AGENDA
MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
Assembly Room, Administration Building 231
Ensign Street, Fort Morgan, CO 80701 Tuesday
July 1, 2025

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: https://us02web.zoom.us/j/83420976900 If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday June 30, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: https://us02web.zoom.us/j/83420976900 listen via phone, please dial: 1-312-626-6799, Meeting ID: 834 2097 6900

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/83420976900 or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 834 2097 6900
9:00 A.M.

A. WELCOME – CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:
Commissioner Becker
Commissioner Malone
Commissioner Bernhardt

B. CITIZEN'S COMMENT PERIOD
Citizens are invited to speak to the Commissioners on agenda or non-agenda items. There is a 3-minute time limit per person, unless otherwise noted by the Chairman. Please note that no formal action will be taken on these items during this time due to the open meeting law provision; however, they may be placed on future posted agenda if action is required.

C. CONSENT AGENDA
All matters under the consent agenda are considered to be routine by the Board of County Commissioners and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, any Board member may ask that the item be removed from the Consent Agenda and considered separately.

1. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated June 17, 2025.

D. UNFINISHED BUSINESS
No unfinished business.

*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 by June 27 @ 4:00 P.M.

E. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

1. **Legislative update -** Representative Dusty Johnson
2. County ordinance in relation to **Special Conditions for School Districts.**
   Morgan County School District Superintendents:
   Marsha Cody – Brush School District RE-2J
   Rob Sanders – Fort Morgan School District RE-5
   Ben Bauman – Weldon Valley School District RE-20J
   Trent Kerr – Wiggins School District RE-50J
   David Olsen – District Counsel

F. COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

1. Commissioners Calendar for the week of June 27, 2025 through July 8, 2025.

G. PLANNING AND ZONING

Continuation of Public Hearings from May 28, 2025 and June 17, 2025

A. Zoning Amendments related to Solar Collector Facilities, Battery Energy Storage Systems, and Wind Energy Facilities.
   i. Consideration of approval – **Resolution 2025 BCC 29**, A Resolution amending the Morgan County Zoning Regulations, clarifications and submittal requirements, standards, and decommissioning requirements for solar collector facilities, battery energy storage systems and wind energy facilities

B. Subdivision Amendments related to Major and Minor Subdivisions and Miscellaneous Amendments to Definitions and References to Standards.
   i. Consideration of approval – **Resolution 2025 BCC 30,** A Resolution amending the Morgan County Subdivision Regulations concerning miscellaneous subdivision clarifications, major subdivisions, and minor subdivisions

1. **General Business Items**
   A. Consideration of approval – **Resolution 2025 BCC 31,** A Resolution amending the Morgan County fee schedule for the Planning and Zoning and Building Department

H. ADJOURNMENT

*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 by June 27 @ 4:00 P.M.

COMMISSIONERS CALENDAR

June 27, 2025 through July 8, 2025

June 27, 2025	8:00 A.M. 9:00 A.M.	B106 Radio Interview (Cass Yearous – Solid Waste Management) CDOT/STAC (Malone)
June 30, 2025		Daily County Business
July 1, 2025	9:00 A.M.	Board of County Commissioners Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.) **Continuation of Public Hearings from May 28, 2025 and June 17, 2025
July 2 , 2025	12:00 P.M.	NFR/UFR STAC-Prep Meeting (Malone)
July 3, 2025		Daily County Business
July 4, 2025	OFFICES CLOSED	County Offices Closed in Observance of Independence Day
July 7, 2025	10:00 A.M.	Monthly Region 4 Opioid Council Meeting (Malone)
July 8, 2025	10:00 A.M. 11:00 A.M. 1:00 P.M. 2:00 P.M. 3:00 P.M.	County Attorney Office Hours Building Maintenance Work Session Road and Bridge Work Session Communications Center/Ambulance Work Session MCEDC Work Session

Unless otherwise noted, all meetings with department heads and other non-BCC elected officials listed above may include an update on the status of the department, a general discussion of projects, any matters or concerns that the County needs to address, and activities and operations of the department.

Department meetings may be by conference call or virtual meeting upon request.
**Calendar subject to change due to agreeable cancellations and/or walk-in business.

** All meetings are held in the Administration Building Assembly Room located at 231 Ensign Street, Fort Morgan unless otherwise noted.

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PREPARED BY: Mindi Cloyd, Administrative Services Manager for BCC
Calendar Posted by June 27, 2025 @ 4:00 P.M.

SOLAR COLLECTOR FACILITY REGULATIONS

4-815 Definitions

Operator: Entity or person permitted by the County to operate the solar collector facility. This term shall include any owner of the solar collector facility, but does not include the owner of the property on which the solar collector facility is located.

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) Fencing. If fencing is proposed, 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 Sec.~~tion~~ 4-835.

4-825 Solar Collector Facility Standards

(D) Principal Ground-Mounted Solar Collectors.

(5) Fencing. If fencing is constructed around the solar collector facility, the owner or operator shall ensure that the fence and adjacent areas are kept free of liter, tumbleweeds and other debris which may result in a potential fire hazard.

(8) Maximum Height. The maximum height of ~~the~~ each solar panel~~s~~ shall not exceed 30 feet in height above final grade or thirty five (35) feet in height above final grade for agrivoltaics when oriented at maximum tilt.

(12~~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. 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 operator shall enter into a road agreement with the County, in a form provided by the County. The road~~s~~ agreement 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 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 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.

4-835 Decommissioning Requirements for Solar Collector Facilities

(A) General Requirements.

(1) The 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 twelve (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 ~~permit holder~~ and/or property owner shall initiate the decommissioning of the solar ~~generation~~collector facility within sixty (60) calendar days after the end of the twelve (12) month abandonment period and remove the facility, mount and associated equipment and facilities by no later than ~~270 days~~twelve (12) months after the end of the initial twelve (12)-month period.

(3~~2~~) If the ~~permit holder~~operator and/or property owner notifies the County of the termination of operations, decommissioning shall be initiated within sixty (60) calendar days of the written notification and completed within twelve (12) months ~~no less than 180 days~~ from the date of the notice.

(4~~3~~) 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 property owner. ~~landowner.~~

(5~~4~~) The 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 operator shall notify in writing the County instead of submitting an updated plan. However, the 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 fifty (50)~~%~~ percent before construction commences and the remaining fifty (50)~~%~~ percent prior to the twelfth anniversary of the commencement of construction of the facility.

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.

Failure: An unplanned event or condition in which a component or subsystem of the BESS facility is unable to perform its indented 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 runway, explosion); or

3. Requires intervention by any emergency service 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.

Minor Incident: Failure of or fire in a single BESS container, shall trigger an immediate shutdown of the effected battery container by the operator.

Major Incident: Occurrence of one or more of the following:

(1) a simultaneous failure of or fire in two or more BESS containers

(2) when a fire expands beyond the defensible space required in Sec. 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 effected portion of the BESS facility. This includes BESS containers that are electrically connected to the effected BESS container and other BESS containers that are in close proximity to the effected BESS container.

Operator: Entity or person permitted by the County to operate the BESS facility. This term shall include any owner of the BESS facility, but does not include the owner of the property on which the BESS facility is located.

4-855 Submittal Requirements

(89) Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Sec.~~tion~~ 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 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, written confirmation from the fire district with jurisdiction stating that the site has been evaluated for fire hazards and sufficiently mitigated any identified hazards, and providing emergency notification~~s~~ procedures to the fire district with jurisdiction and other emergency services.

(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.

(i) The applicant shall petition to the closest fire protection district to include, pursuant to Title 32, C.R.S., the property on which the project is proposed. If inclusion is not granted by the fire protection district, the applicant shall enter into an agreement for fire services with the closest fire protection district and the agreement must remain in place for the duration of the

project. Failure to maintain an agreement for the duration of the project shall constitute a violation of the permit.

(10) The applicant must provide a UL 9540 certification on all BESS containers and be in compliance with NFPA 855, as amended.

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 an additional foot of 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. The operator shall ensure that the fence and adjacent areas are kept free of litter, tumbleweeds and other debris which may result in a potential fire hazard.

(D) Defensible Space for Fire Control. The BESS facility must be surrounded by a defensible space of at least two hundred (200) feet in width from the edge of the BESS facility, unless a wider space is required by the Board. Within this defensible space, the operator 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. The operator shall ensure that the fence and adjacent areas are kept free of liter, tumbleweeds and other debris which may result in a potential fire hazard.

(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) Upon the occurrence of either type of incident, the operator shall issue an incident notification within three (3) calendar days of the incident. The incident notification will describe the date, time, duration and nature and location of the 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 fire district in which the property is included or that the operator has an agreement; 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. The operator shall provide daily updates to the status of the incident and such updates shall be posted on the County's website.

(2) Within thirty (30) calendar days of a major incident or after 4 minor incidents within the BESS facility occurring in one calendar year, the operator shall deliver to the County Planning and Zoning Department an initial 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. A final after-action review report prepared by a qualified independent third party with expertise in subject matter shall be supplied to the Planning Department within ninety (90) calendar days. The report shall include, at a minimum, which containers were effected, a root cause analysis, a summary of containment and emergency response measures, recommended corrective actions. No operations may occur in the BESS container or in the effected portion of the BESS facility, until the after-action review report has been considered by Planning Department and the Planning Administrator approves restarting operations at the BESS facility, or within the BESS container upon consultant findings. The Planning Administrator may refer the after-action report to the County's consultant with subject matter expertise for review prior to a decision on the resumption of operations.

(3) ~~Such decision~~The Planning Administrator's decision to permit the resumption of operations shall be 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 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 and outlined in the final after-action review report. If the Planning Administrator decides that the BESS facility or the BESS container, as applicable, may not resume operations, the Planning Administrator shall provide the decision in writing to the operator. Further, if the Planning Administrator may direct the 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.

