Completed land use application provided by the County.
- (2) Application fee.
- (3) Narrative of how the application meets all of the criteria in these Subdivision Regulations.
- (4) Plat exhibit in conformity with Sec. 6-170 of these Subdivision Regulations.
- (5) Final Declaration of Covenants, if applicable.
- (6) Final Development Reports:
 - (a) Final plans and drainage report based upon the approved preliminary concepts are to be submitted as follows:
 - (1) Detailed, engineered and stamped plans for the storm drainage system including construction details and alignment of storm

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sewers, catch basins, manholes, ditches, channels, slope protection, dams, energy dissipaters, and detention ponds.

- (2) Flow line profiles and natural ground elevations at minimum on hundred (100) foot stations and at all significant breaks in grade for all proposed conduits, channels, and other structures.
 - (3) Cross sections for each facility showing high water elevations and adjacent features that may be affected thereby.
 - (4) Construction details of curb, gutter, cross pans, inlets, driveway aprons, walks, and culverts.
 - (5) Written approvals may be required by the County from agencies or parties that will be affected by the drainage proposal.
- (b) Final Utility Plans. ~~Sewage collection, water~~ Water supply and distribution systems, wastewater systems, and other utility layouts are to be prepared and stamped by a professional engineer, plus profiles and specifications based upon the approved preliminary concepts, with written approvals thereof by the agency providing the services or having jurisdiction over the proposed system. All OWTS must have approved of by the ~~and the~~ Northeast Colorado Health Department, as required.
- (c) Final Traffic Impact Study, if applicable.
 - (d) Final Revegetation and Erosion Control Plan.
 - (e) Final Wildlife Impact Mitigation Plan, if applicable.
- (7) Final Copy of Restrictive Covenants, if applicable.
- (8) Executed ~~Subdivision Improvements~~ Improvement Agreement, if applicable.

6-170 Final Plat Drawing

- (A) The plat shall conform to all requirements of C.R.S. § 38-51-106. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.
- (B) The first submittal of the final plat shall be a blue-line copy in the following size: twenty-four (24) inches by thirty-six (36) inches. The final submittal of the final plat shall be delineated in drawing ink on mylar, or other acceptable material, in the following size: twenty-four (24) inches by thirty-six (36) inches. No portion of the final plat shall have

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“stick on” type material. A photo mylar with original signatures is acceptable.

- (C) Primary boundary survey control points with monument descriptions; all parcel lines dimensioned with lengths; curve data including chord lengths and bearing; basis of bearings and relation to true meridian; and similar data.
- (D) Tract boundary lines, road right-of-way lines, easements, and other sites with accurate bearings and dimensions including chord lengths and bearings, central angles, and radii of all curves. All dimensions necessary to establish the boundaries in the field.
- (E) Name and width of each right-of-way. Right-of-way width are to be shown at each leg of an intersection.
- (F) Location, dimensions, and purposes of all easements. Easement widths are to be shown on the plat. Existing easements are to be referred by recorded reception number or book and page numbers.
- (G) Location of all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, or the general public with notes indicating the purpose, disposition and maintenance responsibility for all such tracts and easements.
- (H) Number or letter to identify each lot, tract, block and any public facility or dedication areas and common open space areas in the subdivision. All land must be accounted for and labeled. Note the total square footage or all defined lots, open spaces and public facility areas.
- (H)(I) If required by the Planning Administrator, the location of existing buildings and structures that are subject to the setback restrictions in the County’s Zoning Regulations.
- (H)(J) A 2½ x 3” vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder.
- (H)(K) The following certificates and notices, which may be modified to suit special circumstances as approved by the County. Where private roads or other conditions warrant, the “certification”, “dedication”, and “notice” statements must be modified accordingly and are subject to approval by the County.
 - (1) Dedication Certificate: Depending on the dedication of streets, road and tracts of land to be utilized for public use, the following dedications certificates should be placed on the final plat in the following order:
 - (a) General Dedication.

(I, We), the undersigned, being the owner(s) (and holder(s) of deed of trust, if applicable) of that part of the (described quarter-section, section,

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township, range), Morgan County, Colorado, being more particularly described as follows, to wit: Beginning at (complete legal description); containing (to nearest one-hundredth) acres more or less; have (has) caused the same to be surveyed and subdivided into lots, tracts, blocks, streets/road, and easements to be known as the plat of (Subdivision name),

(b) Public Streets/Roads (Add to General Dedication, if applicable):

and do hereby dedicate and convey to Morgan County, in fee simple, free of encumbrances and liens, tracts (if applicable), and all streets/roads, together with all appurtenances thereto for public use.

(c) Private Street/Road Dedication (Add to General Dedication, if applicable):

and do hereby grant and convey to Morgan County an easement over any and all private streets/roads and rights-of-way for the purpose of passage of service vehicles and pages of all vehicles and pedestrians during an emergency situation. It is expressly understood that the acceptance of the dedication of this easement is not to be construed as an acceptance by the County of said private streets/roads and rights-of-way for any other purpose including maintenance purposes.

(d) Utility easements (Add to General Dedication, if applicable)

The utility easements shown hereon are hereby dedicated for public utilities and cable communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance and replacement of utility lines and related facilities.

(2) Surveyor's Certificate

I, (surveyor's name), a duly registered land surveyor in the State of Colorado, do hereby certify that this plat of (subdivision name) truly and correctly represents the results of a survey made by me or under my direct supervision.

(surveyor's signature) (date)

(Surveyor's seal shall appear with this certificate)

(3) Subdivision Improvements~~Improvement~~ Agreement (if applicable):

This plat is subject to ana subdivision-improvements~~improvement~~ agreement recorded at reception number _____ in the records of the Morgan County Clerk

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and Recorder. No building permits will be issued by the County until preliminary acceptance of the public improvements required under the ~~subdivision-improvements~~improvement agreement.

(4) Acknowledgments required for all plats:

(a) Owner

Dated this _____ day of _____, 20__.

Owner

State of Colorado)
) ss.
County of Morgan)

The foregoing instrument was acknowledged before me this _____ day
of
_____, 20__, by _____.

Notary Public

Acknowledgment should be adjusted to reflect any corporate or business ownership of the property.

(b) Lien Holder – Only Required if Property is Dedicated to the County for Maintenance

The undersigned lien holder holds a valid (mortgage or deed of trust) upon the property located within the (subdivision name) which was dated the __ day of __, 20__, filed for record on the __ day of _____, 20__, and recorded at Reception No. __ or in Book __, Page __, records of the Morgan County Clerk and Recorder.

The undersigned joins in and consents to the dedication herein of the above subdivision. Further, the undersigned lien holder releases its lien upon such dedicated property and in the event of default in satisfaction of the lien, waives any foreclosure rights to the dedicated property. Dated this __ day of __, 20__.

Lien holder

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State of _____)

)

ss. County of _____)

The foregoing instrument was acknowledged before me
this

_____ day of _____, 20____,
by

_____.

Witness my hand and official seal.

My commission expires _____

Notary Public

(5) Commissioners' Certificate

Approved this _____ day of _____, 20____, by
the Board of County Commissioners, Morgan County, Colorado. This approval
does not guarantee that the size, soil conditions, or flooding conditions of any lot
shown hereon are such that a building permit, well permit, or sewage disposal
permit will be issued. This approval is with the understanding that all expenses
involving required improvements for all utility services, paving, grading,
landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection
devices, drainage structures, and all other improvements that may be required
shall be the responsibility of the ~~subdivider~~ developer and not the County of
Morgan. Additional language if applicable: All dedications to the County are
hereby accepted. This approval does not constitute acceptance of responsibility
by the County for construction, repair, or maintenance of any streets, highways,
alleys, bridges, rights-of-way or other improvements designated on this plat.

Attest:

Chair

Clerk to the Board

(SEAL)

(6) Clerk and Recorder's Certificate

I hereby certify that this instrument was filed in my office at _____ o'clock.
P.M, this _____ day of _____, 20____,
and is duly recorded in Plat File__.

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Clerk and Recorder

- (7) Planning Department Certificate (if subject to approval by Planning Department): Certificate of Approval by the Planning and Zoning Department

Approved this _____ day of _____, 20____, by the Planning Administrator of Morgan County, Colorado. This approval does not guarantee that the size, soil conditions, or flooding conditions of any lot shown hereon are such that a building permit, well permit, or sewage disposal permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the ~~subdivider~~ developer and not the County.

(signature) _____

Attest:

Clerk to the Board
(SEAL)

- (8) The following notes shall be on all plats:
- (a) Morgan County is not responsible for the quantity or quality of water supplied to this subdivision.
 - (b) Any past, present, or future drainage issues on this property are the responsibility of the landowner and their successors and not that of Morgan County.

- (9) The following note shall be on all plats with shared access:

Property owner of Lots _____ share a common access which has been constructed as shown on this plat. The owners are subjected to a shared access acknowledgement recorded in the records of the Morgan County Clerk and Recorder. The access easement is a covenant that shall run with the land. The owners are obligated to maintain the easement. Access for emergency vehicles may not be adequate, depending on the construction and maintenance of the access easement. Morgan County makes no assertion as to the condition or adequacy of the driving surface or any other constructed element related to the driveway.

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~~(K)~~(L) All required boundary monuments shall be placed in the field as per requirements of C.R.S. §§ 38-51-100 through 108, as amended, before the Final Plat is recorded.

~~(L)~~(M) Any approved subdivision located within ~~thirteen-one-thousand three~~ hundred and twenty feet~~d~~ (1,320'~~2~~) of a confined animal feeding operation, packing plant, slaughterhouse, or rendering plant pursuant to criteria in Sec. 6-150(C) shall contain the following notice on the plat: Please take notice that this subdivision is located within ~~thirteen-one-thousand three~~ hundred and twenty feet (1320'~~2~~) of a confined animal feeding operation, packing plant, slaughter-house, or rendering plant, which existed at the time of approval of the subdivision. Morgan County is a right to farm county and by law, all normal and non-negligent agriculture operations may not be considered nuisances. Residents in this subdivision must be prepared to accept as normal the effects of agriculture and rural living.

6-180 Review of Final Plat

(A) The final plat shall be in substantial compliance with the approved preliminary plan, as determined by the Planning Administrator. If not, the applicant shall submit an amended preliminary plan for review and approval by the Planning Commission and the Board. No final plat will be accepted if no preliminary plan has been approved. The final plat shall be submitted within 3 years of approval of the preliminary plan, or as may be extended by the Board. The Board may extend the submission for the final plat, upon a review of the following criteria:

- (1) Conditions in the area surrounding the property have not changed significantly since the original approval;
- (2) The approved preliminary plat is consistent with any amendments to the Zoning Regulations or these Subdivision Regulations, adopted since the original approval; and
- (3) The applicant demonstrates that the extension is necessary because there have been factors beyond his or her control that prevented the submittal of the final plat for this project.

(B) Prior to submittal of a final plat application, the applicant shall contact the County's Planning Department and schedule a pre-application meeting to include staff from various County departments and, as deemed necessary, other referral agency representatives to discuss the proposal and provide information on the submittal process. The applicant shall provide basic information on the final plat in advance of the meeting. Staff shall prepare and distribute the written meeting summary to the applicant to include initial comments on the proposal and other relevant ~~information, and~~information and place a copy in the project file.

(C) If planning staff makes referrals and the referral agencies elect to comment, they shall

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respond within ~~twenty-one~~^{fourteen} (21¹⁴) calendar days of the date the referral packets were mailed or electronically distributed. All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies timely received by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is encouraged to meet with referral agencies and staff to address any concerns. No referrals are required as part of the final plat review. The applicant is required to pay those fees assessed by regulatory referral agencies. Failure of a referral agency to respond shall be deemed an approval of the preliminary plan.

