

AGENDA
MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
Assembly Room, Administration Building
231 Ensign Street, Fort Morgan, CO 80701
Tuesday September 17, 2024

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/85164302936> 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 September 16, 2024.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/85164302936> listen via phone, please dial: 1-312-626-6799, Meeting ID: 851 6430 2936

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/85164302936> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 851 6430 2936

9:00 A.M.

A. WELCOME – CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commissioner Westhoff
Commissioner Arndt
Commissioner Becker

The Board of Morgan County Commissioners will convene as the Morgan County Board of Social/Human Services in the matter of:

1. CALL TO ORDER Consideration of Approval – **DHS MINUTES** dated August 20, 2024.
2. Consideration of Approval – **DHS WARRANTS** for July 2024 (Susan Nitzel, Accounting Manager)
3. Consideration of Approval – **DHS CERTIFICATION OF PROVIDER AND VENDOR BENEFIT AUTHORIZATIONS** for July 2024 (Susan Nitzel, Accounting Manager)

STAND IN RECESS (*Recess as necessary)

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.

*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.

C. CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated September 10, 2024.
2. Ratify the Board of County Commissioners approval on **Memorandum of Understanding 2024 MOU 004**, Northeast Junior College, Term of Contract August 15, 2024 through August 14, 2025.
3. Ratify the Board of County Commissioners approval on **Memorandum of Understanding 2024 MOU 005**, Banner Health, an Arizona nonprofit corporation, dba East Morgan County Hospital, Term of Contract August 21, 2024 through August 20, 2025.
4. Ratify the Board of County Commissioners approval of Request for **Waiver of Rental Fees for the City of Brush**, signed September 16, 2024.
5. Ratify the Board of County Commissioners approval of Request for **Waiver of Rental Fees for the City of Brush**, signed September 16, 2024.
6. Ratify Chairman Mark Arndt's signature on Colorado Liquor License Renewal Application for **10 G, Inc. dba Wayward Wind Liquor Store** signed September 4, 2024.
7. Ratify the Board of County Commissioners approval of **Contract Amendment 2023 CNT 113 AMD1 NE Colorado Cellular, Inc. dba Viaero Wireless**, Term of Contract August 1, 2024 through July 31, 2025.
8. Ratify the Board of County Commissioners approval of **Contract Amendment 2023 CNT 114 AMD1 NE Colorado Cellular, Inc. dba Viaero Wireless**, Term of Contract August 1, 2024 through July 31, 2025.
9. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 100 Centennial Mental Health Center, Inc.**, Term of Contract July 1, 2024 through June 30, 2025.
10. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 103 Scott Brindisi dba Duck Down Masonry**, Term of Contract September 5, 2024 through December 31, 2024.
11. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 104 The JAMAR Company**, Term of Contract September 5, 2024 through completion of scope of work.
12. Ratify Chairman Mark Arndt's signature on **Morgan County Public Trustee July 2024 – August 2024 Report**, signed September 16, 2024

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:

D. UNFINISHED BUSINESS

No Unfinished Business.

E. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

1. Consideration of Approval – **Agreement of Exempt Entity to Make Payment in Lieu of Taxes**, Parker Water and Sanitation District. (Kathryn Sellars).
2. Consideration of Approval – **Bid Tabulation and Award, RFP 2024-0811-001** Morgan County Comprehensive Plan Update. (Nicole Hay, Planning Administrator)

F. COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

1. Commissioners Calendar for September 13, 2024 through September 24, 2024.

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G. PLANNING AND ZONING

1) Public Hearings

- a) **Applicant:** Heather Haffke
Landowners: Heather Haffke and Thomas Seagroves
Legal Description: Lots 2 and 3, Delaney Minor Subdivision in the NE¼ NE¼ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado.
Request: Amended Plat to Vacate the Access Easement over Lots 2 and 3 the Delaney Minor Subdivision
Date of Application: July 26, 2024.

- b) **Applicant:** Morgan County
Landowners: Donna Deganhart and Weldon Valley School District RE20
Legal Description: Tom Deganhart Memorial Minor Subdivision in the NE¼ of Section Township 4 North, Range 59 West of the 6 th P.M., Morgan County, Colorado.
Request: An Amended Plat of Lots 1-4 of the Tom Deganhart Memorial Minor Subdivision to correct the acceptance of the dedication to Morgan County, Colorado, for a portion of Main Street. **Consideration of approval** - Resolution 2024 BCC 40
Date of Application: August 14, 2024

- c) **Zoning Amendments:** Amendments reorganizing of the use categorizations in each zone district (with the exception of JLV) into tables, making necessary and associated amendments to use descriptions and terminology, and deletions, modifications, and revisions to definitions.

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.

HUMAN SERVICES WARRANTS

State of Colorado)
) ss.
County of Morgan)

I, Jacque Frenier, Director of Human Services of Morgan County, Colorado, hereby confirm that the payments listed below were made to the resepctive payees totaling the sum as indicated for the month of July 2024.

Date	Director, Jacque Frenier
HMS warrants	\$ 933,911.21
HMS payroll	\$ 206,547.42
Total warrants	\$ 1,140,458.63

APPROVAL BY COUNTY BOARD OF HUMAN SERVICES

State of Colorado)
) ss.
County of Morgan)

I, Mark Arndt, Chairman of the Board of Human Services of Morgan County, Colorado, hereby confirm that the payments set forth herein have this date been approved, and warrants in payment thereof ordered issued upon the Social Services Fund, accounts as of July 31, 2024 totaling the sum of \$1,140,458.63.

DateChairman, Mark Arndt

Morgan County Department of Human Services
Warrants List Summary
July 31, 2024

Expenditures:	7/10/2024	7/17/2024	7/24/2024	7/31/2024	Month Total	June Month Total
Program Costs	17,846.44	3,147.90	6,753.57	11,164.20	38,912.11	12,080.86
Program Contracts	28,462.18		1,279.15		29,741.33	6,755.30
Program Grants		7,537.18	11,212.74		18,749.92	9,782.46
County Interfund	8,534.68		18,046.74		26,581.42	29,664.71
County Transfer			500,000.00	125,000.00	625,000.00	-
Employee Payroll				87,552.89	87,552.89	94,028.32
Employee Benefits				107,373.54	107,373.54	108,574.92
					-	-
					-	-
	<u>54,843.30</u>	<u>10,685.08</u>	<u>537,292.20</u>	<u>331,090.63</u>	<u>933,911.21</u>	<u>260,886.57</u>

206,547.42	HMS direct deposits
<u>87,552.89</u>	warrant payroll
<u>294,100.31</u>	gross salary

294,100.31 County payroll register

Check Register**Morgan County Government**

31-Jul-24

From: 01-Jul-24 To: 31-Jul-24

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 10 SOCIAL SERVICES FUND					
1022517	10-Jul-24	7132	A CARING PREGNANCY	\$2,990.50	R
1022518	10-Jul-24	9246	ALLO COMMUNICATIONS LL	\$240.00	R
1022519	10-Jul-24	2014	ANDREW MCCLARY	\$1,058.75	R
1022520	10-Jul-24	9945	COMMAND SERVICE SYSTE	\$4,816.41	R
1022521	10-Jul-24	8914	CORPORATE TRANSLATION	\$932.28	R
1022522	10-Jul-24	3729	COUNTY EXPRESS	\$100.00	O
1022523	10-Jul-24	993	EDWARDS RIGHT PRICE MA	\$18.66	R
1022524	10-Jul-24	503	GREAT COPIER SERVICE IN	\$144.09	R
1022525	10-Jul-24	1085	MORGAN CO FAMILY CENT	\$5,564.64	R
1022526	10-Jul-24	83	MORGAN COUNTY CENTRA	\$876.70	R
1022527	10-Jul-24	86	MORGAN COUNTY GENERA	\$7,657.98	R
1022528	10-Jul-24	1101	MORGAN COUNTY SHERIFF	\$35.00	R
1022529	10-Jul-24	9406	MORGAN COUNTY TREASU	\$8,400.97	R
1022530	10-Jul-24	1463	ODP BUSINESS SOLUTIONS	\$1,731.53	R
1022531	10-Jul-24	8120	PATRICIA M CHASE	\$318.75	R
1022532	10-Jul-24	6387	S.A.R.A. INC.	\$6,033.59	O
1022533	10-Jul-24	1164	S.H.A.R.E., INC.	\$13,873.45	R
1022534	10-Jul-24	9818	SENERGY PETROLEUM LLC	\$50.00	R
1022535	17-Jul-24	9421	AMERICAN BIOIDENTITY IN	\$163.50	R
1022536	17-Jul-24	6881	ANNETTE KAY RUCH	\$128.00	R
1022537	17-Jul-24	8458	CENTER FOR HEALING TRA	\$275.00	O
1022538	17-Jul-24	10004	FALON K. WHITSON	\$128.00	R
1022539	17-Jul-24	9963	KEVIN J HANSON DBA	\$47.40	R
1022540	17-Jul-24	8431	LEXISNEXIS RISK DATA MG	\$200.00	R
1022541	17-Jul-24	10010	LYNDSIE DENT	\$128.00	R
1022542	17-Jul-24	8509	RITE OF PASSAGE, INC	\$1,950.00	R
1022543	17-Jul-24	9740	SARRAH MARTING	\$128.00	R
1022544	17-Jul-24	9715	TRAILHEAD INSTITUTE	\$7,537.18	O
1022545	24-Jul-24	2014	ANDREW MCCLARY	\$892.50	O
1022546	24-Jul-24	9094	COLORADO MOBILE DRUG	\$68.00	O
1022547	24-Jul-24	9538	FAMILY SUPPORT PAYMEN	\$36.92	O
1022548	24-Jul-24	1085	MORGAN CO FAMILY CENT	\$4,448.28	O
1022549	24-Jul-24	83	MORGAN COUNTY CENTRA	\$18,046.74	R
1022550	24-Jul-24	86	MORGAN COUNTY GENERA	\$500,000.00	R
1022551	24-Jul-24	1463	ODP BUSINESS SOLUTIONS	\$617.83	O
1022552	24-Jul-24	8606	SHILOH HOME, INC	\$5,138.32	O
1022553	24-Jul-24	9715	TRAILHEAD INSTITUTE	\$8,043.61	O
1022554	31-Jul-24	8449	AMERICAN FIDELITY ASSUR	\$6,527.89	O

Check Register**Morgan County Government**

31-Jul-24

From: 01-Jul-24 To: 31-Jul-24

Check No	Check Date	VendorNo	Vendc-	Check Amount	Statu
1022555	31-Jul-24	8450	AMERICAN FIDELITY ASSUR	\$981.50	
1022556	31-Jul-24	9241	ARAPAHOE CO DEPT OF FI	\$3,709.20	O
1022557	31-Jul-24	2391	C H P	\$77,871.05	O
1022558	31-Jul-24	3629	C H S D A	\$6,666.00	O
1022559	31-Jul-24	8458	CENTER FOR HEALING TRA	\$275.00	O
1022560	31-Jul-24	1954	JAMIE SUE MILES	\$62.50	O
1022561	31-Jul-24	1996	LABCORP	\$114.00	O
1022562	31-Jul-24	1104	MORGAN CO TREASURER	\$68,879.21	O
1022563	31-Jul-24	86	MORGAN COUNTY GENERA	\$125,000.00	O
1022564	31-Jul-24	2006	MORGAN COUNTY TREAS	\$10,457.53	O
1022565	31-Jul-24	6164	MORGAN COUNTY TREASU	\$29,371.31	O
1022566	31-Jul-24	5780	NEBRASKA CHILD SUPPOR	\$400.00	O
1022567	31-Jul-24	378	PREPAID LEGAL SERVICES	\$124.60	O
1022568	31-Jul-24	483	STERLING COMMUNITY	\$70.00	O
1022569	31-Jul-24	9375	TEXAS LIFE INSURANCE CO	\$580.68	O
			Bank Total:	\$933,911.21	

CERTIFICATION OF PROVIDER, VENDOR AND BENEFIT AUTHORIZATIONS

State of Colorado)
) ss.
 County of Morgan)

I, Jacque Frenier, Director of Human Services of Morgan County, Colorado, hereby certify that the payments as set forth on accounts listed below, on pages attached, are made to the respective payees in the amounts set opposite their names, and totaling the sum as indicated for the month of July, 2024. These are actual payments paid in the month of July, 2024. These payments may include benefits from prior months.

Date	Director- Jacque Frenier
Temporary Assistance for Needy Families (TANF)	\$57,648.25
Child Care	\$77,585.34
Foster Care	\$65,281.16
Sub Adopt/RGRDS	\$37,903.20
Child Welfare/Case Services	\$00.00
Core Services	\$14,966.66
LEAP	\$00.00
Aid to Needy Disabled (AND)	\$5,140.50
Old Age Pension (OAP)	\$15,989.48
Food Assistance Benefits (Food Stamps)	\$613,827.00
PEBT-Food Assistance Benefits (School)	\$585,840.00
Employment 1st	\$1,850.00
Total	\$1,476,031.59

APPROVAL BY COUNTY BOARD OF HUMAN SERVICES

State of Colorado)
) ss.
 County of Morgan)

I, Mark Arndt, Chairman of the Board of Human Services of Morgan County, Colorado, hereby certify that the authorizations set forth herein have this date been approved, and reimbursement to the state for the county share in the amount listed above is approved.

Date Chair

EBT-Provider, Vendor, Benefit Authorizations

	Jan-22	Feb-22	Mar-22	Apr-22	May-22	June-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	YTD total
TANF	\$38,428.24	\$40,930.53	\$42,520.10	\$51,381.94	\$38,937.00	\$41,772.31	\$49,351.26	\$51,931.88	\$49,294.93	\$50,160.31	\$54,511.35	\$53,792.20	\$563,012.05
Child Care	\$41,632.29	\$40,854.91	\$56,569.35	\$45,574.81	\$46,195.05	\$61,353.09	\$51,360.95	\$55,237.46	\$68,423.34	\$55,442.70	\$55,157.92	\$65,273.24	\$643,075.11
Foster Care	\$32,361.85	\$33,861.87	\$32,171.14	\$36,812.69	\$38,213.81	\$41,464.31	\$37,700.14	\$43,557.07	\$55,295.84	\$53,317.86	\$64,284.81	\$58,371.30	\$527,412.69
Sub Adopt/ RGRDS	\$38,786.72	\$37,694.12	\$33,923.96	\$37,558.67	\$35,897.10	\$37,093.67	\$36,233.10	\$36,535.67	\$37,614.67	\$35,834.10	\$37,000.67	\$37,970.40	\$442,142.85
Core Services	\$15,127.91	\$15,459.16	\$14,179.16	\$15,555.41	\$12,788.66	\$12,521.66	\$13,231.66	\$13,776.66	\$12,766.66	\$14,339.16	\$14,732.66	\$11,641.00	\$166,117.76
LEAP	\$20,390.08	\$94,921.39	\$40,041.94	\$18,177.71	\$11,614.48	\$383,947.34	\$211.96	\$0.00	\$0.00	\$0.00	\$60,569.70	\$23,891.46	\$653,566.06
AND	\$7,789.74	\$10,398.91	\$5,181.83	\$4,904.50	\$5,823.50	\$10,200.56	\$6,097.64	\$5,819.50	\$6,370.17	\$7,596.03	\$6,155.50	\$7,553.73	\$83,891.61
OAP	\$20,653.51	\$20,684.13	\$23,099.47	\$23,673.31	\$25,284.64	\$66,780.55	\$23,238.37	\$24,266.37	\$21,132.12	\$24,587.19	\$20,456.65	\$23,615.62	\$317,471.93
Food Stamps	\$803,311.00	\$835,384.00	\$868,412.00	\$882,059.00	\$879,995.00	\$904,016.00	\$888,007.00	\$973,026.88	\$891,496.00	\$1,012,168.00	\$1,010,128.00	\$1,043,201.00	\$10,991,203.68
PEBT Food Stamps	\$8,947.84	\$0.00	\$0.00	\$0.00	\$4,194.20	\$0.00	\$0.00	\$32,575.00	\$89,958.00	\$0.00	\$0.00	\$1,520,208.00	\$1,655,883.04
Empl 1st	\$25.00	\$0.00	\$50.00	\$0.00	\$0.00	\$235.00	\$0.00	\$0.00	\$1,050.00	\$250.00	\$0.00	\$0.00	\$1,610.00
Total	\$1,027,454.18	\$1,130,189.02	\$1,116,148.95	\$1,115,698.04	\$1,098,941.44	\$1,559,384.49	\$1,105,432.08	\$1,236,726.29	\$1,233,401.73	\$1,253,695.35	\$1,322,997.26	\$2,845,317.95	\$16,045,386.78

monthly average \$1,337,115.57

	Jan-23	Feb-23	Mar-23	Apr-23	May-23	June-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	YTD total
TANF	\$54,036.87	\$54,849.00	\$51,902.21	\$51,078.42	\$54,378.00	\$57,200.26	\$58,941.40	\$52,292.00	\$53,239.86	\$52,405.00	\$50,821.95	\$54,627.86	\$645,772.83
Child Care	\$42,917.45	\$52,277.38	\$73,224.69	\$56,882.54	\$55,711.56	\$78,242.90	\$72,343.02	\$93,485.15	\$81,286.04	\$81,469.46	\$97,145.36	\$78,463.32	\$863,448.87
Foster Care	\$55,042.17	\$49,542.33	\$41,350.44	\$46,682.49	\$46,416.75	\$43,199.02	\$40,142.10	\$43,280.97	\$43,355.03	\$38,455.42	\$39,155.99	\$40,140.32	\$526,763.03
Sub Adopt/ RGRDS	\$38,851.77	\$39,166.84	\$35,684.59	\$38,460.46	\$36,919.80	\$38,104.46	\$35,654.80	\$36,724.46	\$38,819.46	\$35,239.80	\$36,414.46	\$34,816.68	\$444,857.58
CW/Case Services								\$418.60	\$1,482.60	\$1,104.40	\$560.01	\$252.80	\$3,818.41
Core Services	\$13,000.16	\$12,418.66	\$13,340.16	\$15,357.91	\$14,400.41	\$15,061.66	\$11,585.41	\$20,301.66	\$15,186.66	\$13,502.21	\$17,208.86	\$7,621.07	\$168,982.83
LEAP	\$24,986.84	\$85,162.45	\$22,104.02	\$14,104.50	\$10,295.08	\$71,902.98	\$0.00	\$0.00	\$0.00	\$0.00	\$50,825.16	\$31,131.97	\$310,513.00
AND	\$6,572.00	\$6,740.14	\$9,630.85	\$8,353.20	\$10,174.00	\$10,688.00	\$8,957.59	\$8,314.00	\$10,078.00	\$9,082.33	\$7,679.00	\$7,621.07	\$103,890.18
OAP	\$20,742.30	\$23,827.52	\$21,564.54	\$20,993.26	\$21,927.30	\$85,771.65	\$19,532.38	\$17,751.15	\$20,581.95	\$44,048.45	\$22,359.63	\$23,142.34	\$342,242.47
Food Stamps	\$1,049,085.00	\$1,007,575.00	\$656,634.60	\$621,165.00	\$631,321.00	\$636,839.00	\$617,474.00	\$610,409.00	\$603,353.00	\$647,804.88	\$630,117.00	\$631,913.00	\$8,343,690.48
PEBT Food Stamps	\$30,132.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$357,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$387,132.00
Empl 1st	\$2,150.49	\$1,225.00	\$1,650.00	\$1,500.00	\$1,350.00	\$2,150.03	\$1,688.43	\$3,677.00	\$3,236.00	\$3,335.50	\$1,795.00	\$2,185.00	\$25,942.45
Total	\$1,337,517.05	\$1,332,784.32	\$927,086.10	\$874,577.78	\$882,893.90	\$1,039,159.96	\$1,223,319.13	\$886,653.99	\$870,618.60	\$926,447.45	\$954,080.42	\$911,915.43	\$12,167,054.13

monthly average \$1,013,921.18

	Jan-24	Feb-24	Mar-24	Apr-24	May-24	June-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	YTD total
TANF	\$52,987.49	\$48,500.00	\$48,249.59	\$62,830.60	\$50,279.27	\$52,576.11	\$57,648.25						\$373,071.31
Child Care	\$73,659.89	\$102,276.96	\$81,055.95	\$75,470.68	\$96,943.72	\$75,050.57	\$77,585.34						\$582,043.11
Foster Care	\$39,877.38	\$52,791.18	\$54,523.88	\$59,739.21	\$55,553.18	\$64,607.52	\$65,281.16						\$392,373.51
Sub Adopt/ RGRDS	\$36,950.98	\$37,030.65	\$33,653.34	\$35,974.26	\$38,550.08	\$39,078.57	\$37,903.20						\$259,141.08
CW/Case Services	\$326.40	\$410.00	\$451.50	\$125.00	\$386.00	\$125.00	\$0.00						\$1,823.90
Core Services	\$22,598.88	\$18,136.66	\$16,948.66	\$12,554.16	\$14,282.16	\$15,242.66	\$14,966.66						\$114,729.84
LEAP	\$20,318.48	\$124,580.93	\$21,633.46	\$10,655.13	\$10,236.98	\$1,280.86	\$0.00						\$188,705.84
AND	\$6,873.83	\$5,969.83	\$6,317.16	\$6,327.14	\$6,528.05	\$6,839.50	\$5,140.50						\$43,996.01
OAP	\$18,425.91	\$20,042.63	\$21,321.55	\$21,139.23	\$18,921.06	\$84,875.37	\$15,989.48						\$200,715.23
Food Stamps	\$612,454.00	\$598,509.00	\$595,837.58	\$602,873.00	\$603,119.00	\$602,228.00	\$613,827.00						\$4,228,847.58
PEBT Food Stamps	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$585,840.00						\$585,840.00
Empl 1st	\$1,000.00	\$1,844.00	\$1,615.00	\$1,200.00	\$1,670.00	\$1,350.00	\$1,850.00						\$10,529.00
Total	\$885,473.24	\$1,010,091.84	\$881,607.67	\$888,888.41	\$896,469.50	\$943,254.16	\$1,476,031.59	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,981,816.41

monthly average \$947,782.54

EBT Last month to Current month comparison

Program	Cases	July 24	June 24	Difference
TANF		\$57,648.25	\$52,576.11	\$5,072.14
Child Care		\$77,585.34	\$75,050.57	\$2,534.77
Foster Care	16 / 20	\$65,281.16	\$64,607.52	\$673.64
Sub Adopt/ RGRDS	72 / 72	\$37,903.20	\$39,078.57	(\$1,175.37)
Child Welfare/Case Serv		\$0.00	\$125.00	(\$125.00)
Core Services	69 / 85	\$14,966.66	\$15,242.66	(\$276.00)
LEAP		\$0.00	\$1,280.86	(\$1,280.86)
AND		\$5,140.50	\$6,839.50	(\$1,699.00)
OAP	78 / 83	\$15,989.48	\$84,875.37	(\$68,885.89)
Food Stamps	1883 / 1880	\$613,827.00	\$602,228.00	\$11,599.00
PEBT Food Stamps		\$585,840.00	\$0.00	\$585,840.00
Empl 1st		\$1,850.00	\$1,350.00	\$500.00
Total		\$1,476,031.59	\$943,254.16	\$532,777.43

Year to Year By month

Program	Cases	July 24	July 23	Difference
TANF		\$57,648.25	\$58,941.40	(\$1,293.15)
Child Care		\$77,585.34	\$72,343.02	\$5,242.32
Foster Care	16 / 23	\$65,281.16	\$40,142.10	\$25,139.06
Sub Adopt/ RGRDS	72 / 72	\$37,903.20	\$35,654.80	\$2,248.40
Child Welfare/Case Serv		\$0.00		\$0.00
Core Services	69 / 61	\$14,966.66	\$11,585.41	\$3,381.25
LEAP		\$0.00	\$0.00	\$0.00
AND		\$5,140.50	\$8,957.59	(\$3,817.09)
OAP	78 / 102	\$15,989.48	\$19,532.38	(\$3,542.90)
Food Stamps	1883 / 1945	\$613,827.00	\$617,474.00	(\$3,647.00)
PEBT Food Stamps		\$585,840.00	\$357,000.00	\$228,840.00
Empl 1st		\$1,850.00	\$1,688.43	\$161.57
Total		\$1,476,031.59	\$1,223,319.13	\$252,712.46

AGREEMENT OF EXEMPT ENTITY TO MAKE PAYMENT IN LIEU OF TAXES

This Agreement is made and entered into this 22nd day of August, 2024 ("Effective Date") between the Morgan County, Colorado, through its Board of County Commissioners with an address of 218 Kiowa Avenue, Fort Morgan, Colorado 80701, a political subdivision of the State of Colorado, hereinafter referred to as "County," and the Parker Water and Sanitation District, whose address is 13939 Ancestry Drive, Parker Colorado 80134, a special district organized under the laws of Colorado, hereinafter referred to as "District."

WHEREAS, the District purchased certain agricultural real estate properties situated in Morgan County, Colorado, and such properties are identified by tax schedule number in Exhibit A, attached hereto and fully incorporated herein as if fully set forth herein:

WHEREAS, real property owned by the District is exempt from ad valorem property taxation pursuant to Colorado law;

WHEREAS, at the time the District purchased the properties described in Exhibit A, it recognized that withdrawal of property from the county tax rolls as a result of its purchase of the properties may have an undesirable financial impact on the County and desires to commit to pay the County an amount equal to the ad valorem taxes that would otherwise be due if the property was not owned by a tax-exempt governmental entity; and

WHEREAS, the District wishes to reaffirm and memorialize that commitment in the form of this written agreement with the intent that the County may rely on the District's commitment in its levy, collection and expenditure of ad valorem property taxes.

NOW, THEREFORE, BE IT MUTUALLY UNDERSTOOD AND AGREED TO BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. Subject to the provisions of paragraph 4 hereof, commencing with the 2024 tax year and in each succeeding tax year thereafter for so long as the District owns the properties described in the attached Exhibit A, the District hereby agrees to remit to the County, annually, a voluntary payment in lieu of taxes which shall be equal to the amount that would otherwise be assessed and collected for ad valorem taxation purposes but for the acquisition and ownership of the property by the District, any other law to the contrary notwithstanding. The payment in lieu of taxes contemplated in this Agreement is intended to compensate the County for the loss of valuation for assessment which would otherwise occur in the absence of this Agreement. In addition to these payments, within sixty days of the Effective Date of this Agreement, the District agrees to pay \$60.58, which represents the amount of the 2023 taxes, imposed as a result of the County's mill levies, were reduced as a result of the District's purchase of these properties.
2. The District's payments in lieu of taxes shall be remitted to the County at the same time and in the same manner as all other real property taxes. The amount of the annual payments in lieu of taxes will be equal to the amount of taxes which would otherwise be assessed to the properties if the properties were not owned by a tax-exempt entity. Said payments may be adjusted annually by the Morgan County Assessor and Morgan County Treasurer, or the Morgan County Board of Commissioners sitting as the Morgan County Board of Equalization, to conform with current mill

levies, assessment practices, and any changes in the value of the land and improvements, all as determined by the requirements of state statutes and Colorado Division of Property Taxation guidelines for assessment of similarly situated properties.

3. It is recognized by the parties to this Agreement that the County will rely on the promises of the District herein contained in its functions of assessing, levying and collecting all county ad valorem property taxes and payments in lieu of taxes, and in budgeting the expenditure of same for public purposes.

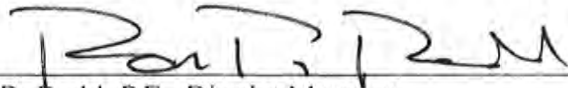
4. The provisions above and hereafter stated to the contrary notwithstanding, the parties understand and acknowledge that the District is a Colorado special district and political subdivision and is therefore legally subject to and obligated to adhere to the provisions of Article 10, §20(4)(b) of the Colorado Constitution and C.R.S. § 29-1-101, et seq., as amended. Accordingly, the obligations assumed hereunder by the District are expressly understood, acknowledged and agreed to be subject to annual appropriation by the Board of Directors of the District. In the event the Board of Directors of the District should determine not to appropriate the funds identified hereunder as necessary to make any annual payment in lieu of taxes assessed, the District shall notify the County in writing on or before November 15th of the year preceding the year in which such payment in lieu of taxes would be due, and the County may take such action as the County deems necessary and appropriate. Notwithstanding the present intent of the parties faithfully to perform the mutual promises set forth herein, the parties have included this paragraph 4 solely for the purpose of acknowledging the constitutionally and statutorily mandated duties and obligations of the District, and for no other purpose.

5. Any and all payments in lieu of taxes received by the County pursuant to the terms of this Agreement shall constitute the entire tax payment relating to the properties identified herein to which the County shall be entitled. Tenants of District-owned property will be assessed ad valorem property taxes for their possessory interests in such property to the extent their interests are otherwise taxable. However, by accepting payment in lieu of taxes from the District as set forth herein, and so long as payments in lieu of taxes which would otherwise be assessed to the identified properties are appropriated and timely made by the District each assessment year, the County agrees it shall not collect payment of ad valorem taxes from any tenant of the District as to such tenant's possessory interest(s) in the identified properties but shall apply the payments in lieu of taxes received from the District to the accounts of the tenant's possessory interests appearing on the tax roll in satisfaction of those tax obligations.

6. This Agreement constitutes the entire agreement of the parties relating to the subject hereof, and any prior agreements, whether oral or written, have been merged and integrated into this Agreement. No subsequent modification of any of the terms of this Agreement shall be valid and binding upon the parties, or enforceable, unless made in writing and signed by the parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first set forth above.

PARKER WATER AND SANITATION DISTRICT,
a Colorado special district



Ron R. Redd, P.E., District Manager

MORGAN COUNTY, COLORADO

Mark A. Arndt, Chair

Jon J. Becker, Commissioner

Gordon H. Westhoff, Commissioner

ATTEST:

Kevin Strauch, County Clerk



Exhibit A

Parcel Numbers: 1035-040-00-901, 1035-040-00-902, 0981-330-00-902



**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
COMPREHENSIVE PLAN UPDATE
RFP 2024-0801-001
September 17, 2024**

The Planning and Zoning Department received a DOLA grant to assist with the County’s 2008 Comprehensive Plan update. RFP 2024-0801-001 was sent out and we received 5 responses which are included in your packets. I also included a comparison spreadsheet showing the proposed phases of the project, time frame and costs. After reviewing the responses and contacting some listed references including the Park County Interim County Manager, the Huerfano County Administrator, the Montrose County Planner and the Cañon City Planner, I recommend using SCJ Alliance for \$99,964.49 as the best value for the County. SCJ Alliance currently has experience developing a plan for Montrose County which has several similarities to Morgan. I reviewed the draft comp plan for Montrose County and it appears that SCJ is providing a good quality product to Montrose.

My recommendation is to award RFP 2024-0801-001 to SCJ Alliance _____
Nicole Hay - Planning Administrator

Proposal Award: _____
Morgan County Board of Commissioners

Mark A Arndt – Chairman

Jon J Becker – Commissioner

Gordon H Westhoff – Commissioner

ATTEST:

Clerk to the Board



**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
COMPREHENSIVE PLAN UPDATE
RFP 2024-0801-001
September 17, 2024**

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	NJTT Consultancy	Houseal Lavigne (JR Eng and TetraTech)	SCJ Alliance (Community Attributes, Inc)	Electra Johnson Design & Planning	Y2 Consultants (Pickett & Assoc., Paul Whalen Design, Budd- Falen Law)
Location	India	Chicago, IL	Spokane, WA	Colorado Springs, CO	Cheyenne, WY
Phase #1	<ul style="list-style-type: none"> • Strategic Intergration & Oversight • Coordinating Planning Workshops (quarterly) 	<ul style="list-style-type: none"> • Project Initiation & Project Management • Staff Coordination Call (REMOTE) • Meeting with County staff, PC & BoCC (IN PERSON) • Kickoff meeting-review scope of work - discuss goals, timeline, key deliverables - share info about potential issues & concerns - rvw admin proceedures & upcoming meetings • Staff Led Tour of County • Meet with key dept heads • Roundtable discussions with County elected and appointed officials to capture sentiments • Advisory Committee workshop style discussion 	<ul style="list-style-type: none"> • Project management-manage schedules, invoicing, general coordination and workload • Kickoff meeting key stakeholders, introduce project scope, set expectations • Community Engagement Plan-developpe stategies for effective and tailored community involvement and project timeline • Review existing plans, regs, comm resources • Gather & create GIS layers • Finalize public engagement plan (PM) 	<ul style="list-style-type: none"> Project management • kickoff and planning <ul style="list-style-type: none"> -meeting with County staff -develop detailed project schedule outlining tasks, milestones and deadlines -Establish communication protocols and management tools • Ongoing Project Oversight <ul style="list-style-type: none"> -monitor project progress -Facilitate regular coordination meetings with planning staff and stakeholders -Provide monthly progress reports • Compliance and quality assurance <ul style="list-style-type: none"> -ensure all activities comply with CRS and regs of DOLA 	<ul style="list-style-type: none"> Project Management •Refine project plan/scope of work, schedule, budget -Develop plan for periodic reviews w/ elected officials, appointed Commission members, staff, stakeholders, and other agencies (mostly virtual) -Develop public engagement plan. Identify methos of communication • Project Kickoff <ul style="list-style-type: none"> -meet with Board and project team -discuss and refine scope, coordination plan and public engagement -Identify relevant data, documents and potential sources -Identify relvant local stakeholders -Establish CP steering committee •Research & Data Gathering <ul style="list-style-type: none"> -Research to understand history, character adn activity patterns -Review existing plans -Info relating to recent permitting and development trends -Exisitng and proposed State statutes -Colorado programs to aid Counties -Suporting studies or data sources •Morgan County Land Use Tour <ul style="list-style-type: none"> -tour of specific development sites •Public Input Survey #1

	NJTT Consultancy	Houseal Lavigne (JR Eng and TetraTech)	SCJ Alliance (Community Attributes, Inc)	Electra Johnson Design & Planning	Y2 Consultants (Pickett & Assoc., Paul Whalen Design, Budd-Falen Law)
Phase #2	<p>Innovative Engagement Platforms-Online, pop-up booths & smartphone engagement</p> <ul style="list-style-type: none"> •Educational campaigns •Community Vision booklet •Comprehensive Data Integration-Enhance GIS platform •Infrastructure Resilience Mapping-community led 	<ul style="list-style-type: none"> • Face to face & web based public interaction • Website-Project Information Hub linked to County site to provide interactive infor, schedules, display graphics, maps, draft docs, questions, etc • Map-Social: interactive mapping tool that allows comm to identify, map and comment on geographic areas of concern and value • Stakeholders-confidential interviews with up to 12 stakeholders chosen by County staff and elected officials who my provide a broad spectrum of info •Business and Community Workshops • Exisitng Conditions Memo- based on engagement key themes, past plans and studies, info from County and partern agencies, community service providers <ul style="list-style-type: none"> -Demographic profile -Exisitng Land Use and Development -Transportation -Community Facilities (Includes Parks and open space) -Natural Environment, Water Conservation, Sustainability & Resiliency • County Staff review of memo (REMOTE) • Advisory Committee Working Session (IN PERSON) 	<p>Public & Stakeholder Engagement</p> <ul style="list-style-type: none"> -5 events, public meetings in-person and virtual to gather pertinent information • Engagement Plan Implementation <ul style="list-style-type: none"> - Project Team Meetings -Consultant team and County -Community Listening Posts-In-person and virtual -Art Vision Board - installed 1 wk before to get community ideas -Visioning Charette- 3 to 4 days of intensive engagement visioning workshop -Survey Roll out - community survey (open for 2-3 weeks) -Stakeholder Interviews - specific questionrelating to the future and vision of the County -Community workshop -community wide workshopto discuss what has been heard • Spring Rollout Engagement <ul style="list-style-type: none"> -Rollout Workshop to plan goals, policies and implementation fCP, gather feedback • Getting word out and keeping community engaged <ul style="list-style-type: none"> -Ongoing Engagement -Dedicated Community Newsletter with regular updates -Interactive Plan - website -Use social media platforms -Signage though downtown (all?) -Flyers and mailers as appropriate -Surveys and visual preferencing -Coordinated project website with Comprehensive and Economic Development and Tourism strategic plans -Coordinated thoughtful efforts • Adoption -team will help with proceedings (phase 5) • Draft Plan's principles & Strategies policy • Cont. GIS efforts • Draft Priority Action Boards for public review • Develop public Core Values Video 	<p>Public & Stakeholder Engagement</p> <ul style="list-style-type: none"> • Engagement strategy Development - Design engagement strategy to reach all sectors - Identify key stakeholders including underserved and underrepresented groups • Public Meeting and workshops <ul style="list-style-type: none"> - organize and facilitate workshops and open houses in various locations - Host thematic workshops-housing, land use, economic development and environmental sustainablity • Online and social media engagement <ul style="list-style-type: none"> -Create online information hub for residents to access info and provide feedback -Utilize social media • Surveys and Feedback <ul style="list-style-type: none"> -Distribute online and paper surveys - Analyze survey and incorporate feedback into planning process 	<p>Public & stakeholder engagement and community assessment</p> <ul style="list-style-type: none"> •Gather stakeholder input, GIS will be leveraged to facilitate conversations and education, interview stakeholders, meeet with various intrest groups -Draft report •Public Survey 2 <ul style="list-style-type: none"> -conduct surveys, public meetings and utilize public website •Public Land Use Charette <ul style="list-style-type: none"> -hold in-person public meetingusing large format paper map -continueparticipation in GIS based format •Generate Public Input Summary Report

	NJTT Consultancy	Houseal Lavigne (JR Eng and TetraTech)	SCJ Alliance (Community Attributes, Inc)	Electra Johnson Design & Planning	Y2 Consultants (Pickett & Assoc., Paul Whalen Design, Budd-Falen Law)
Phase #3	<p>Future Needs & Trends</p> <ul style="list-style-type: none"> • Interactive workshops and scenario planning • Future Scape Simulations-advance and long term modeling • Infrastructure analysis • Zoning & Subd regulation review and proposal • Eternal Infrustructure Plan • Analze and recommend strategies for diversifying economy • Engage Community indentifying future needs • Establish framework for monitoring & evaluating stategies 	<ul style="list-style-type: none"> • Plan visioning & Future Nees & Trends Analysis - will help determine (IN PERSON) • Future needs & trends Analysis Memo outlining expected recommendation (IN PERSON) • County staff review (REMOTE) • Advisory Committee Working session (REMOTE) 	<ul style="list-style-type: none"> • Community Assessment-gathering infoto paint clear picture <ul style="list-style-type: none"> -Data collection-existing plans, demeographics and geographic information -Demographics and Trends -Economic Development Conditions -SWOT Analysis -Trends and demands analysis 	<p>Community assessment</p> <ul style="list-style-type: none"> • Data collection and analysis - Gather and analyze data on exisiting land use, infrastructure, parks and other CP elements - Engage local experts and staff to validate findings • Current trends and demands - identify trends and demands impacting county - Assess state of public services and infrastructure •Reporting -Compile findings into community assessment report - Present report to project team and stakeholders 	<p>Data Analysis</p> <ul style="list-style-type: none"> •Public Input and Existing Data Analysis -Utilize GIS to complete comprehensive analysis, exisitng LU, developable land area, infrastructure, parks, and other CP elements -Conduct standard statistacal workflows -Scenario analysis for hierarchy matrices -Quantify and analyze areas for each land use category, % breakdown • Public Input Summary
Phase #4	<p>Alternative Development</p> <ul style="list-style-type: none"> •Renewable Energy & Economic Growth • Biomass Energy Projects • Water Conservation & Infrustructure Efficiency • Affordable Housing and Mixed Use Development • Tourism Development and Economic Diversification • Governemnt Efficiency and Community Resilience • Projected Capital Improvements 	<ul style="list-style-type: none"> • Alternatives Development-prep prelim County-wide policies and recommendations for core CP update elements • Prepare draft CP update elements <ul style="list-style-type: none"> -Land Use and development -Housing/Affordable Housing -Economic Development and tourism -Environment, Water conservation, renewable energy, sustainability and resiliency -Circulation and Transporation -Utilites, public facilities and services and capital improvements -Parks, recreation and open space - Governement Efficiency • Staff Review (REMOTE) • Advisory committee Working Session (IN PERSON) • PC and Bocc roundtable (IN PERSON) • Staff rvw with CT of Vision Goals, Prelim Land Use Map before distribution (REMOTE) • Project Team Meeting (BOT & PZ) about Vision Goals & Prelim Land Use (REMOTE) 	<ul style="list-style-type: none"> • Future trands, growth management, Economic Development analysis and impacts-current conditions, future population projections, economy, LU, utilites, recreation, transportation, public infrastructure • Zoning and Subd Regs review and recommendations - memo with recommendations 	<p>Future needs and trends analysis</p> <ul style="list-style-type: none"> • trend analysis -analyze trends-population, economic development, housing, land use, utilites, recreation and transportation -Develop growth scenarios to understand impacts and opportunities • Economic and Fiscal Analysis -Assess, review and analyze data on local economy, infrastructure and public services • Regulatory review -Examine current zoning and sub regs, identify areas for improvement -propose updates to align with best practices and goals 	<p>Future Development & trend analysis</p> <ul style="list-style-type: none"> • Develop Projected growth scenarios •Growth scenario application and recommendation development -Utilize GIS based models to analyze growth rates, LU patterns, infrastructure needs and environmental impacts -With staff identify concerns •Identify Future growth areas -utilyze GISmodels to identify best locations for developments -Identify future growth corridors •Regulation Review and Recommendations •Development of Future LU alternatives and prelim updated plan chapter drafts -based on growth scenario modeling draft updated future LU maps, draft updated chapters based on public input, spatial analysis and growth models

	NJTT Consultancy	Houseal Lavigne (JR Eng and TetraTech)	SCJ Alliance (Community Attributes, Inc)	Electra Johnson Design & Planning	Y2 Consultants (Pickett & Assoc., Paul Whalen Design, Budd-Falen Law)
Phase #5	Plan Development & Adoption <ul style="list-style-type: none"> Interactive Plan Drafting Implementation Strategy with visual roadmaps 	Implementation Strategy & Next Steps <ul style="list-style-type: none"> Draft Implementation Strategy Action Agenda-identify key projects & actions Staff Review (REMOTE) Advisory Committee Working Session (IN PERSON) PC and BoCC roundtable (IN PERSON) Community Open House-discuss draft CP update (IN PERSON) Final draft update to PC-hearing (IN PERSON) Final draft to BoCC for adoption (IN PERSON) Storymap (OPTIONAL) 	Alternatives Development-draft goals based on community input and analyzing existing conditions <ul style="list-style-type: none"> Vision, goals and objectives -GIS technology to analyze and visualize regional growth patterns Alternative Planning-growth scenario, economic trends, continually engage stakeholders in evaluation process to ensure scenarios reflect community priorities and concerns 	Alternatives Development <ul style="list-style-type: none"> Scenario Planning -develop and evaluate multiple growth scenarios -Identify creative solutions CP elements -Update existing and introduce new ones-housing, renewable energy, tourism, water conservation, sustainability - ensure alignment with community's vision and goals Stakeholder and public review - present draft alternatives to stakeholders and public for review and feedback incorporate feedback into final alternatives 	Alternative development scenarios & public draft review <ul style="list-style-type: none"> County staff and stakeholder draft plan and map review Based on comments, revise draft consider public input and develop final adoption draft -if necessary, facilitate collaborative review session -provide updated planfinal draft to staff, PC, BoCC
Phase #6	Implementation Strategy & Next Steps <ul style="list-style-type: none"> Community Implementation Ambassadors Long-term Implementation Forums Community outreach: rvw drafts Worksession w/ P&Z and BOT to rvw drafts Final Version & Adoption 		Plan Development & Adoption <ul style="list-style-type: none"> Plan draft Final Plan and Adoption, team will present final plan to PC. Support County staff in final adoption proceedings 	Plan Development and Adoption <ul style="list-style-type: none"> Drafting the plan - assemble user-friendly CP, clear content, graphics, diagrams and tables - Ensure plan is accessible and understandable Stakeholder review - present draft to project team, boards, commissions and stakeholders - revise based on feedback Public presentation and hearing Formal adoption - Facilitate formal adoption process with PC and BOCC 	Plan review & Adoption <ul style="list-style-type: none"> Adopt Updated LU plan -release draftfor required public review period (hard copy and electronic) -attend and provide support at Bocc hearing to consider public input on adoption draft Project Closeout
Phase #7			Implementation <ul style="list-style-type: none"> team will develop implementation plan with clear actions 	Implementation Strategy & Next Steps <ul style="list-style-type: none"> Developing Implementation Plan -Create detail implementation plan -Identify specific projects, programs and actions to achieve plan's goals Long-term evaluation framework -framework for review and updates -provide training and resources to staff Final reporting 	Implementation & Next steps <ul style="list-style-type: none"> Using and implementing the plan

	NJTT Consultancy	Houseal Lavigne (JR Eng and TetraTech)	SCJ Alliance (Community Attributes, Inc)	Electra Johnson Design & Planning	Y2 Consultants (Pickett & Assoc., Paul Whalen Design, Budd- Falen Law)
Firm Established		2004	2005	2008/2020	
Timeline	12 mo	13 mo	16 mo	10 mo	25 mo ?
Availability	Now	Now	Now	Now	Now
Cost of Services	\$375,500 (paid in phases)	\$238,135 (not to exceed)	\$99,964.49	\$130,000	\$249,960.91 (not to exceed)
Relevant Project & Community Experience		<ul style="list-style-type: none"> • El Paso County, CO CP • Milliken, CO CP • Cannon City, CO CP • Clarksville, TN CP • McHenry County, IL CP • Commerce City, CO CP 	<ul style="list-style-type: none"> • Chewelah, WA CP • Kettle Falls, WA • Grand County, UT • Hayden, ID CP • Montrose County, CO CP (Currently) 	<ul style="list-style-type: none"> • Huerfano County -31 AC master plan • City of Rocky Ford-Fairgrounds and Crstal Lake Master Plan CP • Walsenburg design program • Huerfano County trails master plan • Park County CP (currently) 	<ul style="list-style-type: none"> • Johnson County, WY CP • Carbon County, WY • Natural Resourse Management Plans WY, CO
Additional Information	<ul style="list-style-type: none"> • Additional cost-software, procurement of specialized tools or equipment, or hardware if needed • Cross-municipal collaboration 	<ul style="list-style-type: none"> • Engineer CDOT experience • Engineer exp dev innovative, practical, & cost effective solutions to stormwater and utility related projects 	"Robust public engagement"	<ul style="list-style-type: none"> • Interactive content like polls, Q&A • Thematic workshops 	GIS Alternate Scope: \$14,190.00 (web application-hosted by pickett) Attorney Review Alternate Scope (if legal review or any wayter law issues are encountered): \$350.00/hr

COMMISSIONERS CALENDAR

September 13, 2024 through September 24, 2024

September 13, 2024	10:00 A.M.	CCI Eastern District Meeting (Washington County Fairgrounds)
September 16, 2024	10:00 A.M. 11:30 A.M. 1:00 P.M. 3:00 P.M.	MCSO Budget Meeting Economic Development/Lodging and Tourism Budget Meeting Public Works Budget Meeting Ambulance Budget Meeting
September 17, 2024	9:00A.M. 9:05 A.M. <small>Hearing Immediately following Board Meeting</small>	DHS Financial Meeting Board of County Commissioners Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.) *Heather Haffke *Morgan County
	11:30 A.M. 3:00 P.M.	DHS Budget Meeting Building Maintenance Budget Meeting
September 18, 2024	8:00 A.M. 10:00 A.M.	Brush Chamber of Commerce (Westhoff) NECALG (Westhoff)
September 19, 2024	8:00 A.M.	KFTM Radio Interview
September 20, 2024	10:00 A.M.	CCI Steering Committee Meeting
September 23, 2024	9:30 A.M. 11:00 A.M. 1:00 P.M. 2:00 P.M.	DHS Agency Meeting HR Department Meeting BCC Office Meeting Public Works Department Meeting
September 24, 2024	7:00 A.M. 10:00 A.M. 1:00 P.M. 2:00 P.M.	Fort Morgan Chamber of Commerce (Westhoff) County Attorney Office Hours MCEDC Department Meeting Solid Waste Department Meeting

Unless otherwise noted, all meetings with department heads and other non-BOCC 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

Posted 09/13/2024 @ 4:00 P.M. by Mindi Cloyd, Administrative Services Manager

** All meetings are held in the Commissioner's Office located at 218 West Kiowa Avenue, Fort Morgan unless otherwise noted

*Any meeting or event scheduled to be held at the Commissioners' Offices (218 West Kiowa Avenue, Fort Morgan, CO) will be relocated to a site with handicapped access upon request. For special assistance for the Morgan County Board of Commissioners meeting, please notify us 48 hours before the scheduled agenda item. Please call (970)542-3500, extension 1410, to request accommodation.

