

COMMISSIONERS PROCEEDINGS 1

MEETING OF THE BOARD OF COUNTY COMMISSIONERS Minutes of Meeting October 1, 2024

As reflected in posted agenda:

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89947048437> 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 30, 2024.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89947048437> listen via phone, please dial: 1-312-626-6799, Meeting ID: 899 4704 8437

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/89947048437> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 899 4704 8437
9:00 A.M.

The Board of Morgan County Commissioners met Tuesday, October 1, 2024 at 9:02 a.m. Chairman Mark Arndt, Commissioner Jon Becker, and Commissioner Gordon Westhoff attended. Chairman Arndt asked Morgan County Planning and Zoning Administrator, Nicole Hay to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

There was no citizen comment provided.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **meeting minutes** dated September 17, 2024.
2. Ratify Chairman Mark Arndt's signature on **Storm Water Inspection Report**, Inspection Date September 16, 2024 signed September 30, 2024.
3. Ratify the Board of County Commissioners approval on assignment of debt collections to **EMS/MC** dated September 17, 2024. Client #241118, #241203, #241053, #240550, #240546, #240553, #240721, #240549, #240657, #240499, #241291, #241423, #241416, #241121, #241918, #240983A, #241175, #241019, #240769, #241088, #241168, #240485, #241869, #240747, #241804, #242072, #241756B, #241369, #241414, #241268, #241164, #241475, #241867, #241442, #241334, #240512, #240483, #241504, #241342, #241229, #241223, #240753, #241249, #240070, #240770, #241230, #241227, #240496, #241320, #241033, #241096, #240772, #241266, #241293, #241259, #241364, #240768, #241547, #242050, #241415, #204463, #240468, #241459, #240593, #241077, #241184, #240974, #241129, #241128, #241337, #241348B, #240868, #241228, #240547, #241190, #241092, #240990, #241180, #241236, #241150, #241205, #241274, #240631, #240864, #240085.
4. Ratify the Board of County Commissioners approval of **Morgan County Sheriff's Victim Assistance VALE** Grant Application.
5. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 102 Centennial Mental Health Center, Inc.**, Term of Contract June 1, 2024 through May 31, 2025.
6. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 105 Morgan County Department of Human Services** Term of Contract September 9, 2024 through December 31, 2024.
7. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 106 Foundations Counseling, LLC.**, Term of Contract September 1, 2024 through May 31, 2025.
8. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 107 Shea, Carr & Jewell, Inc. dba SCJ Alliance**, Term of Contract October 1, 2024 through February 1, 2026.
9. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 108 Scott Brindisi dba Duck Down Masonry and Tile**, Term of Contract September 25, 2024 through December 31, 2024.
10. Ratify the Board of County Commissioners approval of **Landlord Collateral Access Agreement**, Wakefield & Associates, LLC., signed October 1, 2024.

At this time, Commissioner Westhoff made a motion to approve items 1-10 as presented; Commissioner Becker seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Resolution 2024 BCC 40, A Resolution approving the Morgan County Right-of-Way regulations concerning work and use of County Rights-of-Way.

2 COMMISSIONERS PROCEEDINGS

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2024 BCC 40____

A RESOLUTION APPROVING THE MORGAN COUNTY RIGHT-OF-WAY REGULATIONS CONCERNING WORK AND USE OF COUNTY RIGHTS-OF-WAY

WHEREAS, the Board of County Commissioners of Morgan County, Colorado are authorized under Colorado law to control the use of and work within County rights-of-way, including but not limited to C.R.S. §§ 30-11-107(1)(h), 30-15-401(1)(h), 42-4-110(1), 42-4-111(1)(g),(y) and 43-2-111(1),(6); and

WHEREAS, the Board desires to adopt right-of-way regulations to provide for an application process for and restrictions on work and occupation of County rights-of-way and finds that these regulations are in the best interest of the citizens of Morgan County.

NOW THEREFORE BE IT RESOLVED BY THE MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

Section 1. The Morgan County Right-of-Way Regulations attached hereto as Exhibit A are hereby approved.

DATED this ____1st day of _____ October, 2024.

MORGAN COUNTY RIGHT-OF-WAY REGULATIONS

I. Applicability

The purpose of these regulations is to govern work in and occupation or use of the County's rights-of-way which have been opened for public use. These regulations do not govern 1) County rights-of-way which are not open for public use or 2) the maintenance of any County right-of-way that has been granted prior approval by the County or has been required by the County through an approved land use permit. Nothing herein shall be deemed to limit or restrict the County's police powers or authority over its rights-of-way.

II. Application

- A. All work and occupation or use of a County right-of-way, subject to these regulations, requires prior application to be made to the Morgan County Road and Bridge Department on the forms provided by the Department. For purposes of these regulations, "work" shall be defined as follows: any labor performed on, or any use or storage of equipment or materials, including, but not limited to, construction of roads and all related appurtenances, fixtures, improvements, driveway openings, traffic signal devices, or laydown piping. It shall also mean construction that requires lane closures or excavation; and installation and repair of all underground structures such as pipes, conduit, culverts, ducts, tunnels, manholes, vaults, buried cable, wire, or any other similar structure located below surface, and installation and maintenance of overhead poles and wires or other facilities or equipment used for any purpose.
- B. All right-of-way applications shall be accompanied by required information and all applicable fees.
- C. Incomplete applications will not be processed and returned to the applicant.
- D. If required by the County, the applicant shall provide a survey of the road and the proposed location of the work or facility to ensure the proposed work or facility is within the County right-of-way.
- E. Depending on the work performed, the County may require the applicant to enter into public improvement agreement to ensure the completion of such work. If the work is being performed to benefit a specific property or use, the County may require the owner of that property to execute the public improvement agreement.
- F. No work shall be performed in the County right-of-way until a permit is issued by the Morgan County Road and Bridge Department.