(G) Appeals of Resumption Determination. If the operator disagrees with the Planning Administrators decision regarding the resumption of operations pursuant to subsection F(3) above, the operator may appeal, in writing on forms provided by the Planning Department, the decision to the Board within fifteen (15) days of the Planning Administrator's decision. The applicant, when applying for the appeal, shall submit all documentation supporting the appeal. The appeal will be considered by the Board at a noticed public hearing. Notice of the public hearing shall be provided in the same manner as notice for the use by special review permit as provided in the Morgan County Zoning Regulations, as amended.

4-870 Decommissioning Requirements for BESS Facilities

(A) General Requirements.

(1) The 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)~~(1)~~ If a BESS facility ceases to perform its originally intended function for more than twelve (12) consecutive months, the ~~permit holder~~operator and/or property owner shall initiate the decommissioning of the BESS facility within sixty (60) calendar days after the end of the twelve (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~~ twelve (12) months ~~days~~ after the end of the initial twelve (12) ~~-~~month period.

(3)~~(2)~~ If the ~~permit holder~~operator and/or property owner notifies the County of the termination of operations, decommissioning shall be initiated within sixty (60) calendar days of the written notification and completed within twelve (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 property owner.

(5) The 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 operator shall notify in writing the County instead of submitting an updated plan. However, the 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 fifty (50)~~%~~ percent before construction commences and the remaining fifty (50)~~%~~ percent prior to the twelfth anniversary of the commencement of construction of the system.

WIND ENERGY FACILITY REGULATIONS

4-890 Definitions

Operator: Entity or person permitted by the County to operate the WEF. This term shall include any owner of the WEF, but does not include the owner of the property on which the WEF is located.

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~~D~~ecommissioning p~~P~~lan in accordance with Sec. 4-910.

4-900 WEF Standards

(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. [1] If any County roads will be used during construction of a WEF for the purpose of transporting parts, materials and/or equipment, the operator shall enter into a road agreement with the County, in a form provided by the County. The road~~s~~ agreement ~~s~~hall also include the following:

[1] Moved from Section 4-895(K)

(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 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.

~~(a)~~(d) A requirement that the 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 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 or earlier if required by the County.

(2) If a WEF ceases to perform its originally intended function for more than twelve (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 holder~~operator and/or property owner shall initiate the decommissioning of the WEF within 60 calendar days after the end of the twelve (12) month period during which the WEF ceased to perform and~~decommission the WEF~~ remove the facility, mount and associated equipment and facilities by no later than twelve (12) months ~~270 days~~ after the end of the initial twelve (12)~~-~~ month period.

(3~~2~~) If ~~permit holder~~ the operator and/or property owner notifies the County of the termination of operations, decommissioning shall be initiated within sixty (60) calendar days of the written notification and completed within twelve (12) months ~~no less than 180 days~~ from the date of the notice.

(4~~3~~) Upon ~~removal of a WEF~~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 by the County Planning Department and property owner.

(~~4~~5) The 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 operator shall notify in writing the County instead of submitting an updated plan. However, the 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 of the facility, mounts, and associated equipment and facilities shall be made by cash, surety bond or irrevocable letter of credit at fifty (50)~~%~~ percent before construction commences and the remaining fifty (50)~~%~~ percent prior to the twelfth anniversary of the commencement of construction of the facility.

Gmail Jenafer Santos <jsantos@co.morgan.co.us>

Fwd: Next Steps for Morgan County BESS Regulations and some basic wording edits

Jeremiah Garrick [redacted] Wed, Jun 25, 2025 at 10:13 AM
To: Nicole Hay <nhay@co.morgan.co.us>

Hello Nicole,

Thanks again for all the work you and the Commissioners have done on the BESS regulations.
I wanted to reach out and see if the hearing is still planned for the 1st? Is that final language ready to go?

If not, I wanted to send over some last edits that were given to me by a developer. I obviously wouldn't want you to change the intent of anything at this point, but these edits are mainly clarification and basic wording edits.

You can take or leave them if you find them helpful or not, no worries either way, but I wanted to send them over in case they are helpful.

Thanks again and I look forward to hearing from you!

Best,
Jeremiah Garrick

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Jeremiah Garrick

Manager of Community Engagement, Strategy

COSSA Institute

C: [redacted]
www.cossainstitute.org

COSSA- Morgan County Alternative Language for BOCC Hearing_MP (2).docx
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Morgan County Alternative Language for BOCC Hearing

Definitions:

"Failure" shall refer to an unplanned event or condition in which a key 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 by local emergency services (e.g., by fire or hazardous materials personnel) to safely respond to on-site emergencies.

Failures do not include routine BESS maintenance events, non-critical alarms, or internal system responses that safely isolate or deactivate equipment in accordance with manufacturer specifications.

4-860 BESS Standards - COSSA Institute Proposed Language

(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 temporary 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~~three or more BESS containers;

    - A fire event that expands beyond the defensible space required in Section 4-860(D);

- An on-site incident that results in an official order to evacuate or shelter in place for nearby residents.

In the event of a major incident, the owner or operator shall immediately shut down the affected portion(s) of the BESS facility, and, where necessary, the entire facility if required to protect life and ensure safety.

3. **Incident Notification.** Following any minor or major incident, the owner~~/~~ or operator shall issue a written incident notification within three (3) ~~business~~ calendar days. The notification shall describe the date and time, duration, nature, and location of the incident and shall be:

- Mailed to all adjacent property owners within one-half (½) mile of the BESS facility, using the mailing addresses on record ~~from~~at the Morgan County Assessor's Office;

- Sent to the County Planning and Zoning Department, the applicable municipality, the relevant local fire district, the Morgan County Sheriff's Office~~, Ambulance Services,~~ and Emergency Management Department;

- Posted on ~~the~~ Morgan County's website and remain posted until the County concludes its review of the incident is complete under this Section.

4. **After-Action Report.** Within thirty (30) ~~business~~ days of ~~the~~a major incident, the owner ~~/~~or 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-related knowledge and 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 of the recommended corrective actions have been completed, the affected portion(s) of the BESS facility may resume normal operations upon submission of a ~~certified~~performance certification report from the ~~licensed PE~~qualified, independent third-party,~~,~~ considering the findings and recommendations in the after-action report stating that the facility, or relevant portions, may safely resume operations.

The County shall formally acknowledge resumption of operations upon receipt of the ~~certified~~certification report and expert concurrence.

6. **County Authority on Compliance.** ~~Nothing~~Any directions or actions covered in this ~~s~~Section do not limit~~s~~ the County's existing authority to enforce permit conditions of approval, suspend facility operations, or revoke current permits in cases of non-compliance or repeated violations of County regulations by the project owner or operator.

Gmail

Jenafer Santos <jsantos@co.morgan.co.us>

Fwd: Next Steps for Morgan County BESS Regulations and some basic wording edits

Jeremiah Garrick [redacted] Thu, Jun 26, 2025 at 12:08 PM
To: Nicole Hay <nhay@co.morgan.co.us>

Thank you, Nicole.

I tried to comb it to make sure they weren't changing intent, so I edited the business back to calendar days.
I did miss this piece, which I do think changes the intent a bit.
In the incident notification language:

Mailed to all adjacent property owners within one-half (½) mile

Thanks for including it in the Board packet.

Best,
Jeremiah Garrick

MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2025 BCC 29

A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS CLARIFICATIONS AND SUBMITTAL REQUIREMENTS, STANDARDS, AND DECOMMISSIONING REQUIREMENTS FOR SOLAR COLLECTOR FACILITIES, BATTERY ENERGY STORAGE SYSTEM FACILITIES AND WIND ENERGY FACILITIES

WHEREAS, the County desires to amend the Morgan County Zoning Regulations to clean up miscellaneous zoning regulations and address and clarify the submittal requirements, standards, and decommissioning requirements for solar collector facilities, battery energy storage systems, and wind energy facilities;

WHEREAS, on May 12, 2025, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval of the amendments with further revisions;

WHEREAS, on May 28, 2025, June 17, 2025, and July 1, 2025, the Board of County Commissioners held a duly noticed public hearings on the proposed amendments;

WHEREAS, all relevant and required provisions for amending the Morgan County Subdivision Regulations have been complied with; and

WHEREAS, after considering public testimony received and the recommendation of the Planning Commission, the Board of County Commissioners finds these amendments to be in the best interest of the citizens of Morgan County and are necessary for the immediate preservation of public health and safety.

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

Section 1. Section 4-815 of the Morgan County Zoning Regulations is amended by the addition of the following definition to be inserted in alphabetical order and to read as follows:

Operator: Entity or person permitted by the County to operate the solar collector facility. This term shall include any owner of the solar collector facility, but does not include the owner of the property on which the solar collector facility is located.

Section 2. Section 4-820 (C)(2) of the Morgan County Zoning Regulations is amended to read as follows:

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), and infrastructure and interconnection requirements for each phase.

Section 3. Section 4-820(C)(4) of the Morgan County Zoning Regulations is amended to read as follows:

> 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.

Section 4. Section 4-820(C) of the Morgan County Zoning Regulations is amended by the addition of a new subsection (5) to read as follows:

> Fencing. If fencing is proposed, the applicant shall provide a photograph and a description of the type of proposed perimeter fencing of the solar collector facility

Section 5. Section 4-820(E) of the Morgan County Zoning Regulations is amended to read as follows:

> Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Sec. 4-835.

Section 6. Section 4-820(K) of the Morgan County Zoning Regulations is deleted in its entirety and the subsequent are to be renumbered accordingly.

Section 7. Section 4-825(D) of the Morgan County Zoning Regulations is amended by the addition of a new subsection (5) to read as follows and the subsequent subsections are to be renumbered accordingly:

> Fencing. If fencing is constructed around the solar collector facility, the operator shall ensure that the fence and adjacent areas are kept free of liter, tumbleweeds and other debris which may result in a potential fire hazard.