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- **Original Submittal**
 - Application
 - Right to Farm
- **Applicant Narrative**
- **Site Plan / Maps**
- **Proof of Ownership**
 - Current Title Insurance Commitment
- **Utilities / Access**
 - Water
 - Septic
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 - Driveway Permit
- **Additional Application Information**
 - Tax Account Statement
- **Landowner Letters, Referrals & Responses**
 - Landowner Letter sent & Responses Received
 - Referral Sent & Responses Received
 - Notification



**MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT**

August 9, 2024

Heather Haffke
4970 CO RD L
Wiggins, CO 80654
Sent via email: [REDACTED]

Dear Applicant/Landowner:

Your Application for an Amended Plat will go to review and decision by the Board of County Commissioners. The hearing for the Board of County Commissioners will be held on **Tuesday, September 17th, 2024 at 9:00 A.M.**

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

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

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

FILE SUMMARY



**MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT**

**BOARD OF COUNTY COMMISSIONERS
FILE SUMMARY**

Hearing Date: September 17, 2024

**APPLICANT AND LANDOWNER:
Heather Haffke**

Heather Haffke, as applicant and the landowner of Lot 3, Delaney Minor Subdivision has submitted an application to our office for an Amended Plat, related to Lots 2 and 3 of the Delaney Minor Subdivision. The purpose of the application is to permanently vacate the 40' access easement over Lot 2 which serves Lot 3 and the cul de sac easement over Lot 3. This application does not request the vacation of the easement over Lot 1 or the vacation of the utility easement over Lot 2 for the benefit of Lot 3.

Lot 2 will continue to be able to use the access easement over Lot 1. Currently, temporary access to Lot 3 is from State Highway 52. If the amended plat is approved vacating the access easement over Lots 2 and 3, CDOT will issue a permanent permitted private access off of State Highway 52.

The property is zoned Agricultural Production and is in the Wiggins Fire District.

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

- (a) The plat vacation complies with these Subdivision Regulations and the original conditions of approval of the recorded plat.
- (b) No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.
The lots are currently conforming and will not change
- (c) The approval will not adversely affect the public health, safety, and welfare.
- (d) No land is left, by reason of this vacation, without an established public right-of-way or private access easement connecting the land with an established public road.
Lot 1 access is off of County Road L, Lot 2 will continue to use the driveway easement over Lot 1, and Lot 3 access will be off of State Highway 52.
- (e) A dedication or intent to dedicate has been established, where necessary.

This amendment will be done by resolution and will not require another plat.

Nicole Hay
Morgan County Planning Administrator

ORIGINAL SUBMITTAL

Original Application

Right to Farm



MORGAN COUNTY PLANNING,
 ZONING & BUILDING DEPT.
 231 Ensign, P.O. Box 596
 Fort Morgan, Colorado 80701
 PHONE (970)542-3526
 FAX (970)542-3509
 EMAIL permits_licensing@co.morgan.co.us

PERMIT # A02024 - 0001

Date Received 7/26/24 Received By JK
 Fee: Administrative Review \$400 Full Review \$ \$400⁰⁰
 Ck/CC #: 1142 Paid 7/26/24 Recording Fee \$
 Ck/CC #: Paid / / PC Date: / /
 100 Year Floodplain? Y/N Taxes Current? Y/N

BOUNDARY LINE ADJUSTMENT, AMENDED PLAT, REPLAT, AND PLAT VACATIONS APPLICATION

Landowner **MUST** Sign Application and Right to Farm Policy

APPLICANT

Name Heather Haffke
 Address 4970 County Rd L
Wiggins, CO 80654
 Phone
 Email

LANDOWNER

Name Heather Haffke
 Address 4970 County Rd L
Wiggins CO 80654
 Phone
 Email

SURVEYOR

Name Thomas Land Surveying Email Unknown
 Address 2119 W 11th St Rd Ste 24 Phone (970) 222-3311
Greeny, CO. 80634

Minimum Lot Size Requirements:

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

PROPERTY LEGAL DESCRIPTION AND TECHNICAL INFORMATION

Address of Property to be divided (or general location if not yet addressed): **Attach extra pages if needed*
4970 County Rd L Lot 3 of Delaney Minor Sub Replat of LT 1A Silvan
Wiggins, CO 80654

Parcel #: 1297-110-03-003 Zone District: A

S: 01 T: 2 R: 00 E 1/2 NE 1/4 1/4

Total acreage in parcel: 4.98 Number of lots to be created: None?

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

Distance and Direction to Nearest Community: Wiggins

PRESENT use of property Residence / Ag / childcare

PROPOSED use of property Same

SEE REQUIRED ATTACHMENT LIST ON BACK OF THIS PAGE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED OR PROCESSED

APPLICATION REQUIRED ATTACHMENT LIST

Additional information may be required by staff

Application Fee:

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

Project Narrative:

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

Site Plans/Maps:

- Plat map (survey) per requirements set forth in the Morgan County Subdivision Regulations Section 6-170-- **(SUBMIT ELECTRONICALLY)** *Not required for this application. Only vacating the easement for access for Haffke.*
- Improvement location certificate, including setbacks of existing structures, wells and septic system **(SUBMIT ELECTRONICALLY)**
- Include any **easements** required for the project-widths and other pertinent information.
May be required to supply copies of easement agreements

Proof of Ownership:

- Current** title insurance commitment (within last 6 months) *and T. Seagraves T.C.*
- Names, addresses and phone numbers for all property owners

Utilities/Access:

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

Technical:

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

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

Plat map recording fee

\$13.00 first page

\$10.00 per page thereafter

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

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

Additional Information required by staff: _____

Paper Application Sets Digital Copy of Complete Application
One sided only please

LANDOWNER AND APPLICANT STATEMENTS

Property taxes must be current prior to processing application.

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

Heather Hoffke 7-26-24
Applicant Signature Date

Heather Hoffke 7-26-24
Landowner Signature Date

Applicant Signature Date

Landowner Signature Date

MORGAN COUNTY RIGHT TO FARM POLICY / NOTICE

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

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

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

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

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

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

RECEIPT AND STATEMENT OF UNDERSTANDING

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

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

Heather Haffke 7-26-24
Signature Date
Heather Haffke
Printed Name
4970 County RD L
Address
Wiggins, Co. 80654

To Be Signed by Landowner

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

RECEIPT

Morgan County

231 Ensign, Fort Morgan, CO 80701

(970) 542-3526



AP2024-0001 | Amended Plat

Receipt Number: 545190

August 1, 2024

Payment Amount: \$400.00

<i>Transaction Method</i>	<i>Payer</i>	<i>Cashier</i>	<i>Reference Number</i>
Check	Heather Haffke	Jenafer Santos	1142

Comments

Paid 7/26/2024

Assessed Fee Items

Fee items being paid by this payment

<i>Assessed On</i>	<i>Fee Item</i>	<i>Account Code</i>	<i>Assessed</i>	<i>Amount Paid</i>	<i>Balance Due</i>
08/01/24	Amended Plat		\$400.00	\$400.00	\$0.00
Totals:			\$400.00	\$400.00	
				Previous Payments	\$0.00
				Remaining Balance Due	\$0.00

Application Info

Property Address	Property Owner	Property Owner Address	Valuation
04970 CO RD L WIGGINS, CO 80654	HAFFKE, HEATHER	4970 CO RD L WIGGINS, CO 80654	

Description of Work

Amended plat to vacate the access portion of the shared easement. The new access will be a permitted CDOT entrance off of HWY 52.

APPLICANT NARRATIVE

Project Narrative

Project Description

To vacate the access portion of the shared easement and keep utility access but have a permanent driveway with permit from CDOT. The goal of the project is to be approved for the vacating of an access portion of the easement which runs in front of 3 homes; mine is the last of the 3 and that access is my only way in and out currently.

Purpose of Request

The purpose of this request is to no longer be a part of the easement, vacate it permanently once permanent driveway is completed. This has come about due to circumstances of being locked in and out of my property from neighbor (and other incidents) in which I share a property line with to the north of me. It is also to have a permanent permit through CDOT instead of a temporary permit for driveway.

Additional information to show projects intent

This is included in the permit and applicable paperwork from CDOT

How project will relate to or impact existing adjacent uses

Insure of how project will relate or impact adjacent uses, but I'm confident that CDOT would be able to clarify that there are no negative impacts.

General topography of land and potential hazards

Report from CDOT with picture of topography, potential hazards unknown.

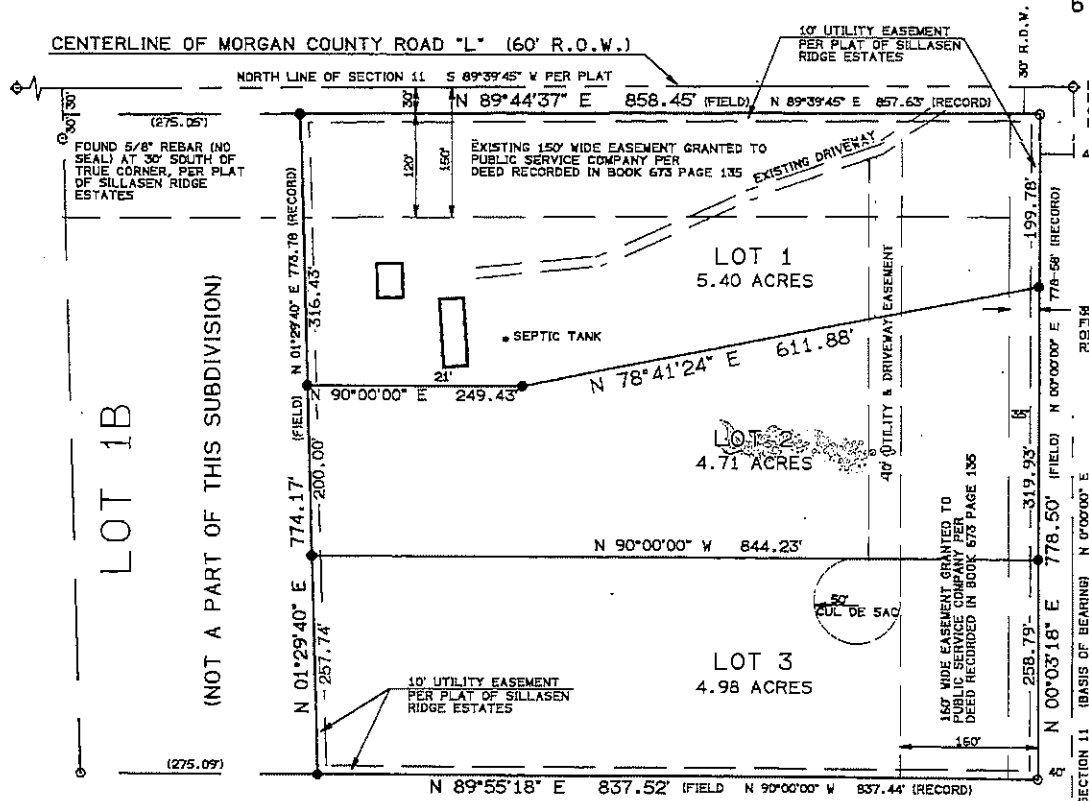
** Property is not in a floodplain

SITE PLAN / MAPS

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

DELANEY MINOR SUBDIVISION PLAT
 A REPLAT OF LOT 1A OF A REPLAT OF LOT 1 OF SILLASEN
 RIDGE ESTATES, PART OF SECTION 11 T. 2 N., R. 60 W.,
 6TH P.M., COUNTY OF MORGAN, STATE OF COLORADO.



SURVEYOR'S CERTIFICATE:

I, LARRY K. MCGONEGAL, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECTION.



LARRY K. MCGONEGAL
 PROFESSIONAL LAND SURVEYOR
 STATE OF COLORADO NO. 11648

OWNER:

BILL DELANEY
 4962 MORGAN COUNTY ROAD L
 WIGGINS, COLORADO 80664

OWNER'S REPRESENTATIVE:

SAME

PLANNING COMMISSION CERTIFICATE:

APPROVED THE 14th DAY OF October 2003 COUNTY PLANNING COMMISSION, MORGAN COUNTY, COLORADO.

David Wagon CHAIRMAN

COMMISSIONERS CERTIFICATE:

APPROVED THIS 5th DAY OF November 2003 BOARD OF COUNTY COMMISSIONERS, MORGAN COUNTY, COLORADO. THIS APPROVAL DOES NOT GUARANTEE THAT THE SIZE, SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUNDWATER 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 IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES, AND ALL OTHER IMPROVEMENTS THAT THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER, AND NOT THE COUNTY OF MORGAN.



ATTEST: *Janet Johnson* CLERK OF THE BOARD
Mark A. Redd CHAIRMAN

CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO
 COUNTY OF MORGAN

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 3:30 O'CLOCK P.M., THIS 8th DAY OF November 2003.

PLAT FILE #1500080, FEES \$11.00, PAID
 FOR A. JOHNSON
 RECORDER B 10
 JOEPUTY P 108



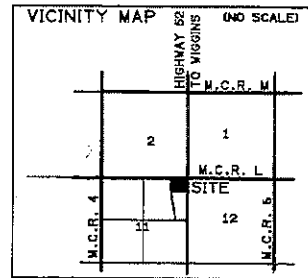
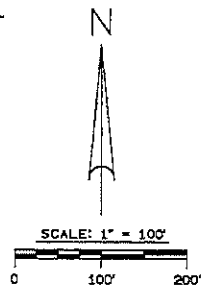
E 1/4 COR. SEC. 11
 FOUND 2 1/2" ALUM.
 CAP PLS 20676 IN
 MON. BOX

NOTICE

"PUBLIC NOTICE IS HEREBY GIVEN THAT ACCEPTANCE OF THIS PLATTED SUBDIVISION BY THE COUNTY OF MORGAN DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND OTHER IMPROVEMENTS REFLECTED HEREON FOR MAINTENANCE BY SAID COUNTY.

UNTIL SUCH ROAD AND OTHER IMPROVEMENTS MEET COUNTY REQUIREMENTS AND ARE SPECIFICALLY ACCEPTED BY THIS COUNTY BY RECORDING WITH THE CLERK AND RECORDER OF THIS COUNTY AN OFFICIAL ACCEPTANCE, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND OTHER IMPROVEMENTS AND RIGHTS-OF-WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND WITHIN THIS SUBDIVISION.

NOTICE IS FURTHER GIVEN THAT NO SUBDIVISION LOTS WILL BE ISSUED BUILDING PERMITS BY OFFICIALS OF THIS COUNTY FOR IMPROVEMENTS OF ANY NATURE ON ANY PROPERTY REFLECTED ON THIS PLATTED SUBDIVISION UNTIL SUCH TIME AS THE ACCEPTANCE AS HEREIN ABOVE DESCRIBED HAS BEEN FILED FOR RECORD WITH THE CLERK AND RECORDER OF THIS COUNTY, OR UNTIL OTHER SUITABLE PROVISION IS MADE FOR COMPLETION AND/OR MAINTENANCE OF THE ROADS AND OTHER IMPROVEMENTS.



LARRY K. MCGONEGAL, PLS
 16990 COUNTY ROAD 22
 FORT MORGAN, COLORADO 80701
 (970) 542-2380
 SEPTEMBER 16, 2003
 JOB NO. 2003-18

PROOF OF OWNERSHIP

Current Title Insurance Commitment (Haffke)

Current Title Insurance Commitment (Seagroves)

NORTHERN COLORADO TITLE SERVICES CO., INC.
205 W. KIOWA AVENUE
FORT MORGAN, CO 80701
TELEPHONE (970)867-0233 *** FAX (970)867-7750

DATE: July 23, 2024
ORDER NO.: NCT25125
PROPERTY ADDRESS: 4970 COUNTY ROAD L, Wiggins, CO 80654

OWNER/PURCHASER: HEATHER HAFFKE
TO BE DETERMINED

PLEASE DELIVER TO THE FOLLOWING CUSTOMERS:

To: HEATHER HAFFKE
[REDACTED] ATTN: HEATHER HAFFKE
Fax No.:

ATTACHED PLEASE FIND THE FOLLOWING ITEM(S) IN CONNECTION WITH THE ABOVE CAPTIONED ORDER. SHOULD YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED DOCUMENTATION, PLEASE CONTACT LINDA, BROOKE, LISA OR SHERYL. FOR CLOSING ASSISTANCE, PLEASE CONTACT LINDA OR LISA. WE APPRECIATE YOUR BUSINESS VERY MUCH AND LOOK FORWARD TO SERVING YOU IN THIS TRANSACTION.

**E-MAIL ADDRESS FOR CLOSING DOCUMENTS: closing@ncts.com
HAVE A WONDERFUL DAY!!!**

<input checked="" type="checkbox"/> COMMITMENT	<input type="checkbox"/> OWNERS TITLE POLICY
<input type="checkbox"/> AMT DUE IS ON SCHEDULE A (INVOICE)	
<input type="checkbox"/> PROPERTY REPORT	<input type="checkbox"/> MORTGAGEES TITLE POLICY
<input type="checkbox"/> AMT DUE IS ON PROPERTY REPORT (INVOICE)	
<input type="checkbox"/> MORTGAGE/FORECLOSURE GUARANTY	<input type="checkbox"/> DOCUMENTS
<input type="checkbox"/> SURVEY / ILC	<input type="checkbox"/> OTHER / INVOICE



ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)

ISSUED BY
STEWART TITLE GUARANTY COMPANY

NOTICE

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

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

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

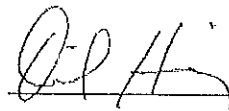
COMMITMENT TO ISSUE POLICY

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

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




Frederick H. Eppinger
President and CEO


David Hisey
Secretary

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

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Without Arbitration (07-01-2021)



COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- a. the Notice;
- b. the Commitment to Issue Policy;
- c. the Commitment Conditions;
- d. Schedule A;
- e. Schedule B, Part I - Requirements;
- f. Schedule B, Part II - Exceptions; and
- g. a countersignature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

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

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Without Arbitration (07-01-2021)



5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I - Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

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

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Without Arbitration (07-01-2021)



9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION (INTENTIONALLY DELETED)

STEWART TITLE GUARANTY COMPANY

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at: Stewart Title Guaranty Company, P.O. Box 2029, Mail Code: Policies 187, Houston, TX 77036.

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

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Without Arbitration (07-01-2021)



STEWART TITLE GUARANTY COMPANY PRIVACY NOTICE

This Stewart Title Guaranty Company Privacy Notice ("Notice") explains how Stewart Title Guaranty Company and its subsidiary title insurance companies (collectively, "Stewart") collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of your information. Pursuant to Title V of the Gramm-Leach Bliley Act ("GLBA") and other Federal and state laws and regulations applicable to financial institutions, consumers have the right to limit some, but not all sharing of their personal information. Please read this Notice carefully to understand how Stewart uses your personal information.

The types of personal information Stewart collects, and shares depends on the product or service you have requested.

Stewart may collect the following categories of personal and financial information from you throughout your transaction:

1. Identifiers: Real name, alias, online IP address if accessing company websites, email address, account name, unique online identifier, social security number, driver's license number, passport number, or other similar identifiers;
2. Demographic Information: Marital status, gender, date of birth.
3. Personal Information and Personal Financial Information: Name, signature, social security number, physical characteristics or description, address, telephone number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, credit reports, or any other information necessary to complete the transaction.

Stewart may collect personal information about you from:

1. Publicly available information from government records.
2. Information we receive directly from you or your agent(s), such as your lender or real estate broker;
3. Information about your transactions with Stewart, our affiliates, or others; and
4. Information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Stewart may use your personal information for the following purposes:

1. To provide products and services to you or in connection with a transaction.
2. To improve our products and services.
3. To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- a. To fulfill or meet the reason for which the information is provided.
- b. To provide, support, personalize, and develop our website, products, and services.
- c. To create, maintain, customize, and secure your account with Stewart.
- d. To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- e. To prevent and/or process claims.
- f. To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf pursuant to valid service provider agreements.
- g. As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- h. To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- i. To help maintain the safety, security, and integrity of our website, products and services, databases and other technology-based assets, and business.
- j. To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- k. Auditing for compliance with federal and state laws, rules and regulations.
- l. Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments.
- m. To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent throughout the course of your transaction (for example, a realtor, broker, or a lender). Stewart may disclose your personal information to a non-affiliated third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter in a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- a. Non-affiliated service providers and vendors we contract with to render specific services (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- b. To enable Stewart to prevent criminal activity, fraud, material misrepresentation, or nondisclosure.
- c. Stewart's affiliated and subsidiary companies.
- d. Non-affiliated third-party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you.
- e. Parties involved in litigation and attorneys, as required by law.
- f. Financial rating organizations, rating bureaus and trade associations.
- g. Federal and State Regulators, law enforcement and other government entities to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order.

The law does not require your prior authorization or consent and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with non-affiliated third parties, except as required or permitted by law.

Right to Limit Use of Your Personal Information

You have the right to opt-out of sharing of your personal information among our affiliates to directly market to you. To opt-out of sharing to our affiliates for direct marketing, you may send an "opt out" request to Privacyrequest@stewart.com, or contact us through other available methods provided under "Contact Information" in this Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

How Stewart Protects Your Personal Information

Stewart maintains physical, technical and administrative safeguards and policies to protect your personal information.

Contact Information

If you have questions or comments about this Notice, the ways in which Stewart collects and uses your information described herein, your choices and rights regarding such use, or wish to exercise your rights under law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Chief Compliance and Regulatory Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

Privacy Notice at Collection for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA") and the California Privacy Rights Act of 2020, effective January 1, 2023 ("CPRA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice at Collection for California Residents** ("CCPA and CPRA Notice"). This CCPA and CPRA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users, and consumers and others who reside in the State of California or are considered California Residents as defined in the CCPA and CPRA ("consumers" or "you"). All terms defined in the CCPA and CPRA have the same meaning when used in this Notice.

Personal and Sensitive Personal Information Stewart Collects

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), Gramm Leach Bliley Act (GLBA) and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of **personal and sensitive personal information** from consumers within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act(20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal and sensitive information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees, or their agents (For example, realtors, lenders, attorneys, brokers, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

Use of Personal and Sensitive Personal Information

Stewart may use or disclose the personal or sensitive information we collect for one or more of the following purposes:

- To fulfill or meet the reason for which the information is provided.
- To provide, support, personalize, and develop our website, products, and services.
- To create, maintain, customize, and secure your account with Stewart.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To prevent and/or process claims.
- To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf pursuant to valid service provider agreements.
- As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology-based assets, and business.
- To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- Auditing for compliance with federal and state laws, rules and regulations.
- Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal or sensitive information or use the personal or sensitive information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent throughout the course of your transaction (for example, a realtor, broker, or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter into a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- Service providers and vendors we contract with to render specific services (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- Affiliated Companies.
- Parties involved in litigation and attorneys, as required by law.
- Financial rating organizations, rating bureaus and trade associations.
- Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

- Category A: Identifiers
- Category B: California Customer Records personal information categories
- Category C: Protected classification characteristics under California or federal law
- Category D: Commercial Information
- Category E: Biometric Information
- Category F: Internet or other similar network activity
- Category G: Geolocation data
- Category H: Sensory data
- Category I: Professional or employment-related information
- Category J: Non-public education information
- Category K: Inferences

Your Consumer Rights and Choices Under CCPA and CPRA

Your Rights Under CCPA

The CCPA provides consumers (California residents as defined in the CCPA) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seq.).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Your Rights Under CPRA

CPRA expands upon your consumer rights and protections offered by the CCPA. This section describes your CPRA rights and explains how to exercise those rights.

Opt-Out of Information Sharing and Selling

Stewart does not share or sell information to third parties, as the terms are defined under the CCPA and CPRA. Stewart only shares your personal information as commercially necessary and in accordance with this CCPA and CPRA Notice.

Correction of Inaccurate Information

You have the right to request that Stewart correct any inaccurate information maintained about.

Limit the Use of Sensitive Personal Information

You have the right to limit how your sensitive personal information, as defined in the CCPA and CPRA is disclosed or shared with third parties.

Exercising Your Rights Under CCPA and CPRA

To exercise the access, data portability, deletion, opt-out, correction, or limitation rights described above, please submit a verifiable consumer request to us by the available means provided below:

1. Calling us Toll Free at 1-866-571-9270; or
2. Emailing us at Privacyrequest@stewart.com; or
3. Visiting <http://stewart.com/ccpa>.

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child, if applicable.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA and CPRA rights. Unless permitted by the CCPA or CPRA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Record Retention

Your personal information will not be kept for longer than is necessary for the business purpose for which it is collected and processed. We will retain your personal information and records based on established record retention policies pursuant to California law and in compliance with all federal and state retention obligations. Additionally, we will retain your personal information to comply with applicable laws, regulations, and legal processes (such as responding to subpoenas or court orders), and to respond to legal claims, resolve disputes, and comply with legal or regulatory recordkeeping requirements

Changes to This CCPRA and CPRA Notice

Stewart reserves the right to amend this CCPA and CPRA Notice at our discretion and at any time. When we make changes to this CCPA and CPRA Notice, we will post the updated Notice on Stewart's website and update the Notice's effective date.

Link to Privacy Notice

Stewart's Privacy Notice can be found on our website at <https://www.stewart.com/en/privacy.html>.

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described herein, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: <http://stewart.com/ccpa>

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Chief Compliance and Regulatory Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

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

Issuing Agent: Northern Colorado Title Services Co., Inc.
Issuing Office: 205 W. Kiowa Avenue, Fort Morgan, CO 80701
Issuing Office's ALTA® Registry ID: 0044474
Commitment No.: NCT25125
Issuing Office File No.: NCT25125
Property Address: 4970 COUNTY ROAD L, Wiggins, CO 80654

1. Commitment Date: July 23, 2024 at 08:00 AM

2. Policy or Policies to be issued:	AMOUNT:	PREMIUM:
ALTA Owners Policy (07/01/21)	TBD	\$200.00

Proposed Insured: TO BE DETERMINED

Other Charges:

TOTAL DUE: \$200.00

NOTE: A Minimum Fee of \$115.00 will be charged if file is cancelled.

3. The estate or interest in the Land at the Commitment Date is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

HEATHER HAFFKE

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Schedule A (07-01-2021)



SCHEDULE A
(Continued)

5. The Land is described as follows:

Lot 3, DELANEY MINOR SUBDIVISION, according to the recorded plat thereof, Morgan County, Colorado.

and commonly known as (for informational purposes only): **4970 COUNTY ROAD L, WIGGINS, CO 80654**

Northern Colorado Title Services Co., Inc.

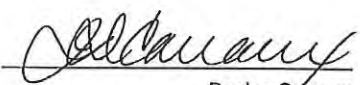
Authorized Signatory



stewart
title guaranty company




Frederick H. Eppinger
President and CEO


Denise Carraux
Secretary

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Schedule A (07-01-2021)



**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE B PART I**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Requirements

File No.: NCT25125

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - a. Proper Deed from HEATHER HAFFKE to TO BE DETERMINED, conveying the land described herein.
 - b. Release of Deed of Trust from HEATHER HAFFKE to the Public Trustee of Morgan County for the use of BROKER SOLUTIONS, INC. dba New American Funding to secure payment of \$204,000.00, dated November 22, 2021, recorded November 23, 2021 at Reception No. 936907.
 - c. Dollar amount of Policy coverage must be provided to the Company.
 - d. The Company reserves the right to assert additional requirements or exceptions regarding the Grantee(s) when they are designated.

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B - Section II and a Schedule C (if applicable) with matching Commitment Numbers.

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Schedule BI (07-01-2021)



**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE B PART II**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

File No.: NCT25125

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

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

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.
6. Taxes or special assessments which are a lien or due and payable; or which are not shown as existing liens by the public records; and any tax, special assessments, or charges or liens imposed for water or sewer service, or any other special taxing district, and any unredeemed tax sales.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; (d) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records or listed in Schedule B.
8. Reservation as contained in United States Patent recorded DECEMBER 3, 1949 in Book 465 at Page 357 as follows: Right of way for ditches or canals constructed by the authority of the United States.

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Schedule BII (07-01-2021)



SCHEDULE B PART II

(Continued)

9. Right of way for ROAD purposes as specified in ROAD PETITION recorded JULY 30, 1909 in Book 73 at Page 15, said road to be not less than 60 feet in width.
10. Right of way for ROAD purposes as shown in Quit Claim Deed from ANNA C. BAER AND ROBERT A. BAER to the COUNTY OF MORGAN, recorded JANUARY 4, 1950 in Book 466 at Page 255.
11. Easement and right of way for TRANSMISSION OF ELECTRICITY purposes as granted by ROBERT A. BAER AND ANNA C. BAER to THE PUBLIC SERVICE COMPANY OF COLORADO as contained in instrument recorded MAY 20, 1963, in Book 673 at Page 135 (DESCRIBED AS THE EAST 160 FEET AS SHOWN ON PLAT BOOK 8 AT PAGE 45), the location of said easement and right of way are more specifically defined in said document.
12. MCCARTHY SUB LATERAL NO. 1 and rights of way therefor, as evidenced in Warranty Deed recorded May 24, 1915 in Book 108 at Page 314.
13. An undivided 1/4 interest in all oil, gas and other mineral rights, as conveyed by ROBERT A. BAER AND ANNA C. BAER AKA ANNA BAER in the instrument to EDWIN W. OLSON, TRUSTEE OF RUSSELL STATE BANK, RUSSELL, KANSAS recorded JULY 16, 1954 in Book 536 at Page 165, and any and all assignments thereof or interests therein.
14. An undivided 1/4 interest in all oil, gas and other mineral rights, as reserved by ROBERT A. BAER AND ANNA C. BAER in the Deed to FRANKLIN L. WEINGARDT AND RITA C. WEINGARDT recorded DECEMBER 30, 1974 in Book 748 at Page 452, and any and all assignments thereof or interests therein.
15. An undivided 1/2 interest in all oil, gas and other mineral rights, as reserved by RAYMOND R. BAER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ANNA C. BAER in the Deed to PAUL S. FRITZLER AND ANNA L. FRITZLER recorded AUGUST 19, 1988 in Book 905 at Page 723, together with ingress and egress, and any and all assignments thereof or interests therein.
16. Easements for utility and access purposes as shown on the recorded plat of SILLASEN RIDGE ESTATES, recorded in Book 8 at Page 45 and in recorded plat of A REPLAT OF LOT 1 OF SILLASEN RIDGE ESTATES, recorded in Book 9 at Page 74 and in recorded plat of Delaney Minor Subdivision recorded in Book 10 at page 108.
17. Subject to a fence encroachment on the North line of subject property as shown on the plat of SILLASEN RIDGE ESTATES SUBDIVISION.
18. Covenants, conditions, restrictions, terms and obligations, which do not contain a forfeiture or reverter clause, as contained in INSTRUMENT recorded AUGUST 31, 1998 in Book 1037 at Page 464.
19. Terms, conditions, provisions, agreements, burdens and obligations as contained in DECLARATIONS OF HOMEOWNERS ASSOCIATION recorded DECEMBER 8, 2003 in Book 1165 at page 350.

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

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Schedule BII (07-01-2021)



SCHEDULE B PART II

(Continued)

20. NOTE: The following notices pursuant to CRS 9-1.5 103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property: (A) MOUNTAIN BELL TELEPHONE COMPANY RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 502; (B) PUBLIC SERVICE COMPANY OF COLORADO RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 514; (C) MORGAN COUNTY RURAL ELECTRIC ASSOCIATION RECORDED JANUARY 22, 1982 IN BOOK 825 AT PAGE 656; AND (D) WIGGINS TELEPHONE ASSOCIATION RECORDED OCTOBER 9, 1992 IN BOOK 947 AT PAGE 824.

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File No.: NCT25125

010-UN ALTA Commitment for Title Insurance Schedule BII (07-01-2021)



NORTHERN COLORADO TITLE SERVICES CO., INC.
205 W. KIOWA AVENUE
FORT MORGAN, CO 80701
TELEPHONE (970)867-0233 *** FAX (970)867-7750

DATE: July 25, 2024
ORDER NO.: NCT25130
PROPERTY ADDRESS: 4966 COUNTY ROAD L, Wiggins, CO 80654

OWNER/PURCHASER: THOMAS SEAGROVES
TO BE DETERMINED

PLEASE DELIVER TO THE FOLLOWING CUSTOMERS:

To: HEATHER HAFFKE
[REDACTED] ATTN: HEATHER HAFFKE
Fax No.:

ATTACHED PLEASE FIND THE FOLLOWING ITEM(S) IN CONNECTION WITH THE ABOVE CAPTIONED ORDER. SHOULD YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED DOCUMENTATION, PLEASE CONTACT LINDA, BROOKE, LISA OR SHERYL. FOR CLOSING ASSISTANCE, PLEASE CONTACT LINDA OR LISA. WE APPRECIATE YOUR BUSINESS VERY MUCH AND LOOK FORWARD TO SERVING YOU IN THIS TRANSACTION.

**E-MAIL ADDRESS FOR CLOSING DOCUMENTS: closing@ncts.com
HAVE A WONDERFUL DAY!!!**

<input checked="" type="checkbox"/> COMMITMENT AMT DUE IS ON SCHEDULE A (INVOICE)	<input type="checkbox"/> OWNERS TITLE POLICY
<input type="checkbox"/> PROPERTY REPORT AMT DUE IS ON PROPERTY REPORT (INVOICE)	<input type="checkbox"/> MORTGAGEES TITLE POLICY
<input type="checkbox"/> MORTGAGE/FORECLOSURE GUARANTY	<input type="checkbox"/> DOCUMENTS
<input type="checkbox"/> SURVEY / ILC	<input type="checkbox"/> OTHER / INVOICE



ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)

ISSUED BY
STEWART TITLE GUARANTY COMPANY

NOTICE

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

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

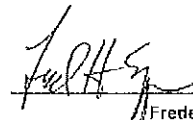
THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

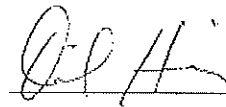
COMMITMENT TO ISSUE POLICY

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

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




Frederick H. Eppinger
President and CEO


David Hisey
Secretary

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

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File No.: NCT25130

010-UN ALTA Commitment for Title Insurance Without Arbitration (07-01-2021)



COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- a. the Notice;
- b. the Commitment to Issue Policy;
- c. the Commitment Conditions;
- d. Schedule A;
- e. Schedule B, Part I - Requirements;
- f. Schedule B, Part II - Exceptions; and
- g. a countersignature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

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

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File No.: NCT25130

010-UN ALTA Commitment for Title Insurance Without Arbitration (07-01-2021)



5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I - Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

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File No.: NCT25130

010-UN ALTA Commitment for Title Insurance Without Arbitration (07-01-2021)



9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION (INTENTIONALLY DELETED)

STEWART TITLE GUARANTY COMPANY

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at: Stewart Title Guaranty Company, P.O. Box 2029, Mail Code: Policies 187, Houston, TX 77036.

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010-UN ALTA Commitment for Title Insurance Without Arbitration (07-01-2021)



STEWART TITLE GUARANTY COMPANY PRIVACY NOTICE

This Stewart Title Guaranty Company Privacy Notice ("Notice") explains how Stewart Title Guaranty Company and its subsidiary title insurance companies (collectively, "Stewart") collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of your information. Pursuant to Title V of the Gramm-Leach Bliley Act ("GLBA") and other Federal and state laws and regulations applicable to financial institutions, consumers have the right to limit some, but not all sharing of their personal information. Please read this Notice carefully to understand how Stewart uses your personal information.

The types of personal information Stewart collects, and shares depends on the product or service you have requested.

Stewart may collect the following categories of personal and financial information from you throughout your transaction:

1. Identifiers: Real name, alias, online IP address if accessing company websites, email address, account name, unique online identifier, social security number, driver's license number, passport number, or other similar identifiers;
2. Demographic Information: Marital status, gender, date of birth.
3. Personal Information and Personal Financial Information: Name, signature, social security number, physical characteristics or description, address, telephone number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, credit reports, or any other information necessary to complete the transaction.

Stewart may collect personal information about you from:

1. Publicly available information from government records.
2. Information we receive directly from you or your agent(s), such as your lender or real estate broker;
3. Information about your transactions with Stewart, our affiliates, or others; and
4. Information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Stewart may use your personal information for the following purposes:

1. To provide products and services to you or in connection with a transaction.
2. To improve our products and services.
3. To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- a. To fulfill or meet the reason for which the information is provided.
- b. To provide, support, personalize, and develop our website, products, and services.
- c. To create, maintain, customize, and secure your account with Stewart.
- d. To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- e. To prevent and/or process claims.
- f. To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf pursuant to valid service provider agreements.
- g. As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- h. To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- i. To help maintain the safety, security, and integrity of our website, products and services, databases and other technology-based assets, and business.
- j. To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- k. Auditing for compliance with federal and state laws, rules and regulations.
- l. Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments.
- m. To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent throughout the course of your transaction (for example, a realtor, broker, or a lender). Stewart may disclose your personal information to a non-affiliated third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter in a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- a. Non-affiliated service providers and vendors we contract with to render specific services (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- b. To enable Stewart to prevent criminal activity, fraud, material misrepresentation, or nondisclosure.
- c. Stewart's affiliated and subsidiary companies.
- d. Non-affiliated third-party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you.
- e. Parties involved in litigation and attorneys, as required by law.
- f. Financial rating organizations, rating bureaus and trade associations.
- g. Federal and State Regulators, law enforcement and other government entities to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order.

The law does not require your prior authorization or consent and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with non-affiliated third parties, except as required or permitted by law.

Right to Limit Use of Your Personal Information

You have the right to opt-out of sharing of your personal information among our affiliates to directly market to you. To opt-out of sharing to our affiliates for direct marketing, you may send an "opt out" request to Privacyrequest@stewart.com, or contact us through other available methods provided under "Contact Information" in this Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

How Stewart Protects Your Personal Information

Stewart maintains physical, technical and administrative safeguards and policies to protect your personal information.

Contact Information

If you have questions or comments about this Notice, the ways in which Stewart collects and uses your information described herein, your choices and rights regarding such use, or wish to exercise your rights under law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Chief Compliance and Regulatory Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

Privacy Notice at Collection for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA") and the California Privacy Rights Act of 2020, effective January 1, 2023 ("CPRA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice at Collection for California Residents** ("CCPA and CPRA Notice"). This CCPA and CPRA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users, and consumers and others who reside in the State of California or are considered California Residents as defined in the CCPA and CPRA ("consumers" or "you"). All terms defined in the CCPA and CPRA have the same meaning when used in this Notice.

Personal and Sensitive Personal Information Stewart Collects

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), Gramm Leach Bliley Act (GLBA) and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of **personal and sensitive personal information** from consumers within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act(20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal and sensitive information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees, or their agents (For example, realtors, lenders, attorneys, brokers, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

Use of Personal and Sensitive Personal Information

Stewart may use or disclose the personal or sensitive information we collect for one or more of the following purposes:

- a. To fulfill or meet the reason for which the information is provided.
- b. To provide, support, personalize, and develop our website, products, and services.
- c. To create, maintain, customize, and secure your account with Stewart.
- d. To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- e. To prevent and/or process claims.
- f. To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf pursuant to valid service provider agreements.
- g. As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- h. To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- i. To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- j. To help maintain the safety, security, and integrity of our website, products and services, databases and other technology-based assets, and business.
- k. To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- l. Auditing for compliance with federal and state laws, rules and regulations.
- m. Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- n. To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal or sensitive information or use the personal or sensitive information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent throughout the course of your transaction (for example, a realtor, broker, or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter into a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- a. Service providers and vendors we contract with to render specific services (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- b. Affiliated Companies.
- c. Parties involved in litigation and attorneys, as required by law.
- d. Financial rating organizations, rating bureaus and trade associations.
- e. Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

- Category A: Identifiers
- Category B: California Customer Records personal information categories
- Category C: Protected classification characteristics under California or federal law
- Category D: Commercial Information
- Category E: Biometric Information
- Category F: Internet or other similar network activity
- Category G: Geolocation data
- Category H: Sensory data
- Category I: Professional or employment-related information
- Category J: Non-public education information
- Category K: Inferences

Your Consumer Rights and Choices Under CPPA and CPRA

Your Rights Under CCPA

The CCPA provides consumers (California residents as defined in the CCPA) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seq.).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Your Rights Under CPRA

CPRA expands upon your consumer rights and protections offered by the CCPA. This section describes your CPRA rights and explains how to exercise those rights.

Opt-Out of Information Sharing and Selling

Stewart does not share or sell information to third parties, as the terms are defined under the CCPA and CPRA. Stewart only shares your personal information as commercially necessary and in accordance with this CCPA and CPRA Notice.

Correction of Inaccurate Information

You have the right to request that Stewart correct any inaccurate information maintained about.

Limit the Use of Sensitive Personal Information

You have the right to limit how your sensitive personal information, as defined in the CCPA and CPRA is disclosed or shared with third parties.

Exercising Your Rights Under CCPA and CPRA

To exercise the access, data portability, deletion, opt-out, correction, or limitation rights described above, please submit a verifiable consumer request to us by the available means provided below:

1. Calling us Toll Free at 1-866-571-9270; or
2. Emailing us at Privacyrequest@stewart.com; or
3. Visiting <http://stewart.com/ccpa>.

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child, if applicable.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA and CPRA rights. Unless permitted by the CCPA or CPRA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Record Retention

Your personal information will not be kept for longer than is necessary for the business purpose for which it is collected and processed. We will retain your personal information and records based on established record retention policies pursuant to California law and in compliance with all federal and state retention obligations. Additionally, we will retain your personal information to comply with applicable laws, regulations, and legal processes (such as responding to subpoenas or court orders), and to respond to legal claims, resolve disputes, and comply with legal or regulatory recordkeeping requirements

Changes to This CCPRA and CPRA Notice

Stewart reserves the right to amend this CCPA and CPRA Notice at our discretion and at any time. When we make changes to this CCPA and CPRA Notice, we will post the updated Notice on Stewart's website and update the Notice's effective date.

Link to Privacy Notice

Stewarts Privacy Notice can be found on our website at <https://www.stewart.com/en/privacy.html>.

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described herein, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: <http://stewart.com/ccpa>

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Chief Compliance and Regulatory Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

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

Issuing Agent: Northern Colorado Title Services Co., Inc.
Issuing Office: 205 W. Kiowa Avenue, Fort Morgan, CO 80701
Issuing Office's ALTA® Registry ID: 0044474
Commitment No.: NCT25130
Issuing Office File No.: NCT25130
Property Address: 4966 COUNTY ROAD L, Wiggins, CO 80654

1. Commitment Date: July 25, 2024 at 08:00 AM

	AMOUNT:	PREMIUM:
2. Policy or Policies to be issued:		
ALTA Owners Policy (07/01/21)	TBD	\$200.00

Proposed Insured: TO BE DETERMINED

Other Charges:

TOTAL DUE: \$200.00

NOTE: A Minimum Fee of \$115.00 will be charged if file is cancelled.

3. The estate or interest in the Land at the Commitment Date is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

THOMAS SEAGROVES

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

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File No.: NCT25130

010-UN ALTA Commitment for Title Insurance Schedule A (07-01-2021)



SCHEDULE A
(Continued)

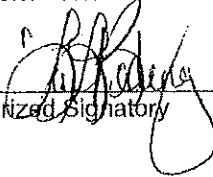
5. The Land is described as follows:

Lot 2, DELANEY MINOR SUBDIVISION, according to the recorded plat thereof, being a replat of Lot 1A of Sillasen Ridge Estates, part of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado.

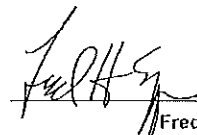
and commonly known as (for informational purposes only): 4966 COUNTY ROAD L, WIGGINS, CO 80654

stewart
title guaranty company

Northern Colorado Title Services Co., Inc.


Authorized Signatory




Frederick H. Eppinger
President and CEO


Denise Carraux
Secretary

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File No.: NCT25130

010-UN ALTA Commitment for Title Insurance Schedule A (07-01-2021)



**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE B PART I**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Requirements

File No.: NCT25130

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - a. Proper Deed from THOMAS SEAGROVES to TO BE DETERMINED, conveying the land described herein.
 - b. Dollar amount of Policy coverage must be provided to the Company.
 - c. The Company reserves the right to assert additional requirements or exceptions regarding the Grantee(s) when they are designated.

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B - Section II and a Schedule C (if applicable) with matching Commitment Numbers.

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File No.: NCT25130

010-UN ALTA Commitment for Title Insurance Schedule BI (07-01-2021)



**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE B PART II**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

File No.: NCT25130

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

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

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.
6. Taxes or special assessments which are a lien or due and payable; or which are not shown as existing liens by the public records; and any tax, special assessments, or charges or liens imposed for water or sewer service, or any other special taxing district, and any unredeemed tax sales.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; (d) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records or listed in Schedule B.
8. Reservation as contained in United States Patent recorded DECEMBER 3, 1949 in Book 465 at Page 357 as follows: Right of way for ditches or canals constructed by the authority of the United States.

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File No.: NCT25130

010-UN ALTA Commitment for Title Insurance Schedule BII (07-01-2021)



SCHEDULE B PART II

(Continued)

9. Right of way for ROAD purposes as specified in ROAD PETITION recorded JULY 30, 1909 in Book 73 at Page 15, said road to be not less than 60 feet in width.
10. Right of way for ROAD purposes as shown in Quit Claim Deed from ANNA C. BAER AND ROBERT A. BAER to the COUNTY OF MORGAN, recorded JANUARY 4, 1950 in Book 466 at Page 255.
11. MCCARTHY SUB LATERAL NO. 1 and rights of way therefor, as evidenced in Warranty Deed recorded May 24, 1915 in Book 108 at Page 314.
12. An undivided 1/4 interest in all oil, gas and other mineral rights, as conveyed by ROBERT A. BAER AND ANNA C. BAER AKA ANNA BAER in the Instrument to EDWIN W. OLSON, TRUSTEE OF RUSSELL STATE BANK, RUSSELL, KANSAS recorded JULY 16, 1954 in Book 536 at Page 165, and any and all assignments thereof or interests therein.
13. Easement and right of way for TRANSMISSION OF ELECTRICITY purposes as granted by ROBERT A. BAER AND ANNA C. BAER to THE PUBLIC SERVICE COMPANY OF COLORADO as contained in instrument recorded MAY 20, 1963, in Book 673 at Page 135 (DESCRIBED AS THE EAST 160 FEET AS SHOWN ON PLAT BOOK 8 AT PAGE 45), the location of said easement and right of way are more specifically defined in said document.
14. An undivided 1/4 interest in all oil, gas and other mineral rights, as reserved by ROBERT A. BAER AND ANNA C. BAER in the Deed to FRANKLIN L. WEINGARDT AND RITA C. WEINGARDT recorded DECEMBER 30, 1974 in Book 748 at Page 452, and any and all assignments thereof or interests therein.
15. An undivided 1/2 interest in all oil, gas and other mineral rights, as reserved by RAYMOND R. BAER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ANNA C. BAER in the Deed to PAUL S. FRITZLER AND ANNA L. FRITZLER recorded AUGUST 19, 1988 in Book 905 at Page 723, together with ingress and egress, and any and all assignments thereof or interests therein.
16. Easements for utility and access purposes as shown on the recorded plat of SILLASEN RIDGE ESTATES, recorded in Book 8 at Page 45 and in recorded plat of A REPLAT OF LOT 1 OF SILLASEN RIDGE ESTATES, recorded in Book 9 at Page 74 and in recorded plat of Delaney Minor Subdivision recorded in Book 10 at page 108.
17. Covenants, conditions, restrictions, terms and obligations, which do not contain a forfeiture or reverter clause, as contained in INSTRUMENT recorded AUGUST 31, 1998 in Book 1037 at Page 464.
18. Terms, conditions, provisions, agreements, burdens and obligations as contained in DECLARATIONS OF HOMEOWNERS ASSOCIATION recorded DECEMBER 8, 2003 in Book 1165 at page 350.
19. Easements for utility, access, and 40 foot driveway purposes as shown on the recorded plat of DELANEY MINOR SUBDIVISION PLAT, recorded in Book 10 at Page 108.

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File No.: NCT25130

010-UN ALTA Commitment for Title Insurance Schedule BII (07-01-2021)



SCHEDULE B PART II

(Continued)

20. NOTE: The following notices pursuant to CRS 9-1.5 103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property: (A) MOUNTAIN BELL TELEPHONE COMPANY RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 502; (B) PUBLIC SERVICE COMPANY OF COLORADO RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 514; (C) MORGAN COUNTY RURAL ELECTRIC ASSOCIATION RECORDED JANUARY 22, 1982 IN BOOK 825 AT PAGE 656; AND (D) WIGGINS TELEPHONE ASSOCIATION RECORDED OCTOBER 9, 1992 IN BOOK 947 AT PAGE 824.

