



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

PERMIT # _____ - _____

Date Received _____ / _____ / _____	Received By _____
Application Fee: \$ _____	Ck/CC #: _____ Paid _____ / _____ / _____
PC Date: _____ / _____ / _____	BOCC Date: _____ / _____ / _____
100 Year Floodplain? <u>Y/N</u>	Taxes Current? <u>Y/N</u>

CERTIFICATE OF DESIGNATION APPLICATION

Landowners MUST Sign Application and Right to Farm Policy

APPLICANT(S)

Name _____

Address _____

Phone _____

Email _____

LANDOWNER(S)

Name _____

Address _____

Phone _____

Email _____

BRIEF DESCRIPTION OF APPLICATION

PROPERTY LEGAL DESCRIPTION AND TECHNICAL INFORMATION

Address of Property (or general location if not yet addressed): **Attach extra pages if needed*

Parcel #: _____ - _____ - _____ Zone District: _____ Lot #(s): _____

S: _____ T: _____ R: _____ $\frac{1}{2}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ Total acreage in parcel: _____

Subdivision: _____

Is property located within one thousand three hundred twenty (1320) feet of a confined animal feeding operation, packing plant, slaughterhouse or rendering plant? ☐ YES ☐ NO

PRESENT USE OF PROPERTY _____

PROPOSED USE OF PROPERTY _____

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED OR PROCESSED

CERTIFICATE OF DESIGNATION APPLICATION REQUIRED ATTACHMENT LIST

Additional information may be required by staff

Application Fee:

☐ **Non-Refundable Application Fee**

**Additional fees and charges may be required pursuant to Section 2-160 of the Morgan County Zoning Regulations. Applicant will be responsible for any legal fees after the first 3 hours.*

Project Narrative:

☐ **Narrative to include:**

- ☐ Project Description including purpose of fill, estimated life of operation, and proposed after use for the site
- ☐ Phases of development, if applicable and proposed length of time
- ☐ Purpose of request, including how the project meets the criteria in Sec. 4-535 of the Morgan County Zoning Regulations, including C.R.S. 30-20-104 and 30-20-105
- ☐ Discussion on how the project will comply with the Morgan County Comprehensive Plan
- ☐ How project will meet any of the specific criteria related to the project/proposed use
- ☐ All off-site impacts and proposed mitigation measures
- ☐ Development or implementation schedule of project
- ☐ General topography of land and potential hazards
- ☐ Discussion of any public improvements required to complete the project
- ☐ Provision of Fire Protection

Impacts:

☐ Discuss any environmental impacts the Special Use will have on the following and the proposed mitigation measures:

- | | | | |
|--------------------------------------|-----------------------------------|--|---|
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Dust | <input type="checkbox"/> Existing Vegetation | <input type="checkbox"/> Land forms |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Odor | <input type="checkbox"/> Storm Water Runoff | <input type="checkbox"/> Water Resource |
| <input type="checkbox"/> Wetlands | <input type="checkbox"/> Wildlife | <input type="checkbox"/> Visual Amenities | <input type="checkbox"/> Other _____ |

Plans/Maps:

- ☐ **Plat (Survey) Map** per requirements set forth in Morgan County Zoning Regulations in Sec. 2-470 **(SUBMIT ELECTRONICALLY)**
- ☐ **Design and Operations Plan (EDOP)**

Technical:

- ☐ **CDPHE Solid Waste Permitting Report**
- ☐ **Drainage Report**
- ☐ **Proof of Current Paid Taxes**
- ☐ **Statement of Authority**, if applicable
- ☐ **Notification to all mineral rights owners and/or lessees**
 - ☐ **Mineral Certification Form**
- ☐ **Traffic Impact Study**
- ☐ **Erosion and Sediment Control Plans (Initial phase, Interim phase, Final phase)**
- ☐ **Construction/Engineering Design Plans** per the State of Colorado Department of Public Health and Environment per Hazardous Materials and Waste Management Division 6CCR 1007-2, Part 1
- ☐ **Ditch Company Notification** — if a ditch is on or adjacent to the parcel
- ☐ **Right to Farm Policy** signed by all Landowners (Attached)

Technical:

☐ # Of Digital Applications: _____ ☐ # of Paper Applications: _____

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

Additional Information Required by Staff:

LANDOWNER AND APPLICANT STATEMENTS

I hereby certify that to the best of my knowledge, the information contained within this application package is true and correct.

Applications will **not** be accepted for properties which are not current in their property taxes.

Application must be signed by applicant and landowner as it appears in title insurance.