- (D) The final plat shall be considered at a public hearing before the Board. Staff will notify the applicant in writing of the meeting date and time and prepare a staff report for the Board. The ~~subdivision~~ improvements agreement shall be reviewed by staff and the County Attorney prior to the hearing on the final plat. The board shall evaluate the final plat, staff report, referral agency comments (if any), applicant responses, public comment, and testimony and based upon the criteria in Sec. 6-190 of these Subdivision Regulations, shall approve, approve with conditions, continue, table for further study, or deny the final plat.
- (E) A title insurance commitment or policy including a schedule of exceptions to title dated or endorsed to a date no more than six (6) months prior to the date of application, showing that the applicant is the fee owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in any dedication, if applicable. If the Board ~~of County Commissioners~~ grants approval to such plat with a dedication, it may be a condition to such approval that the applicant provide a title insurance policy to the County prior to recording the plat.

6-190 Final Plat Criteria

To approve a subdivision, the Board must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- (A) The final plat is consistent with the preliminary plan;
- (B) The proposed subdivision provides for a public wastewater collection and treatment system and, if other methods of wastewater collection and treatment are proposed, such systems comply with State and local laws and regulations;
- (C) The proposed subdivision identifies all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions and the proposed uses of these areas are compatible with such conditions; and
- (D) The applicant has established that definite provision has been made for water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed.

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CHAPTER 4 – SUBDIVISION ~~DESIGN~~ STANDARDS

This Chapter sets forth the minimum standards for major subdivisions. When designing a subdivision, particular attention shall be given to the existing zoning category in which the proposal is located. These standards are in addition to any use restrictions and regulations in the The allowed use, density, lot area, lot width, setbacks, open space requirements, and maximum building heights are listed for each particular zoning category in the Morgan County Zoning Regulations, except as provided in an approved Planned Development plan. Improvements are to be made by the subdivider at the subdividers expense.²⁶

4-100 Applicability

The standards in this Chapter apply to all major subdivisions. Subdivision exemptions, minor subdivision and land division processes in Chapter 10 may be subject to these standards if expressly stated in these Subdivision Regulations.

4-110 General Requirements ~~Considerations~~

(A) Compliance with Zoning Regulations. Each major subdivision shall comply with all the applicable standards and requirements of the base zone, planned development zone, or planned development overlay zone district within which the property is located.

(B) Governmental Approvals and Permits

When these Subdivision Regulations or a condition attached to an approval pursuant to these Subdivision Regulations requires the developer to construct or improve access, utilities, or other infrastructure, amenities, facilities, or features, the developer is required to obtain all permits or approvals required for such construction or improvement by the County, the State of Colorado, or the federal government prior to such construction and shall complete such construction or improvements as required by such permit or approval.

(C) Public Improvements

(1) The developer is responsible for constructing and/or installing all public improvements and infrastructure required by these Subdivision Regulations, or by condition attached to an approval pursuant to these Subdivision Regulations. This obligation may include the construction of off-site improvements necessary to mitigate the impact of the subdivision on surrounding properties and existing public infrastructure, including but not limited to, the improvement of public rights of way to accommodate additional traffic or to complete, expand or improve required utilities or other infrastructure needed to protect public health or safety. All requirements to construct and/or install public improvements shall be governed by an improvement agreement as described herein.

(2) The County shall have no obligation to construct, improve or expand off-site improvements necessary to allow a proposed subdivision to be approved, but the

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Board may do so, if it determines that such an investment is consistent with the Comprehensive Plan and in the best interest of the residents of the County. Nothing herein shall be deemed to limit the County's authority to create improvement districts to fund public improvements.

(D) General Design Standards

- (1) Subdivisions shall be designed in such a manner as to avoid placing an undue burden on the street system, storm drainage system or other public facilities, utilities and services on or adjacent to the tract.
- (2) Subdivisions shall be designed in such a manner as to be coordinated with adjoining subdivisions, if they exist, with respect to alignment of streets, utility and drainage easement rights-of- way and reservation of open spaces.
- (3) New Subdivisions shall provide safe, convenient travel routes to and from and within the subdivision. Each lot shall provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Each lot shall provide an adequate area for building in accordance with the Zoning Regulations and provide general consistency of size and buildable area throughout the subdivision, unless otherwise approved by the County. Area needs for flood channels, open spaces, parks, public safety facilities, schools, fire stations, water and sewage treatment facilities and similar community facilities must be provided depending on the location and/or density of each development.
- (4) If the owner places restrictions or covenants on any of the land contained in the subdivision greater more restrictive than the those required by the Zoning Regulations or these Subdivision Regulations, such restrictions or covenants or reference thereto shall be required to be indicated on the subdivision final plat. The County will require that restrictive covenants be recorded in the office of the Morgan County Clerk and Recorder.²⁹
- (5) Plats Straddling Municipal Boundaries: Subdivision proposals straddling county and municipal jurisdictions are discouraged. The developer should seek annexation into the municipalities in such instances. county will encourage all such subdividers to negotiate annexation into the municipalities where contiguity exists or where it can be obtained.
- (6) The proposed name of the Subdivision shall not duplicate or too closely approximate phonetically the name of any other Subdivision subdivision in Morgan County.
- ~~(A) Subdivisions shall be designed to integrate building and housing codes and other applicable regulations of the County.~~
- (7) Residential subdivisions within thirteen one-thousand three hundred and twenty feet

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(1,320²¹) of a confined animal feeding operation, packing plant, ~~slaughter houses~~slaughterhouse, or rendering plant are discouraged and may be denied if the applicant cannot satisfy the criteria in the applicable subdivision regulations.

~~(B)~~(E) Special Site Considerations

- (1) Steep, unstable or swampy land, and land subject to inadequate drainage and geological hazards shall be identified and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such sites shall not be platted for occupancy.
- (2) The Planning Commission and/or the Board of County Commissioners may require the applicant to furnish additional appropriate technical data and other information necessary to determine the extent to which a proposed division of land is subject to flooding, located in a natural drainage channel, or subject to geological, fire, or other natural hazards. Technical data and other information requested by the Commission or Board will be prepared and certified by a professional qualified in the appropriate field of expertise. If it is determined that a proposed division of land or a portion thereof lies within a natural hazard area, the Commission and/or Board may set forth certain conditions, stipulations, standards and prohibitions which must be observed if a subdivision of land is to be permitted. When the ~~Commission~~County requires review and comment by outside agencies, ~~such as the Fire District~~, any fees levied by those agencies for the review will be paid by the applicant either directly to the agency- or in accordance with Sec. 1-155, or by remitting an extra fee to the County to cover the cost.

4-120 Access and Roads

~~(A)~~ All subdivision lots shall have direct or indirect access to the Colorado public highway system. and shall comply with the state highway access code.

~~(B)~~ Every lot shall have sufficient access providing reasonable means of ingress and egress for emergency vehicles, trucks supplying necessary services, and for those needing access to the property for its intended use. All driveways from existing private or public roads that interfere with a natural or constructed drainage course shall provide a drainage culvert that meets the County requirements. All new driveways shall be from an internal road.

~~(A)~~(C) Shared driveways are not permitted for major subdivisions.

~~(B)~~(D) The applicant shall provide for adequate internal traffic circulation for the ~~development~~subdivision.

~~(C)~~(E) An evaluation of possible road congestion or unsafe conditions with respect to the use of roads existing or proposed shall be required. The County may require that this study be conducted by a professional traffic engineer. Such study shall be paid for by the developer. Impacts to County roads providing access to the proposed subdivision may require mitigation in the form of road improvements including paving depending on the type of land uses and current

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conditions of the County roads providing access to the subdivision. The sensitivity of adjacent properties and uses and the capacity of the existing road in relation to the increase in traffic attributable to the proposed subdivision may be considered. Additional traffic on or new intersections with County roads shall result in negative impacts on traffic flow or unsafe conditions.

~~(D)~~(F) The circulation and transportation system may be required to be designed to accommodate pedestrians and bicycles, preferably separated from vehicular traffic. ~~Pathways identified in the Comprehensive Plan are to be included in the Subdivision Plans and dedicated to appropriate maintenance entities.~~

~~(E)~~(G) At a minimum, local, arterial and collector roads in the subdivision are to be designed and constructed for dedication to the County as public roads. Whether such roads will be accepted by the County as public roads shall be in the County's sole discretion.

~~(H)~~ Road naming shall conform to standards of Morgan County. No road names shall be used which will duplicate or may be confused with the names of existing city streets in the immediate vicinity or other County roads other than to connect directly to existing city or county streets and roads. Road names shall be subject to the approval of the County Commissioners.

~~(I)~~ If roads will not be accepted by the County for maintenance, the County may require a maintenance plan for private roads to:

- ~~(1)~~ Provide for an incorporated management entity with power to compel all lot owners to participate;
- ~~(2)~~ Provide for initial construction and ongoing operation and maintenance;
- ~~(3)~~ Provide for system monitoring and evaluation; and
- ~~(4)~~ Provide for system repairs and replacement.

~~4-110-130~~ Lots

~~(A)~~ The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision. and uses contemplated and for future resubdividing where appropriate.

~~(B)~~ Lots shall be laid out to provide positive drainage away from all building sites, and the overlot grading shall be designed and maintained consistently with the general storm drainage pattern for the area.

Buildable lots should not be divided by an irrigation ditch or stream.

~~(A)~~(C) Lot dimensions shall conform to the minimum requirements of the Zoning Regulations or PD

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or PDO zone district regulations.³²

~~(B)~~(D) Depth and width of properties shall be adequate to provide for the necessary ~~private~~ service and parking facilities required by the type of use and development contemplated.

~~(C) — Corner lots for all uses shall have extra width to permit appropriate building setback from and orientation to both roads.~~

~~(D) — The subdividing of the land shall be such as to provide each lot with access to a public street, although the lots are not required to front the public street. Residential lots are to be fronted on local class streets, if possible. Frontages on higher order street are discouraged. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from expressways and major arterials or to overcome specific disadvantages of topography and orientation are prohibited. A planting screen easement of at least ten (10) feet in width, and across which there shall be no vehicular right of access, may be required along the property line of lots abutting such a traffic artery or other disadvantageous use.~~

~~(E) — Each lot shall have frontage on only one internal road.~~

~~(F) — Side lot lines shall be substantially at right angles or radial to road center lines.~~

~~(G) — All parcels that are to be used only for drainage easements, rights-of-way or other uses that do not need any buildings shall be labeled "Outlot" followed by consecutive letter designations beginning with "A".~~

~~(H) — All parcels in subdivisions that are common open space for the development shall be labeled "Common Area Lot" followed by a consecutive letter designation beginning with "A". Common area lots shall be further identified by one of the following applicable designations that shall be placed in parentheses after the common area lot label:~~

~~(1) — "Buildable/support buildings only" for those common area lots that may be occupied by buildings or structures (such as pools, playground equipment, or gazebos) that are intended for use by the lot owners in the development;~~

~~(1)(2) — "Nonbuildable" for those common area lots that are not intended to be occupied by any buildings or structures.~~

~~4-115~~ 140 Open Spaces

~~(A) — The Planning Commission, upon consideration of County circulation and community facility plans and the particular type of development proposed in the subdivision, shall require the dedication or reservation of areas or sites of a character, extent and location suitable for public use for roadways, schools, parks, flood channels, historic sites, scenic areas, and other necessary public purposes according to Section 5-120 of these Regulations.~~

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~~(B)(A)~~ Certain major residential subdivisions are required to provide open space or parks adequate to serve the anticipated population within the subdivision. All open spaces and linear parks are to be linked, where practical, to similar facilities external to the subdivision. ~~All dedicated open spaces shall be a minimum of ten (10) feet wide. Neighborhood or pocket parks may be designed to serve smaller populations.~~

~~(C)~~ ~~Regulations regarding public use sites and open space dedications are found in Section 5-120.~~

~~(D)~~ ~~The effect of the proposal on recreational facilities and open spaces in and available to the immediate area shall be determined.~~

~~(E)(B)~~ If proposed recreational easements are part of a larger recreational system, such details shall be provided in the application. The relationship of open space utility easements, trails, bike and pedestrian ways in the proposal to similar or contiguous spaces or corridors in the surrounding area shall be detailed.