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File No.: NCT25130

010-UN ALTA Commitment for Title Insurance Schedule BII (07-01-2021)



UTILITIES / ACCESS

Water

Septic

Electric


Driveway Permit

MORGAN COUNTY QUALITY WATER DISTRICT
P. O. BOX 1218
FORT MORGAN, CO 80701

TAP ASSUMPTION

I/We, Heather Haffke have purchased the premises upon which Tap Number 2587 of the Morgan County Quality Water District is located and wish to assume future responsibility for said tap.

I/We have examined the terms of the original tap agreement signed by William Dolaney and dated August 19, 2005, and agree to be bound by the provisions contained therein and will comply with the rules and regulations as from time to time promulgated by the directors of Morgan County Quality Water District. I/we further acknowledge that we shall not serve more than one residence or business per Tap Equivalent.

Heather Haffke
Now Tap Holder Printed Name
4970 Co. Rd L
Address
Wiggins CO 80654
City State Zip

Phone Number
Heather Haffke
Signature Please attach signed ACH form signed

I hereby relinquish rights to Tap Number 2587 of the Morgan County Quality Water District.

Bonnie Lee Lieder
Previous Tap Holder signature

Effective Date of Transfer: November 22, 2021

Back Payments Due \$00.00

Disposition of Charges for Current Month: \$23.48

Total Charges Due from Seller: \$23.48

APPROVED: Sheila Klausung
Morgan County Quality Water District

**** Please return this signed original document within five days of transfer to: Morgan County Quality Water District, P. O. Box 1218, Fort Morgan, CO 80701. Phone: 970-867-3054. For a list of current Morgan County Quality Water District policy and procedures, please visit our web site at www.mcgwd.org.

Quality Water meter 2587 for 4970 MCR L is near the east property line/CDOT ROW line.







July 23, 2024

Heather Haffke
4970 CR L
Fort Morgan, CO 80701

Dear Heather,

This department has no objection to constructing a new access road to your property and using the existing Onsite Wastewater Treatment System (OWTS) Permit #M04-088. Said property is located at 4970 CR L in Section 11 – Township 2N – Range 60W of Morgan County, Colorado.

Potable water is supplied by the Morgan County Quality Water District.

It is recommended that the new road not be built over the existing septic system.

If at any time the existing system fails the property the owner(s) shall obtain from this office an application for a permit to install an individual sewage disposal and remit the appropriate fee. Construction of the septic system shall conform to all Northeast Colorado Health Department (OWTS) Regulations. Including, but not limited to setback distances from wells, irrigation ditches, creeks, buildings, property lines, high ground water and other septic systems.

If there are any questions, please call me at 970/867-4918 ext. 2262

Sincerely,

Melvin Bustos
Environmental Health Manager
Northeast Colorado Health Department

Y000

OFFICE HOURS: Monday - Friday 8:00 AM - 4:30 PM
PHONE: 970-867-5688 or 800-867-5688
EMAIL: customerservice@mcraa.org
WEBSITE: www.mcraa.org



Morgan County Rural Electric Association
PO Box 738
Fort Morgan, CO 80701-0738

2023 Patronage Capital
Morgan County REA \$191.50
Tri-State G&T \$8.77
Total 2023 Allocation \$200.35

**TOTAL
AMOUNT DUE**
\$115.44
Due Date
05/15/2024

See next page for bill details.

Account Information		Balance Summary	
Account #:	2668200	Previous Balance	\$120.45
Customer Name:	HEATHER HAFFKE	Payment(s)	-\$120.45
Statement Date:	05/01/2024	Balance Before Current Charges	\$0.00
Current Bill Due Date:	05/15/2024	Total Current Charges	\$115.44
Mailing Address:	4970 COUNTY ROAD L WIGGINS CO 80654-8104	Total Amount Due	\$115.44

See the back of this bill for information regarding capital credit allocations, and don't forget about MCREA's Member Appreciation Picnic on June 13 from 5-7 p.m.!

*Conf #
4133846*

*# 971.666
paid 6/10
personal
acct*



Morgan County Rural Electric Association
PO Box 738
Fort Morgan, CO 80701-0738

PAY BY PHONE: 877-495-6487
ONLINE: Check or credit/debit card at www.mcraa.org
download the mobile SmartHub app.



852 O AV 0.507
HEATHER HAFFKE
4970 COUNTY ROAD L
WIGGINS CO 80654-8104

MORGAN COUNTY QUALITY WATER
P.O. BOX 1218
FORT MORGAN, CO 80701
(970)867-3054

www.mcqwd.org

PRESORTED
FIRST-CLASS MAIL
US POSTAGE PAID
Permit #19
Fort Morgan CO 80701

SRVC	PRESENT RDG	PREVIOUS RDG	USED	AMOUNT
PB WAT	109,016	105,071	4,000	37.44

Happy Father's Day
You can view or pay your bill at www.mcqwd.org.

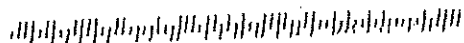
ELECTRONIC PAYMENT - DO NOT PAY

ACCOUNT #	ROUTE
4882.00	1
SERVICE FROM	SERVICE TO
04/25/2024	05/28/2024
DATE BILL MAILED	DAYS USED
05/31/2024	33
DUE DATE	NOW DUE
06/10/2024	37.44
RETURN SERVICE REQUESTED	REMIT AFTER DUE DATE
	37.44

PLEASE RETURN THIS STUB WITH PAYMENT

SRVC ADDR	ACCOUNT #	
4970 Road L	4882.00	
NOW DUE	DUE DATE	REMIT AFTER DUE DATE
37.44	06/10/2024	37.44

Heather Haffke
4970 Road L
Wiggins CO 80654





Parcel 129711003003

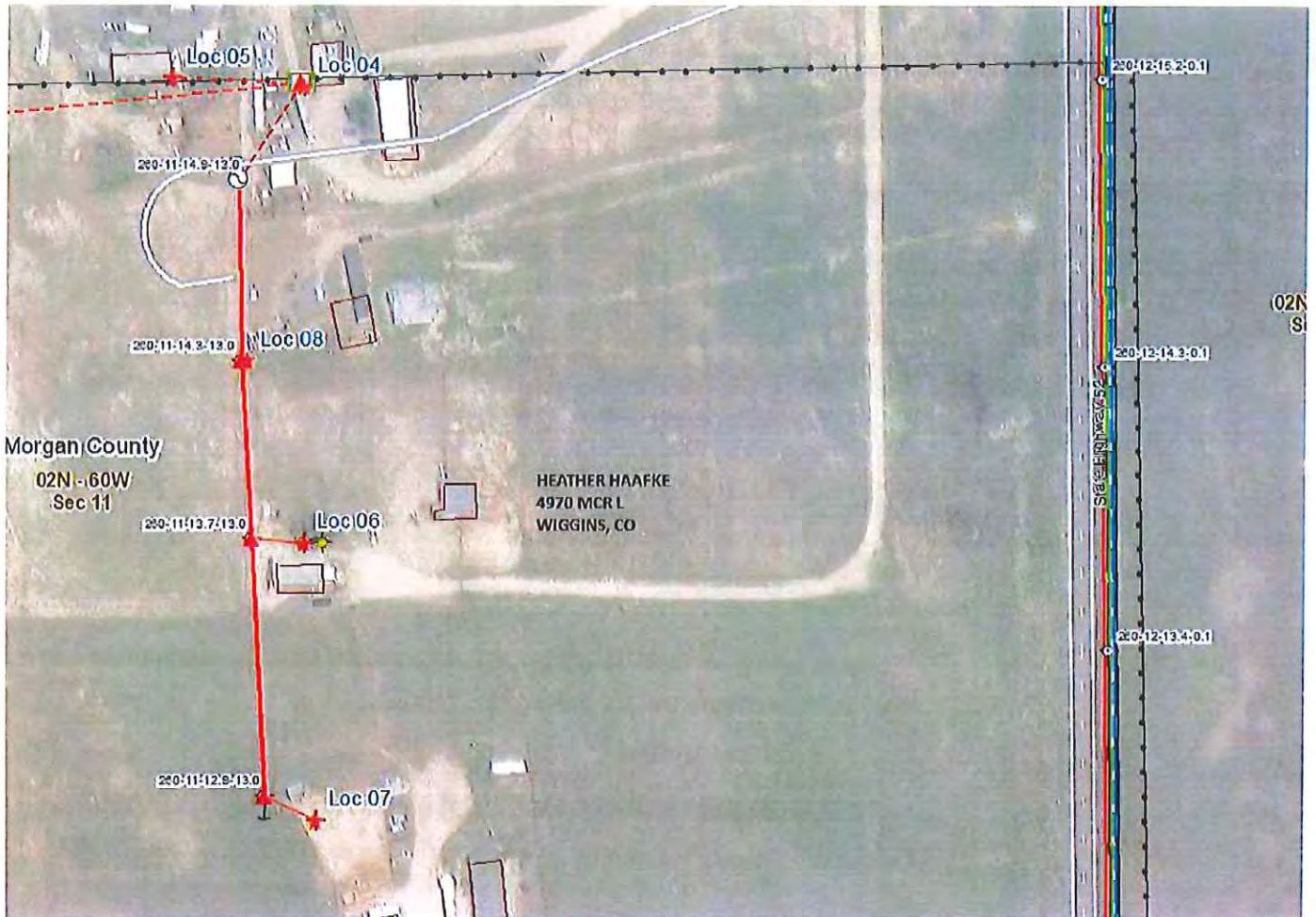
2 messages

Brent Kliesen
To: Cheryl Brindisi <cbrindisi@co.morgan.co.us>
Cc: [Redacted]

Thu, Jul 25, 2024 at 9:31 AM

Cheryl,

Morgan County REA holds no easements or has any current utilities on the east side of parcel 129711003003 from the last structure to Hwy 52. See map below:



Please let me know if you need anything else.

Thank you,

Brent Kliesen

Staking Technician

Morgan County REA

734 Barlow Road

PO Box 738

Fort Morgan, CO 80701

970-867-5688 (Office)

7/25/24, 9:28 AM

Co.morgan.co.us Mail - Parcel 129711003003

970-867-3277 (Fax)

970-768-0227 (Cell)



MCREA is an equal opportunity provider and employer

Cheryl Brindisi <cbrindisi@co.morgan.co.us>

Thu, Jul 25, 2024 at 9:28 AM

To: Brent Klasan

Cc: [Redacted]

Thank you for the information.

Thank you

Cheryl Brindisi, Planning and Zoning Administrative Assistant

Morgan County Planning and Zoning

231 Ensign St.

PO Box 596

Fort Morgan, CO 80701

970-542-3526

CBrindisi@co.morgan.co.us

[Quoted text hidden]

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS CODE NOTICE TO PROCEED	CDOT Permit No. 424096
	State Highway/Mile Post/Side 052A / 66.76/Left
	Local Jurisdiction Morgan County

Permittee(s): **Heather Haffke**
 4970 County Road L
 Wiggins, Colorado 80654
 [Redacted]

Applicant:

The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. Access Permits expire one year from date of issue if not under construction, or completed. Access Permits may be extended in accordance with Section 2.3(1)(d), of the Access Code.

Adequate advance warning is required at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permittee or applicant shall notify the Department prior to commencing construction as indicated on the Access Permit.

Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

Municipality or County Approval (When the appropriate local authority retains issuing authority)

By (X)	Title	Date
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This Notice is not valid until signed by a duly authorized representative of the Department

Colorado Department of Transportation

By (X) <i>Mike Shepherd</i> <small>DocuSigned by: E17B05FCB18614ED</small>	Title Assistant Access Manager	Date 7/22/2024 10:46 AM MDT
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COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 424096
			State Highway No / Mp / Side 052A / 66.760 / Left
Permit Fee \$50.00	Date of Transmittal 07/10/2024	Region / Section / Patrol / Name 4 / 01 / 24	Local Jurisdiction Morgan County

The Permittee(s): Heather Haffke 4970 County Road L Wiggins, Colorado 80654 [REDACTED]	The Applicant(s):	
is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.		
Location: .76 mile north of mile post 66. and .24 mile south of milepost 67.		
Access to Provide Service to: (Land Use Code)	(Size)	(Units)
210 - Single-Family Detached Housing	2	ADT
1000 - Other Agricultural - Farm Animals	2	ADT
565 - Day Care Center	10	ADT
Additional Information: This one-year temporary access is issued to allow you adequate time to resolve the issue regarding your easement to County Road L. This resolution should either result in (a) the use of your easement or (b) the county vacating the easement. If the easement is vacated by the county, a permanent access will be issued. If it is determined that a permanent access will not be issued, the access must be restored to its original condition.		

MUNICIPALITY OR COUNTY APPROVAL
 Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Date	Title
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Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Bruce Barnett with the Colorado Department of Transportation, at (970) 381-1742 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

DocuSigned by: Permittee Signature: Heather Haffke	Print Name Heather Haffke	Date 7/15/2024 2:11 PM MDT
Co-Permittee Signature: (if applicable)	Print Name	Date

This permit is not valid until signed by a duly authorized representative of the Department.
COLORADO DEPARTMENT OF TRANSPORTATION

Signature Mike Shepherd	Print Name Mike Shepherd	Title Assistant Access Manager	Date (of issue) 7/22/2024 10:46 AM MDT
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State Highway Access Permit Form 101, Page 2

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

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.
2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.
3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.
4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

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

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)
2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.
3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.
4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

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

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

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

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

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

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

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

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

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

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

MAINTENANCE

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

COLORADO DEPARTMENT OF TRANSPORTATION

Environmental Clearances Information Summary

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

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

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

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

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

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

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

CDOT UTILITY/RELOCATION/SPECIAL USE PERMIT STANDARD PROVISIONS

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

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

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

(303) 512-5519, or Theresa Santangelo-Dreiling, Hazardous Materials Management Supervisor: (303) 512-5524.

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

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

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

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

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

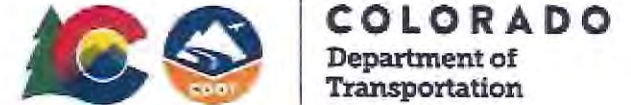
Site Stabilization - All disturbances require a stabilization plan, native seeding or landscape design plan according to applicable CDOT Standard Specifications 212-217 and 623. The CDOT Erosion Control and Stormwater Quality Guide should also be used to plan restoration of disturbed vegetation. Website: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

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

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

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

<p>Information: Contact the CDPHE-WQCD at (303) 692-3500. For Applications and Instructions: https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits.</p>
<p>Municipal Separate Storm Sewer System (MS4) Requirements - When working in a MS4 area, discharges to the storm sewer system are subject to CDOT's or other municipalities' MS4 Permit. For activities within the boundaries of a municipality that has a MS4 permit, the owner of such activity should contact the municipality regarding stormwater related requirements. All discharges to the CDOT highway drainage system or within the Right of Way (ROW) must comply with the applicable provisions of the Colorado Water Quality Control Act, the Water Quality Control Commission (WQCC) Regulations (https://www.colorado.gov/pacific/cdphe/wqcc-regulations-and-policies-and-water-quality-statutes) and the CDOT MS4 Permit #COS-000005 (https://www.codot.gov/programs/environmental/water-quality/documents). Discharges are subject to inspection by CDOT and CDPHE. For CDOT-related MS4 programs and requirements, go to: https://www.codot.gov/programs/environmental/water-quality/stormwater-programs.</p>
<p>Post-Construction Permanent Water Quality - When working in a CDOT MS4 area and the activity disturbs one or more acres, permanent water quality control measures may be required. Information on the requirements can be found under the CDOT Permanent Water Quality MS4 Program at: https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality</p>
<p>Discharges to Storm Sewer Systems Prohibited Discharges - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include, but are not limited to, substances such as wash water, paint, automotive fluids, solvents, oils or soaps and sediment. Allowable Discharges - The following discharges to stormwater systems are allowed without a permit from the CDPHE-WQCD: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, uncontaminated springs, footing drains, water line flushing, flows from riparian habitats and wetlands, and flow from firefighting activities. Contact Information: Contact the CDPHE-WQCD at (303) 692-3500. Information can also be found in the CDOT Illicit Discharge MS4 Program PDD at: https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/idde.html.</p>
<p>Spill Reporting - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4426 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, any spill in the highway right-of-way exceeding 25 gallons, or that may otherwise present an immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-877-518-5608. More information can be found at https://www.colorado.gov/pacific/cdphe/emergency-reporting-line.</p>
<p>Disposal of Drilling Fluids - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes," and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). Contact Information: Contact CDPHE (telephone #'s listed above).</p>
<p>Noxious Weeds and Invasive Species Management Plan - Noxious Weeds and Invasive Species guidance can be found by contacting the Colorado Department of Agriculture (https://www.colorado.gov/pacific/agconservation/noxiousweeds) and the Colorado Division of Parks and Wildlife (http://cpw.state.co.us/aboutus/Pages/RS-NoxiousWeeds.aspx). In either case, management plans involving the control of noxious weeds associated with the permitted activity and cleaning of equipment will be required.</p>



What is stormwater runoff?

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

Why is stormwater runoff a problem?

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



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

Tips for Reporting an Illicit Discharge

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

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

For more information on CDOT Utility Permits:

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

For more information on CDOT Access Permits:

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

For more information on CDOT Water Quality Program:

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

Water Quality Program Industrial Facilities Program

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



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

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



COLORADO
Department of
Transportation

Control Measures for Industrial Facilities

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

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

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



COLORADO
Department of
Transportation

Industrial Facilities Program Elements:

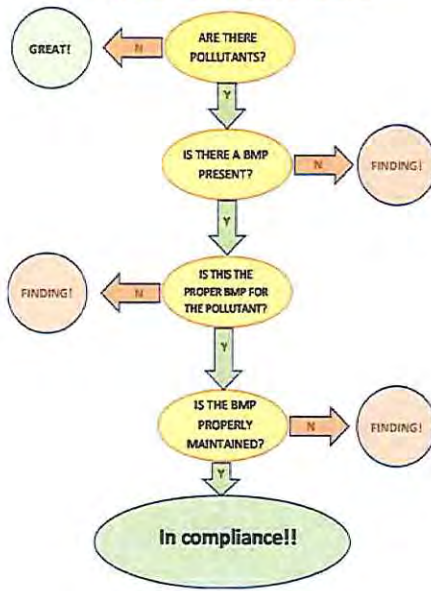
1. Educate and outreach to owners or operators that have potential to contribute substantial pollutant to water.
2. Report and include information on discharge and water quality concerns. Provide written notification within 15 days of discovery to CDPHE.
3. Submit an annual report to CDPHE containing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

Education

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

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

THE GAUNTLET



State Highway Access Permit
Attachment to Permit No. 424096 - Additional Terms and Conditions

1

1. If there are any questions regarding this permit, please contact **Rose Valdes** at **970.939.2440**.
2. The Permittee or the contractor shall notify **Bruce Barnett** at **(970) 381-1742** at least two working days prior to beginning any access improvements or construction of any kind within the State Highway right-of-way. Failure to comply with this requirement may result in revocation of this permit.
3. The Permittee shall request final inspection by Bruce Barnett at (970) 381-1742 within 10 days following the completion of access construction, and prior to authorized use. The Permittee or their representative shall be present.
4. A fully executed complete copy of this permit must be on the job site with the contractor at all times during construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.
5. The Permittee shall refer to all additional standard requirements included with this permit and any enclosed additional terms, conditions, exhibits, and noted attachments.
6. All communications related to the deliberative process are considered to be part of the permit.
7. Incorporated as part of this permit are the following:
 - Application for Access Permit (CDOT Form No. 137)
 - Permit (CDOT Form No. 101) and its attachments.
 - Exhibits:
 - "A" – Access Plan
 - "B" – Vicinity Map
 - "C" -- Seeding
8. This permit is issued in accordance with the State Highway Access Code (2 CCR 601-1) and is based upon the information submitted by the Permittee. This permit is only for the use and purpose stated in the Application and Permit. Any changes in traffic volumes or type, drainage, or other operation aspects may render this permit void, requiring a new permit to be applied for based upon the existing and anticipated future conditions.
9. All work is to conform to the plans referenced by this permit on file with the Department or as modified by this permit. (If discrepancies arise, this permit shall take precedence over the plans.) The Department plan review is only for the general conformance with the Department's design and code requirements. The Department is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and any other elements which shall be confirmed and correlated at the work site. The Department, through the approval of this document, assumes no responsibility for the completeness and/or accuracy of the plans.

State Highway Access Permit

Attachment to Permit No. 424096 - Additional Terms and Conditions

2

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

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

13. All costs associated with the installation of this access are the responsibility of the Permittee. This includes design, construction, signing and striping, utility relocation, testing of materials, and inspections. In the event a signal is warranted in the future, CDOT will not participate in any fashion with that signal installation, including financially.
14. The Department will not participate in any costs related to the design and installation of a traffic signal, should one be warranted or approved at this access location or any other serving this development.
15. The development of this property shall not negatively impact adjacent nearby properties. Correction of the problem and cost resulting from damages shall be borne by the Permittee.
16. It is the responsibility of the Permittee to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly for the appropriate agency prior to commencing work. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" (ECIS) for details. The ECIS may be obtained from the CDOT Permitting Offices or may be accessed via the CDOT Planning/Construction-Environmental Guidance webpage at <http://www.dot.state.co.us/environmental/Forms/asp>. FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN THE SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.

State Highway Access Permit

Attachment to Permit No. 424096 - Additional Terms and Conditions

3

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

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

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

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

17. Landscaping and site construction shall not obstruct sight distance at any State Highway access point. Landscaping within the State Highway right-of-way requires the Permittee to obtain a CDOT Landscaping Permit from the Traffic/Access Section. The access permit does not authorize that activity. Irrigation of features within the right-of-way may require the Permittee to install a subsurface drain in accordance with CDOT Standard M-605-1 or other approved system. The Permittee shall contact Allyson Young at the Greeley Traffic Office, 970-381-8995 to obtain the Landscaping Permit.
18. This permit is subject to revocation due to 1) Noncompliance with the provisions of this permit; 2) Abandonment; 3) Superseded by new permit covering the same installation; or 4) Conflict with necessary planned highway construction and/or improvements. The permittee shall promptly terminate occupancy upon notice of cancellation of the permit from the Department unless a new permit is applied for and granted.
19. The Department inspector may suspend work due to 1) Noncompliance with the provisions of this permit; 2) Adverse weather or traffic conditions; 3) Concurrent highway construction or maintenance in conflict with permit work; 4) Any condition deemed unsafe for workers or the general public. The work may be resumed upon notice from the Department Inspector.

State Highway Access Permit

Attachment to Permit No. 424096 - Additional Terms and Conditions

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

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

Colorado Department of Transportation

State Highway Access Permit
Attachment to Permit No. 424096 - Additional Terms and Conditions

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32. Traffic detours or lane closures will not be allowed, unless pre-approved by the Department.
33. Two-way traffic shall be maintained throughout the work area at all times unless specific written authorization is obtained from the Department.
34. Cattle guards are not permitted in State Highway right-of-way.
35. Any fencing modifications should follow the included Standard M-607-1 sheets 1 through 3. Permittee will be required to obtain a highway right-of-way fence agreement for a special fence if the Permittee desires to remove the existing standard highway fencing in this area. When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard before the fence is cut to prevent slacking of the remaining fence. All posts and wire removed shall be returned to the Department.
36. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within State Highway right-of-way.
37. All required access improvements shall be installed prior to the herein authorized use of this access. Failure to do so will result in the appropriate legal action from the Department, up to Permit Revocation.
38. The access shall be constructed and maintained as per Exhibit "A".
39. The access shall be constructed 20 feet wide with 20-foot radii.
40. **The Permittee shall install a new 18-inch corrugated metal pipe and shall provide for proper side slopes. Culverts over 18 inches in diameter shall have end sections.**
41. The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet and shall slope down and away from the adjacent pavement edge at a rate of 2% grade for a minimum of 20 feet.
42. **The permittee is required to sweep CDOT right of way and remove material from CDOT right of way.**
43. The access shall be surfaced immediately upon completion of earthwork construction and prior to use.

State Highway Access Permit
Attachment to Permit No. 424096 - Additional Terms and Conditions

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45. Surfacing of the access shall be completed as per Exhibit "A".
46. No paved surface shall be cut unless specified in this permit. Asphalt removal shall be saw cut to assure a straight edge for patching. Full panel concrete replacement is required for any concrete work.
47. The new State Highway pavement shall slope on the same plane as the present pavement surface.
48. If frost, water, or moisture is present in the subgrade, no surfacing materials shall be placed until all frost, water, or moisture is gone or removed.
49. The access shall be constructed and maintained in such a manner that will not cause water to enter onto the roadway and will not interfere with the existing drainage system within the State Highway right-of-way. Drainage to the State Highway right-of-way shall not exceed historical rate of flow.

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application acceptance date:

Instructions:

- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
- Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
- Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
- Submit an application for each access affected.
- If you have any questions contact the issuing authority.
- For additional information see CDOT's Access Management website at <https://www.codot.gov/business/permits/accesspermits>

Please print or type

1) Property owner (Permittee) Heather Haffke		2) Applicant or Agent for permittee (if different from property owner)	
Street address 4970 County Rd. L		Mailing address	
City, state & zip Wiggins, CO. 80654	Phone # [REDACTED]	City, state & zip	Phone # (required)
E-mail address [REDACTED]		E-mail address if available	

3) Address of property to be served by permit (required)
4970 County Rd. L

4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one?

county Morgan	subdivision Delaney Minor	block	lot 3	section 11	township	range
-------------------------	-------------------------------------	-------	-----------------	----------------------	----------	-------

5) What State Highway are you requesting access from?
Highway 52

6) What side of the highway?
 N S E W

7) How many feet is the proposed access from the nearest mile post?
feet N S E W from:

How many feet is the proposed access from the nearest cross street?
feet N S E W from:

8) What is the approximate date you intend to begin construction?

9) Check here if you are requesting a:

<input checked="" type="checkbox"/> new access	<input type="checkbox"/> temporary access (duration anticipated: _____)	<input type="checkbox"/> improvement to existing access
<input type="checkbox"/> change in access use	<input type="checkbox"/> removal of access	<input type="checkbox"/> relocation of an existing access (provide detail)

10) Provide existing property use
Residential, agriculture, commercial-preschool

11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest?
 no yes, if yes - what are the permit number(s) and provide copies: _____ and/or, permit date: _____

12) Does the property owner own or have any interests in any adjacent property?
 no yes, if yes - please describe: _____

13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property?
 no yes, if yes - list them on your plans and indicate the proposed and existing access points.

14) If you are requesting agricultural field access - how many acres will the access serve?

15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.

business/land use	square footage	business	square footage

16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?

type	number of units	type	number of units

17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.

Indicate if your counts are <input checked="" type="checkbox"/> peak hour volumes or <input type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes 20	# of multi unit trucks at peak hour volumes
# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment)	Total count of all vehicles 20

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

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

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage: <https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view>

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

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

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

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

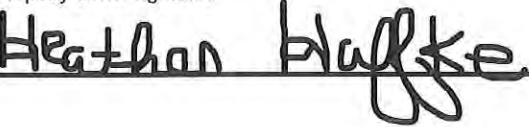
If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

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

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

Applicant or Agent for Permittee signature 	Print name Heather Haffke	Date July 3, 2024
---	-------------------------------------	-----------------------------

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

Property owner signature 	Print name Heather Haffke	Date July 3, 2024
---	-------------------------------------	-----------------------------

Seed Mix 2 - Orange

Elevation: Low/Plains

Water: Medium to High

Grasses

1. *Agrostis scabra* (rough bentgrass) – 10% (0.2 lbs/acre)
2. *Deschampsia cespitosa* (tufted hairgrass) – 8% (0.4 lbs/acre)
3. *Distichlis spicata* (saltgrass) – 8% (0.4 lbs/acre)
4. *Elymus canadensis* (Canada wildrye) – 10% (1.8 lbs/acre)
5. *Juncus arcticus* (mountain rush) – 3% (0.1 lbs/acre)
6. *Panicum virgatum* (switchgrass) – 10% (0.5 lbs/acre)
7. *Spartina pectinata* (prairie cordgrass) – 8% (1.2 lbs/acre)
8. *Sporobolus airoides* (alkali sacaton) – 8% (0.2 lbs/acre)

Forbs/Flowering

1. *Asclepias incarnata* (swamp milkweed) – 10% (2.6 lbs/acre)
2. *Asclepias speciosa* (showy milkweed) – 9% (2.7 lbs/acre)
3. *Astragalus canadensis* (Canadian milkvetch) – 2% (0.1 lbs/acre)
4. *Coreopsis tinctoria* (golden tickseed) – 2% (0.1 lbs/acre)
5. *Iris missouriensis* (Rocky Mountain iris) – 2% (0.7 lbs/acre)
6. *Rudbeckia lacinata* (cutleaf coneflower) – 2% (0.1 lbs/acre)
7. *Symphotrichum novae-angliae* (New England aster) – 4% (0.1 lbs/acre)
8. *Verbena hastata* (blue vervain) – 4% (0.1 lbs/acre)

Seeding Application in Wetlands:

Hand broadcast at double the above rate and rake 0.25" to 0.50" into the topsoil.

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

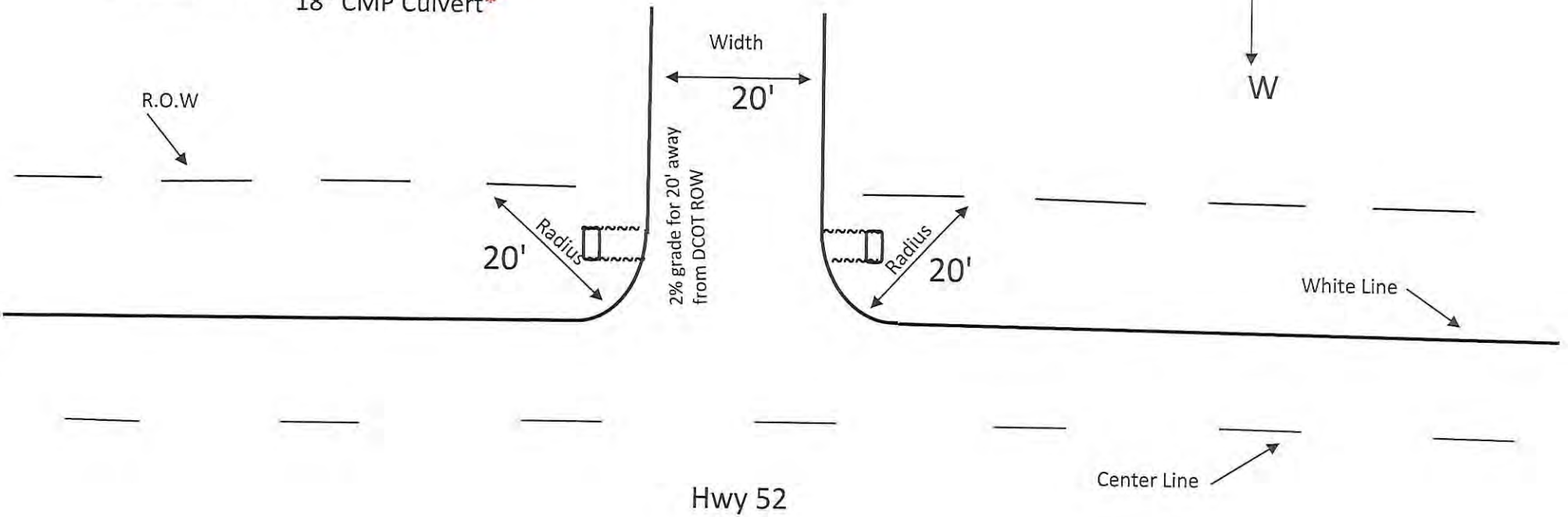
EXHIBIT "A" – SIMPLE ACCESS DESIGN

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

EXHIBIT A

Permit# 424096



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

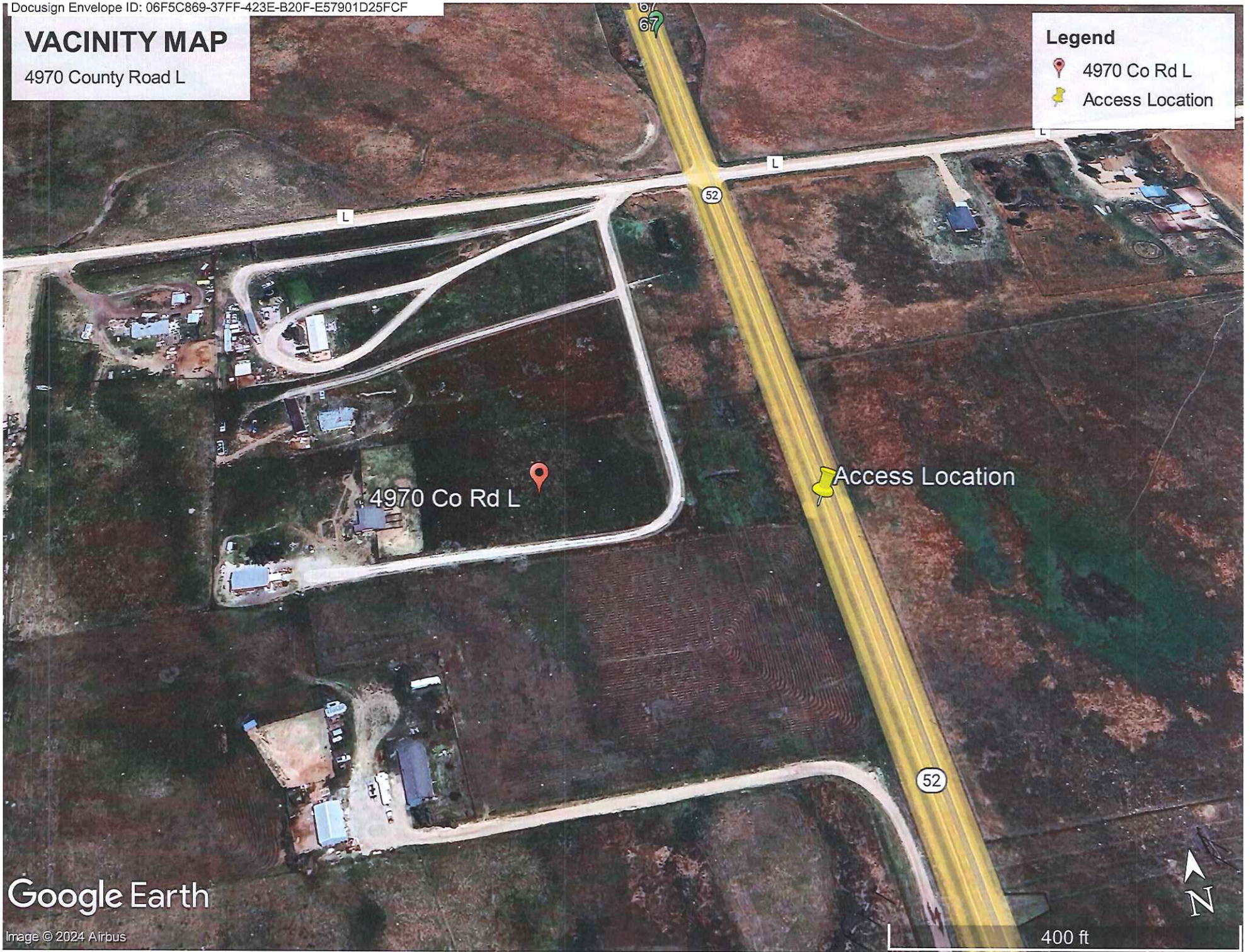


VACINITY MAP

4970 County Road L

Legend

-  4970 Co Rd L
-  Access Location



Google Earth





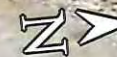
400 ft

Access Location

4970 County Road L

Legend

-  4970 Co Rd L
-  Access Location





MORGAN COUNTY SHERIFF'S OFFICE

*"Integrity and Professionalism-
Our Foundation For Service"*

www.morgansheriff.net

Dave Martin, Sheriff
801 E. Beaver Avenue
Fort Morgan, CO 80701
970-542-3448
dmartin@co.morgan.co.us

Date: July 8, 2024
To: Colorado Department of Transportation
Permitting Section
Atten: Tim Bilobran
From: Sheriff Dave Martin
Re: Driveway Access

Good Morning Mr. Bilobran,

I apologize for the delay in this correspondence. The business of the holiday season took over.

Pursuant to our telephone conversation, I am in support of giving Ms. Heather Haffke, who lives at 4970 Morgan County Road L, Wiggins Colorado access to her property directly from Hwy 52. Ms. Haffke currently has a shared easement from Morgan County Road L, but has been in a rather heated dispute with a fellow property owner over the shared access.

If you have any questions regarding this correspondence, please contact me directly,



Cheryl Brindisi <cbrindisi@co.morgan.co.us>

Access permit.

1 message

Shepherd - CDOT, Robert (Mike) [redacted] Mon, Jul 22, 2024 at 11:14 AM
To [redacted]
Cc: Cheryl Brindisi <cbrindisi@co.morgan.co.us>, Timothy Bilobran - CDOT [redacted] Rose Valdes - CDOT [redacted]

Good morning Heather,
I received your payment today. I will attach a signed copy of the permit and the NTP below for your records. Please note that this in fact is only a temporary permit. It will expire on 7-10-2025 and you will need to be in touch with CDOT before that date to discuss permanent access. If you have any questions please let me know.

Mike Shepherd

Assistant Access Manager / Utility Permits



P (970)324-4823
10601 West 10th Street, Greeley, CO 80634
[redacted] | <http://codot.gov/> | www.cotrip.org

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18597K

ADDITIONAL APPLICATION INFORMATION

Tax Account Statement

Morgan County Treasurer

Statement of Taxes Due

Account Number R019357
Assessed To

Parcel 129711003003
HAFFKE, HEATHER
4970 CO RD L
WIGGINS, CO 80654

Legal Description **Situs Address**
Subd: DELANEY MINOR SUB, W1 (11-2-60) Lot: 03 S: 11 T: 2 R: 60 PARC E1/2NE1/4 REPLAT 04970 CO RD L
LT 1A SILLASEN

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2023	\$2,379.08	\$0.00	\$0.00	(\$2,379.08)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 08/28/2024					\$0.00

Tax Billed at 2023 Rates for Tax Area 323 - 323 - RE 50J

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.5530000	\$625.50	SINGLE FAMILY -	\$101,170	\$6,780
ROAD AND BRIDGE FUND	7.5000000	\$239.93	LAND		
SOCIAL SERVICES FUND	2.0000000	\$63.98	SINGLE FAMILY -	\$376,200	\$25,210
WIGGINS RURAL FIRE DIST	7.0000000	\$223.93	IMPS		
MORGAN CO QUALITY WATER	0.8240000	\$26.36	Total	\$477,370	\$31,990
N KIOWA BIJOU MGMT DIST	0.0190000	\$0.61			
WIGGINS PEST CONTROL	0.4170000*	\$13.34			
RE 50-J WIGGINS GENERAL	24.5560000	\$785.55			
RE 50-J WIGGINS BOND	12.5000000	\$399.88			
Taxes Billed 2023		74.3690000			\$2,379.08

* Credit Levy

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

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

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

LANDOWNER LETTERS, REFERRALS & RESPONSES

Landowner Letter Sent & Responses Received

Referral Sent & Responses Received

Notification



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

NOTICE OF CORRECTION OF LANDOWNER: In the original landowner letter sent on August 27th, 2024, it was stated that Heather Haffke was the landowner of Lot 2. This was a grammatical error. Heather Haffke is the landowner of Lot 3. The following letter is the corrected version.

August 27, 2024

Dear Neighboring Landowners:

Heather Haffke, as applicant and the landowner of **Lot 3**, Delaney Minor Subdivision has submitted an application to our office for an Amended Plat, related to Lots 2 and 3 of the Delaney Minor Subdivision. The purpose of the application is to permanently vacate the 40' access easement over Lot 2 which serves Lot 3 and the cul de sac easement over Lot 3. This application does not request the vacation of the easement over Lot 1 or the vacation of the utility easement over Lot 2 for the benefit of Lot 3. Lot 2 will continue to be able to use the access easement over Lot 1. Access to Lot 3 will have a permanent CDOT permitted private access off of State Highway 52.

Legal Description: Lot 2 and Lot 3, Delaney Minor Subdivision in the NE¼ NE¼ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, otherwise known as 04966 Co Rd L and 04970 Co Rd L, Wiggins, CO 80654.

This application is scheduled to be heard by the Board of County Commissioners on **Tuesday, September 17, 2024 at 9:00 A.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level) Fort Morgan, Colorado. Landowners within the Delaney Minor Subdivision are notified of the application and hearing date.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office located at 231 Ensign St., Fort Morgan, Colorado. If you have any questions pertaining to this application or if you would like to review the file, either contact us at (970) 542-3526 or stop by our office prior to the hearing. You may attend the public hearing and provide comments on the application, or alternatively, if you are not able to attend you may submit written comments to our office no later than **September 11, 2024**.

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator



**MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT**

August 27, 2024

Dear Neighboring Landowners:

Heather Haffke as applicant and the landowner of Lot 2, Delaney Minor Subdivision has submitted an application to our office for an Amended Plat of Lots 2 and 3 of the Delaney Minor Subdivision to permanently vacate the driveway portion of the 40' utility and driveway easement shown on Lots 2 and 3 of the Delaney Minor Subdivision. The utility portion of the easement will remain in all 3 lots of the Delaney Minor Subdivision. Lot 2 will continue to use the driveway easement on lot 1 and lot 3 will have a permanent CDOT permitted private access off of State Highway 52.

Legal Description: Lot 2 and Lot 3, Delaney Minor Subdivision in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, otherwise known as 04966 Co Rd L and 04970 Co Rd L, Wiggins, CO 80654.

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Sincerely,

Nicole Hay

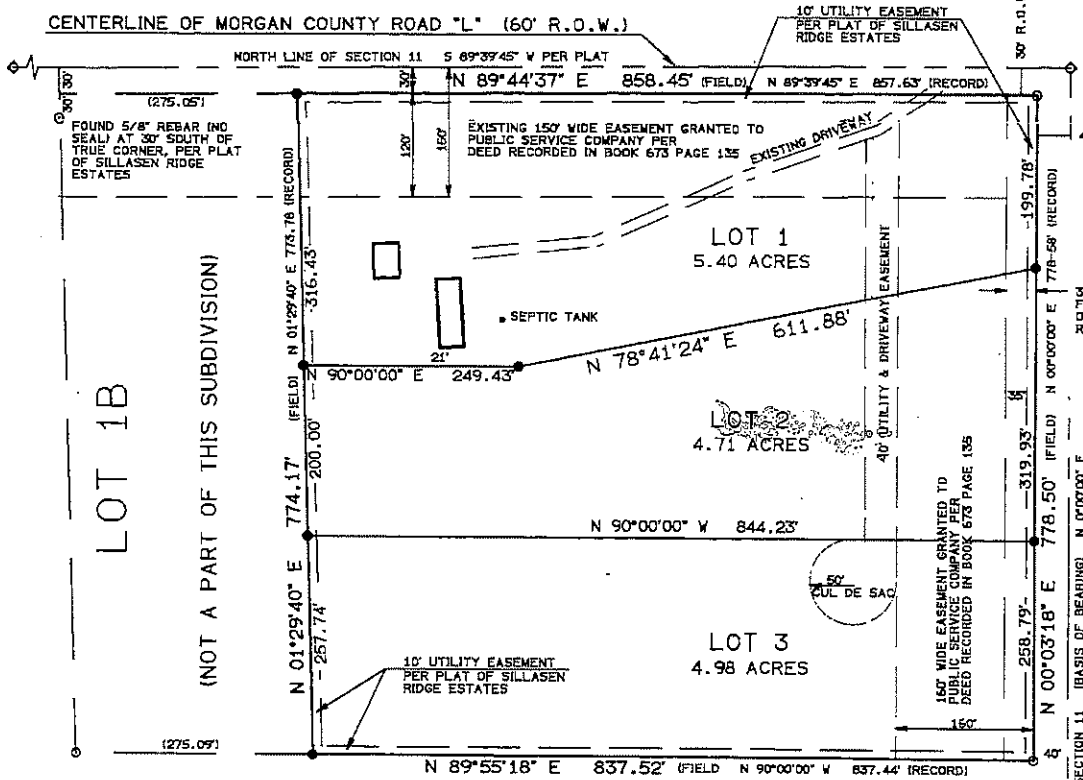
Nicole Hay
Planning Administrator

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

NOTICE:

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

DELANEY MINOR SUBDIVISION PLAT
 A REPLAT OF LOT 1A OF A REPLAT OF LOT 1 OF SILLASEN RIDGE ESTATES, PART OF SECTION 11 T. 2 N., R. 60 W., 6TH P.M., COUNTY OF MORGAN, STATE OF COLORADO.



LOT 1B
 (NOT A PART OF THIS SUBDIVISION)

SURVEYOR'S CERTIFICATE:

I, LARRY K. MCGONEGAL, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECTION.



LARRY K. MCGONEGAL
 PROFESSIONAL LAND SURVEYOR
 STATE OF COLORADO NO. 11648

OWNER:

BILL DELANEY
 4962 MORGAN COUNTY ROAD L
 WIGGINS, COLORADO 80664

OWNER'S REPRESENTATIVE:

SAME

PLANNING COMMISSION CERTIFICATE:

APPROVED THE 14th DAY OF October 2003, COUNTY PLANNING COMMISSION, MORGAN COUNTY, COLORADO.

David Wayne CHAIRMAN

COMMISSIONERS CERTIFICATE:

APPROVED THIS 5th DAY OF November 2003, BOARD OF COUNTY COMMISSIONERS, MORGAN COUNTY, COLORADO. THIS APPROVAL DOES NOT GUARANTEE THAT THE SIZE, SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUNDWATER 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 IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES, AND ALL OTHER IMPROVEMENTS THAT THAT MAY REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER, AND NOT THE COUNTY OF MORGAN.



ATTEST: *Janet A. Sullivan* CLERK OF THE BOARD
Mark A. Healy CHAIRMAN

CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO
 COUNTY OF MORGAN

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 3:17 O'CLOCK P.M., THIS 8th DAY OF December 2003, AND IS DULY RECORDED IN

PLAT FILE #1500080, FEES \$11.00, PAID, FOR *Janet A. Sullivan*
 RECORDER DEPUTY



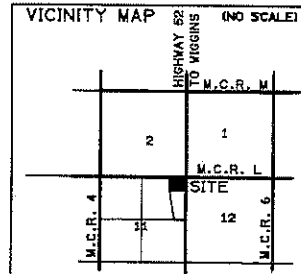
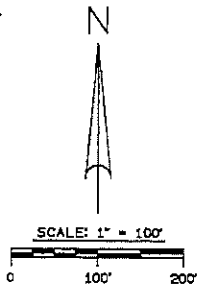
- ◆ FOUND SEC. COR OR 1/4 SEC. COR. AS DESCRIBED
- FOUND 5/8" REBAR WITH YELLOW PLASTIC SEAL STAMPED PLS 20676
- SET 1/2"x24" REBAR WITH BLUE PLASTIC SEAL STAMPED PLS 11648

NOTICE:

"PUBLIC NOTICE IS HEREBY GIVEN THAT ACCEPTANCE OF THIS PLATTED SUBDIVISION BY THE COUNTY OF MORGAN DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND OTHER IMPROVEMENTS REFLECTED HEREON FOR MAINTENANCE BY SAID COUNTY.

UNTIL SUCH ROAD AND OTHER IMPROVEMENTS MEET COUNTY REQUIREMENTS AND ARE SPECIFICALLY ACCEPTED BY THIS COUNTY BY RECORDING WITH THE CLERK AND RECORDER OF THIS COUNTY AN OFFICIAL ACCEPTANCE, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND OTHER IMPROVEMENTS AND RIGHTS-OF-WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND WITHIN THIS SUBDIVISION.

NOTICE IS FURTHER GIVEN THAT NO SUBDIVISION LOTS WILL BE ISSUED BUILDING PERMITS BY OFFICIALS OF THIS COUNTY FOR IMPROVEMENTS OF ANY NATURE ON ANY PROPERTY REFLECTED ON THIS PLATTED SUBDIVISION UNTIL SUCH TIME AS THE ACCEPTANCE AS HEREIN ABOVE DESCRIBED HAS BEEN FILED FOR RECORD WITH THE CLERK AND RECORDER OF THIS COUNTY, OR UNTIL OTHER SUITABLE PROVISION IS MADE FOR COMPLETION AND/OR MAINTENANCE OF THE ROADS AND OTHER IMPROVEMENTS.