III. Restrictions

- A. If the application is for facilities to be placed in the right-of-way, the applicant shall be the owner/operator of the facilities to be placed in the County right-of-way and executed by the owner/operator. If the application is for work only in the right-of-way with installation of facilities, the applicant may be the individual or entity performing the work.

COMMISSIONERS PROCEEDINGS 3

- B. Road cuts are not allowed on paved roads. All crossings of paved roads must either be bored under the road or installed overhead.
- C. Any underground facility, such as a pipeline or cable, shall be buried a minimum of forty-eight (48) inches below the roadway surface or the bar ditch, as applicable.
- D. All facilities and trenches that parallel County rights-of-way must be placed at least three (3) feet from the shoulder of the road. If the desired location is already occupied by an existing facility, the County may require that the proposed facility be relocated.
- E. A minimum of thirty-six (36) inches of horizontal separation shall be maintained between different facilities using the County right-of-way.
- F. The height of overhead facilities is limited to seventy-five (75) feet. The diameter of any poles or width of any other type of facilities is limited to three (3) feet.
- G. The right-of-way and the bar ditch shall be returned to equal or better condition prior to the commencement of the work, including but not limited to revegetation if required by the County. The applicant must supply adequate evidence of the right-of-way and bar ditch condition for both pre- and post-construction. Such evidence must be supplied prior to commencement of any work. Roads and bar ditches must be backfilled with a minimum of ninety-five percent (95%) compaction. Any settling of a trench or cut must be further back filled by the applicant to the County's satisfaction. The applicant will be required to warrant any restoration of the road surface for a period of twelve (12) months.
- H. The applicant specifically waives the right to any damages for injury to the applicant's facilities caused by the County. Any damage to the applicant's facilities caused by normal County maintenance operations, including mowing, grading, and snowplowing in the County right-of-way is the responsibility of the applicant and not that of Morgan County.
- I. The applicant and its contractor, as applicable, must provide proof of general liability insurance with an aggregate limit of one million dollars (\$1,000,000.00) at the time of application. Such insurance must remain in effect during all installation and restoration activities.
- J. The applicant and its contractor, as applicable, upon issuance of the permit, will be required to hold harmless, indemnify, and defend Morgan County, its officials, employees and agents, from any claim of any person arising from the installation, use, maintenance, or removal of the facilities in the County right-of-way.
- K. The County may require the presence of a County inspector, which may be a third-party hired by the County at the County's sole discretion, when installing facilities under, around, or near bridges and culverts. The cost of a County inspector shall be \$50 per inspection.
- L. Installation of facilities must be completed within twelve (12) months of the date of issuance of a permit except for reclamation which must be completed within eighteen (18) months from the date of issuance.
- M. The applicant will be required to provide the Morgan County Information Systems Department with GIS shape files compatible with County mapping within thirty (30) days of completion of installation, unless the applicant and the County have a current map sharing agreement.
- N. The applicant is responsible for ensuring compliance with any applicable easement, covenant, or other private agreement.

IV. Decision on Application

- A. Except as required under applicable law, the County reserves the right, pursuant to its statutory authority and general police powers, in its sole discretion, to fully regulate the use of its rights way and work performed in its rights-of-way, including the denial of any application or the imposition of conditions to ensure the County's interest in its rights-of-way and the public safety and welfare are maintained.
- B. Any request to deviate from the restrictions in these Regulations must be approved by the Board of County Commissioners. The Board may require modifications to any of the restrictions herein, including but not limited to more stringent restrictions or deny a request, if, in the sole discretion of the Board, it is necessary to maintain the public safety and welfare or in the best interests of the citizens of Morgan County.

4 COMMISSIONERS PROCEEDINGS

s/ Mark A. Arndt

Mark A. Arndt, Chairman

s/ Jon J. Becker

Jon J. Becker, Commissioner

s/ Gordon H. Westhoff

Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch

Kevin Strauch

Commissioner Westhoff presented to the Board for approval Resolution 2024 BCC 40, A Resolution approving the Morgan County Right-of-Way regulations concerning work and use of County Rights-of-Way. Commissioner Westhoff read the resolution and explained that it gives Morgan County the ability to do work in the right away. He also noted that it gives the right to farmers and other entities to clear off roads when needed without calling the county for permission.

Chairman Arndt noted that it also gives the definition of “pole height” as seventy-five feet high and three feet in diameter which hasn’t been done before.

Commissioner Becker made a motion to approve 2024 BCC 40, A Resolution approving the Morgan County Right-of-Way regulations concerning work and use of County Rights-of-Way, as presented by Commissioner Westhoff. Commissioner Westhoff seconded the motion and motion carried 3-0.

Consideration of Approval – Resolution 2024 BCC 41, A Resolution approving an amended plat to vacate the 40-foot access easement over lot 2 and the cul de sac easement over lot 3 as shown on the Delany Minor Subdivision.

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2024 BCC 41

A RESOLUTION APPROVING AN AMENDED PLAT TO VACATE THE 40 FOOT ACCESS EASEMENT OVER LOT 2 AND THE CUL DE SAC EASEMENT OVER LOT 3 AS SHOWN ON THE DELANEY MINOR SUBDIVISION LOCATED IN A PART OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 60 WEST, 6TH P.M. MORGAN COUNTY, COLORADO

WHEREAS, Heather Haffke (the “Owner”) owns Lot 3, Delaney Minor Subdivision in a part of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado (“Property”);

WHEREAS, the Owner has applied for an amended plat to permanently vacate the 40’ access easement over Lot 2 which serves Lot 3 and the cul de sac easement over Lot 3 in the Delaney Minor Subdivision in a part of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado; pursuant to the County’s Subdivision Regulations (the “Application”);

WHEREAS, the Board of County Commissioner held a public hearing in accordance with the Morgan County Subdivision Regulations on September 17, 2024 and during the public hearing, the Board received testimony and evidence; and

WHEREAS, the Board desires to approve the amended plat.