~~(F)(C)~~ All major subdivisions consisting of 20 lots or more shall ~~be landscaped~~ contain a minimum of five percent (5%) of the total area of the proposed subdivision dedicated to open space, of the public or private open space area of the subdivision site, particularly on the subdivision boundary entrance, road rights-of-way and other open spaces. The landscaped area open space may be comprised of a combination of natural and/or man-made conditions maintained and landscaped open space and be allowed for uses other than subdivision enhancements, such as on-site detention of storm water run-off, areas left to their natural state (maximum of two and one-half (2.5%) percent) or other open spaces. Streams, lakes, other bodies of water, slopes not in excess of thirty percent (30%), and floodplains may be included as open space. Land areas containing identified geological hazards may not be included in the open space amounts. This amount of. Any amount of landscaped area may be included in any open space requirement as required by the Zoning Regulations.

(1) The approved landscape plan shall list the types of planting materials to be used and a schedule of seeding and planting.

(2) The means of irrigation, if required, shall be indicated. Required landscaping shall be maintained in the manner and degree necessary to keep plants healthy and presentable, including pruning, mowing, weeding, fertilizing, watering, and replacement of plants when necessary. Low water usage and low maintenance native and adaptive plant species should be utilized.

(3) Native vegetation and planting materials existing on the site should be preserved or utilized wherever practical.

4-150 Parking

Parking requirements for different types of uses, parking lot layout design standards and other requirements are found in the Zoning Regulations.

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4-1~~6030~~ Storm Drainage

- (A) Any land subject to flooding or located in a natural drainage channel shall ~~not be platted for occupancy~~not be buildable areas until adequate provisions to eliminate or control hazards are ~~made and~~ approved by the ~~Commission and Board~~County and made by the developer.
- (1) Land within an existing 100-year flood plain or land which is subject to inundation shall not ~~be platted for occupancy~~be buildable unless the flooding condition is alleviated according to plans that comply with the County's Floodplain Regulations and are approved by the Floodplain Administrator or adequately addressed on the final plat.
- (2) All plats will show planned drainage ways for accommodating historic flows plus any increased run-off on the property resulting from development.
- (B) Historical flow patterns and runoff amounts are to be maintained in such a manner that would reasonably preserve the natural character of the area and prevent property damage of the type generally attributed to runoff rate and velocity increases, diversions, concentrations, and/or unplanned ~~WP~~ponding of storm run-off.
- (C) The run-off rate from a 100-year frequency storm before and after anticipated development of the drainage basin involved shall be used in determining the provisions that must be made to satisfy ~~paragraph Section 4-135~~Section 4-130 (B) above. Where the historical amounts of run-off cannot be maintained by detention storage or other devices, suitable channelization with erosion protection and/or ~~WP~~outfall storm sewer leading to a suitable discharge point must be provided. Otherwise, any drainage plan submitted for the subdivision shall result in a theoretical zero increase over historical levels in run-off volumes and velocities as a result of the development.
- (D) Detention storage shall be provided by a method acceptable to the County and shall be designed on the basis of the following criteria:
- (1) The detention pond shall be sized to store the stormwater runoff generated by the 1-hour, 100-year storm falling on the developed site that is in excess of the historic runoff rate of the 1-hour, 100-year storm falling on the undeveloped site. Historic is herein defined as an undeveloped site with 2.0% imperviousness. At the County's discretion, more stringent detention storage requirements may be imposed. The peak run-off rate at the subdivision boundary after development shall be no greater than before development for both the 100-year and 2-year storms.
- (2) Off-site flows may be routed over the detention pond spillway or routed around the pond. The outflow shall be sized so as not to have an adverse effect on the 100-year flows at the downstream confluence of the receiving stream or waterway.
- ~~(2)~~(3) Outlet structures shall be sized and structurally designed to release the post-development peak discharge runoff rate in excess of the historic runoff rate for the 1-

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hour, 100-year event without structural or hydraulic failure. Historic is as defined in subsection (1) above. In the event where more stringent release rate is imposed by the County, the outlet structure shall be sized and structurally designed for such rate.

(4) An ~~outflow-emergency~~ spillway capable of conveying the peak 100-year storm discharge draining into the detention pond shall be is provided. The invert of the emergency spillway must be equal to, or above, the 100-year water surface elevation. The spillway shall be designed with effective erosion protection. Riprap shall be engineered and properly sized to prevent catastrophic erosion failure for flows in excess of the 100-year run-off.

(5) The elevation of the top of the detention pond embankment, except at the spillway, shall provide a minimum of 1-foot of freeboard above the 100-year water surface elevation in the detention pond.

~~(3)~~(6) The detention pond shall be designed to drain in accordance with C.R.S. 37-92-602(8), as amended.

~~(E) — Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement for maintenance purposes and for the purpose of excluding improvements of the type that would interfere with run off. The minimum requirements for such easements shall be based on a 100-year frequency flood but shall not be less than twenty (20) feet in width. All such easements are provided a storm water easement for maintenance purposes and for the purpose of excluding improvements of the type that would interfere with run off. The minimum requirements for such easements shall be based on a 100-year frequency flood but shall not be less than twenty (20) feet in width. All such easements are to be maintained by the subdivision homeowners association unless the easements are approved to be part of the public dedications.~~

(E) Where a subdivision is traversed by or is contiguous to a river, stream, drainageway or other body of water, there shall be provided a storm drainage easement for maintenance purposes and for the purpose of excluding improvements that would interfere with storm runoff. Requirements for such easements include the following:

(1) The easement shall substantially conform to the line, path or boundary of any river, stream, drainageway or other body of water.

(2) No construction shall impede, constrict, or block the flow of the runoff or water in any river, stream or drainageway.

(3) The width of the easement shall be ten (10) feet beyond the flow width associated with a 100-year frequency flood in the watercourse as determined by a licensed professional engineer but shall not be less than twenty (20) feet beyond the banks of the river, stream, drainageway or other body of water. The location of the banks shall be defined by a licensed surveyor or professional engineer.

(4) Additional or expanded easements may be required to provide access at various locations along the corridor.

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- (5) All such easements are to be maintained by the property owner whose property is burdened by the easement, unless the easement designated for maintenance by a homeowners' association. If the homeowner's association fails to maintain the easement, if the property owners in the subdivision shall be responsible for maintenance.
- (F) When a subdivision is traversed by water supply ditches or canals, the engineering requirements of the ditch owner and other requirements as may be specified by the County shall be met for proposed alignment, grade or cross section changes, improvements, crossing structures, storm water structures, or any other proposed construction that affects the ditch owner's rights. Any facility which carries more than one hundred (100) cubic feet per second, which is in excess of one (1) foot in depth, or with flow velocity in excess of one (1) foot per second shall be either adequately protected to inhibit access by children or shall be modified to be made relatively safe. A certificate of clearance letter from the appropriate official of the ditch company to the effect that all work required by the County as a condition of plat approval has been satisfactorily performed. The letter may be required prior to acceptance of any public improvements or the issuing of building permits within the subdivision.
- (G) In addition to permanent provisions, temporary erosion and sediment control measures are also required during construction operations. Construction schedules are to be programmed to permit installation of required permanent sediment and erosion control structures as soon as possible. Inlets for drainage structures are to be protected from sedimentation. Data available through the local Soil Conservation Service District shall be used as a supplemental guideline for soil and water conservation practices. A revegetation plan shall be provided by the subdivider. Finished slopes are to be protected with a vegetative cover, riprap, or by other suitable means. The performance guarantee shall include provisions for enforcement of both the permanent and temporary erosion and sediment control facilities.
- (H) Exemptions from onsite flood control detention requirements may be granted by the County when one of the following circumstances exists:
- (1) The total change in impervious area covers approximately 10,000 square feet or less;
or
 - (2) The site for which detention would be required is adjacent to a major drainageway where the ratio of major drainageway basin area to site area is 1000:1 or more; or
 - (3) The site for which detention would be required drains into a publicly owned and maintained regional detention facility designed to accommodate flows from a fully developed basin, provided that adequate conveyance of 100-year developed flows from the site to the regional facility is provided; or
 - (4) Minor subdivisions that are not located in historically flood-prone areas or areas where

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drainage is substantially impaired by local topography or prior development.

(I) Whether an exemptions described in subsections (1) through (4) above should be granted shall be determined by the Planning Administrator, upon evaluation of the request by the County engineer with drainage expertise.

(J) Qualification in any of the exemption criteria listed above does not preclude the requirement of a drainage plan in accordance with the County's Zoning Regulations. Furthermore, Aa flood control detention exemption does not grant an exemption from erosion and sedimentation controls, water quality treatment and best management practices, which shall be provided regardless of the size or location of the site.

4-170 Geology and Soils

All improvements shall be planned and constructed recognizing the constraints imposed by surface drainage, subsurface water, bedrock, and erosive, unstable, or swelling soil conditions and other geologic conditions. Proposed cut-and-fill slopes for roads, building excavation, and other earth work must be based upon evaluations made by qualified soils engineer, civil engineer, or engineering geologist. Potential slide areas or other hazardous areas must be either identified and avoided or suitably stabilized. Areas subject to accelerated erosion must be identified and suitably protected. Consideration shall be given to those conditions that will be caused by completion of the subdivision as well as pre-existing conditions.

4-180 Water Service

(A) When the applicant proposes to use public or quasi-public water~~When connection to a public water utility is proposed, the application must include evidence from the public water utility that it is willing to and can serve the proposed subdivision and that it will agree to own and operate the water distribution system within the proposed subdivision, exclusion of any service lines which are the responsibility of the property owner. he must submit evidence to the effect that he and the service agency are mutually bound to the proposal and proof of the capability to serve the development.~~

(B) For private water facilities, the developer shall submit plans for the system prepared by a Colorado licensed engineer with expertise in water systems and water quality. Evidence of the source for the private water facility must be submitted, along with an opinion from an attorney licensed to practice law in Colorado and who specializes in water law, that establishes that the water source is adequate to provide water to the proposed subdivision, including estimated total number of gallons per day, test well data, laboratory analyses of water quality, and geologic and hydrologic analysis. Applicants shall show that the water source will be safe, adequate, and reliable. All plans for a private water facility which does not obtain source water from the public water utility must be approved by CDPHE prior to submission of the final plat a subdivision application, unless the system is otherwise exempted by the rules promulgated by CDPHE.