Section 8. Section 4-825(D)(8) of the Morgan County Zoning Regulations is amended to read as follows:

> Maximum Height. The maximum height of each solar panel shall not exceed thirty (30) feet in height above final grade or thirty-five (35) feet in height above final grade for agrivoltics when oriented at maximum tilt.

Section 9. Section 4-825(D)(12)(f) of the Morgan County Zoning Regulations is amended to read as follows:

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.

Section 10. Section 4-825(D)(12) of the Morgan County Zoning Regulations is amended by a new subsection (g) to read as follows:

(g) Road Agreement. 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 operator shall enter into a road agreement with the County, in a form provided by the County. The road agreement 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 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 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 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.

Section 11. Sections 4-835(A) and (C) of the Morgan County Zoning Regulations are amended to read as follows:

(A) General Requirements.

(1) The 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 twelve (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 and/or property owner shall initiate the decommissioning of the solar collector facility within sixty (60) calendar days after the end of the twelve (12) month abandonment period and remove the facility, mount and associated

equipment and facilities by no later than twelve (12) months after the end of the initial twelve (12)-month period.

(3) If the operator and/or property owner notifies the County of the termination of operations, decommissioning shall be initiated within sixty (60) calendar days of the written notification and completed within twelve (12) months from the date of the notice.

(4) Upon 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 expressly agreed to in writing by the County Planning Department and property owner.

(5) The 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 operator shall notify in writing the County instead of submitting an updated plan. However, the 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 of the facility equipment, shall be made by cash, surety bond or irrevocable letter of credit at fifty (50) percent before construction commences and the remaining fifty (50) percent prior to the twelfth anniversary of the commencement of construction of the facility.

Section 12. Section 4-850 of the Morgan County Zoning Regulations is amended by the addition of the following new definitions to be inserted in alphabetical order and to read as follows:

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 where individual battery modules are stored.

Failure: An unplanned event or condition in which a component or subsystem of the BESS facility is unable to perform its intended function, and which;

(1) Presents an immediate or credible threat to human health, safety, or the environment;

(2) Results in an uncontrolled release of energy (e.g., fire, thermal runway, explosion); or

(3) Requires intervention by any emergency service 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.

Minor Incident: failure of or fire in a single BESS container, shall trigger an immediate shutdown of the effected battery container by the operator.

Major Incident: occurrence of one or more of the following:

(1) a simultaneous failure of or fire in two or more BESS containers,

(2) when a fire expands beyond the defensible space required in Sec. 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 effected portion of the BESS facility. This includes BESS containers that are electrically connected to the effected BESS container and other BESS containers that are in close proximity to the effected BESS container.

Operator: Entity or person permitted by the County to operate the BESS facility. This term shall include any owner of the BESS facility, but does not include the owner of the property on which the BESS facility is located.

Section 13. Section 4-855(A)(7) of the Morgan County Zoning Regulations is deleted in its entirety and the subsequent subsections are to be renumbered accordingly.

Section 14. Section 4-855(A)(8) of the Morgan County Zoning Regulations is amended to read as follows:

Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Sec. 4-870.

Section 15. Section 4-855(A)(9) of the Morgan County Zoning Regulations is amended to read as follows:

(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 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.

(d) A fire mitigation plan including identification of the nearest water source for fire suppression, written confirmation from the fire district with jurisdiction stating that the site has been evaluated for fire hazards and sufficiently mitigated any identified hazards, and providing emergency notification procedures to the fire district with jurisdiction and other emergency services.

(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 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 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.

(i) The applicant shall petition the closest fire protection district to include, pursuant to Title 32, C.R.S., the property on which the project is proposed. If inclusion is not granted by the fire protection district, the applicant shall enter into an agreement for fire services with the closest fire protection district and the agreement must remain in place for the duration of the project. Failure to maintain an agreement for the duration of the project shall constitute a violation of the permit.

(10) The applicant must provide a UL 9540 certification on all BESS containers and be in compliance with NFPA 855, as amended.

Section 16. Section 4-860(B) of the Morgan County Zoning Regulations is amended to read as follows:

(B) All BESS facilities, including all mechanical equipment, shall be enclosed by a minimum of a six (6) foot chain link fence with an additional foot of barbed wire

and 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. The operator shall ensure that the fence and adjacent areas are kept free of litter, tumbleweeds and other debris which may result in a potential fire hazard.

Section 17. Section 4-860 of the Morgan County Zoning Regulations is amended by the addition of new subsections (D), (E), (F), and (G) to read as follows:

(D) Defensible Space for Fire Control. The BESS facility must be surrounded by a defensible space of at least two hundred (200) feet in width from the edge of the BESS facility, unless a wider space is required by the Board. Within this defensible space, the operator 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. The operator shall ensure that the fence and adjacent areas are kept free of liter, tumbleweeds, and other debris which may result in a potential fire hazard.

(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) Upon the occurrence of either type of incident, the operator shall issue an incident notification within three (3) calendar days of the incident. The incident notification will describe the date, time, duration,and nature and location of the incident and must be mailed to all property owners within one 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 fire district in which the property is included or that the operator has an agreement; 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. The operator shall provide daily updates to the status of the incident and such updates shall be posted on the County's website.

(2) Within thirty (30) calendar days of a major incident or after 4 minor incidents within the BESS facility occurring in one calendar year, the operator shall deliver to the County Planning and Zoning Department an initial 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. A final after-action review report prepared by a qualified independent third party with expertise in subject matter shall be supplied to the Planning Department within ninety (90) calendar days. The report shall include, at a minimum, which containers were effected, a root cause analysis, a summary of containment and emergency response measures, recommended corrective actions. No operations may occur in the BESS container or in the effected portion of the BESS facility, until the after-action review report has been considered by Planning Department and the Planning Administrator approves restarting operations at the BESS facility, or within the BESS container upon consultant findings. The Planning Administrator may refer the after-action report to the County's consultant with subject matter expertise for review prior to a decision on the resumption of operations.

(3) The Planning Administrator's decision to permit the resumption of operations shall be 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 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 and outlined in the final after-action review report. If the Planning Administrator decides that the BESS facility or the BESS container, as applicable, may not resume operations, the Planning Administrator shall provide the decision in writing to the operator. Further, if the Planning Administrator may direct the 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.

(G) Appeals of Resumption Determination. If the operator disagrees with the Planning Administrator's decision regarding the resumption of operations pursuant to subsection F(3) above, the operator may appeal, in writing on forms provided by the Planning Department, the decision to the Board within fifteen (15) days of the Planning Administrator's decision. The applicant, when applying for the appeal, shall submit all documentation supporting the appeal. The appeal will be considered by the Board at a noticed public hearing. Notice of the public hearing shall be provided in the same manner as notice for the use by special review permit as provided in the Morgan County Zoning Regulations, as amended.

Section 18. Section 4-870(A) of the Morgan County Zoning Regulations is amended to read as follows:

(A) General Requirements

(1) The 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 BESS facility ceases to perform its originally intended function for more than twelve (12) consecutive months, the operator and/or property owner shall initiate the decommissioning of the BESS facility within sixty (60) calendar days after the end of the twelve (12) month period during which the BESS facility ceased to perform and remove the system, foundation and associated equipment and facilities by no later than twelve (12) months after the end of the initial twelve (12) month period.

(3) If the operator and/or property owner notifies the County of the termination of operations, decommissioning shall be initiated within sixty (60) calendar days of the written notification and completed within twelve (12) months from the date of the notice.

(4) Upon 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 agreed to in writing by the County Planning Department and property owner.

(5) The 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 operator shall notify in writing the County instead of submitting an updated plan. However, the 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.

Section 19. Section 4-870(C) of the Morgan County Zoning Regulations is amended to read as follows:

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 fifty (50) percent before construction commences and the remaining fifty (50) percent prior to the twelfth anniversary of the commencement of construction of the system.

Section 20. Section 4-890 of the Morgan County Zoning Regulations is amended by the addition of the following definition to be inserted in alphabetical order and to read as follows:

Operator: Entity or person permitted by the County to operate the WEF. This term shall include any owner of the WEF, but does not include the owner of the property on which the WEF is located.

Section 21. Section 4-895(C)(4) of the Morgan County Zoning Regulations is amended to read as follows:

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, 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.

Section 22. Section 4-895(E) of the Morgan County Zoning Regulations is amended to read as follows:

Decommissioning Plan. The applicant shall provide a preliminary decommissioning plan in accordance with Section 4-910.

Section 23. Sections 4-900(H)(6) and (7) of the Morgan County Zoning Regulations are amended to read as follows:

(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.

(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 operator shall enter into a road agreement with the County, in a form provided by the County. The road agreement 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 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.

(d) A requirement that the 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.

Section 24. Sections 4-910(A) and (C) of the Morgan County Zoning Regulations are amended to read as follows:

(A) General Requirements.

(1) The 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 WEF ceases to perform its originally intended function for more than twelve (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 operator and/or property owner shall initiate the decommissioning of the WEF within 60 calendar days after the end of the twelve (12) month period during which the WEF ceased to perform and remove the facility, mount and associated equipment and facilities by no later than twelve (12) months after the end of the initial twelve (12) month period.

(3) If the operator and/or property owner notifies the County of the termination of operations, decommissioning shall be initiated within sixty (60) calendar days of the written notification and completed within twelve (12) months from the date of the notice.

(4) Upon 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 expressly agreed to by the County Planning Department and property owner.

(5) The 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 operator shall notify in writing the County instead of submitting an updated plan. However, the 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 of the facility, mounts, and associated equipment and facilities shall be made by cash, surety bond or irrevocable letter of credit at fifty (50) percent before construction commences and the remaining fifty (50) percent prior to the twelfth anniversary of the commencement of construction of the facility.