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

2. FINDINGS OF FACT

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

- 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.
- c. The approval will not adversely affect the public health, safety, and welfare. The utility easement across Lots 1 and 2 for the benefit of Lots 2 and 3 is unaffected by this Resolution.

COMMISSIONERS PROCEEDINGS 5

- 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 and the access easement over Lot 1 for the benefit of Lot 2 is unaffected by this Resolution. Lot 3 will obtain access off of State Highway 52 from the Colorado Department of Transportation.
- e. No dedication or intent to dedicate is necessary.

2. APPROVAL

- a. The Board hereby approves vacation of the 40’ access easement over Lot 2 which serves Lot 3 and the cul de sac easement over Lot 3 in the Delaney Minor Subdivision in a part of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado
- b. Within thirty (30) days of the date of this Resolution, the Morgan County Planning Department shall assign a new address for Lot 3 to ensure the Property is properly identified for emergency services personnel. That address shall be designated as on State Highway 52.

DATED this 1st day of October, 2024, nunc pro tunc September 17, 2024

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

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch

Nicole Hay, Morgan County Planning and Zoning Administrator presented to the Board for approval 2024 BCC 41, a Resolution approving an amended plat to vacate the 40-foot access easement over lot 2 and the cul de sac easement over lot 3 as shown on the Delany Minor Subdivision. Ms. Hay stated that on September 17, 2024, the Board of County Commissioners reviewed and considered an application submitted by Heather Haffke, the landowner of Lot 3, Delaney Minor Subdivision in a part of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado. 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. Lot 1 access is off of County Road L and the access easement over Lot 1 for the benefit of Lot 2 is unaffected by this Resolution. Lot 3 will obtain access off of State Highway 52 from the Colorado Department of Transportation. The Morgan County Planning and Zoning Department is currently working on assigning a new address for Lot 3 to ensure it is properly identified for emergency services. The Board of County Commissioners approved it on a vote 3-0. Resolution 2024 BCC 41 reflects the outcome of that hearing.

Commissioner Westhoff asked if readdressing has been done with Ms. Hay noting it will be done immediately following this hearing.

Commissioner Westhoff made a motion to approve 2024 BCC 41, A Resolution approving an amended plat to vacate the 40-foot access easement over lot 2 and the cul de sac easement over lot 3 as shown on the Delany Minor Subdivision., as presented by Nicole Hay, Morgan County Planning and Zoning Administrator. Commissioner Becker seconded the motion and motion carried 3-0.

Consideration of Approval – Resolution 2024 BCC 42, A Resolution amending the Morgan County zoning regulations concerning uses in each district and definitional updates.

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

RESOLUTION NO. 2024 BCC 42

**A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS CONCERNING
USES IN EACH DISTRICT AND DEFINITIONAL UPDATES**

WHEREAS, the County desires to amend the Morgan County Zoning Regulations to address the categorization of uses in each district through a chart, definitional updates, and correlating regulation updates.

6 COMMISSIONERS PROCEEDINGS

WHEREAS, on September 9, 2024, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval of the amendments with further revisions;

WHEREAS, on September 17, 2024, the Board of County Commissioners held a duly noticed public hearing on the proposed amendments;

WHEREAS, the Board of County Commissioners has complied with all relevant provisions for amending the Morgan County Zoning Regulations; and

WHEREAS, after considering public testimony received and the recommendation of the Planning Commission, the Board of County Commissioners finds these amendments to be in the best interest of the citizens of Morgan County.

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

Section 1. Sections 1-130 through 1-205, 1-218 through 1-275, 1-290 through 1-300, 1-305 through 1-335, 1-340 through 1-445, 1-455 through 1-465, 1-505 through 1-565, 1-570 through 1-603, 1-610 through 1-617, 1-622 through 1-660, 1-675, 1-680, 1-690 through 1-825, 1-832, 1-840 through 1-855, 1-875 through 1-900, 1-902, and 1-910 through 1-940 of the Morgan County Zoning Regulations are deleted in their entirety and the definitions are reinstated as follows:

1-130 DEFINITIONS

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

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 specific anatomical areas or by the exhibition of specified sexual activities.

Adult Entertainment Business: Means an adult arcade, adult store, adult cabaret, adult motion picture theatre 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.

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 any form of consideration one of more of the following:

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 specific 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 Fertilizer and Chemical Storage: The storage of fertilizer and chemicals for agricultural operations in any kind of container or structure.

COMMISSIONERS PROCEEDINGS 7

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.

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.

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 reversed 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 Density: The number of animal units per acre of land are routinely devoted to harboring or confining the animals.

Animal Unit: A term used to establish an equivalent density for various species of livestock.

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.

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.

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.

Buffer: An area or other mechanism established to separate and protect one type of land used 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: 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, Accessory: A building or structure, the use of which is customarily incidental to that of the main business or to the main use of the land (principal use) and which is located on the same lot with the main building or use.

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 in 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.

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

8 COMMISSIONERS PROCEEDINGS

include places of business where people work on a regular basis (e.g., radio or TV stations or studios) or Wireless Service Facilities.

Community 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 recreation vehicle park owner generally designed to serve a community, neighborhood or development but not an event center.

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.

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 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 or training, boarding and breeding facilities. For example, confined animal feeding operations may include dairies, cattle, equine or sheep feedlots, or poultry and swine production facilities.

Construction: The actual placement and fastening of construction materials in a fixed position. Any excavation shall be deemed to be actual construction. If a 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.

County Commissioners: The Board of County Commissioners of Morgan County; also called the Board.

County: Morgan County, Colorado.

Crop Dusting Operations: A licensed business which provides crop dusting services and includes the storage of aircraft and chemicals associated with crop dusting operations.

Cul-de-Sac: A round of turning area located at the end of a local road providing limited access to a limited number of residences and/or land uses.