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- (C) For private water distribution systems sourced by public water utility, the application must include evidence from the public water utility that it is willing to serve and can serve the proposed subdivision and compliance with any standards required by the public water utility. The developer shall submit plans for the system prepared by a Colorado licensed engineer with expertise in water systems and water quality.
- ~~(A)~~(D) All proposed subdivisions which will contain fifty (50) lots or more shall comply with C.R.S. § 29-20-301 through 29-20-305 as amended from time to time. All reports required to be submitted to the County by C.R.S. § 29-20-304 shall be prepared by Colorado licensed engineer and submitted along with the preliminary plan application for the proposed subdivision.
- ~~(B)~~(E) In the event the subdivision is approved notwithstanding the State Engineer's opinion that material injury would occur, the developer shall furnish to all potential purchasers a copy of the State Engineer's opinion prior to the sale or a synopsis of the opinion; except that the developer need not supply the potential purchaser with a copy of such opinion or synopsis if, in the opinion of the Board of County Commissioners, the developer has corrected the injury or inadequacy set forth in the State Engineer's findings. In the event that a water supply system of a private nature is proposed, the applicant will be required to submit formal plans to the County which will be reviewed by the Staff and the Health Department.
- ~~(C) If a central water supply system is proposed, other than through a public or quasi-public agency, evidence must be submitted regarding the ability of the system to meet the minimum requirements herein, those of the State of Colorado and those of the applicable Health Department Regulations, its legal, physical and financial future, and that an adequate means to repair and maintain the water system is available.~~
- ~~(D) If wells are proposed, either individual or to serve a central system, the applicant must submit proof of legal and physical long term feasibility. The State Engineer shall make a determination as to whether there appears to be unappropriated water available for use or whether water rights owned by the applicant appear to be adequate for the proposed use.~~
- ~~(E) If, in the opinion of the County, construction or extension of an existing or proposed water system may service the proposed area within a reasonable time, the County may require the subdivider to make adequate provisions for the installation of water mains and house connections or escrow funds for same in addition to the installation of a domestic well. This requirement will generally apply to any proposed subdivision within one thousand (1,000) feet of a water system.~~
- ~~(F) The developer is responsible for providing financing and construction of the entire water distribution system internal to the proposed subdivision and external connection mains where appropriate in accordance with applicable criteria except where a district or municipality has accepted the responsibility.~~
- ~~(F) Applicants for building permits shall be required to submit site plans substantially in~~

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~~conformance with the representations made by the developer as to the feasible drainage, water treatment and building sites described in the Final Plat documents.~~

~~4-140-190~~ Sanitation Wastewater Service

~~(A) For public wastewater service, the application must include evidence from the public sanitation utility that it is willing to and can serve the proposed subdivision and that it agrees to own and operate the sanitation system within the proposed subdivision if applicable, exclusion of any service lines which are the responsibility of the property owner. -~~

~~When an applicant proposed to use public or quasi public sewer service, the applicant must submit evidence to the effect that he and the service agency are mutually bound to the proposal and supply proof of capability to serve the development.~~

~~In the event that a disposal system of a private nature is proposed, the applicant will be required to submit formal plans to the County which will be reviewed by the Staff and the appropriate Health Department. Recommendations will then be made to the Planning Commission.~~

~~(B) For If septic systems on-site wastewater treatment systems (OWTS), proof of -are proposed, the applicant must submit proof of physical feasibility must be submitted with the application as follows:~~

~~(1) An inventory and analysis of site conditions relevant to the use of on-site wastewater treatment systems is required to support their use. Relevant site conditions include but are not limited to soils; percolation rates; location of bedrock and groundwater; surface water bodies; slopes; rock outcrops; irrigation ditches; and wetlands.~~

~~(1)(2) Substantial evidence shall be submitted to show that the design, layout, and density of a development proposal incorporates the inventory and analysis of site conditions listed above. Proposals shall show that site conditions are compatible with the use of on-site wastewater treatment systems and that the location of these systems will take advantage of favorable site conditions while avoiding significant constraints. Evidence of compatibility may include natural suitability of soils and other site conditions; development design and density tailored to limits placed by site constraints; and the ability to meet future lot owner expectations for operation and maintenance.~~

~~(2)(3) Evidence of Health Department approval of the OWTS must be submitted with the application.~~

~~(A)(C) If, in the opinion of the Planning Commission County, construction or extension of an existing or proposed public sanitary sewer system may service the proposed area within a reasonable time, the County may require the subdivider-developer to make adequate provisions for the installation of sanitary sewer mains and house connections or escrow funds for same in~~

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addition to the installations of temporary individual on-site sanitary disposals systems. Every effort should be made to secure public sewer extension. ~~Where connections to an existing public sewer are not physically or economically feasible and when a considerable number of residences are to be served, the construction of a central collection system and treatment plant is advised. If septic tank absorption systems are used initially, provision should be made for hook-ups to a future central collection and treatment system.~~ Where the proposed subdivision is within the service area of an incorporated city or town a municipality or public sanitation utility, individual septic systems generally will not be permitted ~~and any central treatment plant and collection system installed must be in accordance with appropriate municipal standards.~~

~~(B) The developer is responsible for providing financing and construction of the entire sewage collection system internal to the proposed subdivision and external connection mains where appropriate in accordance with applicable criteria except where a district or municipality has accepted the responsibility for same.~~

~~(C) Applicants for building permits shall be required to submit site plans substantially in conformance with the representations made by the developer as to the feasible drainage, sewage treatment and building sites described in the final plat document.~~

4-145200 Utilities

- (A) In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching, and adequately separate incompatible systems.
- (B) Telephone, electric, gas, and other similar utility lines and services shall be placed underground except where undue hardship or non-conformance with the overriding intent of these Regulations can be convincingly demonstrated. Transformers, switching boxes, terminal boxes, metering, roadway lighting, signal devices, gas regulators, compressor stations, or other similar facilities necessarily appurtenant to underground facilities may be placed above ground. Utility lines may be placed either ~~within public road rights-of-way within the subdivision in accordance with County requirements or~~ within easements or rights-of-way provided for the particular facilities in accordance with the approved utility service plan. Utilities shall be extended to each lot or building site.
- (C) The ~~subdivider~~ developer shall be responsible for all construction or installation charges including those required by the agency service utilities, except those installed at the expense of the utility company involved. Utilities are subject to all other applicable County, State and Federal regulations.

~~Unless wells are proposed in accordance with Section 5-100 (C) of these regulations, a public water system shall be required in all subdivisions. Water lines shall be designed to connect each lot with mains not less than eight inches (8") in diameter. Developers Subdividers are to consult with the appropriate water district public water utility for complete water system specifications or comply with the applicable CDPHE regulations. Water supply systems located in flood plain areas shall be designed and located so as to minimize or eliminate~~

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~~infiltration and avoid their impairment during or subsequent to flooding.~~

~~Public sewage collection, treatment and disposal facilities shall be required in all subdivisions except large lot single family residential subdivisions that meet the lot size requirements of the Morgan County Zoning Regulations and the applicable Health Department Regulations. Subdividers and others interested in land development should investigate sewage disposal aspects prior to land acquisition. All sewer lines shall be installed before any lots are sold; provided, however, this provision may be modified pursuant to the terms of a Subdivision Improvement Agreement as hereinafter provided for. Subdividers are to consult with the appropriate sanitation district for complete sewer system specifications.~~

~~(D) If a location for the placement and storage of trash on the site is required, all trash storage areas are to be completely screened from public view and readily accessible for pick-up.~~

4-~~150~~210 Fire Protection

~~(A) Fire protection shall be deemed adequate if compliance with the standards as stated in this section have been met. The availability and adequacy of water supply and access for emergency medical and fire protections services will determine how fire protection is provided.~~

~~Access to a site is required for emergency medical and fire protection service. The adequacy of fire protection is determined by:~~

~~The location of development,~~

~~Availability of a water supply for firefighting, and~~

~~Access to development. The adequacy of access to development is determined by the:~~

~~Type of dwelling units or non-residential construction being served,~~

~~Surface type and length of access roadways, and~~

~~Firefighting water supply availability determines how fire protection is provided.~~

~~Fire hydrants shall be required in all subdivisions with central water systems and spaced not more than five hundred (500) feet apart and provided with adequate water pressure for firefighting purposes or as per requirements of the applicable fire district be established pursuant to the recommendation of the fire district.~~

~~The County may require the developer to include within a fire district if found by the County to be in the best interests of the future residents of the subdivision or necessary to provide adequate fire protection to the development.~~

~~Prior to approval of any preliminary plan, the requirements of the applicable fire protection district shall be agreed to and/or complied with.~~

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~~4-150-220~~ Easements and Monuments

- (A) New ~~e~~Easements shall be planned so as to be free from conflicting legal encumbrances, to avoid unnecessary removal of trees or excessive excavations, and to be reasonably free from physical obstructions. Easements which coincide with common rear lot lines shall be at least sixteen feet (16^{2'}) wide, eight feet (8^{2'}) of which shall be on each side of the common rear lot lines. Where an easement abuts a rear lot which is not the rear lot line of another lot, or which is on the perimeter of the subdivision, the easement width shall be ten feet (10^{2'}) or more. Side lot easements, where necessary, shall be at least five feet (5^{2'}) in width. Where easements are combined with a water course, drainage way, channel, or stream, a usable utility easement of at least ten feet (10^{2'}) in width outside that required for water shall be provided if the use would be in conflict with drainage requirements. The use or uses for each easement shall be designated on the plat to avoid undesirable use conflicts. Multiple use of a given easement is encouraged to minimize easements.

The developer is encouraged, in lieu of mechanically providing easements on each and every lot line, to propose a layout based upon a plan for providing the necessary utilities in order to reduce the number and complexity of easements. Such a proposal is subject to approval by the utility agencies involved and by the County. Easements are to be retained or, if nonexistent, provided for all existing utilities that are to remain.

- (B) Permanent plat boundary monuments shall be surveyed as per requirements of C.R.S. §§ 38-51-100 through 108, as amended. Generally, such monuments shall be set at the surface of the ground not more than fourteen hundred (1400) feet apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curved boundary, and at public land corners. All lot corners shall be marked by reasonably permanent monuments solidly embedded in the ground with a durable cap affixed securely to the top of each monument with the Colorado registration number of the responsible land surveyor. For any points that fall on solid bedrock, concrete, stone curbs, gutters, or walks, a durable metal disk or cap shall be securely anchored bearing the Colorado registration number of the responsible land surveyor.

~~5-1204-230~~ Public Dedications ~~Policy~~

~~(A) — General~~

~~The County, upon consideration of the particular type of development proposed in the subdivision, may require the dedication or reservation of areas or sites of a character, extent and location suitable for public use for roadways, schools, parks, flood channels, historic sites, scenic areas, and other necessary public purposes. All dedications and reservations for parks and open spaces must meet the requirements of these Regulations for these uses.~~

~~(B)~~(A) Roads and Streets

~~All roads and road right-of-way and improvements in the subdivision classified as a collector,~~

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~~arterial, major roadway other than local or residential streets must be dedicated and accepted by the County for public use. Acceptance of any road is in the sole discretion of the County. Roads not accepted by the County for public use will remain private roads. Property maintenance or owners association are encouraged for maintenance of private roads.~~

~~(C)~~(B) ~~Utility Easements, Pedestrian and Bicycle Ways~~Open Space, Parks and Drainage

~~Dedication of all utility and drainage easements and pedestrian and bicycle ways to the County. Open space, parks, and drainage areas shall be owned by a special district or property maintenance/homeowners association and dedicated to the appropriate entity. may be required.~~

~~(D)~~ ~~Dedications and Reservations for Subdivision Occupants~~

~~Dedications or reservations of areas for the use of owners or lots or units within a subdivision may be acceptable for parks, scenic and open areas, flood plains and drainage ways. In the event of a reservation or dedication of any areas or streets for the use of the owners of lots within the subdivision, the subdivider shall provide for the creation of an owners' association with powers of assessment for maintenance, improvements and upkeep of such areas and streets.~~

~~(E)~~(C) ~~Public Dedications to Morgan County~~

~~Reference shall be made to the Morgan County Comprehensive Plan to determine general locations for various public facilities. Dedications to Morgan County of such sites and land areas shall be made at the time of final platting by either: in one or any combination of the following ways:~~

- ~~(1) D~~B~~y~~ dedicating to Morgan County, Colorado, in fee simple on the final plat; or
- ~~(2) G~~B~~y~~ granting the land areas in fee simple ~~on general~~through a general w~~arranty d~~Deeds to Morgan County.