Section 25. Staff is authorized to make any necessary revisions to the Morgan County Zoning Regulations to ensure consistency with the amendments approved in this Resolution.

APPROVED 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

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, and/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 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 S~~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~~ developer 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.

(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~~ (1~~,~~320~~'~~') feet of a confined animal feeding operation, packing plant, ~~slaughter house~~slaughterhouse, or rendering plant are discouraged and may be denied if the applicant cannot satisfy the criteria in the applicable S~~s~~ubdivision R~~r~~egulations.

~~(B)~~(E) Special Site Considerations

(1) Steep land, unstable soil, ~~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 f~~Fire ~~d~~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.~~may be permitted if:

1. The shared driveway is used for residences that are side-by-side; or

2. If the lots proposed to share a driveway have topographic constraints or other conditions.

~~(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 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~~Board.

(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 or PDO zone district regulations.

~~(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) 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~~issues of topography and orientation that would hinder development. ~~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 traffic artery or other disadvantageous use~~.

(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.~~

~~(B)~~(A) Certain m~~M~~ajor 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 twenty (20) lots or more shall ~~be landscaped a~~contain a minimum of five ~~percent~~ (5~~%~~) percent 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~~-compromised~~ 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~~%~~) percent, 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 in 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.

4-1~~5~~50 Parking

Parking requirements for different types of uses, parking lot layout design standards and other

requirements are found in the Zoning Regulations.

4-16030 ~~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~~ Sec.~~tion~~ 4-~~135~~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-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.

(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 ten thousand (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.

(I) Whether an exemptions~~s~~ 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, ~~A~~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.

4-170 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~~developer. ~~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~~applicant 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. All 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 unless the system is otherwise exempted by the rules promulgated by CDPHE.

(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~~applicant 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. 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 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.

(C) For privately operated wastewater facilities, the developer shall submit plans for the system prepared by a Colorado licensed engineer with expertise in such systems. The County does not regulate these systems after approval of the design form the health department.

(1) System Design and Submittal

(a) An analysis comparing the feasibility to extend and connect to public wastewater facility with the feasibility to design and construct private wastewater facility system is required.

(b) If applicable, a site approval is required by local reviewing agencies and CDPHE.

(c) The engineer shall provide written certification of the adequacy and

safety of the proposed facility including but not limited to the adequacy of the proposed system in relation to the topography of the proposed development, the proposed population density, soil conditions, and drainage into or over the proposed development. The certification shall appear on both the final plat and the detailed plans and specifications of the proposed wastewater facility.

(2) A plan for operation and maintenance of the private wastewater facility is required for County approval. The plan shall outline the legal, financial, and staffing needs to:

(a) Provide for an incorporated management entity with power to compel all lot owners to participate;

(b) Provide for initial construction and ongoing operation and maintenance;

(c) Provide for system monitoring and evaluation;

(d) Provide for system repairs and replacement; and

(e) Provide for ultimate connection to public wastewater treatment where applicable.

(3) The plans must be approved by CDPHE or the local health department prior to submission of the final plat. A copy of any necessary easements must be submitted to the County or shown on the preliminary plan and final plat.

~~(1)~~(4) Capacity will be available at the time of issuance of a certificate of occupancy.

(D) 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 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~~.

~~(E) 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.~~

~~(F) 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-~~145~~200 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 Subdivision 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 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 closest fire protection district shall be agreed to and/or complied with.

4-~~150~~ 220 Easements and Monuments

(A) New e~~E~~asements 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') feet wide, eight ~~feet~~ (8') feet 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') feet or more. Side lot easements, where necessary, shall be at least five ~~feet~~ (5') feet 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') feet 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 (1~~,~~400) 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.

~~5-120~~4-230 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, 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 plat~~ting by either: in one or any combination of the following ways:~~

(1) D~~By d~~edicating to Morgan County, Colorado, in fee simple on the final plat; or

(2) G~~By g~~ranting the land areas in fee simple ~~on general~~through a general w~~W~~arranty d~~D~~eed~~s~~ 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~~

~~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.~~

~~(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, l~~L~~and 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 by the designated approval body~~s~~. 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 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 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 prorate 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 (115~~%~~) percent 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 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;~~ ~~25~~

~~(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 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) The Board may approve all phasing as part of a final plat; and

(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 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 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~~,~~320~~'~~) feet 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.

(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 Chapter~~s~~ 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 ~~I~~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 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 treatmentprivate wastewater facility is proposed. The plan shall include any estimated costs for the water and sanitation wastewater 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.

(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 Colorado Parks

and Wildlife ~~CPW~~ to determine the impacts on wildlife as a result of the subdivision. Based upon the recommendations from Colorado Parks and Wildlife ~~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 twenty-four by thirty-six (24 x 36) ~~x thirty-six (36)~~ inches and at a scale of one (1) inch = one hundred (100) inches, one (1) inch = two hundred (200) inches 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 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'~~.~~ 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~~,~~; 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, 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 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 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 closest 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) Colorado Geological Survey

(12) Other referral agencies deemed necessary by Staff, such as ~~Special services~~special districts~~, associations, or companies~~, CDOT, ~~Colorado Department of Highways~~and ~~, Colorado Department of Public Health and Environmen~~CDPHE~~t, or other agencies that may be deemed necessary by the Staff.~~

~~(12) Others as deemed necessary by the Staff..~~

~~(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~~ (1320~~'~~) feet 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~~ (1320~~'~~) feet 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]

(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~~"~~) inches. The size of the letters, indicating the notice, should be a minimum of two ~~inches~~ (2~~"~~) inches 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 Sec. 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 threeere (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;

(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~~'~~) feet 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~~'~~) feet 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~~'~~) foot 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~~'~~) foot distance, even if a portion of the residential subdivision is located within the ~~thirteen~~ one-thousand three hundred and twenty ~~feet~~ (1~~,~~320~~'~~) foot 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 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 be approved 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 blueline copy in the following size: twenty-four by thirty-six (24 x 36) 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 by thirty-six (24 x 36) inches ~~by thirty-six (36) inches.~~ No portion of the final plat shall have “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.

~~(I)~~(J) A two and a half by three (2½ x 3) inch" vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder.

~~(J)~~(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, 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 an~~a~~ ~~subdivision~~ improvements~~improvement~~ agreement recorded at reception number_____in the records of the Morgan County Clerk 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

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__.

_____
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) One of the following notes shall be on all plats with shared access:

(a) Shared access is governed by the covenants recorded at reception number _____ in the records of the Morgan County Clerk and Recorder.

(b) 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.

~~(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~~'~~) feet 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~~'~~) feet 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 respond within ~~twenty-one~~fourteen (~~21~~14) 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.

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.~~

8-1100~~05~~ 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.~~

8-1205 ~~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

(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, and/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, 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.

(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 developer 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 (1,320'~~-~~) feet 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 Regulations)~~ on County services or on any of the Design Standards described below, and shall make such additional design requirements that such impacts necessitate.

(10) 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 the proposed minor subdivision:

(a) Adjoins a minor subdivision that was approved within the five (5)- years prior to the date of application; or

(b) Would utilize a common infrastructure in a minor subdivision approved within the five (5) years prior to the date of application.

(c) Any Staff decision pursuant to subsection 10(a) and (b) above shall be made in writing to the applicant.-

(d) Appeals.

(1) If the applicant disagrees with the County's determination under subsection 10(a) and (b) above, for the applicant may appeal such determination within fifteen (15) days of the decision described in subsection 10. The request for an appeal shall be made in writing on forms provided by the Planning and Zoning Department and require payment of the applicable fee.

(2) If a complete application is received within the deadline set forth herein, the appeal shall be scheduled for a public hearing before the Planning Commission and notify the applicant in writing of the hearing date and time. The Planning Commission shall review the appeal, applying the criteria in subsection 10(a) and (b)above, and make a recommendation to the Board to approve or deny the appeal.

(3) 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 review the appeal, applicable criteria and Planning Commission recommendations, public comment and testimony, and shall either approve or deny the appeal.

(4) At least fourteen (14) days prior to the public hearings, notice of the hearing shall be 1) mailed to landowners within one-thousand three hundred and twenty (1320) feet of the boundary of the proposed subdivision and 2) posted on the County's website. The notice shall remain posted through the conclusion of the hearing.

(5) The decision of the Board on the appeal shall be a final decision, subject to judicial review.

~~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 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.~~

(a) 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.

(b) 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) feet 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~~.~~**.**

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)**~~

8-16~~5~~0 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 Chapter 4 shall apply.

(B) Wells

(1) 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

(c) The well permit must be in the property owner's name.

8-170 Utilities

All other utilities, as applicable, shall comply with the requirements of the utility providing services. ~~**(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. 8-130(C) 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 cab 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 screed 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 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

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 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 permit 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 wate~~water 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 f~~or~~rom the County Road & Bridge Department.

(b) Documented previous approval of a current access to a County road f~~or~~rom 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.~~covenants that include at a minimum ~~to~~ the following:

(a) Name of the current property owner;

(b) A legal description of the property, including the name of the subdivision and the lots, if less than the entire subdivision, subject to covenant;

(c) Specific details regarding responsibilities for maintenance of the shared access including standards for access (surface conditions, materials, etc.);

(d) Specific details regarding share of costs (proportional share, collection methods);

(e) Enforcement provisions; and

(f) Prohibition on closure of access by any lot owner.

(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.