E1/4 COR. SEC. 11
 FOUND 2 1/2" ALUM.
 CAP PLS 20676 IN
 MON. BOX

LARRY K. MCGONEGAL, PLS
 16990 COUNTY ROAD 22
 FORT MORGAN, COLORADO 80701
 (970) 542-2380
 SEPTEMBER 16, 2003

HAFFKE, HEATHER
4970 CO RD L
WIGGINS, CO 80654

SEAGROVES, THOMAS
4966 CO RD L
WIGGINS, CO 80654

JOHNSON, JUSTIN TA
4962 CO RD L
WIGGINS, CO 80654

From: [Kathryn Sellars](#)
To: ["Thomas Seagroves"](#)
Cc: [Jenafer Santos](#)
Subject: RE: Delaney Minor Subdivision
Date: Thursday, September 12, 2024 11:10:26 AM

Hi Mr. Seagroves,

We will absolutely include your emails in the packet for the Commissioners.

Kathryn M. Sellars
Hoffmann, Parker, Wilson & Carberry, P.C.

511 16th Street, Suite 610
Denver, CO 80202

[REDACTED] - direct
[REDACTED] - office

From: Thomas Seagroves [REDACTED]
Sent: Thursday, September 12, 2024 11:09 AM
To: Kathryn Sellars [REDACTED]
Cc: Jenafer Santos <jsantos@co.morgan.co.us>
Subject: Re: Delaney Minor Subdivision

Kathryn,

While I don't necessarily disagree with your conclusions, it seems they conflict with the views of Mr. Altmann and the Department of Real Estate.

My primary concern is the lack of clarity on this issue, which is why I suggested a meeting between your office, the Department of Real Estate, and myself.

Given that the BOCC hearing is approaching and I am unable to attend, please include my concerns about the confusion for current and future owners, as well as Mr. Altmann's statement regarding the creation of an association under Colorado law, in the written comments.

Thanks,

Tom Seagroves
[REDACTED]

On Wed, Sep 11, 2024, 3:06 PM Kathryn Sellars [REDACTED] wrote:

| Mr. Seagroves,

I respectfully disagree with Mr. Altmann. CCIOA is clear that CICs and HOAs are not the same. CICs, by definition under CCIOA, means "real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration." C.R.S. § 38-33.3-103(8). A unit owners association (an HOA) is the entity created to manage the CIC. C.R.S. § 38-33.3-103(3); 38-33.5-301. I would also note that CCIOA expressly describes how and when an association is created and is not triggered by the filing of a declaration and map. What Mr. Altmann describes below is for the creation of a CIC.

I also disagree that the document recorded at reception no. 813854 is the missing schedule. That document subjects the property to entire different set of covenants for the Sillasen Ridge Estates, not the covenants recorded at 813855. Further it makes the common driveway on the plat map the sole responsibility of the owner of Lot 1 with costs to be shared equally between owners. It makes no mention of an association.

In addition, it should be noted that the County never approved the road to be a separate parcel. It was only created as easement. As such, the road could not be conveyed as a separate parcel to an association if one existed. That is why the request is to only vacate an easement that benefits Lot 3. As staff has mentioned I believe, the County does not enforce covenants imposed on property. As a result, if the owner of Lot 3 has obligations under the covenants related to the driveway, that is for the individual lots owners within the subdivision to resolve.

While I understand you may not agree with my conclusions, please feel free to attend the BOCC hearing on the 17th and share your concerns with the BOCC.

Thanks.

Kathryn M. Sellars
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
[REDACTED] - direct
[REDACTED] - office

From: Thomas Seagroves [REDACTED]
Sent: Wednesday, September 11, 2024 10:45 AM
To: Kathryn Sellars [REDACTED] Jenafer Santos <jsantos@co.morgan.co.us>
Subject: Re: Delaney Minor Subdivision

Hello Kathryn and Jenafer,

Thank you for your response. I reached out to Nick Altmann, the HOA Information Officer with the Colorado Division of Real Estate. He provided the following information regarding our issue:

"To create an association under Colorado law, only two documents need to be filed with the Clerk and Recorder's office of the county or counties where the community is located."

He further specified that these documents are:

1. "The Declaration of Covenants, Conditions, and Restrictions"

2. "The Plat Map"

Regarding your concerns with the Declaration, I believe the schedule was recorded under #813854, while the remainder of the declarations was recorded under #813855. I hope this clarifies the issue.

I am concerned about the implications of the "vacation of driveway easements and cul-de-sac easements," particularly if these areas are considered real property owned by the association as "Common Area" as stated in Article 1, Section 4 of the declarations. This could lead to further confusion for both current and future owners.

Would it be helpful to arrange a conversation between us and Mr. Altmann to clarify these discrepancies in the interpretation of Colorado law? If a meeting is not feasible, could you please include Mr. Altmann's comments about the Bill Delany Planned Development Homeowners Association in the written comments for the hearing, along with my concerns regarding potential confusion for current and future owners?

Thank you for your attention to this complex matter. Please let me know a convenient time for a conversation with Mr. Altmann, or if you require any additional information from me.

Best regards,

Tom Seagroves
[REDACTED]

On Sun, Sep 8, 2024, 12:35 PM Kathryn Sellars [REDACTED] wrote:

Hi Mr. Seagroves,

I apologize for the delay in responding. I was not in the office last week.

I'm sorry but that screenshot does not accurately reflect the law. By definition under CCIOA, common interest communities are the real estate described in the declaration. HOAs or unit owners' associations, as they referred to under CCIOA, are the entities that manages the CIC. They are not interchangeable terms.

I do not think that the statutory language you reference below changes the fact that HOA does not exist and no property has been conveyed to it. Nor does it resolve the issues with the Declaration itself as a explained my initial email.

Kathryn M. Sellars
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
[REDACTED] - direct
[REDACTED] - office

From: Thomas Seagroves [REDACTED]
Sent: Friday, August 30, 2024 12:39 PM
To: Kathryn Sellars [REDACTED]
Subject: Re: FW: Delaney Minor Subdivision

Hello Kathryn,

Thank you for confirming that both the declaration and plat were recorded.

Your statement that "a home owners association is not a common interest community" should not impact what I am communicating in regards to the ownership of the road within the Subdivision. I used the term HOA because the State does so to describe common interest communities to the public. See attached screenshot

Unfortunately, your reference to C.R.S. 38-33.3-301 in regards to the formation of a non-profit made the issue lack clarity on my end. It states that :

"except that the failure of the association to incorporate or organize as a limited liability company will not adversely affect either the existence of the common interest community for purposes of this article or the rights of persons acting in reliance upon such existence"

I will give you a call and see if we can clarify together. I appreciate your time.

Tom Seagroves
[REDACTED]

On Fri, Aug 30, 2024, 11:47 AM Kathryn Sellars [REDACTED] wrote:

Hi Mr. Seagroves,

I'm the Morgan County Attorney and your questions below were forwarded to me.

The declaration and the plat were recorded with the Morgan County Clerk and Recorder.

However, the statutory provision you cite to in your attachment does not create a homeowners association. A homeowners association is not a common interest community. A homeowners association is a nonprofit corporation that must be created pursuant to Colorado law. Please see C.R.S. 38-33.3-301. There is no record that the County has been able to locate indicating that the homeowners association was created under Colorado law. Further, there is no record of any conveyance of property to the homeowners association (if it did exist) in the Morgan County records that the Planning and Zoning Department has been able to locate. As such, there are only three record owners of property within the Delaney Minor Subdivision.

As an additional matter, the validity of that declaration is questionable as it has no legal description included in it. See C.R.S. 38-33.3-205(1)(c). There is no schedule A as referenced in the declaration. What reference there is to a planned development in declaration does not match the name of the subdivision.

I hope this provides some clarity.

Kathryn M. Sellars
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
[REDACTED] - direct
[REDACTED] - office

----- Forwarded message -----

From: **Thomas Seagroves** [REDACTED]
Date: Fri, Aug 30, 2024 at 11:07 AM
Subject: Re: Delaney Minor Subdivision
To: Jenafer Santos <jsantos@co.morgan.co.us>

Jenafer,

Okay. However, you do confirm that the HOA declaration is recorded with your office (#813855) as well as the plat map for the Subdivision?

I have attached the pertinent section of the Colorado Common Interest Ownership Act. It states that the HOA would be formed and the real estate conveyed when recorded in "the same manner as a deed, in a cooperative, by conveying the real estate subject to that declaration to the association"

As long as both the declaration and plat map were recorded with your office.

I believe they both were.

Thank you so much for your time on this matter.

Best,

Tom Seagroves
[REDACTED]

On Fri, Aug 30, 2024, 10:10 AM Jenafer Santos <jsantos@co.morgan.co.us> wrote:

Thomas,

Upon looking further, there are not 4 owners of the subdivision, there are 3 owners. The HOA was never formed, and there is no deed recorded for the HOA for any ownership.

Jenafer Santos
Planning Technician
Morgan County Planning & Zoning
970-542-3526

On Fri, Aug 30, 2024 at 9:58 AM Thomas Seagroves [REDACTED] wrote:

Hello Jenafer,

Thank you for looking into this. Just to confirm our conversation. There are four recorded owners in the Bill Delaney Minor Subdivision. Those being Lot owners 1, 2, 3, and the Bill Delany Development Home Owners Association (HOA). Whereas the HOA owns "the roads within the Subdivision".

Thanks again,

Best,

Tom Seagroves
[REDACTED]

On Fri, Aug 30, 2024, 9:44 AM Jenafer Santos <jsantos@co.morgan.co.us> wrote:

Good morning Thomas,

The County does not enforce the terms and has no jurisdiction over Homeowners Associations. You can come to the hearing listed in your letter if you have any comments or concerns that you would like the Board of County Commissioners to hear. You can also submit any written comments either in person, via mail, or via email to us to supply to the



Board of County Commissioners.

Thank you,

Jenafer Santos

Planning Technician

Morgan County Planning & Zoning

970-542-3526

REFERRAL AGENCIES	RESPONSES RECEIVED
CDOT	No comments from CDOT Cheryl. Tim -- Tim Bilobran Region 4 Permits Manager
Century Link	
Colorado Parks & Wildlife	
Morgan County Assessor	
Morgan County Communications Center	
Morgan County Emergency Mgmt.	
Morgan County Conservation District	
Morgan County Quality Water	
Morgan County Road & Bridge	
Morgan County Rural Electric Assoc.	
Morgan County Sheriff Dept.	
Morgan Weed & Pest Advisory Board	
Northeast Colorado health Department	
Wiggins Fire Department	
Xcel Energy	See Attached Letter



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

TO REFERRAL AGENCIES:

Century Link	Morgan County Road & Bridge
CDOT	Morgan County Rural Electric Assoc.
Colorado Parks and Wildlife	Morgan County Sheriff Dept.
Morgan County Assessor	Morgan Weed & Pest Advisory Board
Morgan County Communications Center	Northeast Colorado Health Department
Morgan County Emergency Management	Wiggins Fire Department
Morgan County Conservation District	Xcel Energy
Morgan County Quality Water	

FROM: Cheryl Brindisi, Morgan County Planning and Zoning Administrative Assistant
231 Ensign St, PO Box 596, Fort Morgan, CO 80701
970-542-3526 / 970-542-3509 fax / cbrindisi@co.morgan.co.us

DATE: August 27, 2024

RE: Land Use Application – Amended Plat

The following Application for an Amended Plat is submitted to you for review and comments. The application will be heard by the Board of County Commissioners on **September 17, 2024 at 9:00 A.M.** in the Assembly Room of the Morgan County Administrative Building, 231 Ensign Street, Fort Morgan, CO 80701 (Basement level; use elevator entrance in SW corner). **You are encouraged to provide comments to this application by September 11, 2024.** Failure to comment will be viewed as a favorable review. Please contact the Planning and Zoning Department if you would like to attend the public meeting.

Applicant and Landowner: Heather Haffke, landowner of Lot 2.

Legal Description: Lot 2 and Lot 3, Delaney Minor Subdivision in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, otherwise known as 04966 Co Rd L and 04970 Co Rd L, Wiggins, CO 80654.

Request: An Amended Plat, related to Lots 2 and 3 of the Delaney Minor Subdivision. The purpose of the application is to permanently vacate the 40' access easement over Lot 2 which serves Lot 3 and the cul de sac easement over lot 3. This application does not request the vacation of the easement over Lot 1 or the vacation of the utility easement over Lot 2 for the benefit of Lot 3. Lot 2 will continue to be able to use the access easement over Lot 1. Access to Lot 3 will have a permanent CDOT permitted private access off of State Highway 52.

Sincerely,

Cheryl Brindisi

Morgan County Planning and Zoning Administrative Assistant



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

September 9, 2024

Morgan County Planning and Building Department
231 Ensign / PO Box 596
Fort Morgan, CO 80701

Attn: Cheryl Brindisi

Re: Amended Plat - Haffke

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documents for **Amended Plat-Haffke** and currently has **no apparent conflict**. Please be aware Public Service Company has existing electric transmission lines and associated land rights as shown along this property. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com

**NOTICE OF PUBLIC HEARING
MORGAN COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2024 AT 9:00 A.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY
ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO**

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

1. **Applicant & Landowner:** Heather Haffke
Legal Description: Lot 2 and Lot 3, Delaney Minor Subdivision in the NE¼ NE¼ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, otherwise known as 04966 Co Rd L and 04970 Co Rd L, Wiggins, CO 80654.
Request: Amended Plat to Vacate the Access Easement over Lots 2 and 3 the Delaney Minor Subdivision
Date of Application: August 1, 2024.

2. **Applicant:** Morgan County
Landowner: Weldon Valley School District RE20 and Donna L. Deganhart
Legal Description: located in the NE ¼ of Section 3, Township 4 North, Range 59 West of the 6th P.M. Morgan County, Colorado.
Request: An Amended Plat of Lots 1-4 of the Tom Deganhart Memorial Minor Subdivision to correct the acceptance of the dedication to Morgan County, Colorado, for a portion of Main Street.
Date of Application: August 14, 2024.

3. **Zoning Amendments:** Amendments reorganizing of the use categorizations in each zone district (with the exception of JLV) into tables, making necessary and associated amendments to use descriptions and terminology, and deletions, modifications, and revisions to definitions.

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

To participate remotely you may connect via Zoom at:

<https://us02web.zoom.us/j/85164302936>

Or Telephone:

Dial:

+1 719 359 4580 US

Webinar ID: 851 6430 2936

The applications and all materials are available for inspection at the Planning Administrator's Office, 231 Ensign Street, basement, Fort Morgan, Colorado, during regular office hours. At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the application.

Nicole Hay

Nicole Hay
Morgan County Planning Administrator

Published: August 29, 2024

TABLE OF CONTENTS

- File Summary
- Application
- Previous Resolution
- Site Plan / Maps
- Additional Information
- Landowner Letters, Referrals & Responses
 - Landowner Letter sent & Responses Received
 - Referral Sent & Responses Received
 - Notification

FILE SUMMARY



**MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT**

**BOARD OF COUNTY COMMISSIONERS
FILE SUMMARY**

Hearing Date: September 17, 2024

**APPLICANT: Morgan County
LANDOWNERS: Donna Deganhart and Weldon Valley School District RE20**

Morgan County, as applicant, has submitted an application for an Amended Plat to correct the acceptance of a dedication to Morgan County, Colorado of that portion of Main Street as shown on the Tom Deganhart Memorial Minor Subdivision Plat. That portion of Main Street was dedicated at the time by the owner, Donna L. Deganhart. However, the language on the plat did not indicate the County's intent to accept the dedication.

Tom Deganhart Memorial Minor subdivision is located in the NE1/4 of Section 3, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado. The property is zoned Agricultural Production and is in the Wiggins Fire District.

In reviewing an application for an amended plat to change a plat note or condition in a previously approved subdivision, the Board of County Commissioners shall apply the criteria as listed from Section 10-200(G)(4) of the Morgan County Subdivision Regulations.

- (a) The changes to the recorded plat are insubstantial, or the plat amendment is necessary to reflect the current circumstances or restrictions.
The amendment is necessary for the County to accept the dedication. By accepting the dedication, the width of Main street in Weldon will be the intended 80 feet.
- (b) The change is in keeping with the purpose and intent of the County's Zoning and Subdivision Regulations.
- (c) The approval will not adversely affect the public health, safety, and welfare.
- (d) The change is consistent with the goals and policies of the County's Comprehensive Plan.

This amendment will be done by resolution and will not require another plat.

Nicole Hay
Morgan County Planning Administrator

APPLICATION

RECEIPT

Morgan County

131 Ensign, Fort Morgan, CO 80701

(970) 542-3526



AP2024-0002 | Amended Plat

Receipt Number: 545269

Payment Amount: **\$550.00**

August 29, 2024

Transaction Method	Payer	Cashier	Reference Number
Waived		Jenafer Santos	

Comments

Amended Plat to correct the acceptance of a dedication to Morgan County, Colorado of that portion of Main Street as shown on the Tom Deganhart Memorial Minor Subdivision Plat. That portion of Main Street was dedicated at the time by the owner, Donna L. Deganhart. However, the language on the plat did not indicate the County's intent to accept the dedication.

Assessed Fee Items

Fee items being paid by this payment

Assessed n	Fee Item	Account Code	Assessed	Amount Paid	Balance Due
08/29/24	Lot Line Adjustment - Full Review (waived)		\$550.00	\$550.00	\$0.00
Totals:			\$550.00	\$550.00	
				Previous Payments	\$0.00
				Remaining Balance Due	\$0.00

Application Info

Property Address	Property Owner	Property Owner Address	Valuation
Multiple Weldona, CO 80653	Donna Deganhart & Weldon Valley School District RE20	Multiple / Various Weldona, CO 80653	

Description of Work

Amended Plat to correct the acceptance of a dedication to Morgan County, Colorado of that portion of Main Street as shown on the Tom Deganhart Memorial Minor Subdivision Plat. That portion of Main Street was dedicated at the time by the owner, Donna L. Deganhart. However, the language on the plat did not indicate the County's intent to accept the dedication.

PREVIOUS RESOLUTION

2021 BCC 35

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

RESOLUTION 2021 BCC 35

**A RESOLUTION GRANTING A FOUR-LOT MINOR SUBDIVISION, KNOWN AS THE
TOM DEGANHART MEMORIAL MINOR SUBDIVISION, LOCATED IN THE NE¼
OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 59 WEST OF THE 6TH OF P.M.
MORGAN COUNTY, COLORADO**

WHEREAS, Donna Deganhart (Owner) owns property located in the NE¼ of Section 3, Township 4 North, Range 59 West of the 6th P.M. Morgan County, Colorado (Property);

WHEREAS, Epic Design and Consulting, LLC (Applicant) has submitted an application for a four-lot minor subdivision;

WHEREAS, the Applicant has applied for approval of a four-lot minor subdivision of the Property pursuant to the County's Subdivision Regulations (the "Application");

WHEREAS, on October 12, 2021, the Morgan County Planning Commission held a duly noticed public hearing on the application;

WHEREAS, during the public hearing, the Planning Commission received testimony and evidence from the Owner, Morgan County staff and the public and recommends conditional approval;

WHEREAS, on October 26, 2021, the Board of County Commissioners (Board) held a duly noticed public hearing on the Application;

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

WHEREAS, the Board desires to conditionally approve the Application.

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

1. The Board, having reviewed the application, all information provided and testimony heard, finds that:
 - A. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access.
 - B. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure.

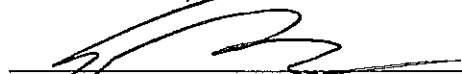
- C. The subdivision is compatible with surrounding land uses.
2. The Board hereby approves the Tom Deganhart Memorial Minor Subdivision, located in the NE¼ of Section 3, Township 4 North, Range 59 West of the 6th P.M. Morgan County, Colorado subject to the following conditions:
- a. The shared driveway between Lots 3 and 4 shall be constructed by the developer to include the culvert to Road and Bridge specifications, prior to issuance of building permits for either lot.
 - b. Engineered foundations are required for each lot due to high water table in the area.
 - c. The developer shall be responsible for the construction of the retention pond on each lot prior to the sale of each lot.
 - d. Maintenance of the ponds shall be the responsibility of the owners and successive owners of each lot.

DATED this 9th day of November, 2021, *nunc pro tunc* October 26, 2021.

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



Mark A. Arndt, Chair



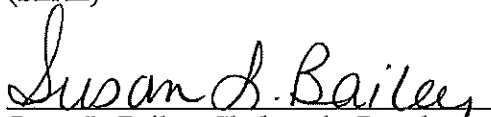
Jon J. Becker, Commissioner



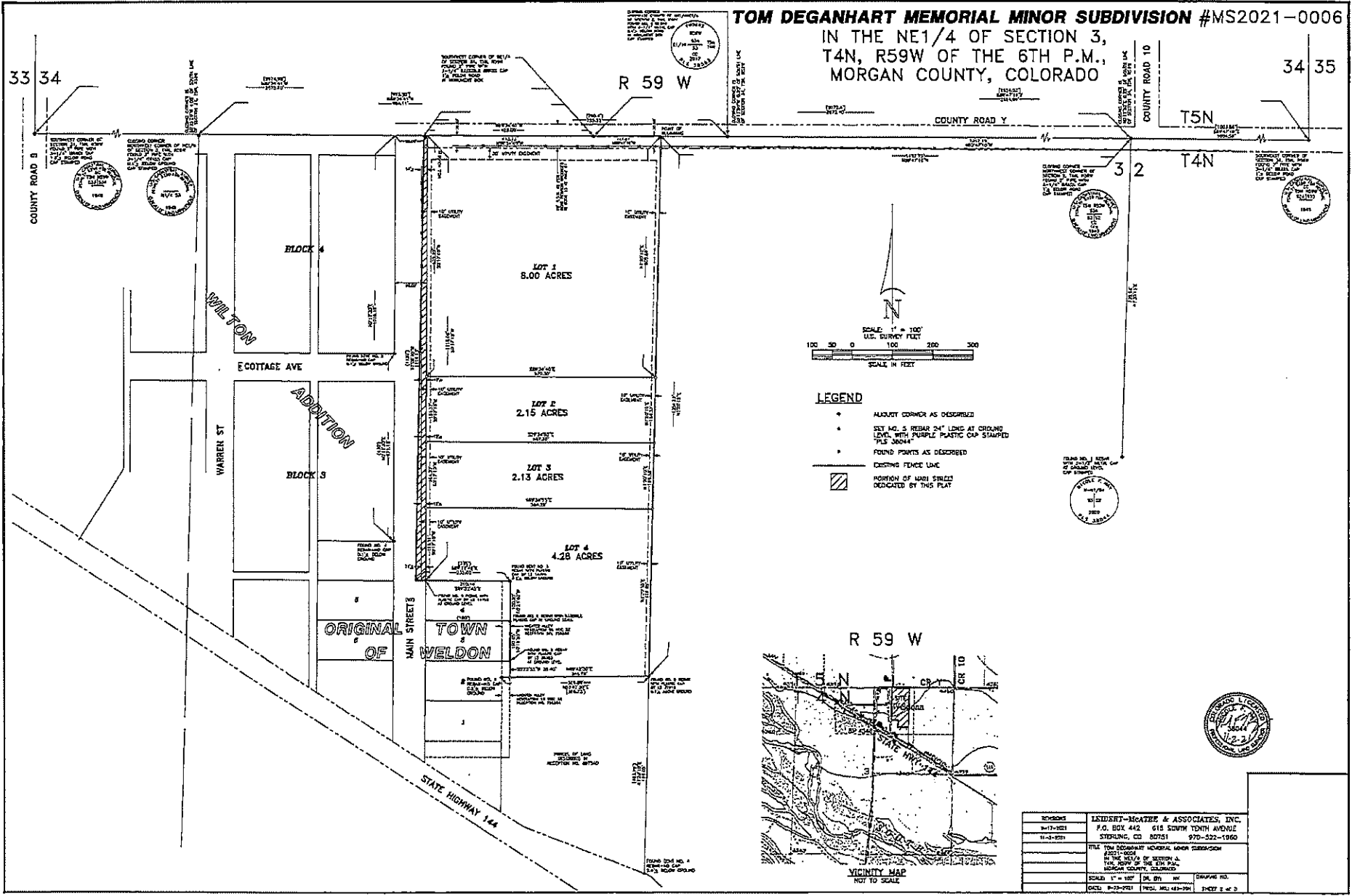
Gordon H. Westhoff, Commissioner



ATTEST:
(SEAL)



Susan L. Bailey, Clerk to the Board



SITE PLAN / MAPS

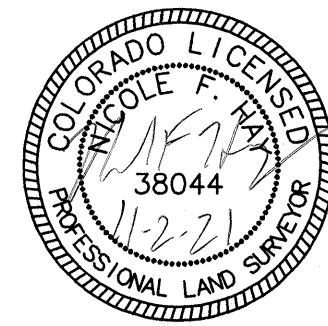
TOM DEGANHART MEMORIAL MINOR SUBDIVISION

#MS2021-0006
 IN THE NE1/4 OF SECTION 3,
 T4N, R59W OF THE 6TH P.M.,
 MORGAN COUNTY, COLORADO

SURVEYOR'S STATEMENT

I, NICOLE F. HAY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY BASED UPON MY KNOWLEDGE, INFORMATION, AND BELIEF. I FURTHER STATE THAT THE SURVEY AND THIS PLAT COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

BY: NICOLE F. HAY
 FOR AND ON BEHALF OF
 LEIBERT-McATEE & ASSOCIATES, INC.
 P.L.S. NO. 38044



COMMISSIONER'S CERTIFICATE

APPROVED THIS 16th DAY OF October, 2021, 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 AND NOT THE COUNTY OF MORGAN.

ATTEST:
Anna K. Bailey
 CLERK TO THE BOARD

Mark A. Baile
 CHAIRMAN



CLERK AND RECORDER'S CERTIFICATE

STATE OF Colorado Official Records of Morgan County, CO 1500539
 COUNTY OF Morgan 11/09/2021 12:41:12 PM Pg: 3 Rec Fee: 33.00
 BY Anna K. Bailey Clerk

I HEREBY C
 O'CLOCK M. THIS DAY OF 20 AND
 IS DULY RECORDED IN RECEPTION NO. _____
 FEES PAID.
Anna K. Bailey
 CLERK AND RECORDER



NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT ACCEPTANCE OF THIS PLATTED SUBDIVISION BY THE COUNTY OF MORGAN DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND OTHER IMPROVEMENTS REFLECTED HEREON FOR MAINTENANCE BY SAID COUNTY.

UNTIL SUCH ROADS AND OTHER IMPROVEMENTS MEET COUNTY REQUIREMENTS AND ARE SPECIFICALLY ACCEPTED BY THIS COUNTY BY RECORDING WITH THE CLERK AND RECORDER OF THIS COUNTY AN OFFICIAL ACCEPTANCE, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND OTHER IMPROVEMENTS AND RIGHT-OF-WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND WITHIN THIS SUBDIVISION.

NOTICE IS FURTHER GIVEN THAT NO SUBDIVISION LOTS WILL BE ISSUED BUILDING PERMITS BY OFFICIALS OF THIS COUNTY FOR IMPROVEMENTS OF ANY NATURE ON ANY PROPERTY REFLECTED ON THIS PLATTED SUBDIVISION UNTIL SUCH TIME AS THE ACCEPTANCE AS HEREIN ABOVE DESCRIBED HAS BEEN FILED FOR RECORD WITH THE CLERK AND RECORDER OF THIS COUNTY, OR UNTIL OTHER SUITABLE PROVISION IS MADE FOR COMPLETION AND/OR MAINTENANCE OF THE ROADS AND OTHER IMPROVEMENTS.

PUBLIC SERVICE COMPANY OF COLORADO NOTE

UTILITY EASEMENTS ARE DEDICATED TO MORGAN COUNTY FOR THE BENEFIT OF THE APPLICABLE UTILITY PROVIDERS FOR THE INSTALLATION, MAINTENANCE, AND REPLACEMENT OF ELECTRIC, GAS, TELEVISION, CABLE, AND TELECOMMUNICATIONS FACILITIES (DRY UTILITIES). UTILITY EASEMENTS SHALL ALSO BE GRANTED WITHIN ANY ACCESS EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION. PERMANENT STRUCTURES, IMPROVEMENTS, OBJECTS, BUILDINGS, WELLS, WATER METERS AND OTHER OBJECTS THAT MAY INTERFERE WITH THE UTILITY FACILITIES OR USE THEREOF (INTERFERING OBJECTS) SHALL NOT BE PERMITTED WITHIN SAID UTILITY EASEMENTS AND THE UTILITY PROVIDERS, AS GRANTEEES, MAY REMOVE ANY INTERFERING OBJECTS AT NO COST TO SUCH GRANTEEES, INCLUDING, WITHOUT LIMITATION, VEGETATION. PUBLIC SERVICE COMPANY OF COLORADO (PSCO) AND ITS SUCCESSORS RESERVE THE RIGHT TO REQUIRE ADDITIONAL EASEMENTS AND TO REQUIRE THE PROPERTY OWNER TO GRANT PSCO AN EASEMENT ON ITS STANDARD FORM.

MORGAN COUNTY NOTES

- THE SHARED DRIVEWAY BETWEEN LOTS 3 AND 4 SHALL BE CONSTRUCTED BY THE DEVELOPER TO INCLUDE THE CULVERT TO ROAD AND BRIDGE SPECIFICATIONS, PRIOR TO ISSUANCE OF BUILDING PERMITS FOR EITHER LOT.
- ENGINEERED FOUNDATIONS ARE REQUIRED FOR EACH LOT DUE TO HIGH WATER TABLE IN THE AREA.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE RETENTION POND ON EACH LOT PRIOR TO THE SALE OF EACH LOT.
- MAINTENANCE OF THE PONDS SHALL BE THE RESPONSIBILITY OF THE OWNERS AND SUCCESSIVE OWNERS OF EACH LOT.

NOTES

- EASEMENT INFORMATION AS PER NORTHERN COLORADO TITLE SERVICES CO., INC. FILE NO. NCT23372, EFFECTIVE DATE: JULY 21, 2021 AT 8:00 A.M.
- RESERVATION AS CONTAINED IN UNITED STATES PATENT RECORDED MAY 30, 1888 IN BOOK 12 AT PAGE 284 AND RECORDED FEBRUARY 24, 1900 IN BOOK 38 AT PAGE 272 AS FOLLOWS: RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES.
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 - RIGHT OF WAY FOR ROAD PURPOSES AS SPECIFIED IN ROAD PETITION RECORDED OCTOBER 4, 1907 IN BOOK 15 AT PAGE 111, SAID ROAD TO BE NOT LESS THAN 60 FEET IN WIDTH.
 - RIGHT OF WAY FOR ROAD PURPOSES AS SPECIFIED IN ROAD PETITION RECORDED APRIL 6, 1888 IN BOOK 15 AT PAGE 61, SAID ROAD TO BE NOT LESS THAN 60 FEET IN WIDTH.
 - WILLIAMS SEEPAGE DITCH AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED MARCH 27, 1909 IN MAP BOOK 1 AT PAGE 61.
 - WELDON VALLEY DITCH COMPANY AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED JANUARY 6, 1890 IN MAP BOOK 2 AT PAGE 436.
 - WELDON VALLEY IRRIGATION DITCH AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED OCTOBER 14, 1882 IN MAP BOOK 4 AT PAGE 97.
 - NARROWS RESERVOIR AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED JANUARY 8, 1910 IN MAP BOOK 2 AT PAGE 12.
 - BLUE RIVER SOUTH PLATTE PROJECT AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY STATEMENT OF CLAIM RECORDED SEPTEMBER 14, 1957 IN MAP BOOK 6 AT PAGE 31.
 - PLATTE RESERVOIRS NO. 1 & 2 AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED DECEMBER 28, 1909 IN MAP BOOK 2 AT PAGE 10.
 - TERMS, CONDITIONS, PROVISIONS, AGREEMENTS, BURDENS AND OBLIGATIONS AS CONTAINED IN NON IRRIGATION COVENANT BETWEEN THOMAS J. DEGANHART AND DONNA L. DEGANHART AND TEAGUE ENTERPRISES, LLC RECORDED FEBRUARY 28, 2007 AT RECEPTION NO. 841136. ASSIGNMENTS OF DRY-UP COVENANTS TO UNITED WATER & SANITATION DISTRICT RECORDED MARCH 10, 2010 AT RECEPTION NO. 860387. ASSIGNMENT OF DRY-UP COVENANTS TO ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY RECORDED MARCH 10, 2010 AT RECEPTION NO. 860399.
 - TERMS, CONDITIONS, PROVISIONS, AGREEMENTS, BURDENS AND OBLIGATIONS AS CONTAINED IN DRY-UP COVENANT BETWEEN THOMAS J. DEGANHART AND WIGGINS FARMS, LLC RECORDED MAY 14, 2015 AT RECEPTION NO. 893470.
 - EASEMENT AND RIGHT OF WAY FOR WATER CONVEYANCE PURPOSES AS GRANTED BY THOMAS J. DEGANHART TO WIGGINS FARMS, LLC AS CONTAINED IN INSTRUMENT RECORDED MAY 14, 2015 AT RECEPTION NO. 893471. THE LOCATION OF SAID EASEMENT AND RIGHT OF WAY NOT BEING SPECIFICALLY DEFINED.
 - EASEMENT AND RIGHT OF WAY FOR WATER CONVEYANCE PURPOSES AS GRANTED BY THOMAS J. DEGANHART TO WIGGINS FARMS, LLC AS CONTAINED IN INSTRUMENT RECORDED SEPTEMBER 9, 2015, AT RECEPTION NO. 895582. THE LOCATION OF SAID EASEMENT AND RIGHT OF WAY NOT BEING SPECIFICALLY DEFINED.
 - TERMS, CONDITIONS, PROVISIONS, AGREEMENTS, BURDENS AND OBLIGATIONS AS CONTAINED IN DRY-UP COVENANT BETWEEN THOMAS J. DEGANHART AND WIGGINS FARMS, LLC RECORDED SEPTEMBER 9, 2015 AT RECEPTION NO. 895583.
 - RIGHT OF WAY AND RIGHTS INCIDENTAL THERETO FOR COUNTY ROADS 30 FEET ON EITHER SIDE OF SECTION AND TOWNSHIP LINES AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, IN INSTRUMENT RECORDED MAY 9, 1907 IN BOOK 62 AT PAGE 109.

THERE ARE SEVERAL OIL AND GAS LEASES, AND MINERAL RIGHTS RESERVATIONS LISTED IN THE ABOVE MENTIONED FILE.

BEARINGS FOR THIS SURVEY ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 34, T5N, R59W BEARS SOUTH 89°47'10" EAST. THE SOUTHWEST AND SOUTHEAST CORNERS OF SAID SE1/4 OF SECTION 34 ARE MONUMENTED AS SHOWN.

DISTANCES IN PARENTHESES ARE DEED OR PLATTED DISTANCES.

DISTANCES AND BEARINGS IN BRACKETS ARE AS PER THE DEPENDENT RESURVEY OF TOWNSHIP 5 NORTH, RANGE 59 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COLORADO AND THE DEPENDENT RESURVEY OF TOWNSHIP 4 NORTH, RANGE 59 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COLORADO, BOTH DATED MAY 28, 1950.

SIGNIFICANT VARIANCES IN THE LOCATION OF THE SUBDIVISIONAL LINES WITH CURRENT FENCE LINES ARE SHOWN ON THE ABOVE PLAT. SINCE THIS SURVEY HAS NO JURISDICTION OVER ADJOINING LAND OWNERS, ANY PERSON MOVING, REMOVING, OR REPLACING ANY OF THESE CURRENT FENCE LINES WILL BE DOING SO AT HIS OWN RISK.

NOTICE

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

CERTIFICATE OF OWNERSHIP AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DONNA L. DEGANHART, BEING THE OWNER OF CERTAIN LANDS IN MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 59 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORGAN COUNTY, COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3, THENCE NORTH 89°47'10" WEST ALONG THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 1482.73 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°47'10" WEST ALONG THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 167.67 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 59 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE NORTH 89°34'40" WEST ALONG THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 422.00 FEET; THENCE SOUTH 1°08'10" WEST A DISTANCE OF 1118.19 FEET; THENCE SOUTH 89°32'45" EAST ALONG THE NORTH LINE AND THE WESTERLY EXTENSION THEREOF OF LOT 4, ORIGINAL TOWN OF WELDON (WELDONA) PART OF 1/2 NE1/4 AND NE1/4 NW1/4 OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 59 WEST AND ALONG THE NORTH LINE OF A VACATED ALLEY AS SHOWN IN RESOLUTION 96 BOC 32 RECORDED IN RECEPTION NO. 755586 OF THE MORGAN COUNTY RECORDS A DISTANCE OF 235.00 FEET; THENCE SOUTH 0°24'40" WEST ALONG THE EAST LINE OF SAID VACATED ALLEY A DISTANCE OF 100.20 FEET; THENCE SOUTH 0°19'55" WEST ALONG THE EAST LINE OF SAID VACATED ALLEY A DISTANCE OF 100.05 FEET; THENCE SOUTH 0°29'55" WEST ALONG THE EAST LINE OF SAID VACATED ALLEY A DISTANCE OF 39.40 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 897540 OF THE MORGAN COUNTY RECORDS; THENCE NORTH 89°42'30" EAST ALONG THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 897540 A DISTANCE OF 348.88 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 897540; THENCE NORTH 1°20'10" EAST A DISTANCE OF 1354.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.89 ACRES, MORE OR LESS, SUBJECT TO COUNTY ROAD Y RIGHT-OF-WAY.

HAS BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME, AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF TOM DEGANHART MEMORIAL MINOR SUBDIVISION #MS2021-0006 IN THE NE1/4 OF SECTION 3, T4N, R59W OF THE 6TH P.M., MORGAN COUNTY, COLORADO AND DOES HEREBY DEDICATE TO MORGAN COUNTY, COLORADO, FOR PUBLIC USE, THAT PORTION OF MAIN STREET AS SHOWN ON THIS TOM DEGANHART MEMORIAL MINOR SUBDIVISION PLAT.

EXECUTED THIS 3rd DAY OF November, 2021

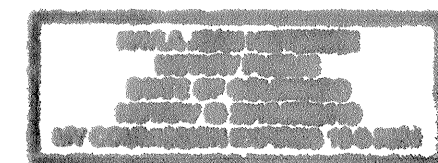
OWNER:
Donna L. Deganhart
 DONNA L. DEGANHART

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS 3rd DAY OF November, 2021, BY DONNA L. DEGANHART.

STATE OF COLORADO
 COUNTY OF Morgan

MY COMMISSION EXPIRES 10-16-2024

NOTARY PUBLIC



REVISIONS	LEIBERT-McATEE & ASSOCIATES, INC.
9-17-2021	P.O. BOX 442 615 SOUTH TENTH AVENUE
11-2-2021	STERLING, CO 80751 970-522-1960
	TITLE TOM DEGANHART MEMORIAL MINOR SUBDIVISION
	#MS2021-0006
	IN THE NE1/4 OF SECTION 3,
	T4N, R59W OF THE 6TH P.M.,
	MORGAN COUNTY, COLORADO
SCALE: 1" = 100'	DR. BY: NH DRAWING NO.
DATE: 8-23-2021	PROJ. NO.: 423-20N SHEET 1 of 3

LANDOWNER LETTERS, REFERRALS & RESPONSES

Landowner Letter Sent & Responses Received

Referral Sent & Responses Received

Notification



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

August 27, 2024

Dear Landowners:

Morgan County, as applicant, has submitted an application to our office for an Amended Plat to correct the acceptance of a dedication to Morgan County, Colorado of that portion of Main Street as shown on the Tom Deganhart Memorial Minor Subdivision Plat. That portion of Main Street was dedicated at the time by the owner, Donna L. Deganhart. However, the language on the plat did not indicate the County's intent to accept the dedication.

Legal Description: Tom Deganhart Memorial Minor Subdivision in the NE¼ of Section 3, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado.

This application is scheduled to be heard by the Board of County Commissioners on **Tuesday, September 17, 2024 at 9:00 A.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level) Fort Morgan, Colorado. Landowners within the Delaney Minor Subdivision are notified of the application and hearing date.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office located at 231 Ensign St., Fort Morgan, Colorado. If you have any questions pertaining to this application or if you would like to review the file, either contact us at (970) 542-3526 or stop by our office prior to the hearing. You may attend the public hearing and provide comments on the application, or alternatively, if you are not able to attend you may submit written comments to our office no later than **September 11, 2024.**

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

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

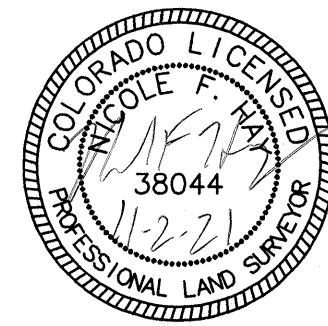
TOM DEGANHART MEMORIAL MINOR SUBDIVISION

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 IN THE NE1/4 OF SECTION 3,
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BY: NICOLE F. HAY
 FOR AND ON BEHALF OF
 LEIBERT-McATEE & ASSOCIATES, INC.
 P.L.S. NO. 38044



COMMISSIONER'S CERTIFICATE

APPROVED THIS 16th DAY OF October, 2021 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 AND NOT THE COUNTY OF MORGAN.

ATTEST:
Anna K. Bailey
 CLERK TO THE BOARD

Mark A. Baile
 CHAIRMAN



CLERK AND RECORDER'S CERTIFICATE

STATE OF Colorado Official Records of Morgan County, CO 1500539
 COUNTY OF Morgan 11/09/2021 12:41:12 PM Pg: 3 Rec Fee: 33.00
 BY Anna K. Bailey Clerk

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 - RIGHT OF WAY FOR ROAD PURPOSES AS SPECIFIED IN ROAD PETITION RECORDED OCTOBER 4, 1907 IN BOOK 15 AT PAGE 111, SAID ROAD TO BE NOT LESS THAN 60 FEET IN WIDTH.
 - RIGHT OF WAY FOR ROAD PURPOSES AS SPECIFIED IN ROAD PETITION RECORDED APRIL 6, 1888 IN BOOK 15 AT PAGE 61, SAID ROAD TO BE NOT LESS THAN 60 FEET IN WIDTH.
 - WILLIAMS SEEPAGE DITCH AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED MARCH 27, 1909 IN MAP BOOK 1 AT PAGE 61.
 - WELDON VALLEY DITCH COMPANY AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED JANUARY 6, 1890 IN MAP BOOK 2 AT PAGE 436.
 - WELDON VALLEY IRRIGATION DITCH AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED OCTOBER 14, 1882 IN MAP BOOK 4 AT PAGE 97.
 - NARROWS RESERVOIR AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED JANUARY 8, 1910 IN MAP BOOK 2 AT PAGE 12.
 - BLUE RIVER SOUTH PLATTE PROJECT AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY STATEMENT OF CLAIM RECORDED SEPTEMBER 14, 1957 IN MAP BOOK 6 AT PAGE 31.
 - PLATTE RESERVOIRS NO. 1 & 2 AND RIGHTS OF WAY THEREFOR, AS EVIDENCED BY MAP AND SWORN STATEMENT RECORDED DECEMBER 28, 1909 IN MAP BOOK 2 AT PAGE 10.
 - TERMS, CONDITIONS, PROVISIONS, AGREEMENTS, BURDENS AND OBLIGATIONS AS CONTAINED IN NON IRRIGATION COVENANT BETWEEN THOMAS J. DEGANHART AND DONNA L. DEGANHART AND TEAGUE ENTERPRISES, LLC RECORDED FEBRUARY 28, 2007 AT RECEPTION NO. 841136. ASSIGNMENTS OF DRY-UP COVENANTS TO UNITED WATER & SANITATION DISTRICT RECORDED MARCH 10, 2010 AT RECEPTION NO. 860387. ASSIGNMENT OF DRY-UP COVENANTS TO ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY RECORDED MARCH 10, 2010 AT RECEPTION NO. 860399.
 - TERMS, CONDITIONS, PROVISIONS, AGREEMENTS, BURDENS AND OBLIGATIONS AS CONTAINED IN DRY-UP COVENANT BETWEEN THOMAS J. DEGANHART AND WIGGINS FARMS, LLC RECORDED MAY 14, 2015 AT RECEPTION NO. 893470.
 - EASEMENT AND RIGHT OF WAY FOR WATER CONVEYANCE PURPOSES AS GRANTED BY THOMAS J. DEGANHART TO WIGGINS FARMS, LLC AS CONTAINED IN INSTRUMENT RECORDED MAY 14, 2015 AT RECEPTION NO. 893471. THE LOCATION OF SAID EASEMENT AND RIGHT OF WAY NOT BEING SPECIFICALLY DEFINED.
 - EASEMENT AND RIGHT OF WAY FOR WATER CONVEYANCE PURPOSES AS GRANTED BY THOMAS J. DEGANHART TO WIGGINS FARMS, LLC AS CONTAINED IN INSTRUMENT RECORDED SEPTEMBER 9, 2015, AT RECEPTION NO. 895582. THE LOCATION OF SAID EASEMENT AND RIGHT OF WAY NOT BEING SPECIFICALLY DEFINED.
 - TERMS, CONDITIONS, PROVISIONS, AGREEMENTS, BURDENS AND OBLIGATIONS AS CONTAINED IN DRY-UP COVENANT BETWEEN THOMAS J. DEGANHART AND WIGGINS FARMS, LLC RECORDED SEPTEMBER 9, 2015 AT RECEPTION NO. 895583.
 - RIGHT OF WAY AND RIGHTS INCIDENTAL THERETO FOR COUNTY ROADS 30 FEET ON EITHER SIDE OF SECTION AND TOWNSHIP LINES AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, IN INSTRUMENT RECORDED MAY 9, 1907 IN BOOK 62 AT PAGE 109.

THERE ARE SEVERAL OIL AND GAS LEASES, AND MINERAL RIGHTS RESERVATIONS LISTED IN THE ABOVE MENTIONED FILE.

BEARINGS FOR THIS SURVEY ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 34, T5N, R59W BEARS SOUTH 89°47'10" EAST. THE SOUTHWEST AND SOUTHEAST CORNERS OF SAID SE1/4 OF SECTION 34 ARE MONUMENTED AS SHOWN.

DISTANCES IN PARENTHESES ARE DEED OR PLATTED DISTANCES.

DISTANCES AND BEARINGS IN BRACKETS ARE AS PER THE DEPENDENT RESURVEY OF TOWNSHIP 5 NORTH, RANGE 59 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COLORADO AND THE DEPENDENT RESURVEY OF TOWNSHIP 4 NORTH, RANGE 59 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COLORADO, BOTH DATED MAY 26, 1950.

SIGNIFICANT VARIANCES IN THE LOCATION OF THE SUBDIVISIONAL LINES WITH CURRENT FENCE LINES ARE SHOWN ON THE ABOVE PLAT. SINCE THIS SURVEY HAS NO JURISDICTION OVER ADJOINING LAND OWNERS, ANY PERSON MOVING, REMOVING, OR REPLACING ANY OF THESE CURRENT FENCE LINES WILL BE DOING SO AT HIS OWN RISK.

NOTICE

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

CERTIFICATE OF OWNERSHIP AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DONNA L. DEGANHART, BEING THE OWNER OF CERTAIN LANDS IN MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 59 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORGAN COUNTY, COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3, THENCE NORTH 89°47'10" WEST ALONG THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 1482.73 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°47'10" WEST ALONG THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 167.67 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 59 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE NORTH 89°34'40" WEST ALONG THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 422.00 FEET; THENCE SOUTH 1°08'10" WEST A DISTANCE OF 1118.19 FEET; THENCE SOUTH 89°32'45" EAST ALONG THE NORTH LINE AND THE WESTERLY EXTENSION THEREOF OF LOT 4, ORIGINAL TOWN OF WELDON (WELDONA) PART OF 1/2 NE1/4 AND NE1/4 NW1/4 OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 59 WEST AND ALONG THE NORTH LINE OF A VACATED ALLEY AS SHOWN IN RESOLUTION 96 BOC 32 RECORDED IN RECEPTION NO. 755586 OF THE MORGAN COUNTY RECORDS A DISTANCE OF 235.00 FEET; THENCE SOUTH 0°24'40" WEST ALONG THE EAST LINE OF SAID VACATED ALLEY A DISTANCE OF 100.20 FEET; THENCE SOUTH 0°19'55" WEST ALONG THE EAST LINE OF SAID VACATED ALLEY A DISTANCE OF 100.05 FEET; THENCE SOUTH 0°29'55" WEST ALONG THE EAST LINE OF SAID VACATED ALLEY A DISTANCE OF 39.40 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 897540 OF THE MORGAN COUNTY RECORDS; THENCE NORTH 89°42'30" EAST ALONG THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 897540 A DISTANCE OF 348.88 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 897540; THENCE NORTH 1°20'10" EAST A DISTANCE OF 1354.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.89 ACRES, MORE OR LESS, SUBJECT TO COUNTY ROAD Y RIGHT-OF-WAY.