~~(3) By payment of fees in lieu of land dedications.~~

~~(F)~~ ~~Commercial and Industrial (or other non-residential) Subdivision~~

~~In the case of non-residential subdivisions (less than ten percent (10%) residential use) an exaction of three percent (3%) and/or equivalent fees for public facilities may be required by the Commission and Board at the time of subdivision. The allocation of land and/or fees for public facilities will be made at the discretion of the Board of County Commissioners upon recommendation of the Planning Commission. For mixed use subdivisions, exactions for residential and non-residential uses will be based on the proportion of the land associated with residential use.~~

~~(G)~~ ~~Residential Subdivisions~~

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~~The subdivider shall provide sites and land areas for public facilities to serve the proposed subdivision and the future residents thereof.~~

~~(1) — For property which has not been subject to a previous subdivision plat, the County may require the dedication, reservation, or conveyance of land areas or sites suitable for public purposes such as open space and/or parks, scenic areas and greenbelts of six percent (6%) or the total area of the subdivision. Such dedication may only be applied to subdivisions of 25 lots or greater.⁴¹~~

~~(2) — In the case of a subdivision of land into multiple dwelling units on land which has not been previously approved as a subdivision or on land where no previous public facilities dedications were made or fees in lieu paid, the subdivider shall dedicate six percent for open space and/or parks.⁴²~~

~~(3) — With the approval of the Board, the subdivider may be required, in lieu of Sections 5-120 (G)(1) and 5-120 (G)(2) above, to pay fees in lieu of the equivalent land areas which would have been dedicated to public facilities. Fees are to be calculated in the following manner:⁴³~~

~~(a) — Fees shall be calculated based on the fair market value of the unimproved land immediately prior to the platting, but with the zoning district classification existing at the time of platting that is consistent with the plat application's intended use.~~

~~(b) — All fees in lieu of dedications are to be paid prior to the approval of the Final Plat.~~

~~(c) — For subdivisions that are platted in phases, the above calculations can be made on a phase-by-phase basis through methods to be devised by the Commission and/or Board realizing that by virtue of developing one phase, the value of the undeveloped adjacent phase will increase. The subdivider has the option of paying the fees for all phases upon the due date of fees for the first phase.~~

~~(4) — Payments made under the requirements of this section shall be made payable to Morgan County.⁴⁴~~

~~(a) — Such funds shall be deposited with the County Treasurer to a special interest bearing account. Each deposit shall be credited to the name of the subdivision for which the payment was made. The status of these accounts shall be reported annually to the Board of County Commissioners.~~

~~(b) — Funds may be withdrawn from the special escrow account by the Board for the following purposes:~~

~~(i) — Purchase of land for public facilities and purposes.~~

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~~(ii) Preparation of design drawings for improvements to existing public parks or recreation facilities with the County.~~

~~(iii) Purchase of materials, including but not limited to, trees, shrubs, benches, and equipment to be used in public parks or recreation facilities as approved by the Board.~~

~~(iv) Physical improvements made to existing public parks or recreational facilities as approved by the Board.~~

~~(v)(i) Construction of public parks or recreational facilities.~~

~~(H)~~(D) School Site Dedications

- (1) All new residential and mixed-use (containing residential uses) subdivisions shall provide for school sites or fees-in-lieu in accordance with these Regulations. Commercial, industrial, subdivision exemptions, subdivisions any processes under Chapter 10 of these Regulations and other non-residential subdivisions shall be exempt from the school site dedication requirements.
- (2) If applicable, Hand dedication sites must be presented on the preliminary plat for major subdivisions and on the final plat for minor subdivisions. All land to be dedicated as required by this section and these Regulations, shall be designated as outlots and these outlots shall not be building lots. Land areas that shall not be acceptable in determining the fulfillment of the requirements for the provision of land areas for public school sites shall include the following:
 - (a) Natural drainage ways, streams, gullies, and rivers including all lands within the 100 year flood plain, unless the school district specifically accepts a certain portion for a reasonable use.
 - (b) Rights-of-way and/or easements for irrigation ditches and aqueducts.
 - (c) Steep, rugged, and hazardous geological land areas, and such other areas as are not conducive for use as school sites.
- (3) All lands dedicated for schools shall be conveyed to the County or applicable school district, as directed by the Board, by warranty deed and clearly identified on the face of the plat document as an outlot, and not as a buildable lot. The conveyance of land shall be required at the same time as the final plat for the subdivision. Land conveyed to the County for public school sites may be subsequently transferred and conveyed to the appropriate school district.
- (4) The Board shall not require a dedication of land for school purposes in the absence of an impact statement showing justification for and necessity of a dedication of land by the appropriate school district, at the time of referral of the preliminary plat application for a major subdivision and or when the final plat for a minor subdivision is considered

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by the designated approval bodies. The statement shall include, but not be limited to the following factors:

- (a) Estimate of the anticipated growth in the new development area.
 - (b) Cost of the facility required to serve the new development.
 - (c) Determination of the area that will benefit from construction of the new facility. If existing developed areas will benefit significantly through improved services or direct access to improved facilities, the total benefits should be allocated between new and existing areas.
 - (d) Estimate of the portion of the costs of new facilities attributable to the need to serve new development divided by the estimated number of new residents or the amount of anticipated new development to arrive at a preliminary "per resident, " "per housing unit", or "per square foot" charge.
 - (e) If any current taxes or mandatory charges levied on the new development are being used to pay for the same type of facility for which the dedication or fee is being required, adjustment of the preliminary charge to "credit" the new development with the money already being contributed to similar facilities in the County demonstrating a direct benefit to the residents of the proposed subdivision.
- (5) The amount of school land to be dedicated for a subdivision shall be determined in accordance with the following procedures:
- (a) Acreage per student (APS) shall be based upon the following:

	Capacity	Recommend Acreage
Elementary School	485	15 acres
Middle School	615	26 acres
High School	820	38 acres
Total	1,950	79.5 acres
Average Summary		
Acres per student		.04077

- (b) The amount of land to be dedicated shall be based upon the student population generated per dwelling type (G) at each education level. Generation rates shall be supplied by the school district seeking a dedication and the County may

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request additional information from the school district to support the generation rates.

- (c) The amount of land to be dedicated shall further be based upon the maximum number of dwelling units ("DU") that could potentially be constructed on the new subdivision as it will be zoned and platted. Existing dwellings shall be excluded from the calculation of the school land dedication requirements unless the lot allows for greater density of residential development.
- (d) From the foregoing, the number of acres required per subdivision shall be calculated as follows:

$$(G*APS)*DU = \text{Acres Required}$$

- (6) A fee-in-lieu of land dedication shall be required when determined by the Board to be more appropriate in satisfying the needs of the school district and proposed subdivision. Considerations for such determination shall include without limitation the size of the subdivision, the expansion capacity of existing school sites, and the quality or appropriateness of available dedication sites. Any fee-in-lieu of land dedication shall be paid directly to the appropriate school district with notice of such payment provided to the County. Full payment of any fee-in-lieu of dedication shall be required prior to the recording of the final plat for the subdivision. The Board can require a cash payment-in-lieu of dedicating land, or a cash payment in combination with a land dedication.
- (7) The amount of the fee-in-lieu of dedication shall be based on the unimproved fair market value of the land. Payment shall not exceed the fair market value of the land that would have been dedicated to the County or other school district. If a combination of land dedication and payment is applied, the combination of both land dedication and payment shall not exceed the fair market value of the total required dedication of sites and land areas.

4-240 Public Improvements ~~Policy~~

- (A) All on- and off-site public improvements shall be designed and constructed according to applicable standards approved by the County and other regulatory authorities having jurisdiction ~~on the premises~~over the premises or improvements, or if there ~~be none~~are none, then as ~~approved~~required by the ~~County Commissioners~~Board~~County~~. The developer is responsible for financing and constructing all improvements required, internal or external, to the proposed subdivision in accordance with applicable criteria, unless suitable evidence is submitted that other public ~~or quasi-public agencies~~entities have the responsibility for the construction and the cost of improvements.
- (B) In cases where off-site improvements are necessitated by the proposed development, and where no other property owner (s) receive ~~(s)~~ a special benefit ~~thereby~~from such improvements, the ~~applicant~~developer may be required at ~~his~~its sole expense and as a

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condition of approval, to provide and install such improvements.

- (C) Where it is determined that properties outside the subdivision will also be benefited by off- site improvements, ~~either a pro rata share of the costs of the improvements will be paid by the applicant or~~ a cost recapture agreement will be prepared so that the ~~applicant-developer~~ can be repaid for the cost of the improvement which benefits other properties. These prorata share formulas and cost recapture agreements are approved based upon the specific circumstances of an application. to be prepared on a case-by-case basis among the applicant, county staff and special utility district staff as applicable prior to review and approval by the Board of County Commissioners.

~~3-105~~ Guarantee of Performance

(D) Improvements Agreements

- (1) No final plat of major subdivision or minor subdivision plat shall be recorded until the developer has entered into an improvements agreement with the County if required under these Regulations or as a condition of approval.
- (2) The developer shall be required to construct and install all necessary public improvements and enter into an improvements agreement to ensure all necessary facilities are constructed and installed in a timely manner. The improvements agreement, in a form provided by the County, shall, at a minimum, set forth:
 - (a) Construction specifications for required public improvements;
 - (b) A construction and completion schedule;
 - (c) Provide for security and guarantees concerning the timely and satisfactory completion of the improvements;
 - (d) Identify the terms and conditions for the approval of the improvements by the County or any applicable utility providers;
 - (e) A two- year warranty period during which all improvements be maintained by the developer at the cost of the developer until such improvements have been fully approved by the County or any applicable utility providers.
- (3) Agreement to Run with the Land. An improvements agreement shall run with the land and bind all successors, heirs, and assignees of the developer.
- (4) Improvements agreements shall include a requirement for the posting of adequate financial security to ensure the timely, complete, and satisfactory construction or installation of all public improvements and infrastructure as called for in the agreement. Security shall be in an amount not less than one hundred fifteen percent

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(115%) of the estimated cost of completion of all improvements or infrastructure and may be provided by letter of credit, cash escrow, or other financial instrument as approved by the County within its sole discretion.

(5) If a subdivider posts a letter of credit as security, it shall:

(a) Be irrevocable;

(b) Be for a term, inclusive of renewals, sufficient to cover the completion, maintenance and warranty periods; and

(c) Require only that the County present the letter of credit with a demand and an affidavit signed by the Chair of the Board of County Commissioners attesting to the County's right to draw funds under the letter of credit.

(6) If a subdivider posts a cash escrow, the escrow instructions shall provide:

(a) That the subdivider shall have no right to a return of any of the funds except as provided in the agreement; and

(b) That the escrow agent shall have a legal duty to deliver the funds to the County whenever the County presents an affidavit to the agent attesting to the County's right to receive funds, whether or not the developer/subdivider protests that right.

~~No Final Plat of a subdivision shall be signed and recorded until the subdivider has submitted, and the County Commissioners have approved, one or a combination of the following:~~

~~(A) A subdivision improvements agreement binding the subdivider to construct any required improvements shown in the approved Final Plat documents together with collateral which is sufficient, in the judgment of the County Commissioners, to make the reasonable provision for the completion of said improvements in accordance with design and time specifications;~~
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~~(B) Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required improvements shown in the approved Final Plat documents which, in the judgment of the County Commissioners, will make reasonable provisions for completion of said improvements.~~

~~(D)(E) 3-110~~ Inspections and Acceptance

(1) Permits

The subdivider-developer or the agent of such subdivider-developer shall apply to the

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County, the Health Department and/or other applicable agencies for necessary permits after approval of the plat and before commencing any construction.

~~(1) — Inspections~~

- ~~(1) — The subdivider or the agent of such subdivider shall notify the County at least twenty-four (24) hours in advance of the required in-progress inspections. The required in-progress inspections to be made by the County will be listed on the permits obtained. Quality control inspections and construction supervision are to be performed by an engineer selected by the County, with inspection costs billed to the developer.~~
- ~~(2) — Where inspections are required to be made by agencies other than the County, notification of required inspections shall be made to the County Commissioners, and to the agency's representative at least twenty four (24) hours in advance and in accordance with agency's policies. Prior to the County's acceptance, utility companies and/or municipalities will be required to inspect and approve installations which will become their respective responsibility.~~

(2) Acceptance

The ~~Board of County Commissioners~~ County staff, consultants, or other public entities with jurisdiction over the public improvements shall inspect and if satisfactory, preliminarily may formally accept approve for maintenance all the public improvements completed by the developer at the sole discretion of the Board of County Commissioners. The ~~developer~~ subdivider shall also warrant the improvements for a period of twenty-four (24) months from the date of acceptance as provided for in the public improvement agreement. If approval is made by other public entity, that entity shall notify the County.