Dairy: An establishment for the primary production and subsequent sale or distribution of milk or milk products, inclusive of "dairy farm".

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 or 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.

Development Permit: A permit issued under the Guidelines and Regulations for Areas and Activities of State Interest adopted by Morgan County 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 exact essential components in anaerobic digestion.

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.

COMMISSIONERS PROCEEDINGS 9

Dwelling Unit: One or more rooms connected together, constituting one separate, independent housekeeping establishment for permanent occupancy by a single family and at least one (1) kitchen, one (1) bathroom and one (1) living area.

Dwelling, Multi-Family: A building situated on one (1) lot and arranged, designed and intended for occupancy in three (3) or more independent dwelling units, each with one kitchen, living area, and bathroom, excluding hotels and motels.

Dwelling, Single-Family: A detached building situated on one (1) lot and arranged, designed and intended for occupancy 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.

Dwelling, Two-Family: A building situated on one (1) lot and arranged, designed and intended for occupancy in two independent (2) dwelling units, each with one 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, 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.

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 do not include adult entertainment businesses.

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.

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 purpose, 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.

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.

Family: A group of persons, related or unrelated, up to a maximum number established under the applicable building or fire code, living together as a single housekeeping unit.

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.

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.

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

10 COMMISSIONERS PROCEEDINGS

toys. A general retail facility may include a drive-up window. General retail shall include associated outdoor sales of any size.

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
- (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.

Hazardous Chemicals: Chemicals which are hazardous to human health and wildlife, excluding agricultural fertilizer and chemicals.

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.

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 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 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, sales and/or training.

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.

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.

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.

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 than one (1) right-of-

COMMISSIONERS PROCEEDINGS 11

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.

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.¹

Major Facility of a Public Utility: Shall have the same meaning as defined 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.

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.

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; equipment or vehicles; large appliances; asphalt products; brick or structural clay products and cosmetics. Tis use also includes processes such as electroplating and chemical processing.

Medical Marijuana Business: Any of the following entities or facilities licensed as defined pursuant to state lad: 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.

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.

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 permanent foundation. Mobile homes were build prior to June 15, 1976. All mobile homes are prohibited within the County and any existing mobile homes are considered nonconforming uses.

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.

Open Space: A parcel of land, an area of water or a combination of land and water within a development site designed an 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, parkways, walkways, and paths and trails. 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.

¹ 2021 BCC 11

12 COMMISSIONERS PROCEEDINGS

(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 motocross tracks, but excluding outdoor shooting ranges, gold 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.

Pack Animal: Burros, mules and llamas.

Packing Plant: A facility used for the processing of meat or animal byproducts for human consumption.

Panel Antenna: A directional antenna, generally rectangular in shape, usually deployed in an array, typically used to transmit or receive 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.

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.

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.

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.

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.

Recovery Residence: A residential building that provides housing accommodation for individuals with a primary diagnosis of a substance use disorder in compliance with the 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.

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.

Restaurant: An establishment where the principal business is the preparation and sale of food and beverages in a ready-to-consume state.

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.

COMMISSIONERS PROCEEDINGS 13

Rezoning: For the purposes of these Regulations, a revision to the County zoning map.

Right-of-Way: An area or strip of and over which a rite of passage has been recorded for use by vehicles, pedestrians, and/or facilities of a public utility.

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.

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.

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.

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.

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.

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.

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.

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).

Slaughterhouse: 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.

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.

Training, Breeding, and Boarding Facilities: All buildings, yards, pends, and other areas or any portion thereof, at a single location in which equine and pack animals are handles, or transported for the purpose of breeding, boarding grooming, handling, selling, sheltering, trading, training or otherwise transferring equine or pack animals for commercial purposes, excluding a confined animal feeding operation.

14 COMMISSIONERS PROCEEDINGS

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

Use, Principal: The main use of land or structures as distinguished from a secondary or accessory use.

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 major facility of a public utility, as defined in the County's 1041 Regulations, Communication Facilities, Solar Collector Facilities, Wind Collector Facilities, and BESS.

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.

Utility, Public: Public utilities as defined under Title 40, Article 1 of the Colorado Revised Statutes, as may be amended.

Variance: A grant of relief from the bulk requirements and design standards of these Regulations which permits construction in a manner that would otherwise be prohibited.

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.

Wastewater Facility: 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.

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.

Water Reservoir: An area of land or facility where water is retained or stored.

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.)
- 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.

COMMISSIONERS PROCEEDINGS 15

Section 2. Sections 1-210, 1-215, 1-216, 1-217, 1-280, 1-301, 1-337, 1-450, 1-470, 1-475, 1-480, 1-485, 1-490, 1-500, 1-566, 1-567, 1-605, 1-620, 1-665, 1-670, 1-685, 1-830, 1-835, , 1-860, 1-865 and 1-905 of the Morgan County Zoning Regulations are moved to new Section 3-752, Definitions.

Section 3. Section 3-130 of the Morgan County Zoning Regulations is amended to with the new Subsection (I) to read as follows:

- (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. 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 and mobile homes cannot be used as storage buildings, barns, or garages.

Section 4. Section 2-510 of the Morgan County Zoning Regulations is amended as follows:

A plan which has been submitted to the County by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The following are designated by the County as site specific development plans:

* * *

Section 5. Sections 2-510 (D) and (G) are deleted and the remaining provisions re-lettered accordingly.

Section 6. Sections 3-155(A)(1)(2), (C), and (D) of the Morgan County Zoning Regulations are amended to remove any references to zone districts.

Section 7. 3-155(E) of the Morgan County Zoning Regulations is amended to remove any references to zone districts.

(E) Other Temporary Structures

- (1) Tents or other temporary structures used for bazaars, festivals, or other group activities are permitted for a maximum of three (3) months within any calendar year.