~~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'~~"~~) feet 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~~"~~) inches. ~~.~~ The size of the letters, indicating the notice, should be a minimum of two ~~inches~~ (2~~"~~) inches high and such signs shall be erected on posts no less than four ~~feet~~ (4~~'~~) feet 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.~~

8-21000 ~~Referral~~ Review

(A) Within fifteen (15) business days after submittal of the application, t~~T~~he 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~~'~~') feet 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'~~'~~) feet of the proposed minor subdivision or any referral agency or at the Planning Administrator's discretion. If referral occurs based upon the objection of a landowner located within the one-thousand three hundred and twenty ~~feet~~ (,1320'~~'~~) feet 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. 8-220 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. 8-220 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~~-220~~10~~ 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 ~~thirteen~~ one ~~-~~thousand three hundred and twenty ~~feet~~ (1,320'~~'~~) feet 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'~~'~~) feet 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'~~'~~) foot 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'~~'~~) foot distance, even if a portion of the residential ~~residence~~ subdivision is located within the ~~thirteen~~ one ~~-~~thousand three hundred and twenty ~~feet~~ (1~~,~~320'~~'~~) foot distance.

~~**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 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 Plat~~Post 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 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
07/01/2025

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 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 not-withstanding 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 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

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 (1320')~~ 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 Sec.~~tion~~ 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')~~ 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.

MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2025 BCC 30

A RESOLUTION AMENDING THE MORGAN COUNTY SUBDIVISION REGULATIONS CONCERNING MISCELLANEOUS SUBDIVISION CLARIFICATIONS, MAJOR SUBDIVISIONS, AND MINOR SUBDIVISIONS

WHEREAS, the County desires to amend the Morgan County Regulations to clean up miscellaneous subdivision regulations and address major subdivisions and minor subdivisions.

WHEREAS, on May 12, 2025, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval of the amendments with further revisions;

WHEREAS, on May 28, 2025, June 17, 2025, and July 1, 2025, the Board of County Commissioners held duly noticed public hearings on the proposed amendments;

WHEREAS, all relevant and required provisions for amending the Morgan County Subdivision Regulations have been complied with; and

WHEREAS, after considering public testimony received and the recommendation of the Planning Commission, the Board of County Commissioners finds these amendments to be in the best interest of the citizens of Morgan County and are necessary for the immediate preservation of public health and safety.

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

Section 1. Section 1-155 of the Morgan County Subdivision Regulations is amended to read as follows:

1-155 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.

Section 2. Section 2-105 of the Morgan County Subdivision Regulations is amended by the addition of following definitions to be inserted in alphabetical order and to read as follows:

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.

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 managed on the site so as not to cause harm to adjacent properties.

Major Storm Event

A storm that has a one (1) percent chance of occurring in any given year (100-year return period event).

Minor Storm Event

A storm that has a twenty (20) percent 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.

Section 3. Section 2-105 of the Morgan County Subdivision Regulations is amended by the deletion of the definition Referral Agencies.

Section 4. Chapters 3 and 5 of the Morgan County Subdivision Regulations are deleted in their entirety.

Section 5. Chapter 4 of the Morgan County Subdivision is repealed and reenacted to read as follows:

CHAPTER 4 – SUBDIVISION STANDARDS

This Chapter sets forth the minimum standards for major subdivisions. These standards are in addition to any use restrictions and regulations in the Zoning Regulations.

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

(A) Compliance with Zoning Regulations. Each major subdivision shall comply with all the applicable standards and requirements of the base zone, planned development zone, and/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 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) Subdivisions shall provide safe, convenient travel routes to and from and within the subdivision. 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, 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 developer 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) Subdivision proposals straddling county and municipal jurisdictions are discouraged. 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 (1320) feet 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.

(E) Special Site Considerations

(1) Steep land, unstable soil, 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 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 County requires review and comment by outside agencies, 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.

4-120 Access and Roads

(A) All subdivision lots shall have direct or indirect access to the Colorado public highway system.

(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 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.

(C) Shared driveways may be permitted if:

(1) The shared driveway is used for residences that are side by side; or

(2) If the lots proposed to share a driveway have topographic constraints or other conditions.

(D) The applicant shall provide for adequate internal traffic circulation for the subdivision.

(E) 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 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.

(F) The circulation and transportation system may be required to be designed to accommodate pedestrians and bicycles, preferably separated from vehicular traffic.

(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 Board.

(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.

4-130 Lots

(A) The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision.

(B) Lots shall be laid out to provide positive drainage away from all buildings sites, and the overlot grading shall be designed and maintained consistently with the general storm drainage pattern for the area.

(C) Lot dimensions shall conform to the minimum requirements of the Zoning Regulations or PD or PDO zone district regulations.

(D) Depth and width of properties shall be adequate to provide for the necessary service and parking facilities required by the type of use and development contemplated.

(E) 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 issues of topography and orientation that would hinder development.

(F) Side lot lines shall be substantially at right angles or radial to road center lines.

(G) All parcels that tare 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 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.

(2) "Nonbuildable" for those common area lots that are not intended to be occupied by any buildings or structures.

4-140 Open Spaces

(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.

(B) If proposed recreational easements are part of a larger recreational system, such details shall be provided in the application.

(C) All major subdivisions consisting of 20 lots or more shall contain a minimum of five (5) percent of the total area of the proposed subdivision dedicated to open space, particularly on the subdivision boundary entrance road, road rights-of-way and other open spaces. The open space may be comprised of a combination of natural and/or 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 (30) percent, 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 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 whenever 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.

4-160 Drainage

(A) Any land subject to flooding or located in a natural drainage channel shall not be buildable areas until adequate provisions to eliminate or control hazards are approved by the 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 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 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 Sec. 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 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 two (2) percent imperviousness. At the County's discretion, 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 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 emergency spillway capable of conveying the peak 100-year storm discharge 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 property 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-fot of freeboard above the 100-year water surface elevation in the detention pond.

(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 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.

(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 homeowners 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 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 ten thousand (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.

(I) 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.

(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, 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.

4-170 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 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 developer.

(B) For private water facilities, the applicant 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. All 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 unless the system is otherwise exempted by the rules promulgated by CDPHE.

(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 applicant shall submit plans for the system prepared by a Colorado licensed engineer with expertise in water systems and water quality.

(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. 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.

(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.

4-190 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.

(B) For on-site wastewater treatment systems (OWTS), 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.

(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.

(3) Evidence of Health Department approval of the OWTS must be submitted with the application.

(C) For privately operated wastewater facilities, the developer shall submit plans for the system prepared by a Colorado licensed engineer with expertise in such systems. The County does not regulate these systems once constructed.

(1) System Design and Submittal

(a) An analysis comparing the feasibility to extend and connect to public wastewater facility with the feasibility to design and construct private wastewater facility system is required.

(b) If applicable, a site approval is required by local reviewing agencies and CDPHE.

(c) The engineer shall provide written certification of the adequacy and safety of the proposed facility including but not limited to the adequacy of the proposed system in relation to the topography of the proposed development, the proposed population density, soil conditions, and drainage into or over the proposed development. The certification shall appear on both the final plat and the detailed plans and specifications of the proposed wastewater facility.

(2) A plan for operation and maintenance of the private wastewater facility is required for County approval. The plan shall outline the legal, financial, and staffing needs to:

(a) Provide for an incorporated management entity with power to compel all lot owners to participate;

(b) Provide for initial construction and ongoing operation and maintenance;

(c) Provide for system monitoring and evaluation;

(d) Provide for system repairs and replacement; and

(e) Provide for ultimate connection to public wastewater treatment where applicable.

(3) The plans must be approved by CDPHE or the local health department prior to submission of the final plat. A copy of any necessary easements must be submitted to the County or shown on the preliminary plan and final plat.

(4) Capacity will be available at the time of issuance of a certificate of occupancy.

(D) If, in the opinion of the County, construction or extension of an existing or proposed public sewer system may service the proposed area within a reasonable time, the County may require the developer to make adequate provisions for the installation of sanitary sewer mains and house connections or escrow funds for same in addition to the installations of temporary individual on-site sanitary disposals systems. Every effort should be made to secure public sewer extension. Where the proposed subdivision is within the service area of a municipality or public sanitation utility, individual septic systems generally will not be permitted.

4-200 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 Subdivision 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 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 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.

4-210 Fire Protection

Prior to approval of any preliminary plan, the requirements of the applicable fire protection district shall be agreed to and/or complied with.

4-220 Easements and Monuments

(A) New 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 (16) feet wide, eight (8) feet 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 (10) feet or more. Side lot easements, where necessary, shall be at least five (5) feet in width. Where easements are combined with a water course, drainage way, channel, or stream, a usable utility easement of at least ten (10) feet 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.

4-230 Public Dedications

(A) Roads and Streets. 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.

(B) Open Space, Parks and Drainage. Open space, parks, and drainage areas shall be owned by a special district or homeowner’s association and dedicated to the appropriate entity.

(C) Public Dedications to Morgan County. Dedications to Morgan County shall be made at the time of final plat by either:

(1) Dedicating to Morgan County, Colorado, in fee simple on the final plat; or

(2) Granting the land areas in fee simple through a general warranty deed to Morgan County.

(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, 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, land 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 for a major subdivision or when the final plat for a minor subdivision is considered by the designated approval body. 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 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

(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 over the premises or improvements, or if there are none, then as required by the 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 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 a special benefit from such improvements, the developer may be required at its sole expense and as a

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, a cost recapture agreement will be prepared so that the developer can be repaid for the cost of the improvement which benefits other properties. These prorate share formulas and cost recapture agreements are approved based upon the specific circumstances of an application.

(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 (115) percent 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 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.

(E) Inspections and Acceptance

(1) Permits

The developer shall apply to the County, the Health Department and/or other applicable agencies for necessary permits after approval of the plat and before commencing any construction.

(2) Acceptance

The County staff, consultants, or other public entities with jurisdiction over the public improvements shall inspect and if satisfactory, preliminarily approve the public improvements completed by the developer. The subdivider shall also warrant the improvements 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) The Board may approve all phasing as part of a final plat; and

(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.

Section 6. Section 6-100 of the Morgan County Subdivision Regulations is amended to read as follows:

The purpose of the major subdivision 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.

Section 7. Section 6-110 of the Morgan County Subdivision Regulations is amended to read as follows:

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 all final engineering plans, public improvements 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 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.