4-250 Requirements for Phased Subdivisions

- (A) The phasing schedule shall be detailed in by agreement with the County;
- (B) A block cannot be divided by a phase;
- (C) County Commissioners may approve all phasing as part of a final plat; and
- (A)(D) The phasing schedule shall allow for proper drainage, secondary access, water, and sewer systems and open space at all times during construction of a phased development.

CHAPTER 8 - MINOR SUBDIVISION REGULATIONS

8-100 Purpose

These Regulations are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Morgan County, Colorado for small-scale development where impacts are less than major subdivisions. ~~These Regulations provide a means of dividing land on a small scale where a full compliance with all Subdivision Regulations would cause undue hardship and the impact of the small-scale subdivision is minimal.~~

8-~~100~~¹⁰⁰⁵ Applicability

To minimize the procedural requirements and review time for subdivisions involving development of four (4) or less lots or four (4) units or less per lot or parcel which have a relatively minimal impact on neighboring properties. Minor subdivision proposals which are determined to be an attempt to avoid the requirements of a major subdivision may be subject to the major subdivision provisions of these Regulations.

~~8-120 Sales of Subdivision Parts~~

~~Whenever any subdivision of land is proposed, before any owner transfers or sells, agrees to sell or negotiates to sell any part thereof, and before any permit for erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such subdivision in accordance with the following procedure. Approval, signing and recording of a Final Plat and accompanying improvements agreement allows sales of the subdivision parts to proceed.~~

8-12~~05~~⁰⁵ Interpretation Minimum Standards

The provisions of these Regulations shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare, and shall therefore be regarded as remedial, and shall be liberally construed to further their underlying purposes.

These Regulations are not intended to abrogate or annul any permits issued before the effective date of these Regulations or any applicable amendment thereto, or any easement, covenant or other private agreement. Nor shall these Regulations be affected by any easement, covenant, subdivision restriction, private agreement or other matters to which Morgan County was not a party nor approving authority.

8-130 General Requirements

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(A) Compliance with Zoning Regulations. Each minor subdivision shall comply with all the applicable standards and requirements of the base zone, ~~overlay~~ planned development zone, or planned development overlay zone district within which the property is located.

(B) Governmental Approvals and Permits

When these Subdivision Regulations or a condition attached to an approval pursuant to these Subdivision Regulations requires the developer to construct or improve access, utilities, or other infrastructure, amenities, facilities, or features, the developer is required to obtain all permits or approvals required for such construction or improvement by the County, the State of Colorado, or the federal government prior to such construction and shall complete such construction or improvements as required by such permit or approval.

(C) Public Improvements

(1) The developer is responsible for constructing and/or installing all public improvement and infrastructure required by these Subdivision Regulations, or by condition attached to an approval pursuant to these Subdivision Regulations. This obligation may include the construction of off-site improvements necessary to mitigate the impact of the subdivision on surrounding properties and existing public infrastructure, including but not limited to, the improvement of public rights of way to accommodate additional traffic or to complete, expand or improve required utilities or other infrastructure needed to protect public health or safety. All requirements to construct and/or install public improvements shall be governed by an improvement agreement as described herein.

(2) The County shall have no obligation to construct, improve or expand off-site improvements necessary to allow a proposed subdivision to be approved, but the Board may do so, if it determines that such an investment is consistent with the Comprehensive Plan and in the best interest of the residents of the County. Nothing herein shall be deemed to limit the County's authority to create improvement districts to fund public improvements.

(A)(D) General Design Standards

(1) Subdivisions shall be designed in such a manner as to avoid placing an undue burden on the street system, storm drainage system or other public facilities, utilities and services on or adjacent to the tract.

(2) Subdivisions shall be designed in such a manner as to be coordinated with adjoining subdivisions, if they exist, with respect to alignment of streets, utility and drainage easement rights-of-way and reservation of open spaces.

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Staff suggested revisions (Highlighted in blue)

- (3) Subdivisions shall provide safe, convenient travel routes to and from and within the subdivision. Each lot shall provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Area needs for flood channels, open spaces, parks, schools, fire stations, water and sewage treatment facilities and similar community facilities must be provided depending on the location and/or density of each development.
- (4) If the owner places restrictions or covenants on any of the land contained in the subdivision more restrictive than the Zoning Regulations or these Subdivision Regulations, such restrictions or covenants or reference thereto shall be required to be indicated on the final plat. The County will require that restrictive covenants be recorded in the office of the Morgan County Clerk and Recorder.
- (5) Minor subdivision proposals straddling county and municipal jurisdictions are not permitted. The developer should seek annexation into the municipalities in such instances.
- (6) The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in Morgan County.
- (7) Residential subdivisions within one-thousand three hundred and twenty feet (1,320') of a confined animal feeding operation, packing plant, slaughterhouse, or rendering plant are discouraged and may be denied if the applicant cannot satisfy the criteria in the applicable subdivision regulations.
- (8) If necessitated by the minor subdivision application, the County may apply the standards applicable to major subdivision to address issues of public health, safety and welfare.
- ~~A. Each new division of land in Morgan County will, to some extent, affect the character and environmental appeal of the land, the cost of services and maintenance to the purchasers and the County government, and the interests of investors in the land and surrounding areas. New developments shall provide safe, convenient travel routes to, from and within the development.~~
- ~~B. Each lot or unit must provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Provision must be made to meet area needs for flood and fire protection, sewage disposal and water.~~
- (9) The ~~Planning Commission and the Board of County Commissioners~~County will consider the cumulative impact of the divisions of land in the area that have occurred in the past as well as anticipated divisions of land ~~(either pursuant to these Minor Subdivision Regulations or to the full compliance with these Subdivision~~

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~~Regulations~~ on County services or on any of the Design Standards described below, and shall make such additional design requirements that such impacts necessitate.

a. Use of the minor subdivision process to avoid the requirements of a major subdivision is not permitted. The County may require that a minor subdivision application be processed as a major subdivision if it determines that a proposed minor subdivision is:

i. within any parcel or lot, any part of which has been subdivided through the minor subdivision process within ~~ten (10) three~~ years preceding the date of the current application; or

ii. adjacent to property subdivided through a minor subdivision process within ~~ten (10) three~~ years preceding the date of the current application, and either: is owned by the same owner of the property subject to the previous minor subdivision and who owned that property at the time that subdivision was approved or was conveyed from a common owner of the two properties within ~~two nine (9)~~ years prior to the current application. Adjacent properties that have not had a common owner within ~~three ten (10)~~ years preceding the date of the current application may be processed as minor subdivision.

a. _____

~~Although Section 1-130 of these Regulations provides for deviations under certain circumstances, the following design standards shall be followed:~~

~~(B)(E) 8-135~~ Special Site Considerations

- (1) Steep land, unstable soil, ~~or swampy land, and~~ land subject to inadequate drainage ~~and geological hazards or other natural hazards~~ shall be identified and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such sites shall not be platted for residential occupancy.
- (2) The ~~Planning Commission and/or County Commissioners~~ County may require the applicant to furnish appropriate technical data and other information necessary to determine the extent to which a proposed division of land is subject to flooding, located in a natural drainage channel or subject to geological, fire or other natural hazards ~~subject to the conditions described in subsection E(1) above.~~ Such information shall comply with Chapter 4 of these Regulations as applicable and required by the County. Technical data and other information requested by the Commission will be prepared and certified by a professional qualified in the appropriate field of expertise. If it is determined that a proposed division of land or a portion thereof lies within a natural hazard area ~~is subject to the identified~~

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conditions, the ~~Planning Commission and/or County Commissioners~~ County may set forth certain conditions, stipulations, standards and prohibitions which must be observed if a division of land is to be permitted. When the ~~Commission~~ County requires review and comment by outside agencies, ~~such as the Fire District~~, any fees levied by those agencies for the review will be paid by the applicant either directly to the agency or by remitting an extra fee to the County to cover the cost in accordance with Sec. 1-155.

- (3) Any land subject to flooding or located in a natural drainage channel shall not be platted for occupancy until adequate provisions to eliminate or control hazards are made and approved by the County. ~~Commission and Board~~.

(1) Land within an existing 100-year flood plain or land which is subject to inundation shall not be platted for occupancy unless the applicant meets the criteria for a Floodplain Development Permit pursuant to the Morgan County Zoning Regulations. The ~~Commission~~ County may require engineered drawings to locate flood plains and plans to alleviate the flooding condition.

(2) All plats will show planned drainage ways for accommodating historic flows plus any increased run-off on the property resulting from development.

~~(4) Provisions shall be made to preserve natural features of the site which would enhance the residential lots such as unusual rock formations, lakes, rivers, streams and trees.~~

~~(5)~~(4) Where a residential division of land borders a railroad or highway right-of-way, the Commission County may require a buffer strip of such an extent and type as may be practical, or other adequate protection against the hazards and undesirable effects of the railroad or highway.

8-140 Access

(A) All subdivision lots shall have direct or indirect access to the Colorado public highway system and shall comply with the state highway access code.

(B) Every lot shall have sufficient access providing reasonable means of ingress and egress for emergency vehicles, trucks supplying necessary services, and for those needing access to the property for its intended use. All driveways from existing private or public roads that interfere with a natural or constructed drainage course shall provide a drainage culvert that meets the engineering standards.

(C) Shared driveway easements shall be a minimum of thirty feet (30) in width. Any existing or proposed parcel that is encumbered by an easement shall be considered to be accessed by that easement. All access easements shall be delineated on the final plat.

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8-150 Lots

(A) Lot dimensions shall conform to the minimum requirements of the Zoning Regulations or PD or PDO zone district regulations.

(B) Lots shall be laid out to provide positive drainage away from all building sites, and the overlot grading shall be designed and maintained consistently with the general storm drainage pattern for the area.

~~(C) Buildable lots should not be divided by an irrigation ditch or stream.~~

~~As a minimum requirement, lot dimensions shall conform to applicable zoning or other land use requirements.~~

~~(A) Each new lot shall have access for ingress and egress to a public right of way. Shared access is permitted provided it will not negatively impact the public health, safety and welfare and the owner(s) have executed a shared access acknowledgement.⁶⁸~~

~~**8-145 Dedications (See Chapter 5)**~~

8-1650 Water and Wastewater

(A) All developers of a minor subdivision must demonstrate that the proposed subdivision will have adequate supply and access to water and wastewater facilities. Based upon the proposed system and source, the provisions in Sec. [insert major subdivision section] shall apply.

(B) Wells

(l) The subdivision will be served by individual wells and comply with all the following requirements:

a. The development cannot physically be served by a public water utility whose distribution system is within one mile of the development; or

b. The development is outside any existing or planned water district and/or water service area; and

a-c. The well permit must be in the property owner's name.

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8-170- Utilities

All other utilities, as applicable, shall comply with the provisions of Sec. [REDACTED] (See Chapter 4)

8-155 Soils

~~The Staff shall require a soils test and report for review if, in its opinion, problem soils exist on the site. (See Chapter 4)~~

8-190 Public Improvements Required

Any required public improvements to a minor subdivision shall be governed by Sec. [REDACTED] of these Subdivision Regulations.