Applicant Signature	Date
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 Landowner Signature Date

Applicant Signature	Date
---------------------	------

Landowner Signature
Date

MORGAN COUNTY RIGHT TO FARM POLICY

Morgan County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all agricultural activities and operations in Morgan County are integral and necessary elements of the continued vitality of the County's economy, culture, landscape, and lifestyle. Over 70% of the County's acreage is devoted to farming and raising livestock with over 700 farms. The agricultural products produced by those farms create millions of dollars of market value. Morgan County recognizes the importance of agricultural operations as necessary and worthy of recognition and protection and supports policies to maintain the high-quality rural character of the County.

Living in Morgan County requires residents to accept the effects of agriculture and rural living as part of daily life. Agricultural users of the land are not expected to change their long-established agricultural practices to accommodate the intrusions of residential activities into a rural area. These effects may include noise from tractors, equipment, and aerial spraying at any time; dust from animal pens, field work, harvesting, and use of gravel roads; odor from confinement animal feeding operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers; and movement of livestock or machinery on public roads. Under Colorado law, these activities are not considered nuisances and are protected.

Residents must also accept that public services in rural areas are different than urban or suburban areas. Specifically, regular road maintenance may be less available and may be at a lower level. In certain circumstances, the standard for maintenance may be determined on whether the road is passable and usable and not whether the road surface is rough. County gravel roads, no matter how often they are maintained, will not provide the same kind of surface expected from a paved road and will not support travel at the recommended speed. Further, the County may permit certain road maintenance activities by agricultural producers or other industries to allow those commercial activities to continue when County resources are unavailable due to other road issues or events. The County considers these activities to be integral to the protection of agricultural operations in Morgan County.

In addition, in Morgan County, utility services may be nonexistent or subject to interruption; law enforcement, fire protection and ambulance service will have considerably longer response times; and snow may not be removed from County roads for several days after a major snowstorm. The County prioritizes snow removal as it deems necessary.

People are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farms, ponds, irrigation ditches, electrical service to pumps and oil field equipment and operations, noxious weeds, livestock, and territorial animals may present real threats to people. It is necessary that all activities are supervised for both the protection of the people and protection of agricultural activities and owners may need to fence property to ensure a safe environment.

All County residents are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Morgan County. This includes but is not limited to obligations under Colorado State law, including but not limited to, the Colorado Fence and Right to Farm laws, and Morgan County Zoning Regulations regarding maintenance of fences, controlling weeds, and keeping animals under control. Residents are responsible for understanding and accepting the implications of living in a rural agricultural area.

Information regarding these topics may be obtained from the Morgan County Extension Office and Planning and Zoning Department.

RECEIPT AND STATEMENT OF UNDERSTANDING

I hereby certify that I have read and understood the Morgan County Right to Farm Policy. I further state that I am aware and acknowledge that the conditions of living in a rural area, primarily used for agricultural production, and that I understand these activities are protected under Colorado law and are not considered a nuisance.

Signature Date

Signature Date

Printed Name

Printed Name

Address

Address

Adopted by the Morgan County Board of County Commissioners by Resolution 2025 BCC 21

LOCATING MINERAL RIGHTS OWNERS

Determining mineral rights owners involves examining ownership records and deeds. To find who owns the mineral rights under your land, consider the following options:

- ☐ Research the ownership on your own through the Assessor's Office and Clerk and Recorder's Office.
- ☐ Contact a law office or a title company to perform the research for you.

Researching On Your Own

The process for determining who owns the mineral rights for a particular property is difficult and often time consuming. Sometimes, the title information from the closing of a home sale will include information regarding ownership of the mineral rights, but that information may not always be accurate and should be confirmed.

One place to start researching mineral rights ownership is the deed to the land. The Recording Department in the Clerk & Recorder's Office archives copies of property deeds and you can search for deeds in the grantor/grantee index at their office or on the public computer available at the Clerk & Recorder's Office. The deed should indicate what type of ownership was conveyed at the time of sale/transfer of ownership. Research the names and percent (%) of interest for all mineral owners for the subject property. Only mineral owners who have recorded a request for written notification of all applications for development need to be provided the written notice described C.R.S. § 24-65.5-103(1).

The County Assessor's records must also be reviewed by the legal description. The Assessor does not provide a public computer, and the search must be performed on their website at <https://morgancountyco-assessor.tylerhost.net/assessor/web/>.

Ownership rights are complicated, and it is advised that you consult an attorney or other property expert to research mineral ownership before you take any action regarding your rights.

**CERTIFICATION OF NOTIFICATION
OF MINERAL ESTATE OWNER**

The applicant must check one of the three following statements, sign and date the form, and attach a list of mineral owners and lessees to whom notice was sent (if applicable).