Section 8. Section 6-120(A)(1) of the Morgan County Subdivision Regulations is amended to read as follows:

(A) Pre-Application Conference

(1) Prior to 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 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.

Section 9. Section 6-120(B)(3)(b) of the Morgan County Subdivision Regulations is amended to read as follows:

Current zoning of property; current use of property; and use of surrounding properties. Identification of any confined animal feeding operation, packing plant, slaughterhouse, or rendering plant located within one-thousand three hundred and twenty (1320) feet 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.

Section 10. Section 6-120(B)(3)(o) of the Morgan County Subdivision Regulations is amended to read as follows:

Any information necessary to address the standards and requirements of Chapter 4 of these Subdivision Regulations.

Section 11. Section 6-120(B)(4) of the Morgan County Subdivision Regulations is amended to read as follows:

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.

Section 12. Section 6-120(B)(7)(a) of the Morgan County Subdivision Regulations is amended to read as follows:

Preliminary Drainage Plan and Report. A report prepared by a professional engineer that evaluates increased storm water and water quality impacts associated with new development. The report should include a hydrologic analysis 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.

Section 13. Section 6-120(B)(7)(c) of the Morgan County Subdivision Regulations is amended to read as follows:

(c) Preliminary Utility Plan.

(i) Evidence of the physical and legal capability to provide adequate water and sanitation in conformity with Chapter 4 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 private wastewater facility is proposed. The plan shall include any estimated costs for the water and wastewater 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 developer and utility serving the site.

Section 14. Section 6-120(B)(7)(d) of the Morgan County Subdivision Regulations is amended to read as follows:

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 roads and related facilities and the proposed method for financing such roads and facilities.

Section 15. Section 6-120(B)(7)(f) of the Morgan County Subdivision Regulations is amended to read as follows:

Wildlife Impact Mitigation Plan. A wildlife impact mitigation plan may be required to address the impacts of development. The applicant will work with the County and Colorado Parks and Wildlife to determine the impacts on wildlife as a result of the subdivision. Based upon the recommendations from Colorado Parks and Wildlife, 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.

Section 16. Section 6-120(B)(7) of the Morgan County Subdivision Regulations is amended by the addition of a new subsection (g) to read as follows:

(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.

Section 17. Section 6-130(C)(10) of the Morgan County Subdivision Regulations is amended to read as follows:

Location of all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, or the public. Include notes to indicate the purpose, disposition and maintenance responsibility for all such tracts and easements.

Section 18 Section 6-140(B) of the Morgan County Subdivision Regulations is amended to read as follows:

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 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 referral agency review. An incomplete submittal will not be processed.

Section 19. Section 6-140(B) of the Morgan County Subdivision Regulations is amended to read as follows:

(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 closest 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 requirements 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) Other referral agencies deemed necessary by Staff, such as special districts, CDOT, and CDPHE.

Section 20. Sections 6-140(E), (F), (G), (H), (I), and (J) of the Morgan County Subdivision Regulations are amended to read as follows:

(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 (1320') feet 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 (1320') feet 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.

(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 by thirty-six (24 x 36) inches. The size of the letters, indicating the notice, should be a minimum of two (2) inches 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:

(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 Sec. 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 three (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.

Section 21. Section 6-150(A)(3) of the Morgan County Subdivision Regulations is amended to read as follows:

The proposed subdivision addresses the standards of these Subdivision Regulations;

* * *

Section 22. Section 6-150(C) of the Morgan County Subdivision Regulations is amended to read as follows:

(C) It is the policy of Morgan County to maintain a distance of one thousand three hundred and twenty (1320) feet between residential subdivisions and confined animal feeding operations, packing plants, slaughterhouses, 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 one thousand three hundred and twenty (1320) feet of a confined animal feeding operation, packing plant, slaughterhouse, 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, slaughterhouses, or rendering plants.

(2) What specific mitigation measures will be implemented to reduce the impacts of the confined animal feeding operation, packing plant, slaughterhouse, 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 one-thousand three hundred and twenty (1320) foot distance from the confined animal feeding operation, packing plant, slaughterhouse, or rendering plant.

(4) Whether buildable areas for residences can be located outside the one-thousand three hundred and twenty (1320) foot distance, even if a portion of the residential subdivision is located within the one-thousand three hundred and twenty (1320) foot distance.

Section 23. Section 6-160(B)(6)(b) of the Morgan County Subdivision Regulations is amended to read as follows:

Final Utility Plans. 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 be approved by the Northeast Colorado Health Department.

Section 24. Section 6-160(B)(8) of the Morgan County Subdivision Regulations is amended to read as follows:

Executed Improvements Agreement, if applicable.

Section 25. Section 6-170(B) of the Morgan County Subdivision Regulations is amended to read as follows:

The first submittal of the final plat shall be a blueline copy in the following size: twenty-four by thirty-six (24 x 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 by thirty-six (24 x 36) inches No portion of the final plat shall have "stick on" type material. A photo mylar with original signatures is acceptable.

Section 26. Section 6-170 of the Morgan County Subdivision Regulations is amended by the addition of a new subsection (I) and the subsequent subsections are to be re-lettered accordingly.

(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.

Section 27. Section 6-170(K)(3) of the Morgan County Subdivision Regulations is amended to read as follows:

Improvement Agreement (if applicable):

This plat is subject to an improvements agreement recorded at reception number _____ in the records of the Morgan County Clerk and Recorder. No building permits will be issued by the County until preliminary acceptance of the public improvements required under the improvements agreement.

Section 28. Section 6-170(K)(5) of the Morgan County Subdivision Regulations is amended to read as follows:

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 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 designed on this plat.

Section 29. Section 6-170(K)(7) of the Morgan County Subdivision Regulations is renumbered and amended to read as follows:

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 developer and not the County.

(signature)_____

Attest:

_____
Clerk to the Board
(SEAL)

Section 30. Section 6-170(K) of the Morgan County Subdivision Regulations is amended by the addition of a new subsection (9) to read as follows:

(9) One of the following notes shall be on all plats with shared access:

(a) Shared access is governed by the covenants recorded at reception number _____ in the records of the Morgan County Clerk and Recorder.

(b) 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.

Section 31. Section 6-170(M) of the Morgan County Subdivision Regulations is amended to read as follows:

Any approved subdivision located within one thousand three hundred and twenty (1320) feet of a confined animal feeding operating, 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 one thousand three hundred and twenty (1320) feet of a confined animal feeding operation, packing plant, slaughterhouse, 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.

Section 32. Sections 6-180(B), (C), (D), and (E) of the Morgan County Subdivision Regulations are amended to read as follows:

(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 place a copy in the project file.

(C) If Planning Staff makes referrals and the referral agencies elect to comment, they shall respond within fourteen (14) 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 he 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.

(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 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 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.

Section 33. Section 8-100 of the Morgan County Subdivision Regulations is amended to read as follows:

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.

Section 34. Section 8-105 of the Morgan County Subdivision Regulations is renumbered and amended to read as follows:

8-110 Applicability

To minimize the procedural requirements and review time for subdivisions involving development of four (4) or less lots or four (4) units of 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.

Section 35. Section 8-120 of the Morgan County Subdivision Regulations is deleted in deleted in its entirety and reinstated as follows:

8-120 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.

Section 36. Section 8-130 of the Morgan County Subdivision Regulations is amended to read as follows:

8-130 General Requirements

(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 o 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.

(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 easements rights-of-way and reservation of open spaces.

(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 subdivisions 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 subdivision within one thousand three hundred and twenty (1320) feet 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 subdivisions application, the County may apply the standards applicable to major subdivision to address issues of public health, safety and welfare.

(9) The 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 on County services or on any of the Design Standards described below, and shall make such additional design requirements that such impacts necessitate.

(10) 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 the proposed minor subdivision:

(a) Adjoins a minor subdivision that was approved within the five (5) years prior to the date of application; or

(b) Would utilize a common infrastructure in a minor subdivision approved within the five (5) years prior to the date of application.

(c) Any Staff decision pursuant to subsections 10(a) and (b) above shall be made in writing to the applicant.

(d) Appeals.

(1) If the applicant disagrees with the County's determination under subsections 10(a) and (b) above, for the applicant may appeal such determination within fifteen (15) days of the decision described in subsection 10. The request for an appeal shall be made in writing on forms provided by the Planning and Zoning Department and require payment of the applicable fee.

(2) If a complete application is received within the deadline set forth herein, the appeal shall be scheduled for a public hearing before the Planning Commission and notify the applicant in writing of the hearing date and time. The Planning Commission shall review the appeal, applying the criteria in subsection 10(a) and (b) above, and make a

recommendation to the Board to approve or deny the appeal.

(3) 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 review the appeal, applicable criteria and Planning Commission recommendations, public comment and testimony, and shall either approve or deny the appeal.

(4) At least fourteen (14) days prior to the public hearings, notice of the hearing shall be: 1) mailed to landowners within one-thousand three hundred and twenty (1320) feet of the boundary of the proposed subdivision and 2) posted on the County's website. The notice shall remain posted through the conclusion of the hearing.

(5) The decision of the Board on the appeal shall be a final decision, subject to judicial review.

Section 37. Section 8-135 of the Morgan County Subdivision Regulations is renumbered to Section 8-130 as a new subsection (E) and amended to read as follows:

(E) Special Site Considerations

(1) Steep land, unstable soil, land subject to inadequate drainage 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 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 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. If it is determined that a proposed division of land or a portion is subject to the identified conditions, the 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 County requires review and comment by outside agencies, 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.

(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.

(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 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) Where a residential division of land borders a railroad or highway right-of-way, the 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.

Section 38. Section 8-140 of the Morgan County Subdivision Regulations is amended to read as follows:

8-140 Access

(A) All subdivision lots shall have direct or indirect access to the Colorado public highway system.