HAS BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME, AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF TOM DEGANHART MEMORIAL MINOR SUBDIVISION #MS2021-0006 IN THE NE1/4 OF SECTION 3, T4N, R59W OF THE 6TH P.M., MORGAN COUNTY, COLORADO AND DOES HEREBY DEDICATE TO MORGAN COUNTY, COLORADO, FOR PUBLIC USE, THAT PORTION OF MAIN STREET AS SHOWN ON THIS TOM DEGANHART MEMORIAL MINOR SUBDIVISION PLAT.

EXECUTED THIS 3rd DAY OF November, 2021

OWNER:
Donna L. Deganhart
 DONNA L. DEGANHART

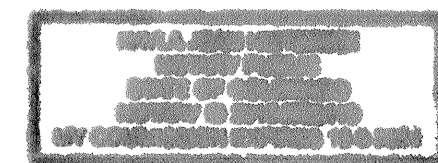
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS 3rd DAY OF November, 2021, BY DONNA L. DEGANHART.

STATE OF COLORADO

COUNTY OF Morgan

MY COMMISSION EXPIRES 10-16-2024

NOTARY PUBLIC



REVISIONS	LEIBERT-McATEE & ASSOCIATES, INC.
9-17-2021	P.O. BOX 442 615 SOUTH TENTH AVENUE
11-2-2021	STERLING, CO 80751 970-522-1960
	TITLE TOM DEGANHART MEMORIAL MINOR SUBDIVISION
	#MS2021-0006
	IN THE NE1/4 OF SECTION 3,
	T4N, R59W OF THE 6TH P.M.,
	MORGAN COUNTY, COLORADO
SCALE: 1" = 100'	DR. BY: NH DRAWING NO.
DATE: 8-23-2021	PROJ. NO.: 423-20N SHEET 1 of 3

WELDON VALLEY SCHOOL DISTRICT RE20
911 NORTH AVE
WELDONA, CO 80653

DEGANHART, DONNA L
512 MAIN ST
WELDONA, CO 80653

REFERRAL AGENCIES	RESPONSES RECEIVED
Century Link	
Colorado Parks & Wildlife	
Morgan County Assessor	
Morgan County Communications Center	
Morgan County Emergency Mgmt.	
Morgan County Conservation District	
Morgan County Quality Water	
Morgan County Road & Bridge	
Morgan County Rural Electric Assoc.	
Morgan County Sheriff Dept.	
Morgan Weed & Pest Advisory Board	
Northeast Colorado health Department	
Wiggins Fire Department	
Xcel Energy	See Attached Letter



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

TO REFERRAL AGENCIES:

Century Link	Morgan County Road & Bridge
Colorado Parks and Wildlife	Morgan County Rural Electric Assoc.
Morgan County Assessor	Morgan County Sheriff Dept.
Morgan County Communications Center	Morgan Weed & Pest Advisory Board
Morgan County Emergency Management	Northeast Colorado Health Department
Morgan County Conservation District	Wiggins Fire Department
Morgan County Quality Water	Xcel Energy

FROM: Cheryl Brindisi, Morgan County Planning and Zoning Administrative Assistant
231 Ensign St, PO Box 596, Fort Morgan, CO 80701
970-542-3526 / 970-542-3509 fax / cbrindisi@co.morgan.co.us

DATE: August 27, 2024

RE: Land Use Application – Amended Plat

The following Application for an Amended Plat is submitted to you for review and comments. The application will be heard by the Board of County Commissioners on **September 17, 2024 at 9:00 A.M.** in the Assembly Room of the Morgan County Administrative Building, 231 Ensign Street, Fort Morgan, CO 80701 (Basement level; use elevator entrance in SW corner).

You are encouraged to provide comments to this application by September 11, 2024.

Failure to comment will be viewed as a favorable review. Please contact the Planning and Zoning Department if you would like to attend the public meeting.

Applicant: Morgan County

Landowners: Donna L. Degenhart and Weldon Valley School District RE20

Legal Description: Tom Deganhart Memorial Minor Subdivision in the NE¼ of Section 3, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado.

Request: An Amended Plat to correct the acceptance of a dedication to Morgan County, Colorado of that portion of Main Street as shown on the Tom Deganhart Minor Subdivision Plat. That portion of Main Street was dedicated at the time by the owner, Donna L. Deganhart. However, the language on the plat did not indicate the County's intent to accept the dedication.

Sincerely,

Cheryl Brindisi

Morgan County Planning and Zoning Administrative Assistant



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

September 12, 2024

Morgan County Planning and Building Department
231 Ensign / PO Box 596
Fort Morgan, CO 80701

Attn: Cheryl Brindisi

Re: Amended Plat – Degenhart (AMENDED)

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the amended plat for **Degenhart Memorial Minor Sybdivision** and currently there is no conflict.

Please be aware PSCo owns and operates existing natural gas and electric distribution facilities along property boundaries.

The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to existing facilities via [xcelenergy.com/InstallAndConnect](https://www.xcelenergy.com/InstallAndConnect). It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

If additional easements need to be acquired by separate PSCo document (i.e. transformer), a Right-of-Way Agent will need to be contacted by the Designer.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com

**NOTICE OF PUBLIC HEARING
MORGAN COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2024 AT 9:00 A.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY
ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO**

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

- 1. Applicant & Landowner:** Heather Haffke
Legal Description: Lot 2 and Lot 3, Delaney Minor Subdivision in the NE¼ NE¼ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, otherwise known as 04966 Co Rd L and 04970 Co Rd L, Wiggins, CO 80654.
Request: Amended Plat to Vacate the Access Easement over Lots 2 and 3 the Delaney Minor Subdivision
Date of Application: August 1, 2024.

- 2. Applicant:** Morgan County
Landowner: Weldon Valley School District RE20 and Donna L. Deganhart
Legal Description: located in the NE ¼ of Section 3, Township 4 North, Range 59 West of the 6th P.M. Morgan County, Colorado.
Request: An Amended Plat of Lots 1-4 of the Tom Deganhart Memorial Minor Subdivision to correct the acceptance of the dedication to Morgan County, Colorado, for a portion of Main Street.
Date of Application: August 14, 2024.

- 3. Zoning Amendments:** Amendments reorganizing of the use categorizations in each zone district (with the exception of JLV) into tables, making necessary and associated amendments to use descriptions and terminology, and deletions, modifications, and revisions to definitions.

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

To participate remotely you may connect via Zoom at:

<https://us02web.zoom.us/j/85164302936>

Or Telephone:

Dial:

+1 719 359 4580 US

Webinar ID: 851 6430 2936

The applications and all materials are available for inspection at the Planning Administrator's Office, 231 Ensign Street, basement, Fort Morgan, Colorado, during regular office hours. At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the application.

Nicole Hay

Nicole Hay
Morgan County Planning Administrator

Published: August 29, 2024

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Morgan
State of Colorado

**NOTICE OF PUBLIC HEARING
MORGAN COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2024 AT 9:00 A.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN
COUNTY ADMINISTRATIVE BUILDING, 231 ENSIGN,
FORT MORGAN, COLORADO**

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Or Telephone:
Dial:
+1 719 359 4580 US
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/s/Nicole Hay
Nicole Hay
Morgan County Planning Administrator

Published: August 29, 2024

Published: Morgan County Times August 29, 2024-2071210

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

Aug 29, 2024


Signature

Subscribed and sworn to me before me this
29th day of August, 2024.


Notary Public

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

(SEAL)

Account: 1052763
Ad Number: 2071210
Fee: \$60.72

AMENDMENT SUMMARY



**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
AMENDMENT SUMMARY-USE CHART AND DEFINITIONS
September 17, 2024**

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

Enclosed with this staff report are three redlined documents:

1. District/Use Chart.
2. Definitions
3. Portions of Zoning Regulations

These three documents show the proposed changes to the Morgan County Zoning Regulations. The purpose of these amendments is to provide a more user-friendly version of the categorization of uses through the creation of the chart. To achieve this goal, a significant amount of clean-up revisions of the current regulations is proposed. These changes generally include combining similar uses, deleting definitions for terms no longer used, adding definitions for current or new terms, delineating between primary, accessory and temporary uses and creating new terms for certain uses.

In reviewing the use chart, the redlines show changes (deletions or additions) and the far-right hand column provides annotations to explain some of the changes. If no redlines appear, particularly in the zone district columns for the designated type of permitting, that represents the current Zoning Regulations and no change is proposed. The intent is that for the public hearing and BOCC review, the chart should be read in conjunction with the proposed changes to the draft definitions. Upon final approval, via resolution, the use chart will be alphabetized and annotations in that far-right hand column will be removed. However, right now, the chart generally remains in the alphabetical order of the current use and their terminology. The draft regulations in the packet also show where the use chart will be inserted into the Zoning Regulations.

The draft definitional changes are also partially annotated to explain why the changes are being proposed.

There are a couple of items to note in general:

1. The JLV zone is not included in the chart. It is an entirely unique zone district and does not fit well within the chart due to its limited uses. As such, you will note in the draft regulations, language is proposed that expressly prohibits any use in the JLV that is not expressly permitted as a use by right, conditional use or special use. This language would prevent application for SUPs for uses which are not appropriate in the JLV.
2. MH is included in the chart, but most uses are prohibited.

3. Definitions associated with the Floodplain Regulations are being moved, but are unchanged, into the Floodplain Regulations section. This change is being proposed for consistency with other sections of the Zoning Regulations, like Oil and Gas, Solar, BESS, that contained a separate definition section.
4. Natural medicine was not in the version of these documents that Planning Commission reviewed due to simultaneously timing of those amendments with these amendments by Planning Commission. However, they are included in these copies for BOCC review now that they have been adopted.

Planning Commission reviewed these amendments during two public hearings on 8/12 and 9/9. Planning Commission recommend approval with several suggested changes. These changes are noted, where possible, in green highlight on the draft documents and below in full:

Chart

1. Pg. 8. Planning Commission recommended the additional language prohibiting sales to “Agricultural fertilizer and chemical storage” when it is a UBR in the both Ag Production Zones. Further, Planning Commissioner recommended additional language to add on and off premises sales to “Agricultural fertilizer and chemical storage” when it is a SU in the Ag Production and commercial zones, a CU in the A/B and industrial zones.
2. Pg. 21, Planning Commission recommended the change from “toxic” to “hazardous”. Change also made to draft definitions.
3. Pg. 22, footnote. The language in the footnote is currently in the Zoning Regulations. However, the definition of two-family dwelling unit designates that the unit is on one (1) lot. Further, the Zoning and Subdivision Regulations do not currently allow the condominiumization of a two-family (or multi-family) dwelling unit, so any two-family dwelling unit will always be under common ownership, making this language unnecessary.
4. Planning Commission recommended changing the “P” in the chart indicating a use is Prohibited use to “NP” for Not Permitted. This change is not shown in the draft documents.

Definitions

Currently, “livestock training, breeding and boarding facilities” are a use in the Zoning Regulations. However, the use is not currently defined. The draft definitions proposed a definition for this use. Due to the potential overlap between this use and a confined animal feeding operation, the Planning Commission recommended that the definition for “livestock training, breeding and boarding facilities” should be limited to pack animals. This change necessitated the creation of a definition of pack animals.

Definitions/Regulations

The Planning Commission recommended that kennels by definition be considered a commercial activity and not established through the number of dogs, which is currently the limitation and threshold in the Zoning Regulations. As such, the definition of kennel has been revised and the numerical limit deleted.

Nicole Hay, Morgan County Planning Director

PROPOSED ZONING REGULATION AMENDMENTS

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
A-M major facility of a public utility for which a development permit has been issued	UBR			UBR	UBR	UBR	UBR	UBR				P	See Morgan County 1041 Regulations	
Accessory buildings and uses							UBR	UBR						These uses are combined into one use description to avoid confusion. The type of accessory uses and structures permitted in the ER, RR, RCR, MDR HDR and MH zones are more limited than the scope of the definition of this use. See below - in Accessory Uses.
Accessory buildings and uses such as garages				UBR	UBR	UBR								
Accessory uses, buildings, and structures												UBR	3-130	
Additional antennas for radio or television transmission	CU	CU												Moved to accessory use; change to additional antennas for communication facilities
Adult entertainment amusement, entertainment, or business establishment	P	P	P	P	P	P	P	P	P	SU	P	P	4-325 to 4-345	This terminology is being revised to create an umbrella term to encompass all types of adult entertainment businesses (see definitions).
Agricultural crop production	UBR	UBR		CU	CU	CU				UBR	UBR	P		New defined term (see definitions); combined with crop production and cultivation uses - see below
Agricultural processing, with no retail or wholesale activity	UBR	UBR	UBR						SU	UBR	UBR	P		
Agriculture related businesses if associated with owner occupied housing	CU	CU										P		Move to accessory use
Aircraft related recreational facilities										SU				

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
Airports, heliports, <u>airstrips, and/or aircraft recreational facilities</u>	SU	SU	SU							SU	SU	P		Two uses (aircraft related recreational facilities and airports, heliports) combined into one; along with “commercial airport and heliports”. See below
Confined animal feeding or boarding operations <u>Animal feeding or boarding operations which do not exceed the animal unit densities of Table 3 Appendix B Section 3-730</u>	UBR	UBR	UBR	CU	CU	CU	CU	<u>P</u>	CU	CU	CU	P		
Batch Plants <u>Asphalt and concrete batch plants</u>	SU	SU	SU							<u>SU</u>	<u>CU</u>	P		Combined with “concrete, asphalt and mortar batch plants” below. New defined term (see definitions)
Asphalt or concrete batch <u>Batch plants for a single road project provided all other federal, state, and local laws and regulations are complied with</u>	CU	CU										P		
Assembling and light manufacturing plants										<u>UBR</u>				
Auction Livestock and animal <u>sales yards and associated buildings and structures, including animal and livestock sales auction sales</u>	<u>UBR</u>	<u>UBR</u>	<u>CU</u> <u>UBR</u>						SU			P		
Auto and truck sales - new and used									CU			P		

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
Automobile service stations with gasoline pumps and retail gift and sundry sales										CU	CU	P		
Bed and breakfast facilities	SU	SU							CU			P		
BESS as a primary or accessory use	SU	SU	SU							SU	SU	P	4-860	
Boarding, raising, or otherwise keeping exotic animals	SU	SU	CU									P		
Buildings and sheds for protection of livestock	UBR	UBR												Covered as accessory uses, buildings and structures.
Campgrounds and recreational vehicle (RV) parks	SU	SU	SU						SU			P	4-100	
Car washes									CU			P		
Cattle truck washing and cleaning	SU	SU							CU			P		
Cemeteries	CU	CU										P		
Wastewater Facility Central collection sewage treatment facilities	SU	SU	SU	SU	SU	SU	SU	SU	CU	CU	CU	SU	4-555 through 4-570	New revised term (see definitions); combination of similar uses
Central collection sewage treatment facilities; exclusive of individual septic systems						SU								
Central Water facility sewer and water treatment, collection and distribution facilities	SU	SU	SU	SU	SU	SU	SU	SU	CU	CU	CU	SU		New revised term (see definitions); combination of similar uses

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	Annotations
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		
Churches	CU	CU	CU											Combined with places of worship
Churches and church schools				CU	CU	UBR	CU	CU						
Commercial airports and heliports			SU											
Commercial airports and heliports—crop dusting operations and associated chemical storage and airstrips											SU			Combined with crop dusting operations (see definitions)
Commercial and private airports, airstrips, and heliports	SU	SU												Combined with airports above.
Commercial boat and recreation vehicle storage	CU	CU								CU		P		
Commercial dairies - milk processing only			CU									P		
Commercial disposal injection wells	CU	CU	CU							CU	CU	P	4-452 to 4-474	
Commercial grain elevators	SU	SU	CU									P		
Commercial injection wells		CU												Not a defined term. Term is “commercial disposal injection well”
Commercial synthetic fuel plants			SU											Covered by commercial synthetic fuel production
Commercial synthetic fuel production	SU	SU	SU							SU	SU	P		
Commercial trucking and heavy equipment parking and maintenance	UBR		UBR							CU	CU	P		
Communication facilities	UBR	UBR	UBR	CU	CU	CU	CU	CU	UBR	UBR	UBR	SU	4-705	

USE TABLE													
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified								
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	Annotations
Communication facilities exceeding height limits	SU	SU							CU				A use in excess of height restrictions should only require a variance
Communication facilities not exceeding height limits												SU	A use in excess of height restrictions should only require a variance
Communication facilities where height limits are exceeded										CU			A use in excess of height restrictions should only require a variance
Community Building halls						UBR			CU			UBR	See new definition as more encompassing than current definition.
Community Residential Homes				UBR	UBR	UBR	UBR	UBR				P	New term (see definition). Inserted to comply with Colorado law. Under Colorado law this type of use is designated as a residential use of property for purposes of zoning. It may be possible to subject these uses to conditional or special use permit processes but the regulation cannot prohibit the use.
Concrete, asphalt, and mortar batching plants										SU	CU		Covered by batch plant above.
Confined animal feeding operations confining more than the allowed animal unit densities but fewer than 200 animal units in a confinement area of two (2) or more acres or fewer than 90 animal units in a confinement area of one-half (1/2) acre or more or	CU	CU										P	4-200 through 4-260

USE TABLE													
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified								
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	Annotations
15 animal units of fowl, game birds or other small animals in a confined area of 1500 square feet or more													
Confined animal feeding operations in excess of the allowed animal unit densities or conditional use permit allowances	SU	SU										P	4-200 through 4-260
Contractor's office with outside storage for construction materials or equipment									CU			P	
Crop dusting operations	SU	SU											
Crop dusting operations and/or <u>associated</u> airstrips	<u>SU</u>	<u>SU</u>	SU							<u>SU</u>	SU	P	Combined uses
Crop production, orchards, nurseries, and flower production				CU	CU								Combined with agricultural cultivation above. Orchards are separated out - see below. Nurseries are covered as "general retail sales"
Cultivation, storage, sale of crops, etc.			UBR										
Cultivation, storage, sale of crops, vegetables, plants, flowers, nursery stock	UBR												
Digesters which process plant or animal matters originating from activity	SU	SU	SU									P	

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
not included in the permitted area where the digester is located														
Distilleries, brew pubs, <u>or wineries (without growing operations)</u>										CU	CU	P		Growing operations would be a vineyard – see below.
Dry cleaning and dyeing establishments									UBR			P		
Emergency response and public safety facilities	UBR	UBR	UBR	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	UBR	UBR	UBR	<u>SU</u>		
Entertainment and recreational facilities 75,000 square feet and greater									CU			P		
Equipment rental										CU	CU	P		
Equipment sales, storage, and repair facilities			SU											Repeated use.
Event center	CU	CU	CU						CU			P		See new definition
Extraction and/or crushing of sand, gravel, dirt or other natural resource extraction, with the exception of oil and gas activities	CU		SU						CU	CU SU	CU	P		
Extraction of natural resources (gravel mining, etc.)			SU											Combined with use directly above.
Extraction of sand, gravel, or dirt for a single public road project provided all requirements of the	<u>CU</u>	CU										P		

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
Colorado Mined Land Reclamation Board have been met														
Farm buildings, storage sheds, and silos for storage of farm products	UBR	UBR												Accessory uses
Farm equipment and heavy equipment sales - new and used	CU	CU	UBR						UBR			P		
Farming, ranching, gardening for personal and commercial production purposes	UBR	UBR	UBR											Covered by Agricultural Cultivation, grazing of livestock and nurseries (for commercial purposes)
Feed mills	SU	SU							CU			P		
Agricultural fertilizer and chemical storage, excluding any sales activity Fertilizer and chemical storage for personal and on farm use	UBR	UBR										P		
Agricultural fertilizer and chemical storage, including on and off premises sales	SU	SU	CU						SU	CU	CU	P		
Fire stations				CU	CU	CU	CU	CU						Covered by Emergency response and public facilities - see above and definitions.
Flea markets, farmers' markets									UBR			P		
Flowlines and Gathering lines	CU	CU	CU						CU	CU	CU	P	4-472	
Fresh and frozen food										CU	CU	P		

USE TABLE														
UBR - Use-by-right	CU - Conditional Use		SU - Special Use		P - Prohibited			T- Temporary Use			Blank - Not Specified			
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
lockers														
Full service truck stores and repair, unloading including farm and heavy equipment repair			SU						SU				P	
Garages, parking, other equipment storage buildings for personal use	UBR	UBR							UBR					This is a separate use to address residential zones which are not permitted to have all types of accessory use/building/structure. See below in accessory uses.
Gardens				UBR	UBR									Covered by other uses
Gardens and crop farming, livestock grazing						UBR								
General commercial facilities over 50,000 square feet <u>and up to 100,000 square feet</u> and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries									CU	UBR			P	Use revised to include use directly below.
General commercial facilities under 100,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries										UBR				
General commercial facilities under 50,000 square feet and which has a traffic generation of less									UBR	UBR			P	

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
than 150 vehicle trips per day, including customers, employees and deliveries														
General retail facilities over 50,000 square feet <u>and up to 100,000 square feet</u> and which have a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries			UBR						CU	UBR		P		Use revised with use directly below.
General retail facilities under 100,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries			UBR						UBR	UBR				
General retail facilities under 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries			UBR						UBR	UBR		P		
Golf courses, <u>with or without driving ranges</u>	CU	CU	CU	CU	CU	CU	CU	CU				P		Driving ranges are currently a separate use.
Grazing of livestock	UBR		UBR											
<u>Grazing of livestock not exceeding the animal densities of Appendix B Table 3</u> Grazing of livestock not to exceed the	<u>UBR</u>	UBR	<u>UBR</u>	<u>UBR</u>				<u>P</u>	UBR	UBR	UBR	P	3-730	

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
animal densities of Section 3-730														
Ground-mounted WEF as primary or accessory use	SU	SU	SU							SU	SU	P	3-885	
Group homes, Residential child care facility foster family care homes	CU	CU		CU	CU	CU	<u>CU</u>	<u>CU</u>				P		New term (see definition) to comply with Colorado law. Not granted the same statutory protections as other communal living uses.
Nursing homes and other extended care facilities Group homes, foster family care homes, nursing homes						<u>CU</u>	CU	CU				P		These uses are different than group home for the aged.
Group Homes, Aged	<u>UBR</u>	<u>UBR</u>		<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>				<u>P</u>		Added to conform with state law; cannot fully prohibit
Group Homes, Behavior or Mental Health Disorders	<u>UBR</u>	<u>UBR</u>		<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>				<u>P</u>		Added to conform with state law; cannot fully prohibit
Heavy equipment, truck and farm implement repair stop									<u>CU</u>					Already covered by other use.
Home occupations				<u>UBR</u>	<u>UBR</u>	<u>UBR</u>						<u>UBR</u>	<u>4-310</u>	Move to accessory uses
Home occupations conducted in a residence or an accessory building							<u>CU</u>	<u>CU</u>					<u>4-310</u>	
Home occupations conducted in an accessory building	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>							<u>4-310</u>	
Hospitals and medical clinics	CU	CU	CU				CU	CU	CU			P		Medical clinics are covered by definition as part of professional offices.
Hospitals, nursing and convalescent homes, and	<u>CU</u>	<u>CU</u>	<u>CU</u>						<u>CU</u>					Covered by other uses; repeat

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
other extended care facilities														
Hotels and motels, including other incidental business uses located inside the principal building, such as restaurants									CU				P	
Hunting and/or fishing preserves and hunting parks	CU	CU											P	
Indoor shooting range									UBR	UBR	UBR		P	
Injection wells									CU					Not needed to be listed as a separate use.
Injection wells, except commercial disposal injection wells	UBR	UBR	UBR						CU	UBR	UBR		P	4-452 to 4-474 Commercial disposal injection wells are addressed above.
Junk, scrap metal, auto wrecking and farm and other equipment storage and salvage yards	SU	SU	SU							SU	SU			
Keeping of alternative livestock	CU	CU												
Kennels	SU	SU	SU	SU	SU	SU	SU	SU	CU	SU	SU		P	4-265
Kennels (non-commercial)					SU	SU	SU							Removed and addressed in Sec. 4-265 (new)
Livestock barns				UBR										Combined with animal/livestock sales, see above
Livestock training, breeding and boarding facilities which do not exceed the animal unit densities of Table 3	UBR	UBR	UBR										P	

USE TABLE														
UBR - Use-by-right	CU - Conditional Use		SU - Special Use		P - Prohibited			T- Temporary Use			Blank - Not Specified			
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
<u>Appendix B.</u>														
Machine shops									CU	CU	CU	P		
Manufactured home parks	P	P	P	P	P	P	P	P	P	P	P	UBR	4-575	
Manufactured homes located in manufactured home park												UBR		
Manufacturing, assembly and distribution of secondary-primary and secondary basic goods									CU	CU	CU	P		See new definition for manufacturing, covers both light and heaving manufacturing
Medical and dental clinics									UBR					Covered by professional offices
Medical clinics					CU	CU								
Membership clubs, public or private									CU			P		To the extent this use occupies a non-residential structure, it is cover by the definition of community building.
Miniature golf courses, golf driving ranges									CU			P		
Mini-warehouses as primary or accessory use										UBR				
Mini-warehouses as primary use									CU	UBR	UBR	P		
Mixed-use structures where the residential portion of the use is located at the rear of the structure or on an upper floor and is 5,000 square feet or more. The residential portion may be used for single-family or									CU			P		

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
multi-family dwellings														
Mixed-use structures where the residential portion of the use is located at the rear of the structure or on an upper floor. The residential portion must be less than 5,000 square feet and may only be a single-family dwelling									UBR			P		
Mortuaries and funeral homes									SU			P		
Motor vehicle, <u>motorized equipment, recreational equipment sales, service, repairs, and storage (indoor or outside) and other motorized equipment sales, services and repair and associated storage</u>										UBR		P		
Multi-family dwellings					<u>CU/SU¹</u>		UBR	UBR				P		
Multi family dwellings up to three dwelling units						<u>CU</u>								Addressed through footnote; not included as CU in RCR because

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

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
Multi family dwellings with more than three dwelling units, including to but not limited to apartment buildings, condominiums and town homes						SU								current language is incorrect. Multi-family dwellings, by definition, have three units. With two units, that is a two-family dwelling unit.
Non-commercial domestic livestock, poultry and fowl less than or equal to defined animal unit densities				UBR										
Nursery schools and day care centers									CU					Combined with pre-schools - see above.
Nursing and convalescent homes and other extended care facilities						CU								Combined with nursing homes - see above
Natural Medicine Business	P	P	P	P	P	P	P	P	P	SUP	P	P		
Oil and gas wells	UBR	UBR	UBR						CU	UBR	UBR	P		
One (1) single-family dwelling per lot ²	UBR	UBR		UBR	UBR	UBR	UBR	SU	CU					
One additional dwelling unit		CU												
Open space				UBR	UBR	UBR								Combined into one use - Public parks, playground, and open space - see below
Open space, parks, and playgrounds												UBR		
Outdoor shooting ranges	SU	SU									SU	P	4-275	
Outdoor storage											SU	P		
Packing plants	SU	SU								SU	SU	P		

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

USE TABLE													
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Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	Annotations
Personal services									UBR			P	
Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produces as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	
Places of worship and associated schools	CU	CU	CU	CU	CU	UBR	CU	CU	CU			P	
Pre-schools, nursery schools, and day care centers				CU		CU	CU	CU				P	
Processing and bottling plants, including agricultural and non-agricultural products										CU	CU	P	
Processing plants, including agricultural and non-agricultural products											UBR	P	
Professional offices over 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries										UBR	UBR	P	

USE TABLE														
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Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
Professional office under 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries									UBR	UBR	UBR	P		
Professional offices										UBR	UBR			
Public and private parking lots										CU	CU	P		
Public and private Outdoor recreation facilities, including indoor and outdoor activities	CU	CU	CU									P		New definition; differentiated from entertainment and recreational facilities
Public and private schools				CU	CU	UBR	SU	SU						Split up by the type of school
Public parks, playground, and open space other public recreation areas				UBR	UBR	UBR	UBR	UBR				UBR		
Public utility distribution mains and lines which are underground facilities							UBR	UBR				UBR		
Public utility distribution mains, lines, etc. which are underground facilities to service residences.				UBR	UBR	UBR								
Recreational equipment and vehicle sales and repair and storage (inside or out)										UBR				Covered by vehicle and equipment storage above.
Recovery Residence	Use classification the same as similar dwellings											P	New term (see definitions) to comply with state law. These uses	

USE TABLE														
UBR - Use-by-right	CU - Conditional Use		SU - Special Use		P - Prohibited			T- Temporary Use			Blank - Not Specified			
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
														are considered by a residential use of property and must be treated in the same manner as like dwelling
<u>Regulated Marijuana Businesses</u>	P	P	P	P	P	P	P	P	P	P	P	P		This is the terminology now used by the state. See definitions. It is intended to include all medical and retail marijuana businesses
Rendering plants	SU	SU								SU	SU	P		
Rendering plants, slaughter houses and meat packing facilities										SU	SU			These uses are already listed separately
Restaurants and other food and drinking establishments (<u>retail only</u>)									UBR	CU	<u>CU</u>	P		
Restaurants and other food and drinking establishments, (<u>wholesale only</u>) both wholesale and retail										CU	<u>CU</u>	P		
General Retail sales facilities			<u>UBR</u>						<u>UBR</u>					
Routine or minor expansions of confined animal feeding operation facilities	<u>CU</u>	<u>CU</u>												Would be treated as an amendment to the applicable permit.
Satellite dish antennas without towers												<u>UBR</u>		
Satellite dish antennas without towers, ham radio towers				<u>UBR</u>	<u>UBR</u>	<u>UBR</u>								

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
<u>Elementary schools, secondary schools, colleges, universities, trade or vocational schools</u> Schools	CU	CU	CU	<u>CU</u>	<u>CU</u>	<u>UBR</u>	<u>CU</u>	<u>CU</u>				P		
Scientific research facilities										CU	CU	P		
Seed production, processing, storage, milling, blending and sales			<u>CU</u>											
Seed sales		<u>CU</u>												
Sign painting <u>business</u>									CU	<u>CU</u>	<u>CU</u>	P		
Single family dwellings located less than 1,320 feet from an existing confined animal feeding operation, packing plant, slaughterhouse, or rendering plant except for single- family dwellings located on the same legal parcel as an existing confined animal feeding operation. Distances from existing confined animal feeding operation, packing plant, slaughterhouse or rendering plant shall be measured from the boundary of the permitted area for the operation and the proposed building footprint of the single-	SU	SU										P	3-630	Distance language moved to setback regulations – see draft regulations Sec. 3-630.

USE TABLE														
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Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
family dwelling														
Single-family dwellings and manufactured homes on permanent foundations (one per lot)							UBR		CU					
Single family dwellings, site built or manufactured home on a permanent and engineered foundation, one per lot.									CU					
Single family dwelling, one per lot	UBR	UBR		UBR	UBR			CU						
Slaughterhouses	SU	SU								SU	SU	P		
Small wind energy conversion systems	CU	CU	CU	CU								P		Moved to accessory uses
Sod farms, nurseries and greenhouses		CU												Nurseries and greenhouse are included in general retail facilities
Sod farms, or nurseries and greenhouses, vineyards, orchards and associated sales activities	UBR	CU	UBR									P		
Solar collector facilities, 20 acres or less, as a primary or accessory use		CU								CU	CU			
Solar collector facilities, 20 acres or less, as a primary use	CU	CU	CU							CU	CU	P	4-810	
Solar collector facilities (more than 20 acres) as a primary or accessory use	SU	SU	SU							SU	SU	P	4-810	
Solid waste management facilities (excluding digesters) including waste	SU	SU								SU	SU	P	4-505 through 4-550	Combined with use below.

USE TABLE														
UBR - Use-by-right	CU - Conditional Use		SU - Special Use		P - Prohibited			T- Temporary Use			Blank - Not Specified			
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
treatment and storage facilities and recycling and composting facilities, but excluding manure storage and processing and landfills on a lot which contains at least 20,000 square feet														
Solid waste management, such as but not limited to sanitary landfills, waste treatment and storage facilities, including manure storage and composting facilities	SU	SU												
Storage and sale of commercial fertilizer and farm chemicals	SU	SU	SU						SU		CU			Addressed as Agricultural Fertilizer and chemical storage - see above
Toxic <u>Hazardous chemicals and fuel storage</u> Storage of toxic chemicals and fuels											SU	P		
Storage or warehousing of any dangerous or toxic chemicals, fuels or products, fertilizers, and farm chemicals									SU					Split up between Agricultural Fertilizer and chemical storage and toxic chemical storage - see above.
Synthetic fuel production not exceeding 10,000 gallons per year and provided the fuel is used <u>where the production occurs on the property farmed</u>	CU											P		
Tack, grain and feed sales			UBR											Covered by general retail facilities

USE TABLE													
UBR - Use-by-right	CU - Conditional Use		SU - Special Use		P - Prohibited			T- Temporary Use			Blank - Not Specified		
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	Annotations
stores													
Truck terminals and loading areas											CU	P	
Two-family dwelling, as the only residential structure, site built or manufactured home on a permanent foundation ³ . <i>Each unit must be served by its own septic and water supply unless under common ownership</i>	SU	SU					<u>UBR</u>	<u>CU</u>				P	
Two-family dwellings, one per lot							<u>UBR</u>						
Up to two (2) additional dwelling units	<u>CU</u>												
Gas utility facilities, electric utility facilities <i>Utility facilities</i>	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	UBR		
Utility facilities, whether or not height limits are exceeded										<u>CU</u>			
Utility service facilities exceeding height limits	<u>SU</u>	<u>SU</u>	<u>SU</u>										Should be variance only.
Veterinary clinics <i>or</i> veterinary hospitals small animal kennels	CU	CU	CU									P	
Warehouses									SU		UBR	P	
Water and sewer treatment facilities, storage facilities	<u>SU</u>	<u>SU</u>	<u>SU</u>										Combined with water facility - see above

³ Each unit must be served by its own septic and water supply unless under common ownership

USE TABLE													
UBR - Use-by-right	CU - Conditional Use			SU - Special Use			P - Prohibited			T- Temporary Use			Blank - Not Specified
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	Annotations
Water and waste water treatment facilities and storage facilities									CU	CU	CU		Combined with wastewater facility
Water reservoirs of less than 10 acres maximum surface area or 65 acre feet maximum capacity	UBR	UBR	UBR						CU	CU	CU	P	
Water storage reservoirs less than or equal to 65 acre feet in size				CU									
Water storage reservoirs of 10 acres and greater and less than 20 acres maximum surface area or 65 feet and greater and less than 130 acre feet maximum capacity	CU	CU	CU									P	
Water storage reservoirs of 20 acres and greater maximum surface area or 130 acre feet and greater maximum capacity	SU	SU	SU									P	
Water tanks and water treatment facilities												SU	Combined with water facility - see above
Water tanks, water and sewer treatment facilities, and regulator stations					SU	SU							Combined with water facility - see above
Water tanks, water treatment facilities, and regulator stations							SU	SU					Combined with water facility – see above.
ACCESSORY USES													
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	Annotations
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		
Above ground fuel storage tanks	UBR	UBR	UBR						UBR	UBR	UBR	P	4-480	
Accessory uses, buildings, and structures	UBR	UBR	UBR						UBR	UBR	UBR		3-130	
Additional antennas for <u>communication facilities, radio or television transmission</u>	CU	CU								<u>CU</u>	<u>CU</u>			
Agriculture related businesses if associated with owner occupied housing	CU	CU										P		
BESS	SU	SU	SU							SU	SU	P	4-860	
Building-mounted wind energy facilities (WEFs) <u>as an accessory use only</u>	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR		
<u>Farm buildings, storage sheds, and silos for storage of farm products</u>			<u>UBR</u>											Accessory use.
<u>Farm office</u>	<u>UBR</u>		<u>UBR</u>											Accessory use.
<u>Fertilizer and chemical storage for personal and on-farm use</u>			<u>UBR</u>											Covered by Agricultural Fertilizer and Chemical storage.
Garages, parking and other equipment storage buildings	<u>UBR</u>	<u>UBR</u>	UBR	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>			<u>UBR</u>		
<u>Ground-mounted WEF</u>	<u>SU</u>	<u>SU</u>	<u>SU</u>							<u>SU</u>	<u>SU</u>	<u>P</u>		
Home occupations conducted in an accessory building	CU	CU	CU	CU	CU	CU	CU	CU					4-310	
Home occupations conducted in residence	UBR	UBR	UBR	UBR	UBR	UBR						UBR	4-310	

USE TABLE													
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T- Temporary Use	Blank - Not Specified								
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH	Annotations
One ham radio and/or television tower and satellite TV dish for personal use													
Roadside stands for sale of personally grown vegetables, fruits, and farm products	UBR	UBR	UBR									P	
Seed sales													
Solar collector facilities, 20 kilowatt capacity or less	UBR	UBR	UBR	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>	<u>UBR</u>			<u>UBR</u>	<u>4-810</u>
Solar collector facilities, more than 20 kilowatt capacity, as accessory use only	CU	CU	CU									P	4-810
Solar collector facilities (more than 20 acres)	<u>P</u>	<u>SU</u>	<u>SU</u>							<u>SU</u>	<u>SU</u>	<u>P</u>	<u>4-810</u>
Synthetic fuel plants – non-commercial			<u>UBR</u>										
Two ham radio and/or television towers and satellite TV dishes exceeding 3 feet in diameter													
Second single family dwellings per lot	UBR	CU										P	
Third single family dwellings per lot	CU											P	
Fourth single family dwellings per lot	CU											P	
Water and sewage treatment facilities, storage facilities, as an accessory											<u>UBR</u>		

USE TABLE														
UBR - Use-by-right	CU - Conditional Use	SU - Special Use	P - Prohibited	T - Temporary Use	Blank - Not Specified									
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RCR	MDR	HDR	C	LI	HI	MH		Annotations
use														
<u>Wind energy conversion systems</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>								<u>P</u>		
TEMPORARY USES														
Temporary construction structures	T	T	T							T	T		3-155	
Temporary non-residential offices			T						T	T	T		3-155	
Temporary residence	T	T	T	T	T	T							3-155	
RVs as temporary residence	T	T	T	T	T	T							3-155	
Residential sales offices				T	T	T	T	T				T	3-155	
Tents or other temporary structures used for bazaars, festivals, or other group activities	T	T	T			T			T	T	T		3-155	
Fireworks stands, Christmas tree stands, or other short term retail activities	T	T	T			T			T	T	T		3-155	

Abutting Land Property: A parcel of land which has a common property line with another parcel of land.

Commented [A1]: Changed to match terminology used in Zoning Regulations.

Accessory Building or Structure: A building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land (principal use) and which is located on the same lot with the main building or use.¹

Accessory Use: A use naturally and normally incidental to, and devoted exclusively to the main use of the premises.²

Addition: Any Activity that expands the enclosed foot print or increases the square footage of an existing structure.³

Commented [A2]: This term is widely used in various contexts. This definition does not serve to assist with interpretation of the Zoning Regulations.

Adjacent: Meeting or touching at some point; adjoining.

Adult Arcade: any commercial establishment in which the public is permitted or invited where, for any form of consideration, one or more motion picture projectors, slide projectors, image or virtual reality producing machines or similar machines, for viewing by five or fewer persons per machine at any one time, are used regularly to show films, motion pictures, video cassettes, slides, digital images, electronic reproductions or photographs describing, simulating or depicting specified sexual activities or specified anatomical areas.

Adult Cabaret: a nightclub, bar, restaurant or similar commercial establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities.

Adult ~~Amusement, Entertainment, or Business Establishment~~ Entertainment Business: means an adult arcade, adult store, adult cabaret, adult motion picture theater or adult theater, except an establishment where a medical practitioner, psychologist, psychiatrist or similar professional licensed by the State of Colorado engages in approved and recognized sexual therapy. Any establishment from which minors are excluded. Such establishments shall include adult bookstores, adult motion picture theaters, adult cabarets, topless bars or restaurants and any other uses of the same general character from which minors are excluded as a prevailing practice or legal requirement

Commented [A3]: Revised to create an umbrella term to include various types of adult businesses which have also been added to the definitions. No change in where the use is allowed (only LI).

Adult Motion Picture Theater: a commercial establishment which is characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, compact discs, digital video discs (DVDs), digital images or other visual representations that have an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult Store: any commercial establishment which, as one of its principal business purposes, offers for sale or rent for any form of consideration one or more of the following:

¹ 2017 BCC 49

² 2017 BCC 49

³ 2014 BCC 05

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, digital video discs (DVDs), digital images or other visual representations which are characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or

2. Instruments, devices or paraphernalia designed for use in connection with specified sexual activities.

Adult Theater: a theater, auditorium or similar commercial establishment which, for any form of consideration, regularly features live performances which are characterized by an emphasis on exposure of specified anatomical areas or specified sexual activities.

Agricultural Cultivation: The practice of plowing or disking or any other mechanical or chemical preparation of the land for the purpose of producing a crop for harvest by any means other than grazing of animals.

Agricultural Land: A parcel of land which was used the previous two years and is presently used as a “farm” or “ranch” as defined below, or which is in the process of being restored as a farm or ranch through conservation practices. Such land must continue to have agricultural use on it.

Commented [A4]: Term is not used in Zoning Regulations.

Agricultural Processing: The processing and/or packaging of agricultural products. Agricultural processing does not include processing agricultural products into fuels, lubricants, paints, varnishes, or the similar product, where the final product is the result of the addition of a nonagricultural product.⁴

Agricultural Products: Products that originate from the land’s productivity, such as fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock products (including meat, milk, cheese and other dairy products), hay, grass, and grains. Agricultural products shall not include any marijuana product.⁵

Airport and Heliport: An airport, heliport and facilities owned and operated either by private enterprise or a public entity or authority with more than three takeoffs and landings per day located within an officially identified airport area of influence.

Alley: A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.

Alternative Livestock: Nontraditional domestic animals which do not, in the opinion of the Planning Administrator, pose a threat to the public or existing livestock. Examples may include but are not limited to elk, buffalo, ostriches, emus, fallow deer, peafowl, guinea fowl, game birds, and alligators.

Animal Unit: A term used to establish an equivalent density for various species of livestock.

⁴ 2021 BCC 29

⁵ 2021 BCC 29

Animal Unit Density: The number of animal units per acre of land area routinely devoted to harboring or confining the animals.

~~**Apartment Building:** Any building containing individual living units all under a single or corporate ownership.~~

Commented [A5]: Not used.

~~**Appeal:** A request for a review by the Morgan County Board of Adjustment of the Morgan County Planning Administrator’s interpretation of any provision of these Regulations or a request for a variance.~~

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.

Appurtenant Facility: Any buildings, structures, or other property which are clearly incidental to and customarily found in connection with principal uses and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such principal uses. (See also “Accessory Use”)

~~**Area of Special Flood Hazard:** For the purposes of the National Flood Insurance Program, the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year.~~

Commented [A6]: Moved to floodplain definitions.

~~**Basement:** Any area of a building having its floor sub-grade (below ground level) on all sides.~~⁶

Commented [A7]: Moved to floodplain definitions.

~~**Base Flood:** A flood having a one percent (1%) chance of being equaled or exceeded in any given year. The term is used interchangeably with “Intermediate Regional Flood”, “one hundred year flood”, and “one percent chance flood”.~~

~~**Base Flood Elevation:** The elevation shown of a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.~~⁷

Commented [A8]: Moved to floodplain definitions.

Batch Plant: Processing plant, together with its accessory facilities, for the manufacture of either concrete or asphalt, from raw materials.

Board: Board of County Commissioners.⁸

Board of Adjustment: A special review Board operating under the authority of these Regulations for purposes of hearing and deciding variances to these Regulations and certain appeals as specified by these Regulations.

⁶ 2014 BCC 05

⁷ 2014 BCC 05

⁸ 2021 BCC 06

Buffer-Zone: ~~An area or other mechanism strip of land~~ established to separate and protect one type of land use from another to screen from objectionable noise, odor, smoke or visual impact, or to provide for future public improvements or additional open space.

Building: Any permanent structure, or portion thereof, built for the shelter or enclosure of human beings, animals, or property of any kind, and excluding advertising signboards and fences.

Building Codes: ~~2009 International Residential Code, 2009 International Building Code, and the 2009 International Mechanical Code as may be amended~~The duly adopted building, mechanical and other similar codes.

Building Envelope: The portion of a lot within applicable setback requirements where building construction will be permitted.

Building or Structure Height: The vertical distance from the average finished grade to the highest point of the roof surface. An elevation average on the perimeter of the building or structure may be utilized to establish finished grade.

Building, Principal: A building in which is conducted the principal permitted use of the lot on which it is situated.

Camper: A unit, containing cooking or sleeping facilities, which is designed to be loaded onto or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational camping or travel use.

Campground: An area used for temporary placement and occupancy of recreation vehicles and camping tents for a period not exceeding sixty (60) days.

~~**Central Sewer Wastewater Facility (Sanitation):** A system or facility for treating, neutralizing, stabilizing, or disposing of wastewater, including appurtenances such as interceptors, collection lines, outfall and the outlet sewers, pumping stations, and related equipment. This term includes municipal, industrial, or residential wastewater treatment facilities. Residential waste water treatment facilities are defined as a common system for the treatment of waste water which serves three or more residences. Industrial wastewater treatment facilities shall include those associated with livestock truck wash out operations. This term does not include wastewater facilities used in association with confined animal feeding operations.~~

~~A centralized wastewater collection and treatment facility approved by the local health department and the Colorado State Health Department. A central sanitation facility must include, at a minimum, secondary treatment of the wastewater and is subject to any waste discharge permits required by the State of Colorado. Such collection and treatment facility may be wholly owned by a development entity, private corporation, special district, or municipality.~~

~~**Central Water Facility:** A facility for the provision to the public of water for human consumption through constructed conveyances, including tank storage and treatment facilities which regularly serves at least four residences but excluding water reservoirs. A centralized water distribution~~

~~facility which may be made up of one or more wells or other sources of water. The distribution facility may be wholly owned by a development entity, private corporation, special district, or municipality or county.~~

~~**Channel:** A natural or artificial watercourse of perceptible extent with definite bed and banks which confines and conducts continuously or intermittently flowing water.~~

Commented [A9]: Moved to floodplain regulations

Communication Facilities: Consisting primarily of communication towers and/or antennas and appurtenant facilities housing electrical equipment for television, radio and similar facilities, but does not include places of business where people work on a regular basis (e.g., radio or TV stations or studios) or Wireless Service Facilities.⁹

~~**Community Hall/Building:** A facility used for the assembling of people for recreational, social, cultural, political or educational purposes operated by a not-for-profit, governmental entity, a homeowners' association, or a manufactured home or recreational vehicle park owner generally designed to serve a community, neighborhood or development but not an event center. A building used by the general public, private nonprofit groups, or service organizations as a gathering or meeting place. Casual sales of goods which do not require the collection of sales taxes or excise taxes or require regulatory licensing and/or inspections for such sales are permitted in said halls.~~

~~**Community Residential Homes:** A residential building accommodating at least four but no more than eight persons, which is licensed by the state and in which services and supports are provided to persons with intellectual and developmental disabilities.~~

Comprehensive Plan: The Morgan County Comprehensive Plan.

~~**Conditional Letter of Map Revision (CLOMR):** FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.¹⁰~~

Commented [A10]: Moved to floodplain definitions.

Condominium: A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Confined Animal Feeding Operation: An "animal feeding" facility in which livestock are fed 45 days or longer in any ~~twelve~~¹² month period and vegetative cover is not maintained, or where the capacity at any one time is greater than the permitted animal unit density for the zoning district in which it is located. This does not include ~~livestock and animal sales yards, livestock sale barn facilities, or livestock training, boarding and breeding facilities.~~ For example, ~~livestock confined animal feeding confinement~~ operations may include dairies, cattle, equine or sheep feedlots, or poultry and swine production facilities.

⁹ 2021 BCC 29

¹⁰ 2014 BCC 05

~~**Conservation Plan:** A plan developed by the landowner and the soil district which describes measures required to prevent, to the extent possible, soil erosion from occurring on the land for which the plan was developed.~~

Commented [A11]: Not used.

Construction: The actual placement and fastening of construction materials in a fixed position. Any excavation shall be deemed to be actual construction. If demolition or removal of any existing building or structure has commenced preparatory to construction, such demolition or removal shall be deemed to be actual construction. The term construction shall apply to buildings, roadways, utilities, other structures and landscaping. (Also referred to as “start of construction”.)

~~**Contour Line:** An imaginary line shown on a map that connects points of equal elevation on the surface of the land.~~

Commented [A12]: Not used.

County: Morgan County, Colorado.

County Commissioners: The Board of County Commissioners of Morgan County; also called the “Board”.

~~**Critical Facilities:** Critical facilities are classified under the following categories:⁺⁺~~

~~(A) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.~~

~~(B) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water reactive materials.~~

~~(C) At risk population facilities include medical care, congregate care, and schools.~~

~~(D) Facilities vital to restoring normal services including government operations.~~

Commented [A13]: Moved to floodplain definitions

~~**Crop Dusting Operations:** a licensed business which provides crop dusting services and includes the storage of aircraft and chemicals associated with crop dusting operations. operations: should include associated chemical storage~~

Cul-de-Sac: A round turning area located at the end of a local road providing limited access to a limited number of residences and/or land uses.