I/We, _____

_____, (the "Applicant" or authorized representative of the Applicant), by signing below, hereby declare and certify as follows:

With respect to the property located at:

Physical Address: _____

Legal Description (attach as applicable): _____

Permit #: _____

_____ I/We have searched the records of the Morgan County Tax Assessor and the Morgan County Clerk and Recorder for the above identified parcel and have found that no mineral estate owner is identified therein pursuant to C.R.S. § 24-65.5-103(1).

_____ I/We certify that, not less than thirty (30) days before the initial public hearing, notice of application for surface development was provided to mineral estate owners pursuant to C.R.S. § 24-65.5-103(1) of the Colorado Revised Statutes. A copy of the letter and list of addressee are included with this certification.

_____ The mineral estate has been severed from the surface estate, and each mineral estate owner and lessee has waived the right to notice as per C.R.S. § 24-65.5-103(5).

I hereby further certify that I am the Applicant, or I am authorized by the Applicant to make the representations contained herein and to act as the Applicant's agent for purposes of this Certification of Notification and bind the Applicant to these representations by my signature below.

Applicant or Authorized Representative

Date



Planning and Zoning Department
231 Ensign St.
PO Box 596
Fort Morgan, CO. 80701
970-542-3526 or Fax 970-542-3509
Email: permits_licensing@co.morgan.co.us

MINERAL RIGHTS NOTICE REQUIREMENTS

Pursuant to Colorado Revised Statutes (C.R.S) 24-65.5-103(1), Applicants for development are required to notify all owners and lessees that hold a mineral interest on the subject property, of a pending application for proposed development.

What Are Mineral Rights?

Mineral rights are ownership rights that allow the owner the right to exploit minerals from underneath a property. The rights refer to solid and liquid minerals, such as silver, gold, copper, salt, clay, oil, natural gas, sand and gravel or any other material below the surface. Mineral rights can be separate from surface rights and are not always possessed by the property owner.

Mineral Rights Lessee

A mineral rights' lessee is a person who has entered into a lease with the mineral rights owner to explore for, develop, and produce the leased minerals.

How can I find the mineral rights owner?

State law requires that an applicant examine the records in the county tax assessor and clerk and recorder of the county in which the real property is located.

At your option, you may also hire a third party (attorney, title company) to review these records or the title to the property.

How do I notify the mineral rights owners?

State law requires that notice of the hearing be provided to the mineral owners and lessees by certified mail, return receipt requested, or by a nationally recognized overnight courier, no later than 30 days prior to the initial hearing date. For applications that do not require a hearing, notice should include the proposed date a decision will be made by the Planning and Zoning Department.

The notice must contain the date, time and place of the hearing, the nature of the hearing, the location and legal description by section, township, range of the property that is the subject of the hearing, and the name of the applicant. COPY OF LETTER AND RECEIPT OF IT BEING DELIVERED SHALL BE PROVIDED TO THE MORGAN COUNTY PLANNING AND ZONING DEPARTMENT WITHIN 14 DAYS OF PLANNING COMMISSION HEARING OR DATE OF DECISION BY PLANNING DIRECTOR AND SHALL INCLUDE THE NAMES AND ADDRESSES OF MINERAL OWNERS AND LESSEES.

ALL APPLICANTS MUST SIGN THE MINERAL RIGHTS CERTIFICATION.

Sample Notice

[Insert Date]

[Insert mineral interest owner's/ lessee's address]

Sent via Certified Mail

Notice to Mineral Rights Owners and/or Lessees:

As required by Colorado State Statute 24-65.5-103, I am notifying you that I have submitted an [type of application] application to the Morgan County Planning and Zoning Department for [Insert name of proposed project], located in the [Insert location and legal description by section, township, and range] of the 6th P.M., Morgan County, Colorado.

- APPLICATIONS REQUIRING PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS HEARINGS:

The application will be heard by the Morgan County Planning Commission in a public hearing on [Insert date] at 6:00 PM in the assembly room, 231 Ensign Street, Fort Morgan, Colorado. The Planning Commission will review the application and recommend approval or disapproval to the Board of County Commissioners.

Final approval or disapproval of the application will be considered by the Morgan County Commissioners on [Insert date] at [Insert time] in the assembly room, 231 Ensign Street, Fort Morgan, Colorado.

- APPLICATIONS APPROVED ADMINISTRATIVELY (NO HEARINGS REQUIRED):

Final approval or disapproval of the application will be determined by the Morgan County Planning and Zoning Director on [Insert date].

Sincerely,

(applicant/landowner)