Section 8. Section 3-160 of the Morgan County Zoning Regulations is deleted in its entirety.

Section 9. Sections 3-170, 3-175, 3-180, 3-240, 3-245, 3-250, 3-260, 3-265, 3-270, 3-275, 3-280, 3-285, 3-290, 3-295, 3-300, 3-305, 3-310, 3-315, 3-315.5, 3-320, 3-325, 3-335, 3-335.5, 3-340, 3-345, 3-350, 3-355, 3-355.5, 3-360, 3-365, 3-370, 3-372, 3-375, 3-380, 3-385, 3-390 of the Morgan County Zoning Regulations are deleted in their entirety.

Section 10. The following sections are renamed and renumbered as follows:

- 3-165 Agricultural Production Zone (A) Purpose
- 3-185 Agricultural/Agri Business Zone (A/B) Purpose
- 3-190 Estate Residential Zone (ER) Purpose
- 3-195 Rural Residential Zone (RR) Purpose
- 3-200 Rural Community Residential Zone (RCR) Purpose
- 3-205 Moderate Density Residential Zone (MDR) Purpose
- 3-210 High Density Residential Zone (HDR) Purpose
- 3-215 Commercial Zone (C) Purpose
- 3-220 Light Industrial Zone (LI) Purpose
- 3-225 Heavy Industrial Zone (HI) Purpose
- 3-230 Manufactured Home Zone (MH) Purpose

Section 11. The Morgan County Zoning Regulations are amended by the addition of a new section 3-235 to read as follows:

3-235 Table of Uses

16 COMMISSIONERS PROCEEDINGS

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) Not Permitted Uses (NP). A “NP” in a cell indicates that the use is not permitted 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 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.

Section 12: Use Table of the Morgan County Zoning Regulations is listed in this resolution as Exhibit 1 and will be added into the Morgan County Zoning Regulations under section 3-235.

Section 13. Section 3-495(A) of the Morgan County Zoning Regulations is amended to read as follows:

- (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.

Section 14. Section 3-495(E) of the Morgan County Zoning Regulations is deleted in its entirety.

Section 15. Morgan County Zoning Regulations are amended by the addition of the new following section:

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.

Section 16. Section 3-630 of the Morgan County Zoning Regulations is amended by the addition of the new following subsection:

- (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.

Section 17. Section 3-650 of the Morgan County Zoning Regulations is deleted in its entirety.

Section 18. Section 3-660 of the Morgan County Zoning Regulations is deleted in its entirety.

Section 19. Section 3-710 of the Morgan County Zoning Regulations is deleted in its entirety.

Section 20. Section 3-730(A) of the Morgan County Zoning Regulations is deleted and the remaining provisions re-lettered accordingly.

- (A) 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.

COMMISSIONERS PROCEEDINGS 17

Section 21. The header “District Overlay Areas” in the Morgan County Zoning Regulations is deleted.

Section 22. Section 4-100 of the Morgan County Zoning Regulations is amended to read as follows:

CAMPGROUND AND RV PARK REGULATIONS

4-100 Applicability and Permit

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.

Section 23. The header “KENNELS AND DOG LIMITS” in the Morgan County Zoning Regulations is amended to read as follows:

KENNELS

Section 24. Section 4-263 of the Morgan County Zoning Regulations is deleted in its entirety.

Section 25. The header “ADULT AMUSEMENT, ENTERTAINMENT, OR BUSINESS ESTABLISHMENT” in the Morgan County Zoning Regulations is amended to read as follows:

ADULT ENTERTAINMENT BUSINESSES

Section 26. Section 4-320 of the Morgan County Zoning Regulations is deleted in its entirety.

Section 27. Section 4-325 of the Morgan County Zoning Regulations is amended to read as follows:

No adult entertainment, business shall be operated or maintained within one thousand feet (1,000’) of any property zoned as A, ER, RR, RCR, MDR, HDR, and PD or used for a school or church, measured from the closest property line of such property to the property line of the adult entertainment business. 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 (1,000’) radius area.

Section 28. Section 4-330 of the Morgan County Zoning Regulations is amended to read as follows:

No adult entertainment business shall be operated or maintained within two thousand feet (2,000’) of two (2) other adult entertainment businesses 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 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.

Section 29. Section 4-335 of the Morgan County Zoning Regulations is amended to read as follows:

Hours of operation of any adult entertainment business may be limited by the Board as a condition of approval of the special use permit.

Section 30. Section 4-340 of the Morgan County Zoning Regulations is amended to read as follows:

All windows, doors and other apertures of adult entertainment 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.

18 COMMISSIONERS PROCEEDINGS

Section 31. Section 4-345 of the Morgan County Zoning Regulations is amended to read as follows:

Signs present or visible on any adult entertainment business 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.

Section 32. Section 4-450 of the Morgan County Zoning Regulations is amended to read as follows:

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.

Section 33. Morgan County Zoning Regulations is amended by the addition of the new section as follows:

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.

Section 34. The header "WASTE WATER TREATMENT PLANTS" in the Morgan County Zoning Regulations is amended to read as follows:

WASTEWATER FACILITIES

Section 35. Section 4-555 of the Morgan County Zoning Regulations is amended to read as follows:

It is the intent of these Regulations to establish minimum standards which all wastewater treatment facilities must meet.

Section 36. Section 4-560 of the Morgan County Zoning Regulations is amended to read as follows:

These regulations shall apply to all wastewater facilities.

Section 37. Section 4-565 of the Morgan County Zoning Regulations is amended to read as follows:

- (A) All wastewater 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 wastewater 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.

Section 38. Section 4-570 of the Morgan County Zoning Regulations is amended to read as follows:

Subject to Federal discharge permit requirements, the county retains continuing jurisdiction over wastewater 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 wastewater 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.

Section 39. Section 4-575 of the Morgan County Zoning Regulations are amended to read as follows:

COMMISSIONERS PROCEEDINGS 19

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.