~~In each proposed land division, the applicant and the Planning Commission shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to the surrounding area. Improvements shall be made by the applicant at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Planning Commission.~~

~~(A) — Permanent plat boundary monuments shall be surveyed as per requirements of C.R.S. §§ 385-51-100 through 108, as amended. Generally, such monuments shall be set at the surface of the ground not more than fourteen hundred (1400) feet apart along any straight boundary line, at all angle points, at the beginning, end, and points of change in direction or change of radius of any curved boundary, and at public land corners. All lot corners shall be marked by reasonably permanent monuments solidly embedded in the found with a durable cap affixed securely to the top of each monument with the Colorado registration number of the responsible land surveyor. For any points that fall on solid bedrock, concrete, stone curbs, gutters, or walks, a durable metal disk or cap shall be securely anchored bearing the Colorado registration number of the responsible land surveyor.⁶⁹~~

~~(B) — Roads meeting County standards shall be required.~~

~~(C) — Improvements not specifically mentioned in these Regulations, but found appropriate and necessary due to unusual conditions found on the site, shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Planning Commission and Board of County Commissioners and as stipulated in any Subdivision Improvements Agreement.~~

~~(D) — If a location for the placement and storage of trash on the site is required, all trash storage areas are to be completely screened from public view and readily accessible for pick up.~~

~~(E) — All graded and disturbed areas are to be reseeded and/or revegetated with native or drought resistant plant species. All parking areas and stalls are to be defined with cribbing or similar~~

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~~material and surfaced with Class C gravel to a depth of two inches (2”) as a minimum.~~

~~(F) No Plat shall be signed by the Board of County Commissioners until the improvements required by these Minor Subdivision Regulations have been constructed and approved by the appropriate county officials having jurisdiction over such improvements, or until assurance in the form of an acceptable Subdivision Improvements Agreement is approved by the Board of County Commissioners that the required improvements will be completed.~~

~~8-165 Compliance with Regulations~~

~~No application for a minor subdivision under these regulations shall be accepted or submitted to the Planning Commission if the property is not in compliance with all provisions of the Morgan County Zoning Regulations or these regulations. If the condition which violates the Morgan County Zoning Regulations or these regulations does not occur on the applied for property but does occur on the applied for property but does occur on the same, contiguous parcel, or if there is a current enforcement on property owned by the applicant anywhere in the County an application for minor subdivision will not be accepted until the condition is corrected and all property is in compliance with the provisions of the Morgan County Zoning Regulations or these regulations.~~

~~8-170-200~~ Procedure

(A) Pre-Application Conference

(1) Prior to submission of the minor subdivision application, each~~The~~ applicant, who shall be the fee title owner of the affected property, shall attend a pre- application conference with the County Planning Department and any other necessary departments, agencies, and other public entities. After the pre-application conference, the Planning Department may furnish the applicant with written comments regarding the proposed minor subdivision to inform and assist the applicant prior to the preparation of the minor subdivision application.
~~shall discuss the planned minor subdivision with the Staff and then submit, at least twenty (20) days prior to a regularly scheduled meeting to the County Planning Commission or duly authorized staff, the required fees, a Plat and the appropriate number of copies of and all information to enable the Planning Commission to determine compliance with these Regulations and together with three (3) copies of the following documentation:~~

(A)(B) Submission Requirements

The following are required to be submitted with as the application:

- (1) Completed land use application provided by the County.
- (2) Application fee.
- (3) A title insurance commitment or policy including a schedule of exceptions to title

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dated or endorsed to a date no more than six (6) months prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in the dedication, if applicable. If the Board of County Commissioners grants approval to such plat with a dedication, it may be a condition to such approval that applicant provide a title insurance policy to the County prior to recording the plat.⁷⁰

- (4) The applicant shall submit a plat drawing that conforms with Sec. 6-170 of these Subdivision Regulations, with a title block with the words “Minor Subdivision Plat” in bold lettering and a line for the Morgan County case number underneath. A vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a minimum one-mile radius. The Planning Administrator may waive requirements in Sec. 6-170 in the Planning Administrator’s sole discretion or require that any existing buildings or structures that would be subject to the County’s setback limitations be shown on the plat.
- (5) Documented proof of availability of ~~dependable sewer and potable wastewater and wastewater services compliant with the standards established by these Subdivision Regulations.~~ r sufficient to serve the minor subdivision.
- (6) Proof of access compliant with the standards in these Subdivision Regulations and in one of the following forms:
 - a. Preliminary approval of new access to a County road ~~from~~ from the County Road & Bridge Department.
 - b. Documented previous approval of a current access to a County road ~~from~~ from the County Road & Bridge Department.
 - c. Approval of current or new access to a highway, if access is directly onto the highway, from Colorado Department of Transportation.
- (7) If shared access is proposed, all owner(s) must submit a shared access acknowledgement.
- (8) If a single well is proposed as the water supply to two or more lots and if permitted by the Department of Water Resources, a draft copy of a shared well agreement detailing the specifics for the responsibilities of the owners of the lots related to the shared well and any easements to access the well. All easements related to the shared well must be shown on the plat. The applicant must also submit proof from the Department of Water Resources that the existing well may be used for the number of lots proposed.
- (9) Any other special reports required by Staff, the Planning Commission, or the Board.

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~~Any proposed Subdivision Improvements Agreement.~~

- (10) Current zoning of property; current use of property; use of surrounding properties. Identification of any confined animal feeding operation, packing plant, slaughterhouse, or rendering plant located within ~~thirteen~~ one-thousand three hundred and twenty feet (1,320'²) of any portion of the exterior boundary of the subdivision. Distance to the confined animal feeding operation, packing plant, slaughterhouse, or rendering plant shall be measured from the boundary of the permitted area upon which the use is located.
- (11) If Applicable, the applicant shall be required to post notice on the property for which the minor subdivision is requested. Such notice shall consist of at least (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than twenty-four inches by thirty-six inches (24" x 36"). The size of the letters, indicating the notice, should be a minimum of two inches (2") high and such signs shall be erected on posts no less than four feet (4'²) above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the minor subdivision application must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:
- (1) Photographs of the signs posted on the property shall be submitted to the Planning Department at least five (5) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least ten (10) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.

- (12) A final version of a declaration of covenants, if applicable, for minor subdivisions.

~~8-175 Covenants~~⁷⁶

~~Applicants shall submit a final version of a declaration of covenants, if applicable, for minor subdivisions.~~

~~8-185 Plat Information~~⁷⁷

~~The applicant shall submit a plat drawing that conforms with Sec. 6-170 of these Subdivision Regulations, with a title block with the words "Minor Subdivision Plat" in bold lettering and a line for the Morgan County case number underneath. A vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a minimum one-mile radius.~~

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8-21000 ~~Referral~~ Review

- (A) Within fifteen (15) business days after submittal of the application, tThe staff shall review the application and determine if the application is complete and whether the application should be referred to any other agency or department. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review. An incomplete submittal will not be processed.
- (B) The following agencies may be sent copies of the minor subdivision application and all material for comment, at the Planning Administrator's discretion. At the discretion of the planning staff, some referral agencies may be contacted for additional comments or clarifications.
- (1) County Attorney
 - (2) Northeast Colorado Department of Health
 - (3) Relevant public utility companies.
 - (4) Any ditch company with ownership over water delivery system/structure with rights over or adjacent to the property which is the subject of the application.
 - (5) The appropriate fire protection agency.
 - (6) Morgan Conservation District
 - (7) Others as deemed necessary by the Staff.
- ~~(B)~~(C) If the application is referred, the department or referral agency will have fourteen (14) days to respond. Lack of response shall be deemed an approval.
- (D) Upon determination that an application is complete, staff shall mail notice of the application to the landowners within one-thousand three hundred and twenty feet (1320'²) of the proposed minor subdivision at least fourteen (14) days prior to the hearing or the Planning Administrator's decision, if applicable, notice of the public hearing or the Planning Administrator's decision shall be posted on the County's website. The notice shall remain posted through the conclusion of the hearing or the Planning Administrator's decision.
- (E) The Morgan County Planning Administrator may approve a minor subdivision subject to the criteria herein. The Planning Administrator shall notify the Board of each minor subdivision that has been administratively approved. The Planning Administrator may refer the application to the Planning Commission and the Board if an objection is received from a landowner located within one-thousand three hundred and twenty feet (1,320'²) of the proposed minor subdivision or any referral agency or at the Planning Administrator's

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discretion. If referral occurs based upon the objection of a landowner located within the one-thousand three hundred and twenty feet (,1320') notice area, new notice of the public hearings before the Planning Commission and the Board must be provided the same manner as described in subsection (D) above.

(F) Upon referral by the Planning Administrator, staff shall ~~will~~ schedule a public hearing before the Planning Commission. The Planning Commission shall evaluate the minor subdivision, staff report, referral agency comments (if any), applicant responses, public comment and testimony, and, based upon the criteria in Sec. [REDACTED] of these Subdivision Regulations and make a recommendation to the Board to approve, approve with conditions, continue, table for further study or submission of additional information, or deny the minor subdivision. The Planning Commission's decision shall be based on the evidence presented, compliance with adopted County standards, regulations, and policies, and other guidelines.

~~(C)~~(G) Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board and notify the applicant in writing of the hearing date and time. The Board shall consider the recommendation of the Planning Commission, staff report, referral agency comments, applicant responses, public comment and testimony, and, based upon the criteria in Sec. [REDACTED] of these Subdivision Regulations The Board's decision shall be based on the evidence presented, compliance with adopted County standards, regulations, and policies, and other guidelines

8-195-22010 Approval Criteria

In reviewing an application for a minor subdivision the ~~Planning Commission and the Board of County Commissioners~~ County shall apply the following criteria:

(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. ~~If necessary, a public improvement agreement shall be required.~~

(B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.

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

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

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

~~(E)~~(F) In addition to the above criteria, it is the policy of Morgan County to maintain a distance of

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~~thirteen-one-thousand three~~ hundred and twenty feet (1,320'²) between residential subdivisions and confined animal feeding operations, packing plants, slaughter-houses, or rendering plants as such uses are not necessarily compatible. The County desires to maintain its agricultural character while permitting limited residential development in relation to certain agricultural activities. If any portion of the proposed residential minor subdivision is within ~~thirteen-one-thousand three~~ hundred and twenty feet (1,320'²) of a confined animal feeding operation, packing plant, slaughter-house, or rendering plant, the Planning Commission and Board shall consider the following criteria:

- (1) Whether the applicant can demonstrate a sufficient hardship, which is not self-imposed, that supports a deviation from the County's policy to maintain the distance between residential subdivisions and confined animal feeding operations, packing plants, slaughter-houses, or rendering plants.
- (2) What specific mitigation measures will be implemented to reduce the impacts of the confined animal feeding operation, packing plant, slaughter-house, or rendering plant on the residential subdivision and how much measures will be enforced.
- (3) The size of the portion of the residential subdivision within the ~~thirteen-one-thousand three~~ hundred and twenty feet (1,320'²) distance from the confined animal feeding operation, packing plant, slaughter-house, or rendering plant.
- (4) Whether buildable areas for residences can be located outside the ~~thirteen-one-thousand three~~ hundred and twenty feet (1,320'²) distance, even if a portion of the ~~residential residence~~ subdivision is located within the ~~thirteen-one-thousand three~~ hundred and twenty feet (1,320'²) distance.⁷⁹

~~8-197 Review by the Planning Administrator~~⁸⁰

~~Review of a Minor Subdivision shall follow the same basic procedures of Section 8-200 and 8-210 with the following exception. The Morgan County Planning Administrator may approve a Minor Subdivision if the criteria of Sections 8-130 through 8-195 are met. The Planning Administrator shall notify all members of the Morgan County Planning Commission of each Minor Subdivision which will be administratively approved. The Planning Administrator may refer the application to the Morgan County Planning Commission and the Board of County Commissioners if an objection is received from a Landowner located within ¼ mile of the proposed Minor Subdivision or any referral agency. Approval of a Minor Subdivision by the Morgan County Planning Commission and the Morgan County Board of Commissioners may be required at the discretion of the Planning Administrator.~~

~~8-200 Planning Commission Review~~

~~On the designated Planning Commission meeting date, the Planning Commission will review the~~

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~~Minor Subdivision Application and either approve, approve with conditions, deny (reason for denial will be in writing), return the application to the applicant for reasons of incompleteness or hold the application for a maximum of thirty (30) days or until the next regularly scheduled meeting of the Planning Commission for further review by them or other agencies so designated by the Planning Commission. The Staff will mail a copy of the application materials to those agencies so designated for the review and comment with a cover letter stipulating the review period deadline. Comments from outside review agencies must be received by the Planning Commission prior to or at the next regularly scheduled meeting.~~

~~8-205 Planning Commission Changes~~

~~Should changes be required on the plat before approval, the Planning Commission may return the plat to the applicant. The Planning Commission in its deliberations will determine whether the plat can proceed to the Board of County Commissioners with or without another formal review.~~

~~8-210 Board of County Commissioners Review~~

~~Following approval of the minor subdivision plat by the Planning Commission, the Staff shall retain the plat, assuming there are no corrections, together with all supplemental documents for~~

~~transfer to the Board of County Commissioners at its next regular meeting. The subdivider shall make a presentation to the Board of County Commissioners explaining the plat and the documents. The Board of County Commissioners shall check the plat, especially with regard to proper signatures, required improvements and acceptance of the area dedicated for public use, and shall approve or disapprove the plat. If applicable, the Board shall consider a subdivision improvement agreement for any required public improvements.⁸¹~~

8-23020 Recording of PlatPost Decision Actions

~~Following the approval of the plat by the Board and the completion of any required improvements, the Staff shall hold the original unrecorded plat and other legal documents until completion thereof. The plat shall not be signed until all of the requirements are complete, including execution of an approved Subdivision Improvements Agreement. Upon completion, the plat and appropriate legal documents shall be recorded by a representative of the County in the Office of the Clerk and Recorder of Morgan County. Recording fees are to be paid by the subdivider and a remittance made to the County at the time of Board approval of the Plat. Plats left with the Staff in excess of thirty (30) days will be considered null and void unless the applicant applies either for an extension of time or appears before the Board of County Commissioners with the improvements agreement at the next regular meeting of the Board of County Commissioners after the thirty (30) day grace period.~~

- (A) The applicant shall prepare all necessary final documents as required by the Board and Staff, as a result of the approval or conditional approval. Failure of the applicant to submit all necessary and executed final documents within six (6) months of the Board's public hearing

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on the application or notification of the Planning Administrator's decision shall void the approval or conditional approval.