(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 (30) feet 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.

Section 39. Section 8-145 of the Morgan County Subdivision Regulations is deleted in its entirety.

Section 40. Sections 8-150, 8-160 and 8-170 of the Morgan County Subdivision Regulations are amended to read as follows:

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.

8-160 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 Chapter 4 shall apply.

(B) Wells

(1) 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 (1) mile of the development; or

b. The development is outside any existing or planned water district and/or water service area; and

c. The well permit must be in the property owner's name.

8-170 Utilities

All other utilities, as applicable, shall comply with the requirements of the utility providing services.

Section 41. Section 8-190 of the Morgan County Subdivision Regulations is amended to read as follows:

8-190 Public Improvements

Any required public improvements to a minor subdivision shall be governed by Sec. 8-130(C) of these Subdivision Regulations.

Section 42. Sections 8-200, 8-210, and 8-220 of the Morgan County Subdivision Regulations are amended to read as follows:

8-200 Procedure

(A) Pre-Application Conference

Prior to submission of the minor subdivision application, each 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

(B) Submission Requirements

The following are required to be submitted with 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 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 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.

(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 permit number underneath. A vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a minimum one (1) 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 water and wastewater services compliant with the standards established by these Subdivision Regulations.

(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 the County Road & Bridge Department.

(b) Documented previous approval of a current access to a County road 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 covenants that include at a minimum the following:

(a) Name of the current property owner;

(b) A legal description of the property, including the name of the subdivision and the lots, if less than the entire subdivision, subject to covenant;

(c) Specific details regarding responsibilities for maintenance of the shared access including standards for access (surface conditions, materials, etc.);

(d) Specific details regarding share of costs (proportional share, collection methods);

(e) Enforcement provisions;

(f) Prohibition on closure of access by any lot owner.

(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 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.

(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 one thousand three hundred and twenty (1320) feet 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 by thirty-six (24 x 36) inches. The size of the letters, indicating the notice, should be a minimum of two (2) inches high and such signs shall be erected on posts no less than four (4) feet 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 sings posted on the property shall be submitted to the Planning Department tat 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 sings 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.

8-210 Review

(A) Within fifteen (15) business days after submittal of the application, the 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 the referral agency review. An incomplete submittal will not be processed.

(B) The flowing 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.

(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 (1320) feet of the proposed minor subdivision at least fourteen (14) days prior to the hearing or the Planning Administrator's decision, if applicable, notice if 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 (1320) feet of the proposed minor subdivision or any referral agency or at the Planning Administrator's discretion. If referral occurs based upon the objection of a landowner located within the one-thousand three hundred and twenty (1320) feet 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 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. 8-220 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.

(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. 8-220 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.

8-220 Approval Criteria

In reviewing an application for a minor subdivision, the 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.

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

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

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

(F) In addition to the above criteria, it is the policy of Morgan County to maintain a distance of one thousand three hundred and twenty (1320) feet between residential subdivisions and confined animal feeding operations, packing plants, slaughterhouses, 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 one thousand three hundred and twenty (1320) feet of a confined animal feeding operation, packing plant, slaughterhouse, 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, slaughterhouses, or rendering plants.

(2) What specific mitigation measures will be implemented to reduce the impacts of the confined animal feeding operation, packing plant, slaughterhouse, or rendering plant on the residential subdivision and how such measures will be enforced.

(3) The size of the portion of the residential subdivision within the one thousand three hundred and twenty (1320) feet distance from the confined animal feeing operation, packing plant, slaughterhouse, or rendering plant.

(4) Whether buildable areas for residences can be located outside the one thousand three hundred and twenty (1320) feet distance, even if a portion of the residential subdivision is located within the one thousand three hundred and twenty (1320) feet distance.

Section 43. The Morgan County Subdivision Regulations are amended by the addition of the new section to read as follows:

8-230 Post Decision 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 Board's public hearing 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.

Section 44. Sections 8-125, 8-145, 8-155, 8-165, 8-175, 8-185, 8-195, 8-197, and 8-205 of the Morgan County Subdivision Regulations are deleted in their entirety.

Section 45. Section 9-125 of the Morgan County Subdivision Regulations is amended to read as follows:

Design standards applicable to subdivision exemptions as set forth below shall be considered minimum acceptable standards. The County may at their description require the subdivider to comply with additional design standards as contained in Chapter 4 of these Regulations should site conditions, impacts created by the proposed exemption, or other compelling circumstances necessitate such additional design requirements.

Section 46. Section 9-155 of the Morgan County Subdivision Regulations is amended to read as follows:

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 (1320) of the proposed exemption at least fourteen (14) days prior to the hearing or date of division by Planning Administrator.

Section 47. Section 9-157 of the Morgan County Subdivision Regulations is amended to read as follows:

The Morgan County Planning Administrator may approve an exemption if the criteria of Sec. 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 if an objection is received from a landowner located within one thousand three hundred and twenty (1320) feet of the proposed exemption or any referral agency. Approval of an exemption by the Board may be required at the discretion of the Planning Administrator. Review of an application for a subdivision exemption by the Board shall comply with the procedures as provided for herein.

Section 48. Section 9-180 of the Morgan County Subdivision Regulations is amended by the addition of a new subsection (O) to read as follows:

(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.

Section 49. Section 10-400(G) of the Morgan County Subdivision Regulations is amended by the addition of a new subsection (6) to read as follows:

(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.

APPROVED 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

Proposed Changes to Morgan County Fee Schedule

Effective July 1, 2025

Planning, Zoning and Building Inspection Department

Description	Admin	Full Review	
Copies:			
Page size 8½ x 11	$ 0.25 per page		
Page size 8½ x 14	$ 0.50 per page		
Page size 11 x 17	$ 1.25 per page		
Page size: Larger than 24" x 24"	$ 10.00 per page		(revised 8.1.17)
Maps/Books:			
Ownership wall maps/books	$ 30.00 each		
Road maps	$ 1.00 each		
Survey maps	$ 5.00 each		
Land Use Fees:			
Application Fee Schedule:	**Admin**	**Full Review**	
Appeal		$ 350.00	
Campground - Special Use		$ 1,000.00	
Certificate of Designation		$ 500.00	
Combination of Lots Agreement	$ 200.00		
Conditional Use	$ 300.00	$ 600.00	
Exemption from Subdivision	$ 300.00	$ 600.00	
Amended Exemption	$ 200.00	$ 400.00	
Floodplain	$ 150.00		
Mobile Home Placement	$ 150.00		DELETE
Rezoning		$ 750.00	
Rezoning Planned Development (PD)		$ 1,500.00	
PD Amendment (Minor)		$ 750.00	
PD Amendment (Major)		$ 1,500.00	
Rezoning Planned Development Overlay (PDO)		$ 1,000.00	
PDO Amendment (Minor)		$ 750.00	
PDO Amendment (Major)		$ 1,000.00	
Sign Placement	$ 75.00		
Special Use		$ 800.00	
Amendment to Special Use	$ 300.00	$ 800.00	
Variance	$ 150.00	$ 250.00	DELETE Board of Co Commissioners
		$ 500.00	Board of Adjustments
Vesting of Property Rights		$ 200.00	
1041 Regulation		$ 5,000.00	
Boundary Line Adjustments	$ 200.00		
Amended Plats - see note**		$ 400.00	**Right of Way, Easement, Vacation. Change to Condition of Approval(s) or Plat Note
All Other Amended Plats	$ 200.00		
Plat Correction	$ 200.00		
Replat		$ 400.00	
Plat Vacation - No Public Infrastructure or Dedication		$ 400.00	
Plat Vacation - Public Infrastructure or Dedication		$ 400.00	
Temporary Uses and Structures	$ 200.00		

Proposed Changes to Morgan County Fee Schedule

Effective July 1, 2025

Planning, Zoning and Building Inspection Department

Description	Admin	Full Review	
Application Fee Schedule:			
Temporary Use-Temporary Dwelling (for 30 days)	$ 5.00		2024 BCC 26
Human Burial	$ 50.00		
Minor Subdivisions:	$ 350.00	$ 650.00	
Preliminary Review	$ 100.00		
Appeal persuant to Sec. 4-860(F)(4)		$ 500.00	
Major Subdivisions			
Preliminary Plan		$2500.00 + $40 per lot	
Final Plan		$ 2,000.00	
Up to 10.9 acres		$ 725.00	DELETE
11 - 20.9 acres		$ 800.00	
21 - 30.9 acres		$ 875.00	
31 - 40.9 acres		$ 950.00	
41 - 59.9 acres		$ 1,025.00	
60 acres +		$ 1,025.00	
Plus each additional 40 acres or fraction thereof over 60 acres		$ 20.00	

***Wind, Solar and BESS**

Building Mounted Wind Energy Facility Application Fee	$500.00	
Ground Mounted Wind Energy Facility Application Fee	$1.00/acre	min $5,000
Construction Permit Fee	$1,000.00/MW	
Accessory Ground Mounted & Building Mounted Solar Collectors Facilities - Residential - Application Fee	$500.00	
Accessory Ground Mounted & Building Mounted Solar Collectors Facilities-Non-Residential / Fewer than 2MW-Application Fee	$1,000.00	
Principal Solar Collectors - Application Fee	$1.00/acre	min $5,000
Construction Permit Fee	$1,000.00/MW	
BESS - Application Fee	$1.00/acre	min $5,000
Construction Permit Fee	$1,000.00/MW	
Appeal persuant to Sec. 4-860(F)(4)	$ 350.00	

Principle Ground-Mounted Solar Facilities, BESS and Wind Energy Facilities Renewal Application Fees

One year renewal	33% of application fee for original land use permit application
Two year renewal	66% of application fee for original land use permit application
Three year renewal	100% of application fee for original land use permit application

Third Party Consultant fees are billed at actual cost

Recording Fees - See Clerk and Recorder Fee Schedule

Planning, Zoning and Building Inspection Department

Description	Fee	
Building Permit Fees and Valuation Schedule:		
Valuation Information:	For Valuation	
New Residental Construction: [4]		
Finished floor area (including additions)	$ 100.00	per square foot
Basement floor area (unfinished)	$ 22.00	per square foot
Basement floor area (finished)	$ 30.00	per square foot
Garage (attached)	$ 37.00	per square foot
Carports	$ 24.00	per square foot
Decks, covered porches, etc.	$ 12.00	per square foot
Factory Built Home and Manufactured Homes: [4]		
Permanent Foundation - see note**	$ 500.00	**with Manufactured Home Placement
Foundation Only	$ 300.00	
Temporary Foundation	$ 250.00	
Trailer Park	$ 150.00	
Miscellaneous Building Permits: [4]		
Remodel	based on actual labor and material valuation	
Reroofing	$ 200.00	
Mechanical	$ 200.00	
Demolition	$ 100.00	
House Moving	$ 100.00	
Zoning	$ 200.00	
Commerical Construction: [4]		
Tenant finish	based on actual labor and material valuation	
Remodel work	based on actual labor and material valuation	
Shell buildings	based upon valuation table	
Full finish buildings	based upon valuation table	
Apartments	based upon valuation table	
Building Permit Fees: [4]		
$0 - $40,000	$ 260.00	
$40,001 - $50,000:		
First $40,000	$ 260.00	
Each additional $1,000 or fraction thereof	$ 6.50	
$50,001 - $100,000		
First $50,000	$ 325.00	
Each additional $1,000 or fraction thereof	$ 6.50	
$100,001 - $500,000		
First $100,000	$ 650.00	
Each additional $1,000 or fraction thereof	$ 6.50	
$500,001 - $1,000,000		
First $500,000	$ 3,250.00	

Planning, Zoning and Building Inspection Department

Description	Fee		
Each additional $1,000 or fraction thereof	$ 6.50		
Over $1,000,001			
First $1,000,000	$ 6,500.00		
Each additional $1,000 or fraction thereof	$ 6.50		
All fees are doubled if enforcement			
Other Inspection and Fees:			
Inspections outside normal business hours	$ 100.00	per hour[1]	
Reinspection fees assessed under Section 108.4	$ 50.00	per hour[1]	
Inspection for which no fee is specifically indicated	$ 50.00	per hour[1]	
Use of outside consultants for plan checking, inspections or both	Actual cost	[2]	
Issuance of each temporary Certificate of Occupancy	$ 250.00	[3]	
In-House plan review	$ 250.00		

[1] Or the total hourly cost to the jurisdiction, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

[2] Actual costs include administrative and overhead costs.

[3] $100 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.

[4] Fees may be doubled for Zoning and Building Permits if not obtained prior to start of construction.

Recording Fees (in addition to permit fees):			DELETE
Exemptions:			
First mylar	$ 13.00		
Second mylar/each additional page	$ 10.00		
Minor Subdivisions:			
First mylar	$ 13.00		
Second mylar/each additional page	$ 10.00		
PDs			
First mylar	$ 13.00		
Second mylar/each additional page	$ 10.00		
Covenants:			
First page	$ 13.00		
Each additional page	$ 5.00		
**Recording Fees are paid to the County Clerk			
Research (Inc. CORA Requests)	*1st hour at no charge*		
Minimum	$ 16.79	first 1/2 hr	
Additional time - *per hour split at ¼ hour increments*	$ 33.58		
Contractor License	$ 50.00	each	

Failure to comply with all required inspections may result in additional fees and/or denial of contractor license in Morgan County.

MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2025 BCC 31

A RESOLUTION AMENDING THE MORGAN COUNTY FEE SCHEDULE FOR THE PLANNING AND ZONING AND BUILDING DEPARTMENT

WHEREAS, the Board of County Commissioners have reviewed the fees for the Planning and Zoning Department due to recent amendments to the Morgan County Zoning and Subdivision Regulations; and

WHEREAS, the Board of County Commissioners desires to amend the fees for various land use applications.

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

Section 1. The previously approved fees for the Planning and Zoning and Building Departments are hereby repealed and readopted as shown in Exhibit A attached hereto.

APPROVED this 1st day of July, 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

Morgan County Fee Schedule

Effective July 1, 2025

EXHIBIT A

Planning, Zoning and Building Inspection Department

Description	Fee		
Copies:			
Page size 8½ x 11	$ 0.25	per page	
Page size 8½ x 14	$ 0.50	per page	
Page size 11 x 17	$ 1.25	per page	
Page size: Larger than 24" x 24"	$ 10.00	per page	(revised 8.1.17)
Maps/Books:			
Ownership wall maps/books	$ 30.00	each	
Road maps	$ 1.00	each	
Survey maps	$ 5.00	each	
Land Use Fees:			

Application Fee Schedule:	Admin	Full Review	
Appeal		$ 350.00	
Campground - Special Use		$ 1,000.00	
Certificate of Designation		$ 500.00	
Combination of Lots Agreement	$ 200.00		
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PD Amendment (Minor)		$ 750.00	
PD Amendment (Major)		$ 1,500.00	
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1041 Regulation		$ 5,000.00	
Boundary Line Adjustments	$ 200.00		
Amended Plats - see note**		$ 400.00	**Right of Way, Easement, Vacation. Change to Condition of Approval(s) or Plat Note
All Other Amended Plats	$ 200.00		
Plat Correction	$ 200.00		
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Plat Vacation - No Public Infrastructure or Dedication		$ 400.00	
Plat Vacation - Public Infrastructure or Dedication		$ 400.00	
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Morgan County Fee Schedule

Effective July 1, 2025

Planning, Zoning and Building Inspection Department

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Appeal persuant to Sec. 4-860(F)(4)		$ 500.00	
Major Subdivisions			
Preliminary Plan		$2500.00 + $40 per lot	
Final Plan		$ 2,000.00	
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Building Mounted Wind Energy Facility Application Fee		$500.00	
Ground Mounted Wind Energy Facility Application Fee		$1.00/acre	min $5,000
Construction Permit Fee		$1,000.00/MW	
Accessory Ground Mounted & Building Mounted Solar Collectors Facilities - Residential - Application Fee		$500.00	
Accessory Ground Mounted & Building Mounted Solar Collectors Facilities-Non-Residential / Fewer than 2MW-Application Fee		$1,000.00	
Principal Solar Collectors - Application Fee		$1.00/acre	min $5,000
Construction Permit Fee		$1,000.00/MW	
BESS - Application Fee		$1.00/acre	min $5,000
Construction Permit Fee		$1,000.00/MW	
Appeal persuant to Sec. 4-860(F)(4)		$ 350.00	

Principle Ground-Mounted Solar Facilities, BESS and Wind Energy Facilities Renewal Application Fees

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Two year renewal	66% of application fee for original land use permit application
Three year renewal	100% of application fee for original land use permit application

Third Party Consultant fees are billed at actual cost

Recording Fees - See Clerk and Recorder Fee Schedule

Planning, Zoning and Building Inspection Department

Description	Fee		
Building Permit Fees and Valuation Schedule:			
Valuation Information:	For Valuation		
New Residental Construction: [4]			
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Basement floor area (unfinished)	$ 22.00	per square foot	
Basement floor area (finished)	$ 30.00	per square foot	
Garage (attached)	$ 37.00	per square foot	
Carports	$ 24.00	per square foot	
Decks, covered porches, etc.	$ 12.00	per square foot	
Factory Built Home and Manufactured Homes: [4]			
Permanent Foundation - see note**	$ 500.00		**with Manufactured Home Placement
Foundation Only	$ 300.00		
Temporary Foundation	$ 250.00		
Trailer Park	$ 150.00		
Miscellaneous Building Permits: [4]			
Remodel	based on actual labor and material valuation		
Reroofing	$ 200.00		
Mechanical	$ 200.00		
Demolition	$ 100.00		
House Moving	$ 100.00		
Zoning	$ 200.00		
Commerical Construction: [4]			
Tenant finish	based on actual labor and material valuation		
Remodel work	based on actual labor and material valuation		
Shell buildings	based upon valuation table		
Full finish buildings	based upon valuation table		
Apartments	based upon valuation table		
Building Permit Fees: [4]			
$0 - $40,000	$ 260.00		
$40,001 - $50,000:			
First $40,000	$ 260.00		
Each additional $1,000 or fraction thereof	$ 6.50		
$50,001 - $100,000			
First $50,000	$ 325.00		
Each additional $1,000 or fraction thereof	$ 6.50		
$100,001 - $500,000			
First $100,000	$ 650.00		
Each additional $1,000 or fraction thereof	$ 6.50		

Planning, Zoning and Building Inspection Department

Description	Fee	
$500,001 - $1,000,000		
First $500,000	$ 3,250.00	
Each additional $1,000 or fraction thereof	$ 6.50	
Over $1,000,001		
First $1,000,000	$ 6,500.00	
Each additional $1,000 or fraction thereof	$ 6.50	
All fees are doubled if enforcement		
Other Inspection and Fees:		
Inspections outside normal business hours	$ 100.00	per hour[1]
Reinspection fees assessed under Section 108.4	$ 50.00	per hour[1]
Inspection for which no fee is specifically indicated	$ 50.00	per hour[1]
Use of outside consultants for plan checking, inspections or both	Actual cost	[2]
Issuance of each temporary Certificate of Occupancy	$ 250.00	[3]
In-House plan review	$ 250.00	

[1] Or the total hourly cost to the jurisdiction, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

[2] Actual costs include administrative and overhead costs.

[3] $100 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.

[4] Fees may be doubled for Zoning and Building Permits if not obtained prior to start of construction.

Contractor License	$ 50.00	each

Failure to comply with all required inspections may result in additional fees and/or denial of contractor license in Morgan County.