Section 40. Sections 4-760, 4-780, 4-800 and 4-805 of the Morgan County Zoning Regulations are deleted in their entirety.

Section 41. The definition of Public Utility in section 4-815 of the Morgan County Zoning Regulations is amended to read as follows:

Public Utility: An entity as defined in these Zoning Regulations.

Section 42. The definition of Public Utility in section 4-890 of the Morgan County Zoning Regulations is amended to read as follows:

Public Utility: An entity as defined in these Zoning Regulations.

Section 43. Table 2, Appendix B Parking Requirements of the Morgan County Zoning Regulations is amended to read as follows:

TABLE 2 - PARKING REQUIREMENTS

TYPE OF USE		PARKING REQUIREMENTS
(A)	Residential Uses	
	(1) Two-Family Dwelling Units and Multi-Family Dwelling Units	(2) spaces per dwelling unit
	(2) Rooming or boarding house	Four (4) spaces per every five (5) guest accommodation rooms
	(3) Residential Child Care Facilities, Group Homes, Recovery Residence	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) Community Building or Event Center	Spaces to meet the combined requirements of the uses being conducted, such as a hotel, restaurant, auditorium, etc.
(C)	Institutions	
	(1) Nursing homes and other extended care facilities	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) Places of worship	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	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, or day care centers	Two (2) spaces per each teacher or provider
	(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	One (1) space per each classroom plus one (1) space per

20 COMMISSIONERS PROCEEDINGS

		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
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, motorized equipment, and recreational equipment sales	Ten percent (10%) of the total lot sales area is to be reserved for customer parking
	(5) General retail facilities, 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) Professional offices	Three (3) spaces for each doctor plus one (1) space per each two (2) employees
	(9) Restaurants and other food and drinking establishments	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
	(2) Wholesale establishment	One (1) space per each employee plus one (1) space per each seven hundred (700) square feet of patron-serving area

Section 44: Table 6, Appendix B Family Member Step Chart of the Morgan County Zoning Regulations is deleted in its entirety.

USE TABLE		
UBR - Use-by-right	CU - Conditional Use	SU - Special Use
NP - Not Permitted	T- Temporary Use	Blank - Not Specified

COMMISSIONERS PROCEEDINGS 21

Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RC R	MD R	HD R	C	LI	HI	MH	
PRIMARY USES													
Adult Entertainment Business	NP	NP	NP	NP	NP	NP	NP	NP	NP	SU	NP	NP	4-325 through 4-345
Agricultural Cultivation	UB R	UB R		CU	CU	CU				UB R	UB R	NP	
Agricultural fertilizer and chemical storage, excluding any sales activity	UB R	UB R										NP	
Agricultural fertilizer and chemical storage, including on and off premises sales	SU	SU	CU						SU	CU	CU	NP	
Agricultural processing, with no retail or wholesale activity	UBR	UB R	UB R						SU	UB R	UB R	NP	
Airports, heliports, airstrips, and/or aircraft recreational facilities	SU	SU	SU							SU	SU	NP	
Auto and truck sales – new and used									CU			NP	
Automobile service stations with gasoline pumps and retail gift and sundry sales										CU	CU	NP	
Batch Plants	SU	SU	SU							SU	CU	NP	
Batch plants for a single road project provided all other federal, state, and local laws and regulations are complied with	CU	CU										NP	
Bed and breakfast facilities	SU	SU							CU			NP	
BESS	SU	SU	SU							SU	SU	NP	4-850 through 4-880
Boarding, raising, or otherwise keeping exotic animals	SU	SU	CU									NP	
Campgrounds and recreational vehicle (RV) parks	SU	SU	SU						SU			NP	4-100
Car washes									CU			NP	
Cattle truck washing and cleaning	SU	SU							CU			NP	
Cemeteries	CU	CU										NP	
Commercial boat and recreational vehicle storage	CU	CU								CU		NP	
Commercial dairies – milk processing only			CU									NP	
Commercial disposal injection wells	CU	CU	CU							CU	CU	NP	4-452 through 4-474
Commercial grain elevators	SU	SU	CU									NP	
Commercial synthetic fuel production	SU	SU	SU							SU	SU	NP	
Commercial trucking and heavy equipment parking	UB R		UB R							CU	CU	NP	
Communication facilities	UB R	UB R	UB R	CU	CU	CU	CU	CU	UB R	UB R	UB R	SU	4-705
Community Building						UB R			CU			UB R	
Community Residential Homes	Use classification based upon type of residential dwelling											NP	
PRIMARY USES													
Confined animal feeding operations confining more than the allowed animal unit densities but fewer than 200 animal units	CU	CU										NP	4-200 through 4-260

22 COMMISSIONERS PROCEEDINGS

USE TABLE													
UBR - Use-by-right NP – Not Permitted				CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified					
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RC R	MD R	HD R	C	LI	HI	MH	
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													
Confined animal feeding operations in excess of the allowed animal unit densities or conditional use permit allowances	SU	SU										NP	4-200 through 4-260
Confined animal feeding operations not exceeding the animal densities of Table 3, Appendix B	UB R	UB R	UB R	CU	CU	CU	CU	NP	CU	CU	CU	NP	
Contractor's office with outside storage for construction materials or equipment									CU			NP	
Crop dusting operations and/or crop dusting airstrips	SU	SU	SU							SU	SU	NP	
Digesters which process plant or animal matters originating from activity not included in the permitted area where the digester is located	SU	SU	SU									NP	
Distilleries, brew pubs, or wineries (without growing operations)										CU	CU	NP	
Dry cleaning and dyeing establishments									UB R			NP	
Elementary schools, secondary schools, colleges, universities, trade or vocational schools	CU	CU	CU	CU	CU	UB R	CU	CU				NP	
Emergency response and public safety facilities	UB R	UB R	UB R	CU	CU	CU	CU	CU	UB R	UB R	UB R	SU	
Entertainment and recreational facilities 75,000 square feet and greater									CU			NP	
Equipment rental										CU	CU	NP	
Event center	CU	CU	CU						CU			NP	
Extraction and/or crushing of sand, gravel, dirt or other natural resource extraction, with the exception of oil and gas activities	CU		SU						CU	CU	CU	NP	
Extraction of sand, gravel, or dirt for a single public road project provided all requirements of the Colorado Mined Land Reclamation Board have been met	CU	CU										NP	
PRIMARY USES													
Farm equipment and heavy equipment sales – new and used	CU	CU	UB R						UB R			NP	
Feed mills	SU	SU							CU			NP	
Flea markets, farmers' markets									UB R			NP	
Flowlines and Gathering lines	CU	CU	CU						CU	CU	CU	NP	4-472
Fresh and frozen food lockers										CU	CU	NP	