~~**Cultivation:** The practice of plowing or disking or any other mechanical or chemical preparation of the land for the purpose of producing a crop for harvest by any means other than grazing of animals.~~

Commented [A14]: Renamed Agricultural Cultivation

Dairy: An establishment for the primary production and subsequent sale or distribution of milk or milk products, inclusive of “dairy farm”.

⁺⁺2011 BCC 19

Density: The ratio of the number of dwelling units to gross land area. Dwelling units per acre is a common example.

Detached Building or Structure: Any building or structure having no party wall or common wall with another structure. Bridges, tunnels, and other similar means of connecting one structure to another shall not be considered to constitute a party wall or a common wall.

Development: The construction or substantial improvement on land parcels of buildings or other structures for residential, institutional, commercial, industrial, agricultural, transportation, public flood control, utilities, and recreational and similar uses, in contrast to use of the land for growing crops, truck gardening, grazing farm animals, and other agricultural production pursuits. The term also applies to vacant ground which has been or is being prepared for development by such steps as installation of water and sewer lines, construction of railroad spur or branch tracks, and the construction of railroad utility facilities. Also included are other activities such as mining, lot grading, filling, bridge development, and storage of equipment or materials.¹²

Development Permit: A permit issued under the Guidelines and Regulations for Areas ___ and Activities of State Interest adopted by Morgan County, ~~Colorado,~~ as amended from time to time.

Digester: A container in which plant or animal matters are treated with heat, enzymes, or a solvent in order to promote decomposition or extract essential components in anaerobic digestion.¹³

Domestic Pets: Animals kept on lots or in principal uses for the enjoyment of people such as dogs, cats, birds, hamsters, guinea pigs, turtles and tropical fish.

Driveway: A private vehicular access abutting a public road, for the exclusive use of the owners and occupants of the lot or project and their invitees. A driveway shall not be considered to be a street.

Dwelling Unit: One or more rooms connected together, constituting ~~one~~ separate, independent housekeeping establishment for permanent occupancy by a single family and by not more than one (1) family and having not more than at least one (1) primary kitchen, and not less than one (1) bathroom, and one (1) living area plus sleeping areas.

Dwelling, Multi-Family: A ~~dwelling building~~ situated on one (1) lot and arranged, designed and intended for ~~permanent~~ occupancy ~~by two (2) or more families living in three (3) or more independent~~ independent dwelling units, each with one kitchen, living area, and bathroom, independently of each other, but excluding there from hotels and motels.

Dwelling, Single-Family: A ~~dwelling detached building~~ situated on one (1) lot and arranged, designed and intended for ~~permanent~~ occupancy ~~by not more than one (1) family~~ in no more than one (1) dwelling unit, and which has no more than one (1) primary kitchen and no less than one (1) bathroom.

¹² 2014 BCC 05

¹³ 2023 BCC 06

Dwelling, Two-Family: A ~~dwelling building~~ situated on one (1) lot and arranged, designed and intended for ~~permanent~~ occupancy ~~by two (2) families living in two independent (2) dwelling units, independently of each other, wherein each with one kitchen, living area, and bathroom. each dwelling unit has its own kitchen, living area, and bathroom.~~

Easement: A right to use or control the property of another for a designated purpose, such as for access, drainage, utility or service, or landscaping, generally established by deed or recorded plat to permit a specific use or control of the land by the public, a corporation, or person.

Emergency Response and Public Safety Facilities: a facility operated by a government entity for the purpose of providing emergency response and protecting public safety. This definition includes fire stations and other fire-fighting facilities, law enforcement buildings, ambulance facilities, and other similar uses.

Encroachment: A placement of a structure, building, part of a building, sign, or fence upon the land or easement of another, or into required setbacks.¹⁴

Enforcement Action: A property shall be considered under an enforcement action upon the expiration of the time designated in the notice of violation, pursuant to C.R.S. §§ 30-28-124 and 30-28-124.5, to cure the violation, including any extension granted by the Planning Administrator.

Entertainment and Recreational Facilities: Entertainment and recreational facilities are recreational establishments including but not limited to gyms, theaters, arcades, bowling alleys, and other similar facilities. Entertainment and recreational facilities ~~does~~ not include adult ~~amusement, entertainment, or business establishments.~~¹⁵

Equipment Storage: The storage of operating equipment, vehicles and materials where these items are new or used and sold to the public in operating condition.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Existing Mobile, Manufactured and Factory Built Home Parks and Subdivisions: A mobile, manufactured or factory built home park for which the construction of facilities for servicing the lots on which these types of homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of floodplain management regulations adopted by Morgan County.

Exotic Animals: All animals raised or boarded on any zone lot for commercial or recreational use that are not commonly classified as domestic pets or livestock. This definition shall not apply to game birds licensed through the Colorado Department of Wildlife.

¹⁴ 2021 BCC 11
¹⁵ 2021 BCC 29

~~**Expansion to an Existing Mobile, Manufactured and Factory Built Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which these types of homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of street(s)).~~

Commented [A15]: Moved to floodplain definitions.

~~**Family:** An individual or any number a group of persons, related or unrelated, up to a maximum number established under the applicable building or fire code, related by blood, marriage, or adoption with two steps of relationship (parents, grandparents, brothers/sisters, children, grandchildren), or a group of unrelated people not exceeding four (4) persons living together as a single housekeeping unit. Persons within four steps of relationship may be considered family members under special circumstances of unique family/economic situation as approved by the Board of County Commissioners. See Appendix B, Table 6.~~

Commented [A16]: HB24-1007 prohibits the County from regulating the amount of persons who can live together based upon familial relationships. The number of persons can be regulated by the building or fire codes.

~~**Event Center:** A commercial establishment consisting of structures or premises used to accommodate the assembly of persons for private meetings, parties, weddings, wedding receptions, reunions, birthday and anniversary celebrations, charitable fundraisers, and other such social engagement purposes, or similar such uses. Such use may include the provision of food, beverages, and entertainment. Provision of alcoholic beverages by the operator of the event center or host of the event may require a liquor license or permit.~~

Farm: A parcel of land which is used to produce agricultural products as the main source of income that originates from the land's productivity for the primary purpose of selling these products.

~~**Fertilizer and Farm Chemical**~~**Agricultural Fertilizer and Chemical Storage:** The storage of fertilizer and chemicals for agricultural operations, ~~either on a farm or at a commercial sales outlet,~~ in any kind of container or structure.

~~**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~(A) The overflow of inland waters and/or~~

~~(B) The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~**Flood Insurance Rate Map (FIRM):** The official map on which the Federal Emergency Management Agency has delineated both the area of special flood hazards and the risk premium zones applicable to the County.~~

~~**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map and the water surface elevation of the base flood.⁴⁶~~

⁴⁶2014 BCC-05

~~**Flood Proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.~~

~~**Floodplain:** An area of land periodically subject to partial or complete inundation from a flood.~~

~~**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.~~

Commented [A17]: Moved to floodplain definitions.

~~**Floor Area, Gross:** All areas located within the outside walls of a building, exclusive of basement area, garage space, and porches.~~

Commented [A18]: Not used in Zoning Regulations.

~~**Floor Area, Net:** The total horizontal floor area measured in square feet of all floors of a building, excluding walls, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms, and storage areas.~~

Commented [A19]: Not used in Zoning Regulations.

~~**Foster Care Facility:** Any group home licensed by the State of Colorado as provided in article 6, title 26, C.R.S., not qualifying as a family care home, which are also licensed, or not qualifying under the definition of “family” in these Regulations for the care or boarding of small groups of foster children on a temporary or permanent basis.~~

Commented [A20]: Replaced with Residential Child Care Facility to conform to terminology used in state law.

General Commercial Facilities: A facility for the conduct of any commercial activity that is not of a manufacturing or industrial nature and that does not fall under the definition of General Retail Facilities, including but not limited to, carpentry, woodworking or furniture making facilities.¹⁷

General Retail Facilities: A facility for the retail and wholesale of merchandise including, but not limited to, antiques or art, clothing, music and video, printing or publishing services, department store items, drugs, dry goods, flowers, furniture, gifts, groceries, garden stores, nurseries, greenhouses, automobile supplies and repair, tack, animal feed, grain, hardware, farm and ranch materials, hobby items, office supplies, package liquor, paint, pets, shoes, sporting goods, upholstery supply, appliances and repairs, copies and toys. A general retail facility may include a drive-up window. General retail shall include associated outdoor sales of any size.¹⁸

Grazing: the practice of permitting livestock to roam and consume vegetation.

Greenhouse: Structure used to enclose the growing of plants, trees, flowers, or agricultural products for commercial purposes, either wholesale or retail.

Group Home: a residential building housing one of the following groups of individuals:

(a) For the exclusive use of eight (8) persons or less

¹⁷ 2021 BCC 29

¹⁸ 2021 BCC 29

~~Residential facilities housing the following groups of people as defined by relevant definitions in the C.R.S.:(A) Those who are developmentally disabled. The group home must be a state-licensed facility for the exclusive use of eight (8) or fewer such persons.~~

~~(B) Those who are aged. The group home must be an owner-occupied or nonprofit facility for the exclusive use of eight (8) or less persons who are sixty (60) years of age or older who do not need nursing facilities and who so elect to live in normal residential surrounding.~~

~~Group Home for Persons with Behavioral or Mental Health Disorders~~

~~(b) For the exclusive use of eight (8) persons or less with behavioral or mental health disorders. The home must be a state-licensed facility for the exclusive use of eight (8) persons or less.~~

Commented [A21]: Revised to conform with terminology used in state law.

Hazardous Waste: Waste as defined in C.R.S. § 25-15-101(6), as may be amended.

Home Occupations: Any business use which is conducted within the principal dwelling or an accessory building and by the occupants thereof, plus not more than one (1) non-related (by family) non-resident employee, is clearly incidental and secondary (occupying a limited amount of floor area) to the use of the property for dwelling purposes, and does not generate more than occasional and minimal vehicular and pedestrian traffic.¹⁹

Hotel and Motel: Any structure intended for temporary housing or lodging for hire. A hotel or motel has toilet facilities, is furnished, and has bedding, linens and cleaning service provided at least weekly by the operator. Lodging for more than 30 days in the same or another unit or room in the hotel or motel is not considered to be temporary. Any facility in which more than 10% of the units are used for housing or lodging for longer than 30 days is considered to be a residence.

Hunting and/or Fishing Parks/Preserves: Property ~~in the Agriculture Zone which is~~ used primarily for hunting, fishing, and other outdoor recreation activities rather than for the cultivation of crops or the grazing of domestic animals.

Junk: Scrap brass, iron, lead, tin, zinc, all other scrap metals and the alloys, bones, rags, used cloth, rope, rubber, tinfoil, bottles, old or used machinery of any type, used tools, used appliances, used lumber or crates, building materials, fabrication of any material, used pipe or pipe fittings, used conduit or conduit fittings, used automobile parts, derelict vehicles, farm and heavy equipment, used tires and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.

Junk Yard and Salvage Yard: A yard or enclosure with or without buildings devoted or used in any manner for the sale, storage, or display of used, non-operating, worn, and/or discarded materials of any kind which may be used as is, turned into some use or converted to another, either of the same or of a different kind, including, but not limited to metals and base metals, machinery or parts of machinery, tanks and containers, appliances (with doors removed), glass and glass

¹⁹ 2011 BCC 19

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products including bottles, paper and paper products of all kinds, motor vehicles and light and heavy mechanical or electrical equipment, and/or parts thereof, and aircraft and parts thereof, and all other such materials and products stored or harbored in such manner as could commonly be recognized as a junk or salvage yard.

Kennel: Any place other than a pet shop or veterinary clinic or hospital where dogs are kept for boarding, breeding and sales, in excess of the following numbers:

~~(A) — Parcels in the Agriculture Zone which were created by subdivision, variance or subdivision exemption which are 20 acres or smaller and all parcels in the Residential, Planned Development (unless otherwise stated in the Final PD Plan), Agri Business, Commercial, and Industrial Zones: 3 dogs.~~

~~(B) — Parcels in the Agriculture Zone larger than 20 acres: 4 dogs.~~

Commented [A22]: Moved to Kennel regulations. 4-265

Landowner: Any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests, and also referred to as owner.

~~Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.²⁰~~

Commented [A23]: Moved to floodplain definitions.

Livestock: Domesticated animals which are used for food, draft, profit and recreation and are found on farms, ranches, commercial feedlots or sale facilities, and residential lots consisting of horses, mules, cattle, burros, llamas, swine, sheep goats, rabbits and poultry. Poultry consists of domestic avian species raised for food or pets, including but not limited to chickens, turkeys, geese and ducks.

~~Livestock-Training, Breeding, and Boarding Facilities: all buildings, yards, pens, and other areas, or any portion thereof, at a single location in which pack animals are livestock is kept, handled, or transported for the purpose of breeding, boarding, grooming, handling, selling, sheltering, trading, training or otherwise transferring pack animals livestock for commercial purposes, excluding a confined animal feeding operation.~~

Lot: A parcel of real property, as shown with a separate and distinct number or letter on a plat recorded in the Morgan County Courthouse, or when not so platted in a recorded subdivision, a parcel of real property abutting upon or having clear legal access to at least one public street and held under separate ownership.

Lot Line: The property line bounding a lot.²¹

Lot Line, Front: The property line dividing a lot from a public right-of-way, except where a lot is bordered by more than one (1) public right-of-way. Each lot proposed for development shall have at least one (1) property line designated as the front lot line. When a lot is bordered by more

²⁰ 2014 BCC 05

²¹ 2021 BCC 11

than one (1) right-of-way, the property owner shall determine which side of the lot having right-of-way frontage is to be considered for setback purposes to be the front lot line, subject to review and approval by the Planning Administrator. The designation of the front lot line shall be consistent and uniform with front lot lines on surrounding developed properties.²²

Lot Line, Rear: The lot line opposite the front lot line.

Lot Line, Side: Any lot line which is neither the front nor the rear.

Lot, Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front and rear lot lines; or at the rear line of the required front setback on irregularly shaped lots.²³

~~**Low Drop Sprinkler System:** Agriculture irrigation sprinklers with the drops located no more than twenty-four inches (24") above ground.²⁴~~

Commented [A24]: Not used.

~~**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these Regulations.~~

Commented [A25]: Moved to floodplain regulations

Major Facilities of a Public Utility: Shall have the same meaning ~~in these regulations~~ as its definition in the Guidelines and Regulations of Areas and Activities of State Interest, Morgan County, State of Colorado, adopted May 16, 1994, as they may be amended from time to time.

Manufactured Home: A building unit, or combination of pre constructed building units, manufactured and certified pursuant to the National Manufactured Housing Construction and Safety Standard Act of 1974, 42 U.S.C. Sec. 5401, et seq., as amended.²⁵

Manufactured Home Park: A parcel of land under single ownership or control within which spaces are rented for occupancy by manufactured homes or manufactured homes are rented for occupancy. Automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for inspection or sale shall not be considered manufactured home parks.²⁶

~~**Manufacturing:** An establishment engaged in fabrication, assembly, processing, or manufacturing products of such establishments include bedding; boots or shoes; carpet; cloth products; finished wood products; small household appliances, business machines, etc.; lithographing; musical instruments; orthopedic and medical appliances; pottery and ceramics; rope, cord, and twine; sporting goods; wearing apparel; abrasives; agricultural implements;~~

²² 2021 BCC 11

²³ 2021 BCC 11

~~²⁴ 2009 BCC 19~~

²⁵ 2024 BCC 25

²⁶ 2024 BCC 25

~~equipment, or vehicles; large appliances; asphalt products; brick or structural clay products; and cosmetics. This use also includes processes such as electroplating and chemical processing.~~

~~**Mean Sea Level:** For purposes of the National Flood Insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the Flood Insurance Rate Maps are referenced.~~

Commented [A26]: Moved to floodplain definitions.

~~**Medical Marijuana Business:** any of the following entities or facilities licensed and as defined pursuant to state law: a medical marijuana store, a medical marijuana cultivation facility, a medical marijuana product manufacturer, a medical marijuana testing facility, a marijuana research and development licensee, a medical marijuana business operator, or a medical marijuana transporter.~~

Commented [A27]: The county’s current terminology and definitions are outdated. Update to create umbrella term “Medical Marijuana Business” with reference to individual licenses available under state law with reliance on state law for definitions.

~~**Medical Marijuana Dispensary:** The use of any property or structure to distribute, transmit, give, dispense or otherwise provide marijuana in any manner in accordance with Section 14, Article XVIII of the Colorado Constitution.~~

~~**Medical Marijuana Growing Site:** The use of any property or structure to grow, cultivate, or propagate marijuana for use in accordance with Section 14, Article XVIII of the Colorado Constitution.~~

~~**Mid Drop Sprinkler System:** Agriculture irrigation sprinklers with the drops located more than twenty four inches (24”) above ground and no more than seven feet (7’) above ground.²⁷~~

Commented [A28]: Not used.

Mini-Warehouses: A mini-warehouse is a warehouse under 100,000 square feet used for commercial storage and distribution of goods, inventory, and equipment, with no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods and services.²⁸

Mobile Home: A factory-assembled structure equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit without a permanent foundation. Mobile homes were built prior to June 15, 1976. Allny mobile homes are prohibited within the County and any existing mobile homes are considered nonconforming uses.²⁹

~~**Net Area:** That land area of a development that remains after rights-of-way, easements, parks, school sites, and other dedications or uses have been deleted from the total acreage.~~

Commented [A29]: Not used.

~~**New Construction:** Structures for which the “start of construction” commenced on or after the effective date of these Regulations.~~

~~**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and~~

²⁷ 2009 BCC 19

²⁸ 2021 BCC 29

²⁹ 2024 BCC 25

~~either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Morgan County.~~

Commented [A30]: Moved to floodplain.

Nonconforming Building: A building or structure, or portion thereof, conflicting with the provisions of these Regulations applicable to the zone in which it is situated.

Nonconforming Use: The use of a structure or premises conflicting with the provisions of these Regulations applicable to the zone in which it is situated. Also, for conformance or nonconformance purposes, use is distinguished by the kind of animal and its applicable animal unit density allowed on a zone lot or parcel.

~~**Obstruction:** Any development, stockpile, refuse, or matter in, along, across, or projecting into any floodplain which might impede, retard, or change the direction of a flow of water either by itself or by catching or collecting debris carried by such water.~~

Commented [A31]: Moved to floodplain definitions.

Open Space: A parcel of land, an area of water or a combination of land and water within a development site designed and intended primarily for the use or enjoyment of residents, occupants, and owners of the development site and/or the general public for uses including, but not limited to: open landscaped areas, recreation areas and facilities, gardens, parks, walkways, and paths and trails, ~~and areas of native vegetation left substantially in their natural state or supplemented by additional plant material.~~ Open space is left substantially in its natural state with limited to no built facilities. The term shall not include space devoted to building, rights-of-way for streets, roads and other motorized vehicle ways and parking, and storage and loading areas. Private open space as part of an individual lot may not be included in the open space requirement calculations.

- (A) **Common Open Space:** Open space designed and intended primarily for the common use of the lawful owners, residents and occupants of a development project, but not necessarily including the general public, which is owned and maintained by an organization established for such purpose or by other adequate arrangements.
- (B) **Private Open Space:** Open space designed and intended for the exclusive use of the owner of a portion of the property included in a development project and which is appurtenant to such property and maintained by the owners thereof. The land and structure are jointly deeded to the owner in this classification.
- (C) **Public Open Space:** An open area developed, designed and dedicated to the public for use by the owners of a development and the general public.

Outdoor Recreational Facility: Open space with appurtenant buildings and structures supporting recreational activities primarily occurring outside, such as skate parks, racetracks, and motorcross tracks, but excluding outdoor shooting ranges, golf courses, miniature golf courses, passive open space, parks, and playgrounds.

Outdoor Shooting Range: A public/governmental, commercial, or private group or club facility for pistol, rifle, and shotgun (trap and skeet) training, target practice, or contests.

Packing Plant: A facility used for the processing of meat or animal byproducts for human consumption.

~~**Pack Animal:** Burros, mules, llamas and horses.~~

Panel Antenna: A ~~CMRS-directional~~ antenna, generally rectangular in shape, usually deployed in an array, typically used to transmit or receive ~~CMRS~~ transmissions to and from specific directions.

Permanent Foundation: A foundation designed by a licensed Colorado engineer in accordance with the applicable building code adopted by the County.³⁰

Personal Services: A facility primarily engaged in providing services involving the care of a person and his/her apparel, appearance or personal goods, including but not limited to, barber and beauty shops, laundries and laundromats, photography studios, but shall not include home occupations.³¹

Planned Development: A development of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, industries, and associated uses planned as a single entity and therefore susceptible to development and regulation as one complex land use unit rather than as an aggregation of individual buildings located on separate lots.

Planning Commission: The Morgan County Planning Commission.

~~**Principal-Use, Principal:** The main use of land or structures as distinguished from a secondary or accessory use.~~

Professional Offices: A place used primarily to conduct the affairs of a business, profession, service, industry, government or other similar activity and where the indoor storage and sale of merchandise is secondary to the conduct of the business or profession, including but not limited to, medical and dental clinics, optometrist shops, veterinary clinics and hospitals, banks, public utility collection offices, and travel agencies, but not including a home occupation.³²

Property: All real property subject to land use regulation by Morgan County.

Ranch: A parcel of land which is used for grazing livestock as a main source of income that originates from the land's productivity for the primary purpose of selling those products.

~~**Ranchette:** A small ranch or farm of thirty five acres or less where agriculture production and livestock raising are for personal use or recreation purposes and are not the main source of income for the owner.~~

Commented [A32]: Not used.

³⁰ 2024 BCC 25

³¹ 2021 BCC 29

³² 2021 BCC 29

Recovery residence: A residential building that provides housing accommodation for individuals with a primary diagnosis of a substance use disorder in compliance with state law.

Recreational Vehicle (RV): A vehicle which is designed primarily for recreational use, camping, or other seasonal use or as temporary living quarters, office, or storage and is designed to be self-propelled, towable, or capable of being carried by a pickup truck. Recreational vehicles shall include motor homes, camper trailers, 5th wheel trailers, pickup truck campers, and any similar vehicles.

Regulated Marijuana Business: medical marijuana businesses and retail marijuana businesses.

Commented [A33]: Creation of larger umbrella term to include both retail and medical marijuana.

Rendering Plant: A facility used for the processing of dead animals, hides, and animal by products for non-human consumption or industrial, commercial or agricultural uses.

Residential Child Care Facility: a 24 hour facility where children and youth live together with or are supervised by, adults other than their parents or relatives.

Commented [A34]: Created to comply with terminology under state law.

Restaurant: An establishment where the principal business is the preparation and sale of food and beverages in a ready-to-consume state.³³

Retail Marijuana Business: any of the following entities or facilities licensed and as defined pursuant to state law: a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, a marijuana hospitality business, a retail marijuana hospitality and sales business, a retail marijuana testing facility, a retail marijuana business operator, or a retail marijuana transporter.

Commented [A35]: Creation of umbrella term to include all recreational marijuana business licenses under state law.

Rezoning: For the purposes of these Regulations, a revision to the County zoning map.

Right-of-Way: An area or strip of land over which a rite of passage has been recorded for use by vehicles, pedestrians, and/or facilities of a public utility.

~~(A) No trash, trash containers, furniture, signs, or any item not deemed to be part of the natural landscaping can be left in the right of way.~~³⁴

Commented [A36]: This is already addressed through Ordinance No. 1, Series 2020.

Road, Private: A privately owned access way generally not constructed to County specifications and not maintained by the County.

Road, Public: A dedicated right-of-way constructed to County specifications for a stated design classification. It includes engineered drainage, based on the 100 year storm frequency, and all traffic control devices necessary for the safe movement of traffic.

Service Building: A building housing laundry, toilet, and bathing facilities which meet State Department of Health requirements, and such other facilities as may be required by these Regulations.

³³ 2021 BCC 29

~~³⁴ 2014 BCC 18~~

Setback: The minimum horizontal distance required, in any given zoning district, to be maintained free of man-made structures between a property line and the nearest exterior wall of a building or structure or between two uses or walls of structures.³⁵

Setback, Front: The distance extending across the full width of the lot between the front lot line and the nearest exterior point of a building or structure.³⁶

Setback, Rear: The distance extending across the full width of the lot between the rear lot line and the nearest exterior point of a building or structure.³⁷

Setback, Side: The distance extending from the front to the rear yard between the side lot and the nearest exterior point of a building or structure.³⁸

Sign: Anything designed to advertise or inform or attract the attention of people, but excluding there from any flag, badge, or insignia of any government or governmental agency or of any civic, charitable, religious, or fraternal organization if less than 100 square feet in area.

~~**Single Family House:** A dwelling unit that is built on site on a permanent foundation.~~

Site Specific Development Plan: A plan which has been submitted to Morgan County by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property and as designated by the County in these Regulations to trigger vested property rights pursuant to C.R.S. § 24-68-102(4).

~~**Slaughterh-House:** A facility used for the slaughter of animals for economic gain.~~

Soil Conservation Plan: Any plan developed by a landowner and a soil conservation district (organized as provided in C.R.S. § 35-70-104) that describes measures required to prevent, to the extent possible, soil erosion from occurring on the land for which the plan was developed.

Solid Waste Management Facility: A facility (area, structure or containment site) at which the deposit or treatment of solid, liquid or hazardous waste occurs either as intermediate step or final step in the waste management stream. Treatment of solid waste means any form of storage, incineration, recombination or conversion of said waste. Residue from the treatment of waste is also considered any of the types of waste listed above.

Stable: A structure and area primarily used for the raising and/or boarding of horses, donkeys, and mules where animal unit (a.u.) densities are greater than one (1) a.u. per one-half (1/2) acre.

~~**Start of Construction:** Includes the substantial improvement of a structure, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 90 days of the permit date.~~

Commented [A37]: Moved to floodplain definition.

³⁵ 2021 BCC 11
³⁶ 2021 BCC 11
³⁷ 2021 BCC 11
³⁸ 2021 BCC 11

~~**Storage Buildings and Garages:** Accessory building used to store materials, equipment or goods incidental to the primary use of the property or primary buildings on lot for storage of materials, equipment or goods. Semitrailers with attached running gear (i.e., axles, wheels) cannot be used as storage buildings or garages. Only those buildings that are designed, constructed and approved as storage buildings or garages may be used for this purpose. Manufactured homes, including pre-1976 mobile homes, cannot be used as storage buildings, barns or garages.³⁹~~

Commented [A38]: Moved to Sec. 3-130 of Zoning Regulations.

~~**Storage Yard:** An area of land for the purpose of keeping equipment, commodities and/or structures for individual use or by the business and related to that business for sale or resale to the same types of businesses (distinguished from “junk or salvage yard”).~~

Commented [A39]: Moved to floodplain definitions.

Street: A public or private right-of-way for motor vehicles other than an alley or driveway that affords the principal means of access to abutting property.

Structure: A generally walled and roofed building that is primarily above ground and affixed to permanent site. Also included but not limited to are earth sheltered structures, open pavilions, and manufactured homes, gas and liquid storage tanks, agricultural storage tanks for chemicals such as pesticides or fertilizers, septic tanks, sewage treatment facilities, utility facilities, bridges, weirs and dams. Excluded are off-street parking areas, fences and walls used as fences six feet (6') in height or less, and underground public utilities.

~~**Substantial Completion:** In regard to a Planned Development (P.D.), Major Subdivision, substantial completion shall mean completion of all appropriate infrastructure such as roads, curbs, gutters, and street lighting and the installation of all necessary utilities such as water, sewer, telephone, and electricity and completion or permitting of at least forty percent (40%) of the planned structures or buildings.~~

~~**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.~~

~~**Substantial Improvements:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement or repair is started or, (b) if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either (a) existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society's list of historic places.~~

Commented [A40]: Move to floodplain definitions.

~~**Toxic/Hazardous Chemicals:** Chemicals which are hazardous to human health and wildlife, excluding ~~Not including~~ agricultural fertilizer and chemicals.~~

³⁹ 2021 BCC 29

Use: The purpose for which any land or building is designed, arranged, intended, occupied, maintained, rented or leased. Any man-made or man-caused activity, building, or structure on a parcel of land, whether temporary or permanent.

Utility Facility: Any facility, equipment, and appurtenant structures of a public or private utility, which do not constitute a ~~mMajor fFacility~~ of a ~~pPublic uUtility~~, as defined in the County's 1041 Regulations, ~~of Communication Facilities, Solar Collector Facilities, Wind Collector Facilities, and BESS.~~⁴⁰

Utility, Private. An entity, which is not a public utility, which provides utility services to the public, including but not limited to, water, wastewater, gas, or electric.⁴¹

Utility, Public: Public utilities as defined under Title 40, Article 1 of the Colorado Revised Statutes, as may be amended.⁴²

Variance: A grant of relief from ~~the requirements of these Regulations~~ the bulk requirements and design standards of these Regulations which permits construction in a manner that would otherwise be prohibited ~~by these Regulations~~.

Vegetative Cover: Forage plants sufficient to support an animal density per acre as defined in Table 3 of Appendix B of these regulations with only minimal or occasional supplemental feeding.

Vested Property Right: The right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan and/or building permit.

Warehouse: A warehouse is a commercial storage area used for storage and distribution of goods, with no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods and services.

Water Reservoir: An area of land where water rights are retained or an area intended for water storages

~~**Watercourse:** A natural or artificial channel, depression, dry wash, slough, gulch, arroyo, stream, creek, drainage way, pond reservoir, or lake in which water flows either continuously, intermittently, or periodically.~~

Commented [A41]: Moved to floodplain.

Weeds: Plants which have been designated as noxious weeds by the Board of County Commissioners. These include but are not limited to:

- Leafy Spurge (Euphorbia esula L.)
- Russian Knapweed (Centaurea repens L.)

⁴⁰ 2021 BCC 29

⁴¹ 2021 BCC 29

⁴² 2021 BCC 29

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- Spotted Knapweed (*Centaurea maculosa* Lam.)
- Diffuse Knapweed (*Centaurea diffusa* Lam.)
- Canada Thistle (*Cirsium arvense* [L.] Scop.)
- Musk Thistle (*Carduus nutans* L.)
- Field Bindweed (*Convolvulus arvensis* L.)
- Volunteer Rye (*Secale cereale* L.)
- Jointed Goatgrass (*Aegilops Cyindrica* Host.)

Wildlife: Wild vertebrates, mollusks, and crustaceans that exist as a species in a natural wild state in their place of origin, presently or historically, including those ~~—~~exotic or non-native species which have been introduced into the wild by the Colorado Division of Wildlife or classified as native by the Colorado Wildlife Commission.

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2-270 Submittal Submission Requirements

The submittal requirements in this Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion.

- (A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.
- (B) Applicable fee.
- (C) A general description of the rezoning request and the reasons for it, and a description of any future development plans, including a narrative description of how the request meets the criteria of Sec. 2-285.
- (D) Names, addresses and phone numbers of the property owner(s), applicant(s) and/or representatives.
- (E) Proof of ownership of all parties in the area to be rezoned consisting of a title commitment issued within the previous six (6) months.
- (F) A list of names and addresses of property owners within thirteen hundred and twenty feet (1,320') of the perimeter of the property or properties to be rezoned.
- (G) A discussion of how the rezoning request may impact adjacent uses and integrate with existing zone districts.
- (H) Rezoning map pursuant to Sec. 2-460.

2-275 Review Procedure

- (A) Initiation. Rezoning may be initiated by the Board or the owner(s) of the property to be rezoned. Rezoning initiated by the Board shall not be subject to Secs. 2-270, 2-275(B) through (C).
- (B) Pre-application conference. Prior to actual submission of a rezoning application, each applicant shall attend a pre-application conference with the Planning Department. After the pre-application conference, the Planning Department may furnish the applicant with written comments regarding the proposed rezoning to inform and assist the applicant prior to the preparation of the application.
- (C) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to review by the Planning Commission. An incomplete submittal will not be processed.

VESTED PROPERTY RIGHTS

2-505 Creation of Vested Property Rights⁸⁸

- (A) A vested property right shall be deemed established upon the approval, or conditional approval, of a site specific development plan as per Section 2-510 of these Regulations, following notice and hearing by the Board of County Commissioners as authorized by Section 24-68-101 and following C.R.S. Such vested property rights shall attach to and run with applicable property. The Board of County Commissioners may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such approval or conditional approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights. A site specific development plan shall be deemed approved upon the effective date that the Board of County Commissioners has done so by the resolution relating thereto, and the Chairman of the Board of County Commissioners signing the approval upon the site plan triggers such vesting so identified at the time of its approval. Such approval shall be subject to all right of referendum and judicial review; except the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation in Morgan County, Colorado, setting forth that the Board of County Commissioners has granted such approval. Such publication shall occur no later than fourteen (14) days following approval.
- (B) Rezoning that does not include an approved site specific development plan shall not result in the creation of a vested property right.

2-510 Site Specific Development Plan

A plan which has been submitted to the County by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. ~~Such approved plan may be in the form of, but need not be limited to, any of the following~~ The following are designated by the County as site specific development plans:

- (A) A Planned Development District Plan.
- (B) A Final Subdivision Plat for single family detached residential use.
- (C) A Conditional or Special Use Permit site plan accompanying approvals of said permits.
- ~~(D) A Zoning or Rezoning approval that is accompanied by an approved site development plan. In addition, this approval must be accompanied by a resolution that specifically vests property development rights.~~
- (DE) A Development Agreement that includes a site specific development plan as defined herein.

⁸⁸ 2021 BCC 06

(F) A development permit issued under the Guidelines and Regulations for Areas and Activities of State Interest adopted by Morgan County, as amended from time to time, the application for which included a plat conforming to the requirements of these Regulations for a Site Specific Development Plan set forth at Section 2-465 or the equivalent, in the sole discretion of the Zoning Administrator.

~~(G) Any other land use site plan approval designation as may be utilized by Morgan County in the future.~~

2-515 Duration and Termination of Vested Property Rights⁸⁹

- (A) A property right which has been vested as provided herein shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the County.
- (B) Notwithstanding the provisions of the foregoing subsection (A), the County is hereby authorized to enter into a development agreement with landowners providing that property rights shall be vested for a period exceeding three years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.
- (C) Following approval or conditional approval of a site specific development plan, nothing herein shall exempt such a plan from subsequent reviews and approvals by the County to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

2-520 Subsequent Regulation Prohibited: Exceptions

- (A) A vested property right, once established, precludes any zoning or land use action by Morgan County or pursuant to an initiated measure which would alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the site specific development plan, except:
 - (1) With the consent of the affected landowner.
 - (2) Upon the discovery of natural or manmade hazards on or in the immediate vicinity of the subject property, which hazards could reasonably have been discovered at the time of site specific development plan approval, and which hazards, if uncorrected, would post a serious threat to the public health, safety, and welfare.
 - (3) To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, after approval by Morgan County, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.

⁸⁹ 2021 BCC 06

- (1) The accessory use or building may have a drainage impact on adjacent properties;
 - (2) The accessory use or building may have a drainage impact on adjacent rights of way; or
 - (3) The accessory structure is 5000 square feet or larger.
- (H) Construction of accessory uses may or may not require a building or zoning permit. If a permit is required, a map showing the location of the accessory use on the zone lot in relation to other buildings and property lines will be required.
- (I) Accessory buildings may be used to store materials, equipment or goods incidental to the primary use of the property or primary buildings on ~~lot for storage of materials, equipment or goods~~. Semitrailers with attached running gear (i.e., axles, wheels) cannot be used as storage buildings or garages. Only those buildings that are designed, constructed and approved as storage buildings or garages may be used for this purpose. Manufactured homes, including ~~pre-1976~~ mobile homes cannot be used as storage buildings, barns, or garages.

Accessory uses must meet setback and other design standard requirements in each zone district. Construction of accessory uses may or may not require a building or zoning permit. If a permit is required, a map showing the location of the accessory use on the zone lot will be required.

3-135 Conditional Uses

Uses normally associated with uses-by-right and permitted in any given zone district upon compliance with certain conditions and after review and approval of a site plan. Procedures and submittal requirements for conditional use review are found in Chapter 2.

3-140 Use by Special Review

A specific use of land or building or both described and permitted within a zone district is subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a use-by-right or conditional use. Special uses require review before the Planning Commission and a public hearing before the Board of County Commissioners. These uses are usually extraordinary in nature, and a complete site plan and impact mitigation plan will be required to be reviewed and approved. Special use review criteria will be used to judge the acceptability of particular special use proposed in a specific zone district. Procedures and submittal requirements for special review uses are found in Chapter 2.

3-143 Special Provisions Regarding Single-Family Dwellings^{99 100}

- (A) If a single-family dwelling, which is subject to a previously approved conditional or special use permit, is damaged or destroyed, by unavoidable means or cause, it may be restored or

⁹⁹ 2021 BCC 07

¹⁰⁰ 2023 BCC 06

- (3) As applicable, the applicant has demonstrated adequate water supply and sewage disposal.

3-155 Permitted Temporary Structures ¹⁰⁵

The following temporary uses are permitted, subject to the issuance of a temporary use permit:

(A) Temporary Residence ¹⁰⁶

- (1) Upon obtaining a building permit for a permanent residence, a permit for utilizing a temporary dwelling unit by the property owner may be obtained ~~in the A, A/B, RR, ER, RCR, and MH districts~~. Recreational vehicles may be permitted under this subsection as a temporary dwelling unit.
- (2) Recreational vehicles may be used as a temporary dwelling unit, on the same lot, ~~only in A, A/B, RR, ER, and RCR zone districts~~ and subject to the issuance of a temporary use permit. The use of a recreational vehicle as a temporary dwelling unit under this subsection (A)(2) is prohibited as in all other zones. The temporary use permit for a recreational vehicle pursuant to this subsection (A)(2) may only be issued for increments of thirty (30) days, up to a maximum of six permits for a total of one-hundred eighty (180) days for the same lot. Each 30-day permit is subject to the permit fee adopted by the BOCC. An applicant may request up to six permits in one application or make multiple applications for the total number of permits allowed under this subsection (A)(2).
- (3) Recreational vehicles in the JLV zone district are not subject to temporary use permits described in subsections A(1) and (2). Recreational vehicles within campgrounds or recreational vehicle parks are not subject to subsection A(2).

(B) Construction Structures

A temporary structure for construction activities may be utilized in all districts, which may be a construction office to be used for managing a construction job, a structure for the storage of construction materials, or a structure for the temporary manufacture of construction materials including but not limited to a concrete, asphalt, or mortar batching plant, subject to the following restrictions:

- (1) The unit is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, and others working on the job.
- (2) The structure must be located within the area of a recorded final plan or an approved site plan.

¹⁰⁵ 2023 BCC 06

¹⁰⁶ 2024 BCC 25

- (3) No structure may be used as living quarters for a caretaker, property owner, contractor, or others except in approved cases where security necessitates such occupancy.
- (4) All on-site or off-site impacts, including but not limited to dust, noise, discharges into the air or water, other forms of nuisance, and protection of the character of the vicinity where the temporary structure is located, shall be mitigated.
- (5) No permanent changes to the site where the temporary structure is located shall be permitted without express prior approval.

(C) Residential Sales Offices

Temporary residential sales offices for the sale of units in an area shall be permitted ~~in the RR, ER, RCR, MDR, HDR, MH and PD districts~~ with the following restrictions:

- (1) Sales shall be limited only to those units within the platted subdivision in which the office is located.
- (2) The temporary structure shall be located within the area of a recorded final plat.

(D) Commercial, Business and Industrial Offices

Temporary nonresidential offices used for sales or business operation purposes shall be permitted ~~in the A/B, C, LI, HI and nonresidential PD zone districts~~ with the following restrictions:

- (1) Upon obtaining a building permit for permanent nonresidential structure a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.
- (2) The temporary office shall be located within the area of a recorded final plat.

(E) Other Temporary Structures

- (1) Tents or other temporary structures used for bazaars, festivals, or other group activities are permitted ~~in all zone districts except the RR, ER, MDR, HDR, and MH zone districts. All permits are to be obtained from the Planning Administrator and must expire in for~~ a maximum of three (3) months within any calendar year.
- ~~(2) Fireworks stands, Christmas tree stands, or other short term retail activities are permitted in all zone districts except the RR, ER, MDR, HDR, and MH zone districts.~~

~~3-160 Uses Not Itemized~~

- ~~(A) On its own initiative, the County Planning Commission may, by resolution, recommend to the Board of County Commissioners additions to the uses permitted and/or uses permitted~~

~~by special review section of any zoning district, any other similar use which conforms to the conditions set forth in this section. The recommendation of the Planning Commission is then forwarded to the Board of County Commissioners for their action pursuant to Section 2-245 of these Regulations. The criteria to be considered when adding to the zone district use list are.~~

- ~~(1) — Such use is more appropriate in the use group to which it is added.~~
- ~~(2) — Such use conforms to the basic characteristics of the use group to which it is added.~~
- ~~(3) — Such use does not create any more offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.~~
- ~~(B) — When any use has been added to any use group in accordance with this Section such use shall be deemed to be listed in the appropriate Section of that use group and shall be added thereto in the published text of these Regulations at the first convenient opportunity.~~

ZONES DESCRIBED

~~AGRICULTURE PRODUCTION ZONE (A)~~

3-165 ~~Zone Purpose~~ Agricultural Production Zone (A) Purpose

Agriculture is considered to be a highly valued resource in Morgan County. Conservation of agricultural resources and land is paramount and such land and resources must be protected from adverse impacts resulting from uncontrolled and undirected business, commercial, industrial and residential uses. The A zone is established to maintain and promote agriculture as an essential industry of Morgan County. The A zone is established to provide areas for the conduct of agriculture activities and activities related to agriculture and agricultural production without the interference of other incompatible uses. Morgan County recognizes that non-agriculture uses, such as residences, occur in the Agriculture Zone, but that these uses are subordinate to agricultural uses.

~~3-170 Agriculture Zone Uses-By-Right~~

~~—— **Parcels Larger Than 20 Acres**¹⁰⁷⁻¹⁰⁸~~

- ~~(A) — Farming, ranching, and gardening for personal and commercial production purposes.~~
- ~~(B) — One (1) single family dwelling per lot.¹⁰⁹~~
- ~~(C) — Cultivation, storage, sale of crops, vegetables, plants, flowers and nursery stock.~~
- ~~(D) — Grazing of livestock.~~

¹⁰⁷ ~~2009 BCC 27~~

¹⁰⁸ ~~2021 BCC 29~~

¹⁰⁹ ~~2024 BCC 25~~

- ~~(E) Sod farms, nurseries and greenhouses and associated sales activities.~~
- ~~(F) Accessory uses:~~
- ~~(1) Two ham radio and/or television towers and satellite TV dishes exceeding three feet in diameter.~~
 - ~~(2) One (1) additional single family dwelling.¹¹⁰~~
 - ~~(3) Farm office.~~
 - ~~(4) Roadside stands for sale of personally grown vegetables, fruits and farm products.~~
 - ~~(5) Home occupations.~~
 - ~~(6) Seed sales.~~
 - ~~(7) Solar collector facilities, 20 kilowatt capacity or less.¹¹¹~~
 - ~~(8) Above ground fuel storage tanks with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.¹¹²~~
- ~~(G) A major facility of a public utility for which a development permit has been issued.~~
- ~~(H) Water reservoirs of less than 10 acres maximum surface area or 65 acre feet maximum capacity.~~
- ~~(I) Garages, parking, other equipment storage buildings for personal use.¹¹³~~
- ~~(J) Farm buildings, storage sheds, and silos for storage of farm products.¹¹⁴~~
- ~~(K) Buildings and sheds for protection of livestock.¹¹⁵¹¹⁶~~
- ~~(L) Fertilizer and chemical storage for personal and on-farm use.~~
- ~~(M) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater~~

¹¹⁰ 2024 BCC 25

¹¹¹ 2023 BCC 06

¹¹² 2024 BCC 28

¹¹³ 2017 BCC 54

¹¹⁴ 2018 BCC 14

¹¹⁵ 2018 BCC 14

¹¹⁶ 2018 BCC 24

~~produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.^{117,118}~~

~~(N) — Oil and gas wells.¹¹⁹~~

~~(O) — Injection wells, except commercial disposal injection wells.^{120, 121}~~

~~(P) — Agricultural processing, with no retail or wholesale activity.~~

~~(Q) — Livestock training, breeding and boarding facilities.~~

~~(R) — Temporary residence pursuant to Sec. 3-155.~~

~~(S) — Temporary construction structures pursuant to Sec. 3-155.~~

~~(T) — Commercial trucking and heavy equipment parking and maintenance.~~

~~(U) — Communication facilities.~~

~~(V) — Emergency response and public safety facilities.~~

~~(W) — Building-mounted wind energy facilities (WEFs) as an accessory use only.¹²²~~

Parcels 20 Acres and Smaller^{123, 124}

~~(A) — Farming, ranching, and gardening for personal and commercial production purposes.~~

~~(B) — One (1) single family dwelling per lot.¹²⁵~~

~~(C) — Grazing of livestock not to exceed the animal densities of Section 3-730.~~

~~(D) — Accessory uses:~~

~~(1) — Two ham radio and/or television towers and satellite T.V. dishes exceeding three feet in diameter.~~

~~(2) — Home occupations.~~

~~(3) — Solar collector facilities, 20 kilowatt capacity or less.¹²⁶~~

¹¹⁷ 2017 BCC 25

¹¹⁸ 2017 BCC 54

¹¹⁹ 2018 BCC 14

¹²⁰ 2018 BCC 24

¹²¹ 2018 BCC 14

¹²² 2022 BCC 017

¹²³ 2009 BCC 27

¹²⁴ 2021 BCC 29

¹²⁵ 2024 BCC 25

¹²⁶ 2023 BCC 06

- ~~(4) — Above ground fuel storage tanks with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.¹²⁷~~
- ~~(E) — Garages, parking, other equipment storage buildings for personal use.~~
- ~~(F) — Buildings and sheds for protection of livestock.~~
- ~~(G) — Farm buildings, storage sheds, and silos for storage of farm products.~~
- ~~(H) — A parcel of 20 acres or smaller which is being actively used as a headquarters or base of operations for bona fide farming or ranching operation shall be considered to consist of more than 20 acres for purposes of this section.~~
- ~~(I) — Water reservoirs of less than 10 acres maximum surface area or 65 acre feet maximum capacity.~~
- ~~(J) — Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.¹²⁸~~
- ~~(K) — Oil and gas wells.~~
- ~~(L) — Injection wells, except commercial disposal injection wells.~~
- ~~(M) — Agricultural processing, with no retail or wholesale activity.~~
- ~~(N) — Livestock training, breeding and boarding facilities.~~
- ~~(O) — Temporary residence pursuant to Sec. 3-155.~~
- ~~(P) — Temporary construction structures pursuant to Sec. 3-155.~~
- ~~(Q) — Fertilizer and chemical storage for personal and on-farm use.~~
- ~~(R) — Communication facilities.~~
- ~~(S) — Emergency response and public safety facilities.~~
- ~~(T) — Roadside stands for sale of personally grown vegetables, fruits and farm products (Accessory use only).~~
- ~~(U) — Building-mounted wind energy facilities (WEFs) as an accessory use only.¹²⁹~~

¹²⁷ 2024 BCC 28

¹²⁸ 2017 BCC 25

¹²⁹ 2022 BCC 017

~~3-175 Agriculture Zone Conditional Uses~~¹³⁰

~~— Parcels Larger Than 20 Acres~~

- ~~(A) — Group homes, foster family care homes.~~
- ~~(B) — Golf courses.~~
- ~~(C) — Commercial disposal injection wells.~~^{131, 132}
- ~~(D) — Utility facilities.~~
- ~~(E) — Veterinary clinics, hospitals, small animal kennels.~~
- ~~(F) — Up to two (2) additional dwelling units.~~¹³³
- ~~(G) — Synthetic fuel production not exceeding 10,000 gallons per year and provided the fuel is used on the property farmed.~~
- ~~(H) — Small wind energy conversion systems.~~¹³⁴
- ~~(I) — Schools.~~
- ~~(J) — Public and private recreation facilities, including indoor and outdoor activities.~~
- ~~(K) — Churches.~~
- ~~(L) — Confined animal feeding operations confining more than the allowed animal unit densities but fewer than 200 animal units in a confinement area of two (2) or more acres or fewer than 90 animal units in a confinement area of one half (1/2) acre or more or 15 animal units of fowl, game birds or other small animals in a confined area of 1500 square feet or more.~~
- ~~(M) — Extraction and/or crushing of sand, gravel, dirt or other natural resource extraction, with the exception of oil and gas activities.~~
- ~~(N) — Hunting and/or fishing preserves and hunting parks.~~
- ~~(O) — Keeping of alternative livestock.~~
- ~~(P) — Agriculture related businesses if associated with owner occupied housing.~~
- ~~(Q) — Additional antennas for radio or television transmission.~~¹³⁵

¹³⁰ 2021 BCC 29

¹³¹ 2018 BCC 24

¹³² 2018 BCC 14

¹³³ 2024 BCC 25

¹³⁴ 2008 BCC 2

¹³⁵ 2009 BCC 27

- ~~(R) — Cemeteries.~~
- ~~(S) — Routine or minor expansions of confined animal feeding operation facilities.~~
- ~~(T) — Home occupations conducted in an accessory building.~~
- ~~(U) — Asphalt or concrete batch plants for a single road project provided all other federal, state, and local laws and regulations are complied with.~~
- ~~(V) — Commercial boat and recreation vehicle storage.~~
- ~~(W) — Water storage reservoirs of 10 acres and greater and less than 20 acres maximum surface area or 65 acre feet and greater and less than 130 acre feet maximum capacity.~~
- ~~(X) — Hospitals, nursing and convalescent homes, and other extended care facilities.~~
- ~~(Y) — Flowlines and Gathering lines.¹³⁶~~
- ~~(Z) — Event center~~
- ~~(AA) — Farm equipment and heavy equipment sales — new and used.~~
- ~~(BB) — Solar collector facilities, more than 20 kilowatt capacity, as accessory use only.¹³⁷~~

Parcels 20 Acres or Smaller^{138, 139}

- ~~(A) — Group homes, foster family care homes.~~
- ~~(B) — Golf courses.~~
- ~~(C) — Commercial injection wells.^{140, 141}~~
- ~~(D) — Utility facilities.~~
- ~~(E) — Sod farms, nurseries and greenhouses.~~
- ~~(F) — Veterinary clinics, hospitals, small animal kennels.~~
- ~~(G) — Hospitals, nursing and convalescent homes, and other extended care facilities.~~
- ~~(H) — One additional dwelling unit.¹⁴²~~

¹³⁶ 2018 BCC 14

¹³⁷ 2023 BCC 06

¹³⁸ 2018 BCC 14

¹³⁹ 2021 BCC 29

¹⁴⁰ 2018 BCC 14

¹⁴¹ 2018 BCC 24

¹⁴² 2024 BCC 25

- ~~(I) — Small wind energy conversion systems.~~
- ~~(J) — Schools.~~
- ~~(K) — Public and private recreation facilities, including indoor and outdoor activities.~~
- ~~(L) — Churches.~~
- ~~(M) — Confined animal feeding operations confining more than the allowed animal unit densities but fewer than 200 animal units in a confinement area of two (2) or more acres or fewer than 90 animal units in a confinement area of one-half (1/2) acre or more or 15 animal units of fowl, game birds or other small animals in a confined area of 1500 square feet or more.~~
- ~~(N) — Extraction of sand, gravel, or dirt for a single public road project provided all requirements of the Colorado Mined Land Reclamation Board have been met.~~
- ~~(O) — Hunting and/or fishing preserves and hunting parks.~~
- ~~(P) — Keeping of alternative livestock.~~
- ~~(Q) — Agriculture related businesses if associated with owner occupied housing.~~
- ~~(R) — Additional antennas for radio or television transmission.¹⁴³~~
- ~~(S) — Cemeteries.~~
- ~~(T) — Routine or minor expansions of confined animal feeding operation facilities.~~
- ~~(U) — Home occupations conducted in an accessory building.~~
- ~~(V) — Asphalt or concrete batch plants for a single road project provided all other federal, state, and local laws and regulations are complied with.~~
- ~~(W) — Commercial boat and recreation vehicle storage.~~
- ~~(X) — Seed sales.~~
- ~~(Y) — Water storage reservoirs of 10 acres and greater and less than 20 acres maximum surface area or 65 acre feet and greater and less than 130 acre feet maximum capacity.~~
- ~~(Z) — Flowlines and Gathering lines.~~
- ~~(AA) — Event Center~~
- ~~(BB) — Farm equipment and heavy equipment sales — new and used.~~

¹⁴³ 2009 BCC 27

~~(CC) Solar collector facilities, more than 20 kilowatt capacity, as accessory use only.¹⁴⁴~~

~~(DD) Solar collector facilities, 20 acres or less, as primary use.¹⁴⁵~~

~~3-180 Agriculture Zone Special Review Uses¹⁴⁶⁻¹⁴⁷~~

~~(A) Single family dwellings located less than 1,320 feet from an existing confined animal feeding operation, packing plant, slaughter house, or rendering plant, except for single family dwellings located on the same legal parcel as an existing confined animal feeding operation. Distances from existing confined animal feeding operation, packing plant, slaughter house or rendering plat shall be measured from the boundary of the permitted area for the operation and the proposed building footprint of the single family dwelling.¹⁴⁸~~

~~(B) Boarding, raising or otherwise keeping exotic animals.~~

~~(C) Campgrounds and recreational vehicle (RV) parks.~~

~~(D) Commercial and private airports, airstrips and heliports.~~

~~(E) Asphalt and concrete batch plants.~~

~~(F) Feed mills~~

~~(G) Commercial grain elevators.~~

~~(H) Communication facilities exceeding height limits.~~

~~(I) Storage and sale of commercial fertilizer and farm chemicals.~~

~~(J) Crop dusting operations.~~

~~(K) Solid waste management, such as but not limited to sanitary landfills, waste treatment and storage facilities, including manure storage and composting facilities.~~

~~(L) Utility service facilities exceeding height limits.~~

~~(M) Water and sewer treatment facilities, storage facilities.~~

~~(N) Outdoor shooting ranges.~~

~~(O) Confined animal feeding operations in excess of the allowed animal unit densities or conditional use permit allowances.~~

¹⁴⁴ 2023 BCC 06

¹⁴⁵ 2023 BCC 06

¹⁴⁶ 2008 BCC 2

¹⁴⁷ 2018 BCC 14

¹⁴⁸ 2023 BCC 41

- ~~(P) — Water storage reservoirs of 20 acres and greater maximum surface area or 130 acre feet and greater maximum capacity.~~
- ~~(Q) — Cattle truck washing and cleaning.~~
- ~~(R) — Junk, scrap metal, auto wrecking and farm and other equipment storage and salvage yards.~~
- ~~(S) — Commercial synthetic fuel production.~~
- ~~(T) — Slaughter houses.~~
- ~~(U) — Packing plants.~~
- ~~(V) — Rendering plants.~~
- ~~(W) — Bed and breakfast facilities.~~
- ~~(X) — Two family dwelling, as the only residential structure, site built or manufactured home on a permanent foundation. Each unit must be served by its own septic and water supply unless under common ownership.¹⁴⁹~~
- ~~(Y) — Solar collector facilities (more than 20 acres) as primary or accessory use.~~
- ~~(Z) — Ground mounted WEF as primary or accessory use.~~
- ~~(AA) — BESS as primary or accessory use.¹⁵⁰~~
- ~~(BB) — Digesters which process plant or animal matters originating from activity not included in the permitted area where the digester is located.¹⁵¹~~

~~AGRICULTURE / AGRI-BUSINESS ZONE (AB)~~

~~3-185 Purpose of Agriculture/Agri-Business Zone Agricultural/Agri Business Zone (A/B)~~ **~~Purpose~~**

~~Agricultural land areas permitted to combine a range of agricultural production and agri-business uses together. The intent of this district is to direct agri-business uses to lands near the incorporated population centers of Morgan County thereby conserving prime production lands to the greatest extent possible.~~

¹⁴⁹ ~~2024 BCC 25~~

¹⁵⁰ ~~2022 BCC 017~~

¹⁵¹ ~~2023 BCC 06~~

~~3-190 Agriculture / Agri-Business Zone Uses by Right~~¹⁵²

~~(A) Farming, ranching and gardening for personal and commercial production purposes.~~

~~(B) Cultivation, storage, sale of crops, etc.~~

~~(C) Grazing of livestock.~~

~~(D) Sod farms, nurseries and greenhouses and associated sales activities.~~

~~(E) Tack, grain and feed sales stores.~~

~~(F) Accessory uses~~

~~(1) One ham radio and/or television tower and satellite TV dish for personal use.~~

~~(2) Synthetic fuel plants—non-commercial.~~

~~(3) Farm office.~~

~~(4) Garages, parking and other equipment storage buildings.~~

~~(5) Roadside stands for sale of personally grown vegetables, fruits and farm products.~~

~~(6) Farm buildings, storage sheds and silos for storage of farm products.~~

~~(7) Home occupations.~~

~~(8) Fertilizer and chemical storage for personal and on-farm use.~~

~~(9) Two single family dwellings per lot.¹⁵³~~

~~(10) Solar collector facilities, 20 kilowatt capacity or less.¹⁵⁴~~

~~(11) Above ground fuel storage tanks with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.¹⁵⁵~~

~~(G) Water reservoirs of less than 10 acres maximum surface area or 65 acre feet maximum capacity.~~

~~(H) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater~~

¹⁵² ~~2021 BCC 29~~

¹⁵³ ~~2024 BCC 25~~

¹⁵⁴ ~~2023 BCC 06~~

¹⁵⁵ ~~2024 BCC 28~~

~~produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.¹⁵⁶⁻¹⁵⁷~~

- ~~(I) — Oil and gas wells.¹⁵⁸~~
- ~~(J) — Injection wells, except commercial disposal injection wells.¹⁵⁹⁻¹⁶⁰~~
- ~~(K) — Agricultural processing, with no retail or wholesale activity.~~
- ~~(L) — Livestock training, breeding and boarding facilities.~~
- ~~(M) — Commercial trucking and heavy equipment parking and maintenance.~~
- ~~(N) — Farm equipment and heavy equipment sales — new and used.~~
- ~~(O) — Communication facilities.~~
- ~~(P) — Emergency response and public safety facilities.~~
- ~~(Q) — Temporary non-residential offices pursuant to Sec. 3-155.~~
- ~~(R) — Temporary construction structures pursuant to Sec. 3-155.~~
- ~~(S) — Building-mounted wind energy facilities (WEFs) as an accessory use only.¹⁶¹~~

~~3-195 Agriculture / Agri-Business Zone Conditional Uses¹⁶²⁻¹⁶³~~

- ~~(A) — Boarding, raising or otherwise keeping exotic animals.~~
- ~~(B) — Commercial disposal injection wells.¹⁶⁴⁻¹⁶⁵~~
- ~~(C) — Event Center.~~
- ~~(D) — Utility facilities.~~
- ~~(E) — Veterinary clinics, hospitals, small animal kennels.~~
- ~~(F) — Hospitals, nursing and convalescent homes, and other extended care facilities.~~

¹⁵⁶ 2017 BCC 25

¹⁵⁷ 2017 BCC 54

¹⁵⁸ 2018 BCC 14

¹⁵⁹ 2018 BCC 14

¹⁶⁰ 2018 BCC 24

¹⁶¹ 2022 BCC 017

¹⁶² 2018 BCC 14

¹⁶³ 2021 BCC 29

¹⁶⁴ 2018 BCC 14

¹⁶⁵ 2018 BCC 24

- ~~(G) — Small wind energy conversion systems.~~
- ~~(H) — Schools.~~
- ~~(I) — Public and private recreation facilities, including indoor and outdoor activities.~~
- ~~(J) — Commercial dairies — milk processing only.~~
- ~~(K) — Commercial grain elevators.~~
- ~~(L) — Storage and sales of commercial fertilizer and farm chemicals.~~
- ~~(M) — Auction sales yards and associated structures, including animal and livestock sales.~~
- ~~(N) — Seed production, processing, storage, milling, blending and sales.~~
- ~~(O) — Home occupations conducted in an accessory building.~~
- ~~(P) — Water storage reservoirs of 10 acres and greater and less than 20 acres maximum surface area or 65 acre feet and greater and less than 130 acre feet maximum capacity.~~
- ~~(Q) — Golf courses.~~
- ~~(R) — Churches.~~
- ~~(S) — Flowlines and Gathering lines.~~
- ~~(T) — Solar collector facilities, more than 20 kilowatt capacity, as accessory use only.¹⁶⁶~~
- ~~(U) — Solar collector facilities, 20 acres or less, as primary use.¹⁶⁷~~

~~**3-200 Agriculture / Agri-Business Zone Uses By Special Review¹⁶⁸**~~

- ~~(A) — Commercial synthetic fuel plants.~~
- ~~(B) — Commercial airports and heliports.~~
- ~~(C) — Crop dusting operations and airstrips.~~
- ~~(D) — Asphalt and concrete batch plants.~~
- ~~(E) — Equipment sales, storage and repair facilities.¹⁶⁹⁻¹⁷⁰~~
- ~~(F) — Water and sewer treatment facilities, storage facilities.~~

¹⁶⁶ 2023 BCC 06

¹⁶⁷ 2023 BCC 06

¹⁶⁸ 2021 BCC 29

¹⁶⁹ 2018 BCC 14

¹⁷⁰ 2018 BCC 14

- ~~(G) — Water storage reservoirs of 20 acres and greater maximum surface area or 130 acre feet and greater maximum capacity.~~
- ~~(H) — Campgrounds and recreation vehicle (RV) parks.~~
- ~~(I) — Extraction of natural resources (gravel mining, etc.).~~
- ~~(J) — Junk, scrap metal, auto wrecking and equipment storage and salvage yards.~~
- ~~(K) — Utility facilities exceeding height limits.~~
- ~~(L) — Extraction and/or crushing of sand, gravel, dirt or other natural resources extraction, with the exception of oil and gas activities.~~
- ~~(M) — Solar collector facilities (more than 20 acres) as primary or accessory use~~
- ~~(N) — Ground mounted WEF as primary or accessory use~~
- ~~(O) — BESS as primary or accessory use.¹⁷¹~~
- ~~(P) — Digesters which process plant or animal matters originating from activity not included in the permitted area where the digester is located.¹⁷²~~

~~ESTATE RESIDENTIAL ZONE (ER)~~

~~3-190205 Purpose of the Estate Residential Zone Estate Residential Zone (ER) Purpose~~

~~This zone comprises land for very low density single-family residential uses and country estates on large lots, situated primarily in areas near the major population centers of Morgan County.~~

~~3-210 Estate Residential Zone Uses By Right~~

- ~~(A) — Single family dwelling, one per lot.¹⁷³~~
- ~~(B) — Public parks, playgrounds, and other public recreation areas.~~
- ~~(C) — Public utility distribution mains, lines, etc. which are underground facilities to service residences.~~
- ~~(D) — Non-commercial domestic livestock, poultry and fowl less than or equal to defined animal unit densities.~~
- ~~(E) — Satellite dish antennas without towers, ham radio towers.~~
- ~~(F) — Open space.~~

¹⁷¹ ~~2022 BCC 017~~

¹⁷² ~~2023 BCC 06~~

¹⁷³ ~~2024 BCC 25~~

- ~~(G) — Accessory buildings and uses such as garages.~~
- ~~(H) — Livestock barns.~~
- ~~(I) — Gardens.~~
- ~~(J) — Home occupations.~~
- ~~(K) — A major facility of a public utility for which a development permit has been issued.~~
- ~~(L) — Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.^{174, 175}~~
- ~~(M) — Solar collector facilities as an accessory use only.¹⁷⁶~~
- ~~(N) — Building-mounted wind energy facilities (WEFs) as an accessory use only.¹⁷⁷~~

~~3-215 Estate Residential Zone Conditional Uses~~

- ~~(A) — Golf courses.~~
- ~~(B) — Public and private schools.~~
- ~~(C) — Churches and church schools.~~
- ~~(D) — Group homes, foster family care homes.~~
- ~~(E) — Pre-schools, nursery schools, and day care centers.~~
- ~~(F) — Fire stations.~~
- ~~(G) — Small wind energy conversion systems.~~
- ~~(H) — Water storage reservoirs less than or equal to 65 acre feet in size.~~
- ~~(I) — Crop production, orchards, nurseries, and flower production.~~
- ~~(J) — Utility facilities.¹⁷⁸~~
- ~~(K) — Communication facilities.~~

¹⁷⁴ 2017 BCC 54

¹⁷⁵ 2017 BCC 25

¹⁷⁶ 2022 BCC 017

¹⁷⁷ 2022 BCC 017

¹⁷⁸ 2021 BCC 29

~~(L) — Animal feeding or boarding operations which do not exceed the animal unit densities of Section 3-730.~~

~~(M) — Home occupations conducted in an accessory building.~~

~~3-220 Estate Residential Zone Special Review Uses¹⁷⁹~~

~~(A) — Water tanks, water and sewer treatment facilities, and regulator stations.~~

~~(B) — Kennels (non-commercial).~~

~~RURAL RESIDENTIAL ZONE (RR)~~

~~3-195225 Purpose of Rural Residential Zone Rural Residential Zone (RR) Purpose~~

This zone district consists of land for low density single-family residential uses on moderately sized lots located close to major population centers of Morgan County.

~~3-230 Rural Residential Zone Uses-By-Right~~

~~(A) — Single family dwelling (one per lot).~~

~~(B) — Public parks, playgrounds, and other public recreation areas.~~

~~(C) — Public utility distribution mains, line, etc. which are underground facilities to service residences.~~

~~(D) — Satellite dish antennas without towers, ham radio towers.~~

~~(E) — Open space.~~

~~(F) — Accessory buildings and uses such as garages.~~

~~(G) — Gardens~~

~~(H) — Home occupations.~~

~~(I) — A major facility of a public utility for which a development permit has been issued.~~

~~(J) — Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.^{180, 181}~~

¹⁷⁹ 2018 BCC 14

¹⁸⁰ 2017 BCC 25

¹⁸¹ 2017 BCC 54

~~(K) — Solar collector facilities as an accessory use only.¹⁸²~~

~~(L) — Building-mounted wind energy facilities (WEFs) as an accessory use only.¹⁸³~~

~~3-235 Rural Residential Zone Conditional Uses¹⁸⁴~~

~~(A) — Golf courses.~~

~~(B) — Public and private schools.~~

~~(C) — Churches and church schools.~~

~~(D) — Group homes, foster family care homes.~~

~~(E) — Fire stations.~~

~~(F) — Medical Clinics.~~

~~(G) — Crop production, orchards, nurseries, and flower production.~~

~~(H) — Utility facilities.~~

~~(I) — Communication facilities.~~

~~(J) — Home occupations conducted in an accessory building.~~

~~3-240 Rural Residential Zone Special Review Uses~~

~~(A) — Water tanks, water and sewer treatment facilities, and regulator stations.~~

~~(B) — Central collection sewage treatment facilities.~~

~~(C) — Kennels (non-commercial).~~

~~RURAL COMMUNITY RESIDENTIAL ZONE (RCR)~~

~~3-20045 Purpose of Rural Community Residential Zone Rural Community Residential Zone (RCR) Purpose~~

This zone district consists of land for moderate density residential development located in the following specific platted, unincorporated communities: Goodrich, Orchard, Snyder and Weldona. These RCR boundary lines may not be expanded through rezoning applications.

¹⁸² 2022 BCC 017

¹⁸³ 2022 BCC 017

¹⁸⁴ 2021 BCC 29

~~3-250 Rural Community Residential Zone Uses By Right~~

- ~~(A) — One (1) single family dwelling per lot.¹⁸⁵~~
- ~~(B) — Public parks, playgrounds, and other public recreation areas.~~
- ~~(C) — Public utility distribution mains, line, etc. which are underground facilities to service residences.~~
- ~~(D) — Satellite dish antennas without towers, ham radio towers.~~
- ~~(E) — Open space.~~
- ~~(F) — Accessory buildings and uses such as garages.~~
- ~~(G) — Gardens and crop farming; livestock grazing.~~
- ~~(H) — Home occupations.~~
- ~~(I) — Community halls.~~
- ~~(J) — Public and private schools.~~
- ~~(K) — Churches and church schools.~~
- ~~(L) — A major facility of a public utility for which a development permit has been issued.~~
- ~~(M) — Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.^{186_187}~~
- ~~(N) — Solar collector facilities as an accessory use only.¹⁸⁸~~
- ~~(O) — Building mounted wind energy facilities (WEFs) as an accessory use only.¹⁸⁹~~

~~3-255 Rural Community Residential Zone Conditional Uses¹⁹⁰~~

- ~~(A) — Multi family dwellings up to three dwelling units.¹⁹¹~~
- ~~(B) — Communication facilities.~~

¹⁸⁵ ~~2024 BCC 25~~

¹⁸⁶ ~~2017 BCC 25~~

¹⁸⁷ ~~2017 BCC 54~~

¹⁸⁸ ~~2022 BCC 017~~

¹⁸⁹ ~~2022 BCC 017~~

¹⁹⁰ ~~2021 BCC 29~~

¹⁹¹ ~~2024 BCC 25~~

- ~~(C) — Golf courses.~~
- ~~(D) — Nursing and convalescent homes and other extended care facilities.~~
- ~~(E) — Group homes, foster family care homes.~~
- ~~(F) — Pre-Schools, nursery schools, and day care centers.~~
- ~~(G) — Fire stations.~~
- ~~(H) — Medical clinics.~~
- ~~(I) — Utility facilities.~~
- ~~(J) — Home occupations conducted in an accessory building.~~

~~3-260 Rural Community Residential Zone Special Review Uses~~

- ~~(A) — Multi-family dwellings with more than three dwelling units, including but not limited to apartment buildings, condominiums and town homes.¹⁹²~~
- ~~(B) — Central collection sewage treatment facilities, exclusive of individual septic systems.~~
- ~~(C) — Water tanks, water treatment facilities, and regulator stations.~~
- ~~(D) — Kennels (non-commercial).~~

~~MODERATE DENSITY RESIDENTIAL ZONE (MDR)~~

~~3-20565 Purpose of Moderate Density Residential Zone Moderate Density Residential Zone (MDR) Purpose~~

This zone district provides areas for moderate density residential development and allows for multi-family housing units.

~~3-270 Moderate Density Residential Zone Uses By Right~~

- ~~(A) — Two-family dwellings, one per lot.¹⁹³~~
- ~~(B) — Multi-family dwellings.~~
- ~~(C) — Public parks, playgrounds, and other public recreation areas.~~
- ~~(D) — Public utility distribution mains and lines which are underground facilities.~~

¹⁹² ~~2024 BCC 25~~

¹⁹³ ~~2024 BCC 25~~

~~(E) — Single family dwellings and manufactured homes on permanent foundations (one per lot).¹⁹⁴~~

~~(F) — Accessory buildings and uses.~~

~~(G) — A major facility of a public utility for which a development permit has been issued.~~

~~(H) — Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.^{195, 196}~~

~~(I) — Solar collector facilities as an accessory use only.¹⁹⁷~~

~~(J) — Building mounted wind energy facilities (WEFs) as an accessory use only.¹⁹⁸~~

~~3-275 Moderate Density Residential Zone Conditional Uses¹⁹⁹~~

~~(A) — Golf courses.~~

~~(B) — Public and private schools.~~

~~(C) — Churches and church schools.~~

~~(D) — Group homes, foster family care homes, nursing homes.~~

~~(E) — Pre-schools, nursery schools and day care centers.~~

~~(F) — Fire stations.~~

~~(G) — Hospitals and medical clinics.~~

~~(H) — Communication facilities~~

~~(I) — Utility facilities.~~

~~(J) — Home occupations conducted in a residence or an accessory building.~~

~~3-280 Moderate Density Residential Zone Special Review Uses~~

~~(A) — Central collection sewage treatment facilities.~~

~~(B) — Water tanks, water treatment facilities, and regulator stations.~~

¹⁹⁴ 2024 BCC 25

¹⁹⁵ 2017 BCC 25

¹⁹⁶ 2017 BCC 54

¹⁹⁷ 2022 BCC 017

¹⁹⁸ 2022 BCC 017

¹⁹⁹ 2021 BCC 29

~~(C) — Kennels (non-commercial).~~

~~3-285 Moderate Density Residential Zone Additional Requirements~~

~~(A) — All multi-family developments must be landscaped according to an approved landscape plan.~~

~~(B) — All trash receptacles must be properly screened from adjacent public rights-of-way and adjacent properties. These areas shall be designed and used in a manner that will prevent wind and animal scattering of trash.~~

~~(C) — All roof-mounted equipment shall be properly screened; solar collectors and heaters and TV antennas are exempted.~~

~~(D) — Compliance with applicable bulk design standard requirements of Section 3-650 and following is required.~~

~~HIGH DENSITY RESIDENTIAL ZONE (HDR)~~

~~3-21090 Purpose of High Density Residential Zone High Density Residential Zone (HDR) Purpose~~

~~Areas for higher density multi-family residential development.~~

~~3-295 High Density Residential Zone Uses By Right~~

~~(A) — Multi-family dwellings.~~

~~(B) — Public parks, playgrounds, and other public recreation areas.~~

~~(C) — Public utility distribution mains and lines which are underground facilities.~~

~~(D) — Accessory buildings and uses.~~

~~(E) — A major facility of a public utility for which a development permit has been issued.~~

~~(F) — Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.^{200,201}~~

~~(G) — Solar collector facilities as an accessory use only.²⁰²~~

~~(H) — Building-mounted wind energy facilities (WEFs) as an accessory use only.²⁰³~~

²⁰⁰ 2017 BCC 25

²⁰¹ 2017 BCC 54

²⁰² 2022 BCC 017

²⁰³ 2022 BCC 017

~~3-300 High Density Residential Zone Conditional Uses²⁰⁴~~

- ~~(A) — Golf courses.~~
- ~~(B) — Public and private schools.~~
- ~~(C) — Churches and church schools.~~
- ~~(D) — Group homes, foster family care homes, nursing homes.~~
- ~~(E) — Pre-schools, nursery schools and day care centers.~~
- ~~(F) — Fire stations.~~
- ~~(G) — Hospitals and medical clinics.~~
- ~~(H) — Communication facilities.~~
- ~~(I) — Utility facilities.~~
- ~~(J) — Home occupations conducted in a residence or an accessory building.~~
- ~~(K) — Single family dwellings, one per lot.²⁰⁵~~

~~3-305 High Density Residential Zone Special Review Uses~~

- ~~(A) — Central collection sewage treatment facilities.~~
- ~~(B) — Water tanks, water treatment facilities, and regulator stations.~~

~~3-310 High Density Residential Zone Additional Requirements~~

~~Same as Section 3-285 plus applicable requirements of Sections 3-620 through 3-730.²⁰⁶~~

~~COMMERCIAL ZONE (C)²⁰⁷~~

~~3-3215 Purpose of Commercial Zone Commercial Zone (C) Purpose~~

~~Areas for retail, wholesale, and service related commercial uses with minimal assembly or manufacturing activities, and agricultural-related activities.²⁰⁸~~

~~3-315.5 Commercial Zone Uses By Right^{207, 208}~~

- ~~(A) — Retail sales facilities.~~

²⁰⁴ ~~2021 BCC 29~~

²⁰⁵ ~~2024 BCC 25~~

²⁰⁶ 2013 BCC 19

²⁰⁷ ~~2013 BCC 19~~

²⁰⁸ ~~2021 BCC 29~~

- ~~(B) — Grazing of livestock not to exceed the animal unit densities of Section 3-730.~~
- ~~(C) — Garages and other equipment storage buildings for personal or business use.~~
- ~~(D) — Medical and dental clinics.~~
- ~~(E) — Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.²⁰⁹⁻²¹⁰~~
- ~~(F) — Farm equipment and heavy equipment sales — new and used.~~
- ~~(G) — General retail facilities under 50,000 square feet and which has a traffic generation of less than 150 vehicles trips per day, including customers, employees and deliveries.~~
- ~~(H) — General commercial facilities under 50,000 square feet and which has a traffic generation of less than 150 vehicles trips per day, including customers, employees and deliveries.~~
- ~~(I) — Professional office under 50,000 square feet and which has a traffic generation of less than 150 vehicles trips per day, including customers, employees and deliveries.~~
- ~~(J) — Personal services.~~
- ~~(K) — Restaurants and other food and drinking establishments.~~
- ~~(L) — Flea markets, farmers' markets.~~
- ~~(M) — Entertainment and recreational facilities under 75,000 square feet.~~
- ~~(N) — Temporary nonresidential office pursuant to Sec. 3-155.~~
- ~~(O) — Indoor shooting range.~~
- ~~(P) — Dry cleaning and dyeing establishments~~
- ~~(Q) — Mixed-use structures, where the residential portion of the use is located at the rear of the structure or on an upper floor. The residential portion must be less than 5,000 square feet and may only be a single family dwelling.~~
- ~~(R) — Communication facilities.~~
- ~~(S) — Emergency response and public safety facilities.~~
- ~~(T) — Solar collector facilities. as an accessory use only.²¹¹~~

²⁰⁹ 2017 BCC 25

²¹⁰ 2017 BCC 54

²¹¹ 2022 BCC 017

~~(U) — Building-mounted wind energy facilities (WEFs) as an accessory use only.²¹²~~

~~(V) — Accessory Uses²¹³~~

~~(1) — Above-ground fuel storage tanks with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.~~

~~3-320 Commercial Zone Conditional Uses^{214, 215}~~

~~(A) — Single-family dwellings, site-built or manufactured home on a permanent and engineered foundation, one per lot.^{216, 217}~~

~~(B) — Bed and Breakfast homes.~~

~~(C) — Nursery schools and day-care centers.~~

~~(D) — Water reservoirs of less than 10 acres maximum surface area or 65 acre-feet maximum capacity.~~

~~(E) — Communication facilities exceeding height limits.~~

~~(F) — Contractor's office with outside storage for construction materials or equipment.~~

~~(G) — Cattle truck washing and cleaning.~~

~~(H) — Feed mills.~~

~~(I) — Water and wastewater treatment facilities and storage facilities.~~

~~(J) — Extraction and/or crushing of sand, gravel, dirt or other natural resources extraction, with the exception of oil and gas activities.~~

~~(K) — Entertainment and recreational facilities 75,000 square feet and greater.~~

~~(L) — Kennels.~~

~~(M) — Auto and truck sales — new and used.~~

~~(N) — Car washes.~~

~~(O) — Places of worship and associated schools.~~

²¹² 2022 BCC 017

²¹³ 2024 BCC 28

²¹⁴ 2013 BCC 19

²¹⁵ 2021 BCC 29

²¹⁶ 2021 BCC 07

²¹⁷ 2024 BCC 25

- ~~(P) — Heavy equipment, truck and farm implement repair shop.~~
- ~~(Q) — Hospitals, nursing and convalescent homes, and other extended care facilities.~~
- ~~(R) — Hotels and motels, including other incidental business uses located inside the principal building, such as restaurants.~~
- ~~(S) — Machine shops.~~
- ~~(T) — Membership clubs, public or private.~~
- ~~(U) — Miniature golf courses, golf driving ranges.~~
- ~~(V) — Mini-warehouses as primary use.~~
- ~~(W) — Sign painting.~~
- ~~(X) — Oil and gas wells.²¹⁸~~
- ~~(Y) — Injection wells.²¹⁹~~
- ~~(Z) — Flowlines and Gathering lines.²²⁰~~
- ~~(AA) — General retail facilities over 50,000 square feet and greater or has a traffic generation of 150 vehicles or greater trips per day, including customers, employees and deliveries.~~
- ~~(BB) — General commercial facilities over 50,000 square feet and greater or has a traffic generation of 150 vehicles or greater trips per day, including customers, employees and deliveries.~~
- ~~(CC) — Professional offices over 50,000 square feet and greater or has a traffic generation of 150 vehicles or greater trips per day, including customers, employees and deliveries.~~
- ~~(DD) — Mixed-use structures, where the residential portion of the use is located at the rear of the structure or on an upper floor and is 5,000 square feet or more. The residential portion may be used for single-family or multi-family dwellings.~~
- ~~(EE) — Event center.~~
- ~~3-325 Commercial Zone Special Review Uses²²¹~~**
- ~~(A) — Campground and recreation vehicle (RV) parks.~~
- ~~(B) — Warehouses.~~

²¹⁸ 2018 BCC 14

²¹⁹ 2018 BCC 14

²²⁰ 2018 BCC 14

²²¹ 2021 BCC 29

- ~~(C) — Auction sales yards and associated structures, including animal and livestock sales.~~
- ~~(D) — Storage and sale of commercial fertilizer and farm chemicals.~~
- ~~(E) — Utility facilities.~~
- ~~(F) — Full service truck stores and repair, including farm and heavy equipment repair.~~
- ~~(G) — Agricultural processing, with no retail or wholesale activity.~~
- ~~(H) — Mortuaries and funeral homes.~~

~~3-330 Commercial Zone Additional Requirements~~

~~Same as Section 3-285 plus applicable requirements of Sections 3-620 through 3-730~~

~~LIGHT INDUSTRIAL ZONE (LI)~~

~~3-220335 Purpose of Light Industrial Zone Light Industrial Zone (LI) Purpose~~

~~Land areas to be used primarily for research and development, mini warehousing, small product assembly and manufacturing and other service, distribution, and industrial uses that produce no off-site impacts as a result of the operations on-site.~~

~~3-335.5 Light Industrial Zone Uses By Right²²²~~

- ~~(A) — Assembling and light manufacturing plants.~~
- ~~(B) — Professional offices.~~
- ~~(C) — Emergency response and public safety facilities.~~
- ~~(D) — Temporary non-residential offices pursuant to Sec. 3-155.~~
- ~~(E) — Temporary construction structures pursuant to Sec. 3-155.~~
- ~~(F) — Grazing of livestock not to exceed the animal unit densities of Section 3-730.~~
- ~~(G) — Agricultural crop production.~~
- ~~(H) — Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.^{223, 224}~~

²²² 2021 BCC 29

²²³ 2017 BCC 25

²²⁴ 2017 BCC 54

- ~~(I) — Oil and gas wells.~~
- ~~(J) — Injection wells, except commercial disposal injection wells.²²⁵~~
- ~~(K) — General retail facilities under 100,000 square feet and which has a traffic generation of less than 150 vehicles trips per day, including customers, employees and deliveries.~~
- ~~(L) — General commercial facilities under 100,000 square feet and which has a traffic generation of less than 150 vehicles trips per day, including customers, employees and deliveries.~~
- ~~(M) — Communication facilities.~~
- ~~(N) — Recreational equipment and vehicle sales and repair and storage (inside or outside).~~
- ~~(O) — Mini-warehouses, as primary or accessory use.~~
- ~~(P) — Indoor shooting range.~~
- ~~(Q) — Motor vehicle and other motorized equipment sales, services, and repair and associated storage.~~
- ~~(R) — Agricultural processing, with no retail or wholesale activity.~~
- ~~(S) — Building mounted wind energy facilities (WEFs) as an accessory use only.²²⁶~~
- ~~(T) — Accessory Uses²²⁷~~
 - ~~(1) — Above ground fuel storage tanks with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.~~

~~3-340 Light Industrial Zone Conditional Uses^{228, 229}~~

- ~~(A) — Water reservoirs of less than 10 acres maximum surface area or 65 acre feet maximum capacity.~~
- ~~(B) — Water and wastewater treatment facilities, storage facilities.~~
- ~~(C) — Communication facilities where height limits are exceeded.~~
- ~~(D) — Utility facilities, whether or not height limits are exceeded.~~

²²⁵ 2013 BCC-19

²²⁶ 2022 BCC-017

²²⁷ 2024 BCC-28

²²⁸ 2013 BCC-19

²²⁹ 2021 BCC-29

- ~~(E) — Automobile service stations with gasoline pumps and retail gift and sundry sales~~
- ~~(F) — Equipment rental.~~
- ~~(G) — Processing and bottling plants, including agricultural and non-agricultural products.~~
- ~~(H) — Fresh and frozen food lockers.~~
- ~~(I) — Machine shops.~~
- ~~(J) — Public and private parking lots.~~
- ~~(K) — Scientific research facilities.~~
- ~~(L) — Utility facilities.~~
- ~~(M) — Commercial disposal injection wells.^{230, 231}~~
- ~~(N) — Flowlines and Gathering lines.~~
- ~~(O) — Restaurants and other food and drinking establishments, both wholesale and retail.~~
- ~~(P) — Distilleries, brew pubs, wineries~~
- ~~(Q) — Commercial trucking and heavy equipment parking and maintenance.~~
- ~~(R) — Solar collector facilities (20 acres or less) as primary or accessory use.²³²~~

~~**3-345 Light Industrial Zone Special Review Uses^{233, 234}**~~

- ~~(A) — Commercial airports and heliports — crop dusting operations and associated chemical storage and airstrips.~~
- ~~(B) — Storage or warehousing of any dangerous or toxic chemicals, fuels or products, fertilizers, and farm chemicals.~~
- ~~(C) — Concrete, asphalt, and mortar batching plants.~~
- ~~(D) — Aircraft related recreational facilities~~
- ~~(E) — Rendering plants, slaughter houses and meat packing facilities.~~
- ~~(F) — Adult amusement, entertainment, or business establishment.~~

²³⁰ 2018 BCC 14

²³¹ 2018 BCC 24

²³² 2022 BCC 017

²³³ 2007 BCC 61

²³⁴ 2021 BCC 29

- ~~(G) Commercial synthetic fuel production.~~
- ~~(H) Solid waste management including waste treatment and storage facilities and recycling and composting facilities, but excluding manure storage and processing and landfills, on a lot which contains at least 20,000 square feet.~~
- ~~(I) Junk, scrap metal, auto wrecking and equipment storage and salvage yards.~~
- ~~(J) Kennels.~~
- ~~(K) Extraction and/or crushing of sand, gravel, dirt or other natural resources extraction, with the exception of oil and gas activities.~~
- ~~(L) Solar collector facilities (more than 20 acres) as primary or accessory use~~
- ~~(M) Ground-mounted WEF as primary or accessory use~~
- ~~(N) BESS as primary or accessory use.²³⁵~~
- ~~(O) Natural Medicine Business²³⁶~~

~~3-350 Light Industrial Zone Additional Requirements~~

~~Same as Section 3-285 plus applicable requirements of Section 3-620 through 3-730.~~

HEAVY INDUSTRIAL ZONE (HI)

~~3-225355 Purpose of Heavy Industrial Zone^{237, 238} Heavy Industrial Zone (HI) Purpose~~

Reserved for land areas to be used primarily for manufacturing, assembly and distribution of basic goods. Other uses that pose significant off-site impacts may be located in this district under special conditions which mitigate those impacts.

~~3-355.5 Heavy Industrial Zone Uses By Right^{239, 240}~~

- ~~(A) Warehouses.~~
- ~~(B) Utility facilities.~~
- ~~(C) Emergency response and public safety facilities.~~
- ~~(D) Professional offices.~~

²³⁵ 2022 BCC 017

²³⁶ 2024 BCC 38

²³⁷ 2017 BCC 54

²³⁸ 2017 BCC 25

²³⁹ 2013 BCC 19

²⁴⁰ 2021 BCC 29

- ~~(E) — Grazing of livestock not to exceed the animal unit densities of section 3-730.~~
- ~~(F) — Agricultural crop production.~~
- ~~(G) — Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.~~
- ~~(H) — Oil and gas wells.²⁴¹~~
- ~~(I) — Injection wells except commercial disposal injection wells.²⁴²⁻²⁴³~~
- ~~(J) — Processing plants, including agricultural and non-agricultural products.~~
- ~~(K) — Agricultural processing, with no retail or wholesale activity.~~
- ~~(L) — Indoor shooting range.~~
- ~~(M) — Temporary non-residential offices pursuant to Sec. 3-155.~~
- ~~(N) — Temporary construction structures pursuant to Sec. 3-155.~~
- ~~(O) — Communication facilities.~~
- ~~(P) — Water and sewage treatment facilities, storage facilities, as an accessory use.~~
- ~~(Q) — Building-mounted wind energy facilities (WEFs) as an accessory use only.²⁴⁴~~
- ~~(R) — Accessory Uses²⁴⁵~~
 - ~~(1) — Above ground fuel storage tanks with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.~~

~~**3-360 Heavy Industrial Zone Conditional Uses²⁴⁶⁻²⁴⁷⁻²⁴⁸**~~

- ~~(A) — All conditional uses in the Light Industrial Zone, not otherwise designed in this zone.~~
- ~~(B) — Storage and sale of commercial fertilizer and farm chemicals.~~

²⁴¹ 2018 BCC 14
²⁴² 2018 BCC 24
²⁴³ 2018 BCC 14
²⁴⁴ 2022 BCC 017
²⁴⁵ 2024 BCC 28
²⁴⁶ 2007 BCC 61
²⁴⁷ 2013 BCC 19
²⁴⁸ 2021 BCC 29

- ~~(C) — Junk, scrap metal, auto wrecking and equipment storage and salvage yards.~~
- ~~(D) — Manufacturing, assembly and distribution of secondary and basic goods.~~
- ~~(E) — Rendering plants, slaughter houses and meat packing plants.~~
- ~~(F) — Commercial disposal injection wells.²⁴⁹⁻²⁵⁰~~
- ~~(G) — Flowlines and Gathering lines.²⁵¹~~
- ~~(H) — Concrete, asphalt, or mortar batching plants.~~
- ~~(I) — Truck terminals and loading areas.~~
- ~~(J) — Extraction and/or crushing of sand, gravel, dirt or other natural resources extraction, with the exception of oil and gas activities.~~
- ~~(K) — Commercial trucking and heavy equipment parking and maintenance.~~
- ~~(L) — Water and wastewater treatment facilities and storage facilities, as a primary use.~~
- ~~(M) — Solar collector facilities (20 acres or less) as primary or accessory use.²⁵²~~

~~**3-365 Heavy Industrial Zone Uses by Special Review²⁵³⁻²⁵⁴**~~

- ~~(A) — Airports, heliports.~~
- ~~(B) — Crop dusting operations and airstrips.~~
- ~~(C) — Commercial synthetic fuel plants.~~
- ~~(D) — Storage of toxic chemicals and fuels.~~
- ~~(E) — Solid waste management including waste treatment and storage facilities and recycling facilities but excluding landfills and manure storage and processing, on a lot which contains at least 20,000 square feet.~~
- ~~(F) — Outdoor storage.~~
- ~~(G) — Outdoor shooting range.~~
- ~~(H) — Solar collector facilities (more than 20 acres) as primary or accessory use.~~

²⁴⁹ 2018 BCC 14

²⁵⁰ 2018 BCC 24

²⁵¹ 2018 BCC 14

²⁵² 2022 BCC 017

²⁵³ 2007 BCC 61

²⁵⁴ 2021 BCC 29

~~(I) Ground-mounted WEF as primary or accessory use~~

~~(J) BESS as primary or accessory use.²⁵⁵~~

~~3-370 Heavy Industrial Zone Additional Requirements~~

~~Same as Section 3-285 plus applicable requirements of Section 3-620 through 3-730.~~

~~3-372 Accessory Uses to the Commercial, Light Industrial, and Heavy Industrial Zones²⁵⁶~~

~~In compliance with the requirements under Section 3-130, and the maximum lot coverage percentage for each zone district, the following accessory uses are permitted:~~

~~(A) Storage buildings and garages. Each lot may include detached storage buildings and garages for the sole use of the occupants of the principal building or principal use on that lot.~~

~~MANUFACTURED HOME ZONE (MH)²⁵⁷~~

~~3-230375 Purpose of Manufactured Home Zone Manufactured Home Zone (MH) Purpose~~

~~The Manufactured Home Zone provides a residential zone for manufactured home parks within unincorporated areas of Morgan County.~~

~~3-380 Manufactured Home Zone Uses-By-Right~~

~~(A) Manufactured home parks~~

~~(B) Manufactured Homes located in manufactured home park~~

~~(C) Accessory uses, buildings, and structures.~~

~~(D) Home occupation.~~

~~(E) Open space, parks, and playgrounds~~

~~(F) Public utility distribution mains and lines which are underground facilities.~~

~~(G) Satellite dish antennas without towers.~~

~~(H) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater~~

²⁵⁵ 2022 BCC-017

²⁵⁶ 2021 BCC-29

²⁵⁷ 2024 BCC-25

~~produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.^{258,259}~~

~~(I) — Solar collector facilities as an accessory use only.²⁶⁰~~

~~(J) — Building mounted wind energy facilities (WEFs) as an accessory use only.²⁶¹~~

~~3-385 Manufactured Home Zone Conditional Uses~~

~~(A) — Communication facilities not exceeding height limits.~~

~~3-390 Manufactured Home Zone Special Review Uses~~

~~(A) — Central collection sewage treatment facilities.~~

~~(B) — Water tanks and water treatment facilities~~

3-235 Table of Uses

The table below lists the uses allowed within all base zoning districts, except JLV zone district.

(A) Table Abbreviations

(1) Use by Right Uses (UBR). An “UBR” in a cell indicates that the use is use by right in the respective zoning district.

(2) Conditional Uses (CU). A “CU” in a cell indicates that the use is permitted only with an approved conditional use permit in accordance with the procedure in these Zoning Regulations.

(3) Special Uses (SU). A “SU” in a cell indicates that the use is permitted only with an approved special use permit in accordance with the procedures in these Zoning Regulations.

(4) Temporary Uses (T). A “T” in a cell indicates that the use is permitted only with an approved temporary use permit in accordance with the procedures in these Zoning Regulations.

(5) Prohibited Uses (P). A “P” in a cell indicates that the use is prohibited in the respective zoning district.

(B) Classifications of New and Unlisted Uses. New types of uses will be proposed that are not anticipated by this table. When such application for a use category or use type is not specifically listed in the table, the Planning Administrator shall provide an interpretation

²⁵⁸ 2017 BCC 25

²⁵⁹ 2017 BCC 54

²⁶⁰ 2022 BCC 017

²⁶¹ 2022 BCC 017

as to the zoning classification into which such uses should be placed. In making such an interpretation, the Planning Administrator shall consider the nature of the use, the intensity of the use, and the general requirements for public utilities for such use. If the proposed use cannot fit within an identified use, Section 2-435 shall apply.

PLANNED DEVELOPMENT ZONE (PD)

3-425 Purpose of the Planned Development Zone

It is the intent of the Planned Development Zone to allow a development technique which is in the best interest of the County and will promote good design, enhancement of environment amenities and increased efficiency of public and private services. The PD Zone shall cover an area of land controlled by one or more owners under a unified control or unified plan of development for residential, commercial, industrial, educational, recreational, or any combination of the foregoing or other uses. All uses and structures must conform to the approved Final PD Plan and any change must be granted by amending such Plan and not by variance. Furthermore, the standards and procedures provided in these Regulations for the PD Zone are intended to ensure integrated planning goals and objectives of the Comprehensive Plan for Morgan County, while allowing greater flexibility and innovations in development and site designs than is typically possible under the conventional zone regulations. A PD Zone is intended to allow greater flexibility in density, uses, and other land use controls than other zones while still providing for the general welfare of the citizens of the county and accomplishing the goals of the comprehensive plan. The regulations herein are intended to provide the developer reasonable assurance of ultimate approval prior to the expenditure of complete structure design costs, while providing the County with assurances that the project will retain the character envisioned at the time of concurrence.

It is the intent of these regulations that Planned Developments may be allowed in all zones without the necessity of demonstrating the criteria of section 2-280 (C)(1) and (2) of the Morgan County Zoning Regulations normally required for a zone change.

In addition to the detailed standards and conditions for Planned Developments set forth in these Regulations, consideration shall also be given to the following general criteria which are intended to qualify for review and approval any Planned Development: such criteria are illustrative and are not exclusive; no project must meet each and every criteria.

- (A) Constitutes a unique and truly innovative project which is represented by the developer to be constructed within a reasonable period of time in relation the projects' size and scope and which will be of economic benefit to Morgan County thereby qualifying the project under this and other criteria for review under these PD regulations.
- (B) Provides for and improves existing commercial, residential, industrial and education facilities within the County,
- (C) Ensures that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within other zones will not be applied in a manner which would distort the objectives of the Morgan County Zoning Regulations.

- (12) Any other items where changes amount to greater than twenty-five percent (25%) of originally negotiated amounts.

3-490 Disagreements between Developers and the Planning Administrative Staff

If the Developer disagrees with the planning staff over the nature of a PD change and whether it should be considered as an amendment or a modification, the planning staff shall schedule a meeting with the Board of County Commissioners, who shall make the final determination on the type of change.