(B) Upon submission of all final documentation in conformity with the approval or conditional approval and these Regulations, Staff shall record, at the applicant's cost, the plat.

MAJOR SUBDIVISIONS DEFINITIONS AND MISCELLANEOUS CHANGES

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PC Revisions (Highlighted in yellow)

Staff suggested revisions (Highlighted in blue)

Definitions

Applicant

Any individual, partnership, corporation, association, company, or public body, including the federal government, or any political subdivision, agency, corporation or instrumentality of the state applying for a development permit pursuant to these Regulations.

Board

Board of County Commissioners

Developer

The subdivider, applicant, person, firm, partnership, joint venture, association or corporation participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of lands which are subject to the provisions of the Zoning Regulations.

[All references to “subdivider” will be changed to “applicant” or “developer” as the context requires.]

Drainage Plan

A plan that accounts for the increased run-off from a particular site as a result of development that is in excess of the historical flow of water off the site. A drainage plan must show how the excess run-off water will be directed and ~~contained~~ managed on the site so as not to cause harm to adjacent properties.

Major Storm Event

A storm that has a 1% chance of occurring in any given year (100-year return period event).

Minor Storm Event

A storm that has a 20% chance of occurring in any given year (5-year return period event).

On-Site Wastewater Treatment

A wastewater system installed on a lot or parcel and designed to treat the wastewater generated from the uses on that parcel or lot.

Referral Agencies

~~Agencies where subdivision preliminary plans may be sent for formal technical comments. These agencies include, but are not limited to:~~

~~(A) — County Attorney~~

~~(B) — When applicable, to the county, district, regional or state department of health, for its review of the on-lot sewage disposal reports, for review of the adequacy of existing or~~

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~~proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision. The department of health to which the plan is referred may require the subdivider to submit additional engineering or geological reports or data and to conduct a study of the economic feasibility of a sewage treatment works prior to making its recommendations. No plan shall receive the approval of the Board of County Commissioners unless the department of health to which the plan is referred has made a favorable recommendation regarding the proposed method of sewage disposal.~~

~~(C) — Colorado Division of Wildlife (CDW). Referrals to the CDW are to be made under the policy guidelines set forth in the Morgan County Comprehensive Plan and the stipulation herein set forth. All preliminary subdivision plans and wildlife reports will be referred to the CDW for Comment.~~

~~(D) — Relevant public utility companies.~~

~~(E) — The appropriate fire protection agency.~~

~~(F) — The local soil conservation district board within the county for explicit review and recommendations regarding soil suitability, floodwater problems, and watershed protection. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district.~~

~~(G) — The appropriate school district.~~

~~(H) — Municipalities and counties located within two (2) miles of the area to be subdivided, or to entities who conduct reviews by agreement with the county. This distance shall be determined by measuring from boundary to boundary at the location where the boundaries are closest.~~

~~(I) — To the State Engineer for an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply to meet requirement of the proposed subdivision. If the State Engineer finds such injury or finds inadequacy, he shall express such finding in an opinion in writing to the Board of County Commissioners, stating the reason for his findings, including, but not limited to, the amount of additional or exchange water that may be required to prevent such injury. In the event the subdivision is approved notwithstanding the State Engineer's opinion, the subdivider shall furnish to all potential purchasers a copy of the State Engineer's opinion prior to the sale or a synopsis of the opinion; except that the subdivider need not supply the potential purchaser with a copy of such opinion or synopsis if, in the opinion of the Board of County Commissioners, the subdivider has corrected the injury or inadequacy set forth in the State Engineer's findings.~~

~~The provisions of this part shall not modify the duties or enlarge the authority of the State Engineer or the division engineers nor divest the water courts of jurisdiction over actions~~

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PC Revisions (Highlighted in yellow)

Staff suggested revisions (Highlighted in blue)

~~concerning water right determinations and administration; neither shall any opinion of the State Engineer submitted under this section nor any finding by a Board of County Commissioners concerning subdivision water supply matters create any presumption concerning injury or non-injury to water rights; and neither the State Engineer's opinion nor the finding of the Board of County Commissioners may be used as evidence in any administrative proceeding concerning water right determinations or administration.~~

~~A municipality or quasi-municipality, upon receiving the preliminary plan designating said municipality or quasi-municipality as the source of water for a proposed subdivision, shall file, with the Board of County Commissioners and the State Engineer, a statement documenting the amount of water which can be supplied by said municipality or quasi-municipality to proposed subdivision without causing injury to existing water rights. The State Engineer shall file, with the Board of County Commissioners, written comments on the report. If, in the judgment of the State Engineer, the report is insufficient to issue an opinion, the State Engineer shall notify the Board of County Commissioners to this effect, indicating the deficiencies.~~

~~(J) — State Geological Survey.~~

~~(K) — Special service districts, associations, or companies, Colorado Department of Highways, Colorado Water Pollution Control Commission, or other agencies that may be deemed necessary by the Staff.~~

~~(L) — Others as deemed necessary by the Staff.~~

~~The Staff may require, if it deems necessary, additional copies of submittal material.~~

Miscellaneous Changes

1-155 Application Fees

- (A) Fees for various review procedures of these regulations are determined by the Board of County Commissioners and are contained in a separate schedule available from the Planning Department. County policy requires that the cost of reviews and the recording of documents are to be paid by the applicant. No plats will be recorded until all fees are paid.
- (B) The County may charge such additional fees as are necessary to recover its costs and expenses and review in excess of the minimum fees, including and not limited to staff time, consulting fees, attorney's fees, special meeting fees and all out-of-pocket expenses. The County may require periodic retainer deposits in an amount set at the discretion of the Planning Administrator from time to time to cover anticipated additional costs.

9-125 Design Standards

MAJOR SUBDIVISIONS DEFINITIONS AND MISCELLANEOUS CHANGES

DRAFT – 5/19/25

PC Revisions (Highlighted in yellow)

Staff suggested revisions (Highlighted in blue)

Design standards applicable to subdivision exemptions as set forth below shall be considered minimum acceptable standards. The ~~Planning Commission and/or Board of County Commissioners~~County may at their discretion require the subdivider to comply with additional design standards as contained in ~~Section~~Chapter 4 of these Regulations should site conditions, impacts created by the proposed exemption, or other compelling circumstances necessitate such additional design requirements.

9-155 Referrals and Staff Review

Staff shall determine if the application is complete and whether the application should be referred to any other agency or department. If an application is referred, the department or referral agency will have fourteen (14) days to respond. Lack of response shall be deemed an approval. Upon determination that an application is complete, staff shall send a notice of the application to landowners within ~~one-thousand three hundred and twenty feet (1,320')~~one-thousand three hundred and twenty feet (1,320')~~¼ mile~~ of the proposed exemption at least fourteen (14) days prior to the hearing or date of decision by Planning Administrator.

9-157 Review by Planning Administrator

The Morgan County Planning Administrator may approve an exemption if the criteria of Section 9-180 are met. As applicable, Sec. 9-170 of these Exemption Regulations shall apply to decisions of the Planning Administrator. The Planning Administrator may refer the application to the Board ~~of County Commissioners~~if an objection is received from a landowner located within ~~one-thousand three hundred and twenty feet (1,320')~~one-thousand three hundred and twenty feet (1,320')~~¼ mile~~ of the proposed exemption or any referral agency. Approval of an exemption by the ~~Morgan County Board of Commissioners~~may be required at the discretion of the Planning Administrator. Review of an application for a subdivision exemption by the Board ~~of Commissioners~~shall comply with the procedures as provided for herein

9-180 Exemption Criteria

(O) All exempted parcels shall comply with all the applicable standards and requirements of the base zone, planned development zone, or planned development overlay zone district within which the property is located.

10-400 Replat

(G) Review Criteria

(6) 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.

NOTIFICATION

**NOTICE OF SPECIAL PUBLIC HEARING
MORGAN COUNTY BOARD OF COMMISSIONERS**

MAY 28, 2025 AT 9:00 A.M.

**VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY
ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO**

Notice is hereby given that on the date and time above (or as soon as possible following the scheduled time) and at the location above, or at such time and place as this hearing may be adjourned, the Morgan County Board of Commissioners will conduct a public hearing on the following proposed **Amendments to the Morgan County Zoning & Subdivision Regulations**:

- 1. Public Hearing on Zoning Amendments related to Variances.**
- 2. Public Hearing on Zoning Amendments related to Wireless Services Facilities.**
- 3. Public Hearing on Zoning Amendments related to Solar Collector Facilities, Battery Energy Storage Systems, and Wind Energy Facilities.**
- 4. Public Hearings on Zoning Amendments related to Planning Developments and Miscellaneous Amendments to Definitions, Terminology, and Drainage.**
- 5. Public Hearing on Subdivision Amendments related to Major and Minor Subdivisions and Miscellaneous Amendments to Definitions and References to Standards.**

THE COUNTY WILL CONTINUE TO OFFER THE OPTION TO ATTEND MEETINGS REMOTELY. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT THE PLANNING OFFICES AT 970-542-3526.

To participate remotely you may connect via Zoom at:

<https://us02web.zoom.us/j/89427062901>

Join via audio:

+1 719 359 4580 US

Webinar ID: 894 2706 2901

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. Documents will also be available on the Morgan County Website <https://morgancounty.colorado.gov>

At time of the meeting an opportunity will be given for presentation of evidence in support of or in opposition to the application and zoning amendments.

Nicole Hay

Nicole Hay

Morgan County Planning Administrator

Published: May 8, 2025

Posted to Website: May 14, 2025

For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations.

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/s/ Nicole Hay
Nicole Hay
Morgan County Planning Administrator
Published: May 8, 2025
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Published: Morgan County Times May 8, 2025-2112680

Prairie Mountain Media, LLC

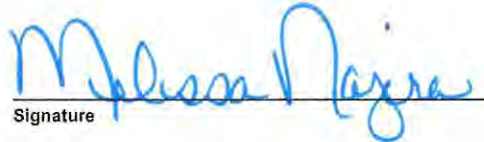
PUBLISHER'S AFFIDAVIT

County of Morgan
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

May 8, 2025


Signature

Subscribed and sworn to me before me this
8th day of May, 2025.


Notary Public

(SEAL)

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

Account: 1052763
Ad Number: 2112680
Fee: \$34.02