COMMISSIONERS PROCEEDINGS 23

USE TABLE													
UBR - Use-by-right NP – Not Permitted				CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified					
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RC R	MD R	HD R	C	LI	HI	MH	
Full service truck stores and repair, including farm and heavy equipment repair			SU						SU			NP	
Gas utility facilities, electric utility facilities	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	UB R	NP	
General commercial facilities over 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries									CU	UB R		NP	
General commercial facilities under 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries									UB R	UB R		NP	
General retail facilities over 50,000 square feet and up to 100,000 square feet and which have a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries			UB R						CU	UB R		NP	
General retail facilities under 50,000 square feet and which has a traffic generation of less than 150 vehicle trips per day, including customers, employees and deliveries			UB R						UB R	UB R		NP	
Golf courses, with or without driving ranges	CU	CU	CU	CU	CU	CU						NP	
Grazing of livestock not exceeding the animal densities of Table 3, Appendix B	UB R	UB R	UB R	UB R				NP	UB R	UB R	UB R	NP	3-730
Ground-mounted WEF	SU	SU	SU							SU	SU	NP	4-885 through 4- 920
Group Homes, Aged	UB R	UB R		UB R	UB R	UB R	UBR	UBR				NP	
Group Homes, Behavior or Mental Health Disorders	Use classification upon type of residential dwelling											NP	
Hazardous chemicals											SU	NP	
Hospitals	CU	CU	CU					CU	CU	CU		NP	
Hotels and motels, including other incidental business uses located inside the principal building, such as restaurants									CU			NP	

PRIMARY USES													
Hunting and/or fishing preserves and hunting parks	CU	CU										NP	
Indoor shooting range									UB R	UB R	UB R	NP	
Injection wells, except commercial disposal injection wells	UB R	UB R	UB R						CU	UB R	UB R	NP	4-452 through 4- 474
Junk, scrap metal, auto wrecking and farm and other equipment storage and salvage yards	SU	SU	SU							SU	SU	NP	
Keeping of alternative livestock	CU	CU										NP	
Kennels	SU	SU	SU	SU	SU	SU	SU	SU	CU	SU	SU	NP	4-265

24 COMMISSIONERS PROCEEDINGS

USE TABLE														
UBR - Use-by-right NP - Not Permitted				CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified						
Uses	Zone District												Regulation Reference	
	A 20>	A 20<	A/B	ER	RR	RC R	MD R	HD R	C	LI	HI	MH		
Livestock and animal sales yards and associated buildings and structures, including auction sales	UB R	UB R	UB R						SU				NP	
Major facility of a public utility for which a development permit has been issued	UB R			UB R	UB R	UBR	UBR	UBR					NP	See Morgan County 1041 Regulations
Manufactured home parks	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UB R	4-575
Manufacturing, assembly and distribution of primary and secondary goods									CU	CU	CU		NP	
Miniature golf courses									CU				NP	
Mini-warehouses									CU	UB R	UB R		NP	
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									CU				NP	
Mixed-use structures where the residential portion of the use is located at the rear of the structure or on an upper floor. The residential portion must be less than 5,000 square feet and may only be a single-family dwelling.									UB R				NP	
Mortuaries and funeral homes									SU				NP	
Motor vehicle, motorized equipment, recreational equipment sales, service, repairs, and storage (indoor or outside)										UB R			NP	
Multi-family dwellings					CU / SU ²		UBR	UBR					NP	
Natural Medicine Business	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SU	NP	NP	4-757
Nursing homes and other extended care facilities						CU	CU	CU					NP	
PRIMARY USES														
Oil and gas wells	UB R	UB R	UB R						CU	UB R	UB R		NP	
One (1) single-family dwelling per lot ³	UB R	UB R		UB R	UB R	UB R	UBR	SU	CU				NP	
Outdoor recreation facilities	CU	CU	CU										NP	
Outdoor shooting ranges	SU	SU										SU	NP	4-275
Outdoor storage												SU	NP	
Packing plants	SU	SU								SU	SU		NP	4-200 through 4-260
Personal services									UB R				NP	
Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or	UB R	UB R	UB R	UB R	UB R	UB R	UBR	UBR	UB R					

² Multifamily dwellings with 3 units require a conditional use permit. Multifamily dwelling units with more than 3 units require a special use permit.

³ Manufactured homes are permitted but only with a permanent foundation in the MDR and commercial zones.