3-495 Amendments

- (A) Amendment to existing District or Final PD Plans must be approved when the thresholds of Section 3-485 are exceeded and shall be considered by both the Planning Commission and the Board of County Commissioners, subject to notice and hearing requirements provided in the rezoning process in these Zoning Regulations.
- (B) The applicant shall submit graphic documents similar in format for PD Plans with specific approval signature blocks for ownership, Planning Commission approval, Board of County Commissioners approval, Clerk and Recorders Certificate plus the legal description and the dates when the Final PD Plans were recorded and particular file, map, and recording page numbers. The word “Amendment” shall appear under the PD title at the top of the page.
- (C) The proposed amendment shall be clearly indicated in a site plan and/or a written narrative explaining the change in the foregoing format.
- (D) If the proposed amendments are of such magnitude as to drastically change the overall character of the PD, the applicant shall be requested to re-apply for PD approval. The applicant shall consult with the planning staff prior to re-applying.
- ~~(E) Final Plan amendments will be processed as per the procedures outlined in Section 2-470 of these Regulations.~~

3-500 Development Schedule

Each PD shall include a development schedule. If the developer of the PD does not adhere to this schedule and does not meet the target development by eighteen (18) months or more after the date specified in the schedule, the Planning Commission shall schedule a special review. After the special review, the Planning Commission may recommend to the Board of County Commissioners that the PD Zone be cancelled in whole or in part and the property revert to its original or other appropriate zoning. This modification by the Board of County Commissioners shall not be taken within three years of original approval so as not to affect the vested rights granted by Section 24-68-101 and following C.R.S.

- (E) Accessory uses: Any accessory use not listed in 3-600 (E) and/or (F) associated with a use-by-right, and any accessory use associated with a conditional use.²⁷²

3-610 Jackson Lake Village Zone Special Review Uses

- (A) Central sewer and water treatment, collection and distribution facilities.

3-613 Jackson Lake Village Zone Prohibited Uses

All uses not expressly listed as a use by right, conditional use, or special review use in the Jackson Lake Village Zone are prohibited.

3-615 Special Design Standards and Conditions for the Jackson Lake Village Zone

- (A) Holding vaults of concrete construction with a minimum 1000 gallon capacity shall be permitted for individual sewage disposal as long as the system is installed and operated and the collected sewage is disposed of, in accordance with local and state health department standards, or, if such standards are unavailable, any appropriate applicable standards. These systems are considered temporary pursuant to the requirements of the local health department. No building, zoning or manufactured home placement permits will be issued unless the local health department has approved the proposed method of sewage disposal for the lot or unit. Recreation vehicles, existing mobile homes and manufactured homes may use chemical or other toilets approved by the local health department as long as the central sewage disposal facility approved by the state health department in 1976 or before remains in operation under a current state health department operation and discharge permit and a Morgan County Certificate of Designation.²⁷³
- (B) All individual sewage disposal systems that have been previously permitted by the local health department and are verified to be water-tight, but are not of concrete construction, or do not meet the current local health department ISDS regulations, may be used for as long as they do not create a public health problem. However, these systems must be inspected and recertified to be watertight by the local health department as it may require from time to time.
- (C) All dwelling units and recreation vehicles are required to have an adequate water supply both in terms of quality and quantity as required by these Regulations. Individual water supply from a central system is allowed. Proof of water supply availability will be required for all permits issued in the District.
- (D) No principal or accessory structures or vehicles are allowed in the common open space.
- (E) Required setbacks for conditional uses and accessory uses associated with conditional uses as well as special review uses differ from the setbacks for uses-by-right and are found in Table 1, Appendix B of these regulations.

²⁷² 2009 BCC 19

²⁷³ 2024 BCC 25

Morgan County dated January 27, 1981, in a recorded subdivision approved by the County Planning Commission and Board of County Commissioners and has less area, less width, or less frontage than required in other sections of these Regulations, such lot may be occupied according to the permitted uses provided for the district in which the lot is located.

- (D) Portions of legal lots or parcels under lease agreement do not constitute a subdivision. Uses and appurtenances to the uses on lease portions must meet the bulk and lot requirements for the zone district in which they are situated.

3-630 Minimum Setbacks ²⁷⁴

- (A) Required Setbacks. No building, structure, or lot shall be developed, used, or occupied unless the minimum setback requirements in the district bulk requirements and other requirements under these Regulations are met. Unless otherwise expressly provided in these Regulations, setbacks shall be measured from the property line. For setbacks where the abutting road is an easement, the setback shall be measured from the boundary of the easement. For section line road easements which have not been constructed by the County and have not been vacated pursuant to C.R.S. § 43-2-303, setbacks shall be measured from the boundary of the section line easement.

- (B) Allowed Projections into Setbacks.

- (1) Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features may extend into a required setback not more than three feet (3').
- (2) Open, unenclosed, uncovered porches at ground level may extend into a required setback to the property line.
- (3) Open, unenclosed, uncovered patios, decks, and porches greater than two feet (2') above ground level shall not extend into a required setback more than three feet (3').
- (4) No part of a setback required for a building shall be included as part of a setback for another building.

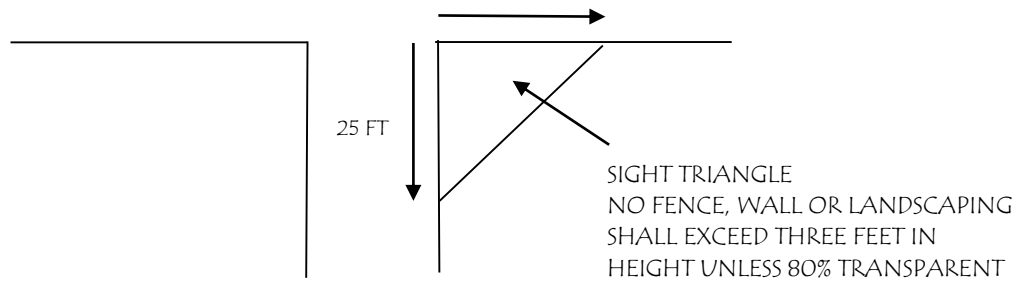
- (C) Exemptions to Setback Requirements

- (1) Fences, walls and landscaping; provided they comply with the restrictions Sec. 3-640.²⁷⁵

(D) Distances from an existing confined animal feeding operation, packing plant, slaughterhouse or rendering plant shall be measured from the boundary of the permitted area for the operation and the proposed building footprint on the single-family dwelling.

²⁷⁴ 2021 BCC 11

²⁷⁵ 2021 BCC 27



3-645 Encroachments ²⁷⁷

Except as provided by these Regulations or by agreement, encroachments are not permitted.

~~3-650 Bulk Lot Requirements~~

~~1,320' (1,320 foot) setbacks are required from confined animal feeding operation facilities, slaughter houses, rendering plants and packing plants for residences without a SRU, except for residences on the same legal parcel as confined animal feeding operation facilities.~~²⁷⁸

3-655 Sewer and Water Requirements

The owner of any structure where people live, work or congregate shall ensure that the structure contains an adequate, convenient and sanitary toilet and sewage disposal system in good working order. Under no conditions shall sewage or effluent be allowed to be discharged upon the surface of the ground or into waters of the state.

Central sewer and water service are required for residential, business, commercial and industrial developments. Septic systems and private wells are allowed as long as they comply with the construction design and minimum lot area requirements of the local health department. Existing business, commercial and industrial subdivisions not having public sewer and/or water must continue to meet the minimum lot area requirements of the health department.

Concrete sewage collection vaults will be allowed only by County permits in specified zone districts on property which cannot accommodate an on-site sewage treatment system and a community treatment system is not available and no state or local laws or regulations would prohibit the installation of an individual sewage disposal system. A permit shall be obtained from the local health department for any type of individual sewage disposal system to be installed on a property and the system shall meet the requirements of the local health department ISDS regulations unless otherwise specified in these Regulations.

Sewage from self-contained recreational vehicles and concrete sewage collection vaults shall be disposed of at a Colorado Department of Health permitted sewage treatment facility.

²⁷⁷ 2021 BCC 11

~~²⁷⁸ 2019 BCC 21~~

~~3-660 Site Specific Development Plan Review Required~~

~~A site specific development plan (site plan) will be required to be reviewed for all multi-family structures and all classes of uses in the LI, HI, MH and PD zones. Automobile oriented conditional uses in the C district on parcels greater than one (1) acre in size will require site specific development plan approval by the County. Site specific development plan submittal requirements and procedures are found in Section 2-460 and following of these Regulations.~~

3-665 Streets and Access ²⁷⁹

- (A) Zone lots in all districts shall have clear and safe access to an approved public or private street. Access points must be approved by the County.
- (B) Acceleration / deceleration lanes may be required to be constructed to provide safe and efficient access to county roads and state highways. This requirement may be imposed as part of site plan reviews.
- (C) Street and road development in all districts will comply with the Morgan County Road Standards.

3-670 Noise

Uses and structures in the A, A/B, C, LI and HI zones shall be located, designed and operated in accordance with the noise standards as established in 25-12-101 C.R.S. 1973, as amended. Uses in the residential zones must confine site-generated noise to the zone lot.

3-675 Air Quality

Uses in all Zones shall be located, designed and operated in accordance with the latest air quality standards established by the Colorado Air Pollution Control Commission and the Federal Environment Protection Agency.

3-680 Water Quality

Uses in all Zone Districts shall be located, designed and operated in accordance with the latest water quality control standards established by the Colorado Water Quality Control Commission and the Federal Environmental Protection Agency.

3-685 Radiation and Radioactive Materials

The handling, use, storage and processing of radioactive materials shall be in accordance with the applicable regulations of the State of Colorado and the United States Government in all Zone Districts except the ER, RR, MDR, HDR, MH, JLV and PD zones where they are not allowed except for medical purposes involving individual use.

²⁷⁹ 2021 BCC 27

3-690 Heat

Uses located with all Zones shall not emit heat in such an amount sufficient to raise the temperature of the air or of material at or beyond the lot line.

3-695 Light

In all Zone Districts, any lighting, including light from high temperature processes such as welding or combustion, shall be designed, located and operated in such a manner as to meet the following standards: sources of light shall be shielded so that beams or rays of light will not shine directly onto adjacent properties; neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on public or private streets; no colored lights may be used which may be confused with or construed as traffic control devices.

3-700 Property Maintenance

Property located within all Zones except the A and A/B zones shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than six inches (6"). In no event shall the property owner allow the growth of noxious weeds. In the A and A/B zones, property owners must employ a program to control the growth of noxious and other weeds as part of either normal farming practices or general property maintenance.

~~**3-710 Permanent and Engineered Foundations**~~

~~Any manufactured home placed or erected in Morgan County must be placed upon a permanent and engineered foundation. A permanent and engineered foundation must meet the specifications of either the U.S. Department of Housing and Urban Development (HUD) Publication HUD-7584 dated September 1966 or other such standards adopted and recognized by Morgan County by action of the Board of County Commissioners. Copies of such County standards or designs shall be maintained and available for inspection at the Planning and Zoning Department. Any permanent and engineered foundation shall include an adequate and permanent perimeter enclosure of wall.~~

3-705 Drainage Requirements

- (A) All users of land in all Zones shall provide and maintain storm water retention facilities designed to retain the storm water runoff in excess of historic flow from the undeveloped site. The storm water retention facility on a developed site shall be designed for a 100 year storm. The storm water retention facility shall be designed and operated to release the retained water at a quantity and rate of a five year storm falling on the undeveloped site.
- (B) Buildings, hard surfacing, or construction of any non-percolating surface requiring a building permit shall not be constructed until drainage plans for such improvements are approved by County staff.
- (C) Drainage plans are to be included with submittal documents for site specific development plan approval.

least fifty feet (50') in width. Special design provisions may be required based upon the overall site layout and parking area design.

- (L) Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the County Building Inspector. An extension of time may be granted providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Administrator provided the parking space is not required for immediate use. In the event the improvements are not completed within one (1) years' time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the County.

LIVESTOCK

3-730 Animal Unit Densities

- ~~(A) Livestock shall not be permitted in the MH, JLV or HDR Zones. Livestock will be permitted in all other Zones with the animal unit equivalents and density requirements as shown in Table 3, Appendix B.~~
- (AB) In order to minimize wind erosion of soil and other problems the keeping of all livestock on parcels 20 acres and smaller shall be required to follow generally accepted best livestock management practices as defined by the Colorado State University Extension Service.

3-735 Animal Densities as Applied to 4-H Projects

The provisions of Section 3-730(A) shall not apply to 4-H, FFA, and similar youth education animal husbandry projects except as follows:

- (A) In the event a complaint regarding negative effects (such as noise, odor, insects, etc.) of a 4-H or equivalent project which exceed the animal densities of Section 3-730, the Planning Administrator shall attempt to mediate the conflict.
- (B) In the event that mediation by the Planning Administrator is unsuccessful, the 4-H or equivalent project shall be required to obtain a Conditional Use Permit. No fee shall be charged for this Conditional Use Permit application.

~~**DISTRICT OVERLAY AREAS**~~

FLOODPLAIN OVERLAY AREAS

3-740 Authorization

These Regulations for flood prevention and control are adopted pursuant to inter alia, Title 29, Article 20, Section 101, *et seq.*, Title 30, Article 28, Section III *et seq.*, and Title 24, Article 65.1, Section 101, *et seq.*, of the C.R.S. 1973, as amended.

3-742 State of Colorado Floodplain Regulations^{280 281}

Morgan County adopts by reference the Department of Natural Resources, Colorado Water Conservation Board “**Rules and Regulations for Regulatory Floodplains in Colorado**” (Rules and Regulations for Regulatory Floodplains in Colorado) dated November 17, 2010.

Wherever the requirements contained in these floodplain regulations are at variance with the requirements of the Rules and Regulations for Regulatory Floodplains in Colorado, the one which is least restrictive shall apply. Whenever these floodplain regulations are silent, the Rules and Regulations for Regulatory Floodplains in Colorado shall apply.

The Rules and Regulations for Regulatory Floodplains in Colorado include but are not limited to the definition of Critical Facilities as outlined in Section 1-337 of these Regulations.

3-745 Findings of Fact

- (A) The flood hazard areas of Morgan County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (B) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

3-750 Intent

This provision is meant to minimize flood losses by restricting or prohibiting uses which are dangerous to public health, safety and property in times of flood or which cause increased flood heights or velocities within the 100-year floodplain.

3-752 Definitions

Area of Special Flood Hazard: For the purposes of the National Flood Insurance Program, the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year.

Base Flood: A flood having a one percent (1%) chance of being equaled or exceeded in any given year. The term is used interchangeably with “Intermediate Regional Flood”, “one hundred year flood”, and “one percent chance flood”.

Base Flood Elevation: The elevation shown of a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that

²⁸⁰ 2011 BCC 19

²⁸¹ 2021 BCC 16

indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.²⁸²

Basement: Any area of a building having its floor sub-grade (below ground level) on all sides.²⁸³

Channel: A natural or artificial watercourse of perceptible extent with definite bed and banks which confines and conducts continuously or intermittently flowing water.

Conditional Letter of Map Revision (CLOMR): FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.²⁸⁴

Critical Facilities: Critical facilities are classified under the following categories:²⁸⁵

- (A) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.
- (B) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.
- (C) At-risk population facilities include medical care, congregate care, and schools.
- (D) Facilities vital to restoring normal services including government operations.

Expansion to an Existing Mobile, Manufactured and Factory Built Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which these types of homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of street[s]).

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland waters and/or
- (B) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the area of special flood hazards and the risk premium zones applicable to the County.

²⁸² 2014 BCC 05

²⁸³ 2014 BCC 05

²⁸⁴ 2014 BCC 05

²⁸⁵ 2011 BCC 19

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map and the water surface elevation of the base flood.²⁸⁶

Flood Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

Floodplain: An area of land periodically subject to partial or complete inundation from a flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Letter of Map Revision (LOMR): FEMA’s official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMR’s are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevation (BFEs) or the Special Flood Hazard Area (SFHA).²⁸⁷

Letter of Map Revision Based on Fill (LOMR-F): FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.²⁸⁸

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these Regulations.

Mean Sea Level: For purposes of the National Flood Insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the Flood Insurance Rate Maps are referenced.

New Construction: Structures for which the “start of construction” commenced on or after the effective date of these Regulations.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Morgan County.

²⁸⁶ 2014 BCC 05

²⁸⁷ 2014 BCC 05

²⁸⁸ 2014 BCC 05

Obstruction: Any development, stockpile, refuse, or matter in, along, across, or projecting into any floodplain which might impede, retard, or change the direction of a flow of water either by itself or by catching or collecting debris carried by such water.

Start of Construction: Includes the substantial improvement of a structure, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 90 days of the permit date.

Storage Yard: An area of land for the purpose of keeping equipment, commodities and/or structures for individual use or by the business and related to that business for sale or resale to the same types of businesses (distinguished from “junk or salvage yard”).

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvements: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement or repair is started or, (b) if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either (a) existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society’s list of historic places.

Watercourse: A natural or artificial channel, depression, dry wash, slough, gulch, arroyo, stream, creek, drainage way, pond reservoir, or lake in which water flows either continuously, intermittently, or periodically.

3-755 Nature of Overlay Areas^{289 290}

These floodplain regulations shall be applied on existing zoned areas containing flood hazard areas. These Regulations are superimposed as an overlay district on the existing zoning and the restrictions and requirements herein are in addition to those of the zone districts. The regulations set forth in this section for the flood regulatory area shall apply to those lands within the Special Floodplain Hazard Area (“SFHA”) which is the 100-year floodplain as mapped on the Flood Insurance Rate Maps (FIRM). All zone district regulations shall remain in full force and effect to the extent that their provisions are more restrictive.

The Planning Administrator may determine that any area or site which has been certified by a registered professional engineer as lying above the base flood elevation of a 100-year flood for that area shall not be considered to be a portion of the Floodplain Overlay Area for purposes of these regulations. The owner or applicant of any area or site which is determined by the Planning Administrator not to be part of a Floodplain Overlay Area pursuant to Section 3-755 of this section,

²⁸⁹ 2021 BCC 16

²⁹⁰ 2021 BCC 16

CHAPTER 4 - SUPPLEMENTARY REGULATIONS^{311 312 313}

CAMPGROUND AND RV PARK REGULATIONS

4-100 Applicability and Permit

~~Campgrounds (including recreation vehicle or RV parks) shall be allowed as a special review use in the A, A/B, and C zone districts. Applications for a campground in these zone areas shall follow submission requirements as set forth in Section 2-460 and following of these Regulations.~~

It shall be unlawful to allow any recreational camping unit (camper, motor home, recreational vehicle, tent, travel trailer, etc.) to be occupied in a campground or RV park for which there are no available spaces conforming to the provisions of these Regulations.

An applicant for a new campground or recreational vehicle park permit shall obtain a Development Permit in accordance with these Regulations. The application for a Development Permit shall be accompanied by any necessary fees as specified by Morgan County and by plans for operation and maintenance of the campground or recreational vehicle park, including tenant rules and regulations. Developers contemplating the development of RV subdivisions are advised to consult Section 3-425 and following, Planned Developments, for guidelines concerning rezoning.

4-105 Site Selection Criteria

Existing zoning and health regulations must be considered prior to selection of the site for a campground. Sites providing shade trees are advantageous. The campground shall be on a well-drained site and shall be located so that its drainage will not cause adverse effects on surrounding areas. Existing streams and creeks shall be preserved. Campgrounds shall not be subject to flooding, fire or safety hazards, and shall not be exposed to chronic nuisances such as noise, smoke, or fumes. The topography shall be favorable to minimum grading and ease of maintenance. Submission of a site-specific development plan per Section 2-460 and following of these Regulations is required for any proposed campground use, and shall include a landscape plan detailing any necessary landscape buffers and screening.

4-110 Minimum Site Area

The site shall contain a minimum of two (2) acres of land.

4-115 Density

A campground shall have a gross density of not more than fifteen (15) units per acre.

³¹¹ 2018 BCC 35

³¹² 2018 BCC 35

³¹³ 2018 BCC 35

4-250 Land Use Map and Ownership

Applicants for a confined animal feeding operation facility special use permit must file an existing land use (by type and location of use) map and an ownership map (showing ownership by parcel and location and notification addresses) as part of their application.

4-255 Notification

All property owners within thirteen hundred and twenty feet (1,320') of the confined animal feeding operation facility property ownership boundary shall be notified of the Planning Commission special use permit hearings for the confined animal feeding operation facility.

4-260 Adequate Water³²³

Applicants requesting a permit for a confined animal feeding operation, or any expansion, are not required to demonstrate rights to an adequate source of water upon application for a permit. However, all permittees must obtain rights to adequate water for all livestock within the permitted area, prior to bringing such livestock in to the permitted area. All livestock must be watered in accordance with any applicable state law or regulation.

~~KENNELS AND DOG LIMITS~~

~~4-263 Applicability~~

~~(A) — The keeping of more than 3 dogs in the Agriculture Zone (20 acres or smaller), Agriculture Business, all residential, Commercial, and Industrial Zones.~~

~~(B) — The keeping of more than 4 dogs in the Agriculture Zone larger than 20 acres.~~

~~(C) — The keeping of dogs in a number less than these limits shall be a use by right in all zones.~~

4-265 Location Restrictions

Kennels shall be located a minimum of six hundred sixty feet (660') from any existing residence, public place of assembly, occupied commercial building, or any residential building site for which a building permit has been issued as measured from the permitted building footprint. This requirement shall not be applied to a residence occupied by the operator of the kennel or a family member of any employee of the operator.

4-270 Application Requirements

All applications for conditional or use by special review permits for kennels shall be accompanied by the following documents:

³²³ 2023 BCC 41

- (H) Home occupations shall not generate traffic which significantly affects the residential character of an area.
- (I) The Board of County Commissioners shall determine which activities other than those listed are compatible with the Section.
- (J) Home occupations housed in accessory structures will require a conditional use permit for that use.

4-315 Uses Permitted

Those uses falling generally within the definition of home occupation of Section 1-535, including but not limited to:

- (A) Tutoring Lessons.
- (B) Day care home (no more than eight (8) children including the providers children).
- (C) Artist studio.
- (D) Accounting service.
- (E) Personal skills lessons (no more than six (6) people per lesson).
- (F) Individual professional office.
- (G) Small appliance repair or sharpening service.
- (H) Secretarial service.

~~ADULT AMUSEMENT, ENTERTAINMENT, OR BUSINESS ESTABLISHMENT~~

~~4-320 General~~

~~Adult amusement, entertainment, or business establishments shall be allowed as a use by special review in the LI zone district only. Applications for such an establishment in LI zone areas shall follow submission requirements as set forth in Section 2-505 and following of these Regulations.~~

4-325 Location

No adult ~~amusement, entertainment, or business establishment~~ shall be operated or maintained within one thousand feet (1,000') of any ~~agriculture or residentially zoned or used~~ property zoned as A, ER, RR, RR, RCR, MDR, HDR, and PD or used for a, school or church, measured from the closest property line of such ~~residential, school, or church~~ property to the property line of the adult ~~amusement, entertainment or business establishment~~. Such restriction may be waived by the Board of County Commissioners if a petition requesting such waiver is received and verified by the Board signed by fifty-one percent (51%) of those persons owning, residing, or operating business within the ~~one thousand foot~~one-thousand-foot (1,000') radius area. ~~For the purpose of this section,~~

~~“agriculture and residentially Zone” shall refer to property in unincorporated Morgan County within the A, ER, RR, RCR, MDR, HDR, HH and PD zones.~~

4-330 Separation Distance

No adult ~~amusement, entertainment, or~~ business ~~establishment~~ shall be operated or maintained within two thousand feet (2,000’) of two (2) other adult entertainment businesses such establishments, measured from the closest property lines of each establishment from the other. Such restrictions may be waived by the Board of County Commissioners if it is found:

- (A) The proposed business establishment will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of these Regulations will be observed.
- (B) All other applicable restrictions of these Regulations will be observed.

4-335 Hours of Operation

Hours of operation of any adult ~~amusement, entertainment, or~~ business ~~establishment~~ may be limited by the Board as a condition of approval of the special use permit.

4-340 Opaque Covering of Windows and Doors

All windows, doors and other apertures of adult ~~amusement, entertainment, or~~ business establishment shall be located, covered, screened or otherwise obstructed in such a manner as to prevent a view into the interior from any public or semi-public area; and for new construction and wherever else it is considered feasible by the Commission and the Board, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

4-345 Signs

Signs present or visible on any adult ~~amusement, entertainment, or~~ business ~~establishment~~ shall be subject to all provisions contained within these Regulations. Additionally, advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways or from other public and semi-public areas.

4-350 through 4-435 (Reserved)³²⁶

DUST CONTROL

4-440 Responsibility of Landowners and Lessees

Landowners or lessees of land throughout the County are required to prevent the blowing of dust from land and property when said blowing of dust may or does damage to adjacent or surrounding property or creates a danger to motor vehicle traffic.

³²⁶ 2020 BCC 42

4-445 Dust Mitigation

Persons are required to prevent damage which is or may be caused by blowing dirt by either watering and wetting down the area, by installing a snow fence or barrier or by chiseling the ground. Such areas are to be reseeded as necessary.

4-450 Abatement by County

In the event the landowner or lessee does not institute dust prevention measures as herein above set out, within forty-eight (48) hours after being notified by the Planning Administrator in writing that the dust blowing from the described premises is causing damage to the adjacent or surrounding properties, then the County is hereby and herewith authorized to enter upon the property and take whatever corrective measures are determined necessary to prevent the blowing of dust. The landowner shall be responsible for the actual cost of the dust prevention measures taken by the County. ~~The landowner shall also be responsible for the costs incurred by the County to enforce the collection of the cost of the dust prevention measures taken, including attorney fees and court costs. Assessments shall be levied as per the procedures of section 4-425 and following of these Regulations.~~

OIL AND GAS DRILLING AND / OR PRODUCTION³²⁷

4-452 Definitions³²⁸

All terms used in these Oil and Gas Regulations that are not otherwise defined in this section, or the Zoning Regulations, are defined as provided in the Act or in such regulations adopted by the Commission. All other words used in these Oil and Gas Regulations are given their usual, customary and accepted meaning, and all words of a technical nature or peculiar to the oil and gas industry shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this article have the following meanings:

Act: the Oil and Gas Conservation Act, C.R.S. § 34-60-101 *et seq.*, as may be amended.

COGCC or Commission means the Colorado Oil and Gas Conservation Commission.

Commercial disposal injection well: any hole drilled into the earth into which Class II waste is injected for the purposes of storage or disposal from a third party for financial profit, pursuant to authorizations granted by the Commission.

Gas storage well: any well drilled for the injection, withdrawal, production, observation, or monitoring of natural gas stored in underground formations. The fact that any such well is used incidentally for the production of native gas or the enhanced recovery of native hydrocarbons shall not affect its status as a gas storage well.

³²⁷ 2018 BCC 24

³²⁸ 2018 BCC 24

- (4) Compliance with the County’s Floodplain Regulations.
 - (5) All reasonable alternatives to the proposal have been adequately assessed, and the proposed action is consistent with the best interests of the people of the County and represents a balanced use of resources in the affected area.
 - (6) No adverse impact, from stormwater runoff, to the public rights-of-way and/or surrounding properties as a result of the off-location flowline and/or gathering line.
- (D) Abandoned Flowlines and/or Gathering Lines
- (1) The operator shall abandon flowlines in accordance with the rules of the Commission.

4-474 Post Approval Submissions³²⁹

- (A) Upon approval of the use permit by the County, the applicant shall submit the final versions of documents shall incorporate any conditions of approval imposed by the Board of County Commissioners but otherwise, may not deviate from the plans submitted with the application.
- (B) Upon completion of the installation of the off-location flowline or gathering line, the applicant shall submit final as-built drawings for the line.

ABOVE GROUND FUEL TANK STORAGE

4-480 Limitations

Above ground fuel tank storage shall be conducted in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.

SOLID WASTE MANAGEMENT SITES AND FACILITIES / CERTIFICATE OF DESIGNATION

4-505 Intent

These standards constitute the minimum standards for solid waste management and siting of solid waste facilities by Special Use Permit in Morgan County. Given the nature of this type of land use, the County reserves the right to add to or modify these standards at any time in the interest of preserving the public health, safety and welfare of county residents.

³²⁹ 2018 BCC 24

emergency response procedures, waste handling or storage procedures, or other matters considered in the original application or any expansion or addition to the existing approved facility or capabilities of the solid waste management facility, will necessitate further review and approval by the County. The County may require periodic inspection or site audits by staff or consultants to assure continuing compliance with the operating plan approved by the County. The facility operator will reimburse the County for all costs it incurs in the administration of continuing jurisdiction; failure to do so will result in the revocation of both the Special Use Permit and the Certificate of Designation.

WASTE-WATER ~~FACILITIES~~ TREATMENT PLANTS

4-555 Intent

It is the intent of these Regulations to establish minimum standards which all waste water treatment facilities must meet. ~~as part of the use by special review process of Chapter 2 of these Regulations.~~

4-560 Application

These regulations shall apply to ~~any municipal, industrial, agricultural, or residential waste water treatment facility. Residential waste water treatment facilities are defined as a common system for the treatment of waste water which serves three or more residences. Industrial waste water treatment facilities shall include those associated with livestock truck wash out operations.~~ all wastewater facilities.

4-565 Setbacks

- (A) All waste-~~water treatment~~ facilities shall be set back a minimum distance of three hundred and fifty feet (350') from any residence or one hundred and fifty feet (150') from the property line, whichever is greater.
- (B) Any waste-~~water treatment~~ facility shall be set back from domestic water wells one hundred and fifty feet (150').
- (C) The Board of County Commissioners may require the distances in subparagraphs (A) and (B) above to be reduced or expanded depending upon local site conditions, such as communicability between surface waters and aquifers or whether the system is lined with impermeable materials, or if the system is sealed from the atmosphere.

4-570 Subject to Federal Discharge Permit

Subject to Federal discharge permit requirements, the county retains continuing jurisdiction over waste water ~~treatment~~ facilities. Any change or amendment to operating procedures, waste acceptance policies, staffing requirements, emergency response procedures, waste handling or storage procedures or other matters considered in the original application of any expansion or addition to the existing approved facility or capabilities of the waste water ~~treatment~~ facility will necessitate further review and approval by the county. The county may require periodic inspection or site audits by staff or consultants to assure continuing compliance with the operating plan approved by the county. The facility operator will reimburse the county for all costs it incurs in

the administration of continuing jurisdiction. Failure to do so will result in the revocation of the special use permit. The county retains the authority for county personnel, or agents, to inspect the property at any reasonable time.

MANUFACTURED HOME PARK REQUIREMENTS ³³⁰

4-575 Application

The provisions and regulations of this Section shall apply to the location and extension, use, and maintenance of all manufactured home parks. It shall be unlawful for any person to locate a manufactured home park within the unincorporated area of Morgan County except in compliance with these applicable standards. ~~Manufactured home parks are prohibited in all zone districts with the exception of the Manufactured Home Park Zone District.~~

4-580 Minimum Standards

Sections 4-585 to 4-645 establish minimum standards governing necessary utilities and facilities and other physical improvements and conditions required to make manufactured home parks safe, sanitary, and fit for human habitation; articulate the responsibilities and duties of owners and operators of manufactured home parks and authorize the inspection of manufactured home parks.

4-585 Dedication of Easements and Public Lands

The developer shall convey or dedicate any necessary easements as a condition of approval of the manufactured home park development permit.

4-590 Dimensional Standards

The standards in these Manufactured Home Park Requirements establish the dimensional standards for a manufactured home park and shall control over any other dimensional standards or bulk requirements in these Zoning Regulations. If dimensional standards are not addressed in these Manufactured Home Park Requirements, applicable standards in Zoning Regulations shall be applied to the extent that application does not create a conflict.

4-600 Site Area and Single Ownership

The site for a manufactured home park shall be a single parcel of land under single ownership. No minimum acreage is required, provided the density standards are satisfied. The owner of the manufactured home park need not own the manufactured homes located within each manufactured home space.

4-605 Utilities

Manufactured homes parks may utilize public sewer or private septic systems. The use of a private septic system requires the submission of documentation that the septic system will

³³⁰ 2024 BCC 25

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities exterior refuse container.

(J) Processing of natural medicine.

- (1) The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquefied petroleum gases, such as butane, is prohibited.
- (2) Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located, or the exteriors walls of the processing facility associated with the processing of natural medicine.
- (3) The processing of natural medicine shall meet all of the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider.

(K) Nuisance

It is unlawful to dispose of, discharge out of or from, or permit to flow away from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any road, street, alley or public place.

~~MEDICAL AND RECREATIONAL MARIJUANA³³⁷~~

~~4-760 Definitions~~

- ~~(A) — “Marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate, but excluding industrial hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.~~
- ~~(B) — “Marijuana club” means a place not used for residential purposes where individuals gather to consume, grow or distribute or otherwise use marijuana, regardless of whether such place calls itself private or public or charges an admission, membership or similar fee. A marijuana establishment with a valid license under Article XVIII, Section 16 of the Colorado Constitution (recreational marijuana establishments) or a marijuana business with a valid license under Section 14 of Article 18 to the Colorado Constitution (medical~~

³³⁷2013 BCC 12

~~marijuana businesses) and their accompanying state and County regulations, shall not constitute a marijuana club.~~

- ~~(C) “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a retail marijuana store, a medical marijuana center, a medical marijuana infused products manufacturer, an optional grow operation, and a marijuana club.~~
- ~~(D) “Marijuana cultivation facility” means a facility licensed pursuant to the Colorado Retail Marijuana Code to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.~~
- ~~(E) “Marijuana product manufacturing facility” means a facility licensed pursuant to the Colorado Retail Marijuana Code to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.~~
- ~~(F) “Marijuana testing facility” means a facility licensed pursuant to the Colorado Retail Marijuana Code to analyze and certify the safety and potency of marijuana.~~
- ~~(G) “Medical marijuana” means marijuana that is grown and sold for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution.~~
- ~~(H) “Medical marijuana center” means a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Article XVIII, § 14 of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.~~
- ~~(I) “Medical marijuana infused products manufacturer” means a facility licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana infused products, and which a municipality is authorized to prohibit as a matter of law.~~
- ~~(J) “Optional premises cultivation operation” means a person licensed pursuant to the Colorado Medical Marijuana Code to grow and cultivate marijuana for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution, and which a municipality is authorized to prohibit as a matter of law.~~
- ~~(K) “Patient” has the meaning set forth in Article XVIII, § 14(1)(e) of the Colorado Constitution.~~
- ~~(L) “Primary caregiver” has the meaning set forth in Article XVIII, §14 (1)(f) of the Colorado Constitution.~~
- ~~(M) “Retail marijuana store” means a facility licensed pursuant to the Colorado Retail Marijuana Code to purchase marijuana from marijuana cultivation facilities and marijuana~~

~~and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.~~

~~4-780 Marijuana establishments prohibited~~

~~It is unlawful for any person to operate, cause to be operated, or permit to be operated in unincorporated Morgan County a marijuana establishment, and marijuana establishments are hereby prohibited in unincorporated Morgan County.~~

~~4-800 Medical marijuana dispensaries and/or growing sites are prohibited in any zone in unincorporated Morgan County.³³⁸~~

~~4-805 The prohibition of Section 4-800 shall apply only to commercial nonprofit, collective, or cooperative uses and shall not apply to persons who are certified medical marijuana users for their own individual use.³³⁹~~

SOLAR COLLECTOR FACILITY REGULATIONS³⁴⁰

4-810 Applicability

These Solar Collector Facility Regulations and applicable portions of the Zoning Regulations apply to those activities that are not a major facility of a public utility, as defined in the County's 1041 Regulations. To the extent the proposed activity is a major electrical facility of a public utility or power authority subject to these Solar Facility Regulations and applicable portions of the Zoning Regulations, such application shall be processed in accordance with C.R.S § 29-20-108. These regulations shall not apply to transmission lines built, owned, and operated by a public utility.

4-815 Definitions

Agrivoltaic Systems: A system designed for the simultaneous use of areas of land for both groundmounted solar collectors and agriculture.

Parking Canopy Solar System: Ground-mounted solar collectors installed above parking areas.

Public Utility: An entity as defined ~~in these Zoning Regulations by C.R.S. § 10-4-103.~~

Solar Collector: A photovoltaic (PV) panel, array of panels or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. Ground-mounted solar collector includes agrivoltaic systems and parking canopy solar systems when installed on surface parking lots. Building-mounted solar collector includes parking canopy solar systems when installed on the roof of a parking garage.

³³⁸ ~~2011 BCC 11~~

³³⁹ ~~2011 BCC 11~~

³⁴⁰ 2022 BCC 017

4-875 Ownership Changes

If the ownership of a BESS changes or the owner of the property changes, the use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the use permit and decommissioning plan. A new owner or operator of the BESS shall notify the County Planning Department and the Board of County Commissioners in writing of such change in ownership or operator within thirty (30) days of the ownership change. The use permit and all other local approvals for the BESS will be voided if a new owner or operator fails to provide written notification as provided herein in the required timeframe. Reinstatement of a void use permit will be subject to the same review and approval processes for new applications.

4-880 Approval Time Frame and Abandonment

The use permit for a BESS shall be valid for a period of three (3) years from the date of approval. The owner and/or operator may seek an extension of the approval period from the appropriate decision-making authority by demonstrating a need for an extension and filing an application with the County Planning Department. Each renewal application shall be accompanied by the appropriate fee, as established by the Board of County Commissioners. Requested renewals may be in one year, two year, or three year terms. However, no extensions shall extend the approval period beyond six (6) years from the date of the original approval of the use permit. If the owner and/or operator fails to achieve substantial construction and installation of the BESS within the approved period, including any extensions, the approval shall expire and a new application shall be required. The applicant shall be responsible to apply for and obtain any necessary extensions for any building permit issued for the BESS.³⁴⁵

WIND ENERGY FACILITY REGULATIONS

4-885 Applicability

These Wind Energy Facility Regulations and applicable portions of the Zoning Regulations apply to those activities that are not a major facility of a public utility, as defined in the County's 1041 Regulations. To the extent the proposed activity is a major electrical facility of a public utility or power authority subject to these Wind Energy Facility Regulations and applicable portions of the Zoning Regulations, such application shall be processed in accordance with C.R.S. § 29-20-108. These regulations shall not apply to transmission lines built, owned, and operated by a public utility.

4-890 Definitions

Hub: The part of the wind turbine to which the blades are attached, together creating the rotor.

Hub Height: The distance measured from ground level to the center of the turbine hub.

MET Tower: A meteorological tower used for the measurement of wind speed.

Public Utility: An entity as defined in these Zoning Regulations. ~~by C.R.S. § 40-1-103.~~

³⁴⁵ 2023 BCC 16

TABLE 2 - PARKING REQUIREMENTS

TYPE OF USE		PARKING REQUIREMENTS
(A)	Residential Uses	
	(1) Dwellings <u>Two-Family Dwelling Units and Multi-Family Dwelling Units</u>	(2) spaces per dwelling unit
	(2) Rooming or boarding house	Four (4) spaces per every five (5) guest accommodation rooms
	(3) Housing restricted to aged, disabled etc. <u>Residential Child Care Facilities, Group Homes, Recovery Residence</u>	One-half (1/2) space to aged, disabled, etc. per unit
	(4) Manufactured Homes	Two (2) spaces per each manufactured home space plus (1) guest parking space for every two (2) manufactured home spaces, in a common area. Guest spaces must be within three hundred feet (300') of units served. (Guest spaces may be reduced depending upon available on-street parking capacity.)
(B)	Commercial Residential Uses	
	(1) Hotel, motel	One (1) space per each guest room, plus one (1) space per each two (2) employees and/or owners
	(2) Club or lodge <u>Community Building or Event Center</u>	Spaces to meet the combined requirements of the uses being conducted, such as a hotel, restaurant, auditorium, etc.
(C)	Institutions	
	(1) Convalescent hospital, nursing home, sanitarium, rest home, or home for the aged <u>Nursing homes and other extended care facilities</u>	One (1) space per each two beds for patients or residents and visitors
	(2) Hospitals and similar facilities	One (1) space per each four hundred (400) square feet of floor area
(D)	Places of Public Assembly	
	(1) Churches or P <u>places of worship</u>	One (1) space per each three (3) fixed seats or one (1) space per each one hundred fifty (150) square feet of floor area, whichever is greater
	(2) Library or Reading	Room One (1) space per each four hundred feet (400') of floor area plus one space per each two (2) employees
	(3) Post office and public building	One (1) space per three hundred (300) square feet of building floor area plus one (1) space for each agency-owned vehicle
	(4) Preschool, nursery, <u>or day care centers of kindergarten</u>	Two (2) spaces per each teacher <u>or provider</u>
	(5) Elementary or intermediate school	One (1) space per each classroom plus one (1) space per each administrative employee plus one (1) space for each fifteen (15) students

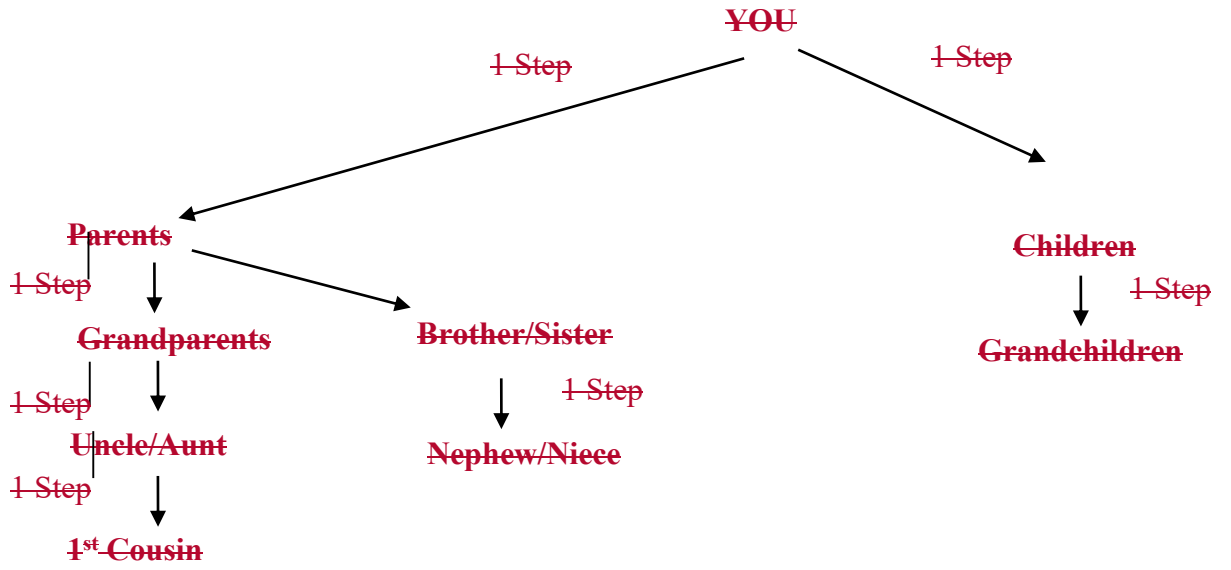
	(6) Secondary School <u>High School</u>	One (1) space per each classroom plus one (1) space per each administrative employee plus one (1) space per each ten (10) students
	(7) Vocational school	One (1) space per every two (2) students plus one (1) space per teacher and administrator
	(8) Other auditoriums or meeting rooms	One (1) space per every three (3) fixed seats or five feet (5') of bench length
PARKING REQUIREMENTS, con't.		
	TYPE OF USE	PARKING REQUIREMENTS
(E)	Commercial Amusements	
	(1) Arena, stadium or theater	One (1) space per each three (3) fixed seats or five feet (5') of bench length
	(2) Bowling alley	Five (5) spaces per each alley plus one (1) space per each two (2) employees
	(3) Dance hall or skating rink	One (1) space per each one hundred (100) square feet of floor area plus one (1) space per each two (2) employees
	(4) Golf Courses	(nine [9] or eighteen [18] hole) Two (2) per hole plus one per employee
(F)	Commercial	
	(1) Drive-in restaurant	(excluding drive-up windows) One (1) per each one hundred (100) square feet of floor area
	(2) Drive-up windows (food, liquor, bank, etc.)	Four (4) stacking spaces per window, plus standard parking as required for inside uses
	(3) Lumber yards	One (1) per each two hundred (200) square feet of floor area in main sales building
	(4) Motor vehicle, <u>motorized equipment, and recreational equipment</u> sales	Ten percent (10%) of the total lot sales area is to be reserved for customer parking
	(5) General retail facilities <u>Retail store</u> , except as provided below in (6)	One (1) space per each one hundred twenty-five (125) square feet of floor space
	(6) Service or repair shop or retail store handling exclusively bulky merchandise, such as furniture, large appliances, floor coverings, etc.	One (1) space per each four hundred (400) square feet of floor area
	(7) Bank or office (except medical and dental)	One (1) space per each four hundred (400) square feet of floor area plus one (1) space per each two (2) employees
	(8) Medical or dental clinic <u>Professional offices</u>	Three (3) spaces for each doctor plus one (1) space per each two (2) employees
	(9) Eating or drinking establishment <u>Restaurants and other food and drinking establishments</u>	One (1) space per each one hundred (100) square feet of floor area
	(10) Mortuaries and funeral parlors	One (1) space per each three (3) seats or five feet (5') of bench length in chapels
(G)	Industrial	
	(1) Storage warehouse, manufacturing	One (1) space per each employee establishment, or air, rail or trucking freight terminal

TABLE 4 - ANIMAL UNITS (AU)

Cattle	Col 1 (divide)	Col 2 (multiply)
Cow, with or without un-weaned calf at side, or heifer 2 yrs. old or older	1.0	1:1
Milk producing dairy cow	1.4	0.714:1
Bull, 2 years old or older	1.3	0.77:1
Young cattle, 1 to 2 years old Bull, 2 years old or older	0.8	1.25:1
Weaned calf to yearling	0.6	1.28:1
Un-weaned calf	0.25	4:1
Equine		
Horse, mature	1.3	.77:1
Horse, yearling	1.0	1:1
Weanling colt or filly	0.75	1.33:1
Mule, mature	1.2	.833:1
Donkey, mature	0.6	1.67:1
Miniature Horse	0.37	2.7:1
Sheep		
Mature ewe, with or without un-weaned lamb at side	0.2	5:1
Ram, 2 years old or older	0.25	4:1
Yearling	0.15	6.67:1
Weaned lamb to yearling	0.12	8.33:1
Goats		
All breeds and ages	0.14	7:1
Swine		
Sow	0.4	2.5:1
Boar	0.5	2:1
Pig up to 200 pounds	0.2	5:1
Elk		
Any age	0.5	2:1
Buffalo		
Any age	1.3	.77:1
Llamas and Alpacas		
Mature llama, with or without un-weaned young at side	0.5	2:1
Weaned young llama to yearling	0.25	4:1
Alpaca	0.25	4:1
Ratite Birds		
Ostriches, emus, rheas	0.2	5:1
Rabbits		
All breeds and ages	0.0178	56:1
Chickens		
Breeders	0.0133	75:1
Replacement pullets to 6 months of age	0.0031	325:1
8-week old broilers	0.0015	650:1
Turkeys		
Breeders	0.0333	35:1
Turkeys raised to maturity	0.025	40:1
Turkeys 6 months of age or less	0.0133	75:1

Unlisted species shall be considered to equal one animal unit per 1100 pounds live animal weight. Multiple animals may be aggregated to determine an animal unit or weight.

TABLE 6 – FAMILY MEMBER STEP CHART



NOTIFICATION

NOTICE OF PUBLIC HEARING
MORGAN COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2024 AT 9:00 A.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY
ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO

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

- 1. Applicant & Landowner:** Heather Haffke
Legal Description: Lot 2 and Lot 3, Delaney Minor Subdivision in the NE¼ NE¼ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, otherwise known as 04966 Co Rd L and 04970 Co Rd L, Wiggins, CO 80654.
Request: Amended Plat to Vacate the Access Easement over Lots 2 and 3 the Delaney Minor Subdivision
Date of Application: August 1, 2024.
- 2. Applicant:** Morgan County
Landowner: Weldon Valley School District RE20 and Donna L. Deganhart
Legal Description: located in the NE ¼ of Section 3, Township 4 North, Range 59 West of the 6th P.M. Morgan County, Colorado.
Request: An Amended Plat of Lots 1-4 of the Tom Deganhart Memorial Minor Subdivision to correct the acceptance of the dedication to Morgan County, Colorado, for a portion of Main Street.
Date of Application: August 14, 2024.
- 3. Zoning Amendments:** Amendments reorganizing of the use categorizations in each zone district (with the exception of JLV) into tables, making necessary and associated amendments to use descriptions and terminology, and deletions, modifications, and revisions to definitions.

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

To participate remotely you may connect via Zoom at:

<https://us02web.zoom.us/j/85164302936>

Or Telephone:

Dial:

+1 719 359 4580 US

Webinar ID: 851 6430 2936

The applications and all materials are available for inspection at the Planning Administrator's Office, 231 Ensign Street, basement, Fort Morgan, Colorado, during regular office hours. At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the application.

Nicole Hay

Nicole Hay
Morgan County Planning Administrator

Published: August 29, 2024

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Morgan
State of Colorado

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VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN
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/s/Nicole Hay
Nicole Hay
Morgan County Planning Administrator

Published: August 29, 2024

Published: Morgan County Times August 29, 2024-2071210

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

Aug 29, 2024



Signature

Subscribed and sworn to me before me this
29th day of August 2024.



Notary Public

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

(SEAL)

Account: 1052763
Ad Number: 2071210
Fee: \$60.72