COMMISSIONERS PROCEEDINGS 25

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

26 COMMISSIONERS PROCEEDINGS

USE TABLE													
UBR - Use-by-right NP - Not Permitted			CU - Conditional Use T- Temporary Use					SU - Special Use Blank - Not Specified					
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RC R	MD R	HD R	C	LI	HI	MH	
Sod farms, vineyards, orchards and associated sales activities	UB R	CU	UB R									NP	
Solar collector facilities more than 20 acres	SU	SU	SU							SU	SU	NP	4-810
Solar collector facilities, 20 acres or less	CU	CU	CU							CU	CU	NP	4-810
Solid waste management facilities (excluding digesters)	SU	SU								SU	SU	NP	4-505 through 4-550
Synthetic fuel production not exceeding 10,000 gallons per year and provided the fuel is used where the production occurs	CU											NP	
Training, breeding and boarding facilities which do not exceed the animal unit densities of Table 3, Appendix B	UB R	UB R	UB R									NP	
Truck terminals and loading areas											CU	NP	
Two family dwelling, as the only residential structure, site built or manufactured home on a permanent foundation	SU	SU					UBR	CU				NP	
Veterinary clinics or veterinary hospitals	CU	CU	CU									NP	
Warehouses									SU		UB R	NP	
Wastewater Facility	SU	SU	SU	SU	SU	SU	SU	SU	CU	CU	CU	SU	4-555 through 4-570
Water facility	SU	SU	SU	SU	SU	SU	SU	SU	CU	CU	CU	SU	

PRIMARY USES													
Water reservoirs of 10 acres and greater and less than 20 acres maximum surface area or 65 feet and greater and less than 130 acre feet maximum capacity	CU	CU	CU									NP	
Water reservoirs of 20 acres and greater maximum surface area or 130 acre feet and greater maximum capacity	SU	SU	SU									NP	
Water reservoirs of less than 10 acres maximum surface are or 65 acre feet maximum capacity	UB R	UB R	UB R						CU	CU	CU	NP	
ACCESSORY USES													
Above ground fuel storage tanks	UB R	UB R	UB R						UB R	UB R	UB R	NP	4-480
Accessory uses, buildings, and structures	UB R	UB R	UB R						UB R	UB R	UB R	NP	3-130
Additional antennas for communication facilities.	CU	CU								CU	CU	NP	
Agriculture related businesses if associated with owner occupied housing	CU	CU										NP	
BESS	SU	SU	SU							SU	SU	NP	4-850 through 4-880

COMMISSIONERS PROCEEDINGS 27

USE TABLE													
UBR - Use-by-right NP – Not Permitted				CU - Conditional Use T- Temporary Use				SU - Special Use Blank - Not Specified					
Uses	Zone District												Regulation Reference
	A 20>	A 20<	A/B	ER	RR	RC R	MD R	HD R	C	LI	HI	MH	
Building-mounted wind energy facilities (WEFs)	UB R	UB R	UB R	UB R	UB R	UBR	UBR	UBR	UB R	UB R	UB R	UB R	
Digesters (Confined animal feeding operations only)	UB R	UB R										NP	4-207
Garages, parking and other equipment storage buildings	UB R	UB R	UB R	UB R	UB R	UBR	UBR	UBR	UB R			UB R	
Ground-mounted WEF	SU	SU	SU							SU	SU	NP	
Home occupations conducted in an accessory building	CU	CU	CU	CU	CU	CU	CU	CU				NP	4-310
Home occupations conducted in residence	UB R	UB R	UB R	UBR	UB R	UBR						UB R	4-310
Roadside stands for sale of personally grown vegetables, fruits, and farm products	UB R	UB R	UB R									NP	
Solar collector facilities, 20 kilowatt capacity or less	UB R	UB R	UB R	UB R	UB R	UB R	UBR	UBR	UB R			UB R	4-810
Solar collector facilities, more than 20 kilowatt capacity	CU	CU	CU									NP	4-810
Second single family dwellings per lot	UB R	CU										NP	
Third single family dwellings per lot	CU											NP	
Fourth single family dwellings per lot	CU											NP	
Wind energy conversion systems	CU	CU	CU	CU								NP	

TEMPORARY USES													
Fireworks stands, Christmas tree stands, or other short term retail activities	T	T	T	NP	NP	T	NP	NP	T	T	T	NP	3-155
Residential sales offices				T	T	T	T	T				T	3-155
RVs as temporary residence	T	T	T	T	T	T	NP	NP	NP	NP	NP	NP	3-155
Temporary construction structures	T	T	T	T	T	T	T	T	T	T	T	T	3-155
Temporary non-residential offices			T						T	T	T		3-155
Temporary residence	T	T	T	T	T	T							3-155
Tents or other temporary structures used for bazaars, festivals, or other group activities	T	T	T	NP	NP	T	NP	NP	T	T	T	NP	3-155

APPROVED this 1st day of October, 2024.

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

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch
Kevin Strauch

28 COMMISSIONERS PROCEEDINGS

Nicole Hay, Morgan County Planning and Zoning Administrator presented to the Board for approval Resolution 2024 BCC 42, A Resolution amending the Morgan County zoning regulations concerning uses in each district and definitional updates. Ms. Hay stated that on The amendments to the Morgan County Zoning Regulations are concerning the reorganizing of the use categorizations in each zone district (with the exception of Jackson Lake Village) into a more user-friendly use chart, making necessary and associated amendments to use descriptions and terminology, and deletions, modifications, and revisions to definitions. The Planning Commission recommended approval with recommended changes made during two public hearings held on August 12, 2024 and September 9, 2024. On September 17, 2024, the Board of County Commissioners reviewed and considered the same amendments including the recommended changes and approved them on a vote 3-0. Resolution 2024 BCC 42 reflects the outcome of that hearing.

Commissioner Becker made a motion to approve Resolution 2024 BCC 42, a Resolution amending the Morgan County zoning regulations concerning uses in each district and definitional updates. Commissioner Westhoff seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk and Recorder, Kevin Strauch noted that ballots will be mailed next week on October 11th, with ballot boxes at the Administrative Building, Brush City Hall, and Wiggins Town Hall being open the same day.

Commissioner Westhoff noted that October 6th through the 12th is National 4-H Week.

Commissioners reviewed the calendar dated September 27, 2024 through October 8, 2024 without changes.

The meeting was adjourned at 9:14 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified October 22, 2024)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch