



**MORGAN COUNTY PLANNING COMMISSION  
AMENDMENT SUMMARY  
October 1, 2024  
October 15, 2024 (meeting date)**

**AMENDMENTS  
MORGAN COUNTY ZONING AND SUBDIVISION REGULATIONS**

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

Notice requirements – Zoning and Subdivision Amendments. The proposed amendments revise the requirements related methods of published and public notices for land use permits, variances, subdivisions, and text amendments to the Subdivision and Zoning Regulations. Currently, when required, notices have been published in Fort Morgan Times, as the general newspaper of circulation in the County. Recently, the Fort Morgan Times has changed their publishing schedule. The paper will be published (hard copy) once a week on Thursdays. The deadline to get notices published in the paper has also changed, moving it up a week, causing applications to be delayed. With this change, staff started looking more closely at the Zoning and Subdivision Regulations’ requirements for published notices for each type of application. Some of the notice requirements are statutory and require at least one publication in a newspaper of general circulation in the County.

Generally, the proposed amendments to the Zoning Regulations would eliminate published notices in the newspaper for special use permits and variances and only require posting to the website to match what is currently being done for conditional use permits.

The proposed amendments to the Subdivision Regulations would also make notices more consistent across the permit types. Amendments to Subdivision Regulations would now include published notice on the website which is consistent with amendments to the Zoning Regulations. Deviations from Subdivision Regulations, amended plats, major subdivisions, minor subdivisions, plat vacations and replats would require website notices only and eliminate publishing in the newspaper. Notices posted on properties would also be added for major and minor subdivisions.

Nicole Hay  
Morgan County Planning Director

## **ZONING REGULATION AMENDMENTS**

### **Special Use:**

#### **2-450 Notice Requirements**

Notice of the public hearings required under Sec. 2-445 shall be given at least ten (10) days prior to the hearing by all of the following methods:

- (A) ~~Publication~~ Posting in newspaper of general circulation and on the County's website which shall remain posted through the conclusion of the hearing. Notice shall be in the form provided in Appendix A.

### **Variance:**

#### **5-200 Notice of Hearing**

- (A) Planning Administrator or designee shall be responsible for ~~publishing~~ posting the notice of a public hearing, required under Section 5-215 of these Regulations, ~~at least one time in a newspaper of general circulation in Morgan County, Colorado~~ on the County's website, at least ten (10) days prior to said hearing before the Board of Adjustment and which shall remain posted through the conclusion of the hearing. Said notice shall read as shown on Form 7, Appendix A.

## **SUBDIVISION REGULATION AMENDMENTS**

#### **1-150 Amendments to the Subdivision Regulations**

- (B) The Planning Commission shall hold a public hearing prior to recommending the adoption of any amendments or changes. At least fourteen (14) days prior to the public hearing, The time and place of such notice of the public hearing shall be advertised ~~published once in by the Commission at least fifteen~~ fourteen (14) days prior to the hearing in a newspaper of general circulation within the County and posted on ~~and on the County's website. The notice shall remain posted through the conclusion of the hearing~~. After considering the testimony at the public hearing, comments from governmental agencies, and interested parties, the Planning Commission shall recommend approval, conditional approval or disapproval of the proposed changes or amendments to the County Commissioners.
- (C) The County Commissioners shall hold a public hearing prior to taking action upon such recommendation. At least fourteen (14) days prior to the public hearing, notice of the ~~time and place of such~~ hearing shall be ~~given~~ published once in by ~~at least one publication in~~ a newspaper of general circulation in the County and posted on the County's website. The notice shall remain posted through the conclusion of the hearing. ~~and on the County website~~. Before adopting any such subdivision regulations, the County Commissioners

may revise, alter, or amend any such subdivision regulations developed, proposed, or recommended by the County Planning Commission. After due consideration, the County Commissioners shall approve, conditionally approve, or disapprove the proposed changes or amendments and such decision shall be binding on all parties affected by this regulation.

### 1-130 Deviations from Subdivision Regulations

- (C) Procedures. A petition for any such deviation shall be submitted in writing by the subdivider at the time when the preliminary plan is filed for the consideration of the Planning Commission. If there is no preliminary plan, the petition shall be made at the time of the final plat is submitted for consideration by the Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. As applicable, the Planning Commission and the Board shall hold a public hearing on the request. ~~At least fourteen (14) days prior to the public hearing, n~~Notice of ~~the any public~~ hearing shall be ~~mailed to landowners within one-thousand three hundred and twenty feet (1320') of the boundary of the proposed subdivision and .given posted at least 14 days prior to the hearing on the County's website. The notice shall remain posted through the conclusion of the hearing.~~ mailed to landowners within one-thousand three hundred and twenty feet (1320') of the boundary of the proposed subdivision and .given posted at least 14 days prior to the hearing on the County's website. The notice shall remain posted through the conclusion of the hearing. ~~by publication and mailed to landowners within 1320 feet of the boundary of the proposed subdivision.~~

### Major Subdivision:

### 6-140 Review of Preliminary Plan

- (E) Staff will schedule a public hearing before the Planning Commission and notify the applicant in writing of the hearing date and time. At least fourteen (14) days prior to the public hearing, ~~Staff shall notice of the hearing shall be send mailed notice of the hearing to~~ landowners within one-thousand three hundred and twenty feet (1320 feet') of the boundary of the proposed subdivision and posted publish ~~notice in newspaper of general circulation on the County's website. The notice shall remain posted through the conclusion of the hearing.~~ Applicants are required to send notice, by certified mail, return receipt requested ~~the notice~~ to mineral estate owners in accordance with C.R.S. § 24-65.5-103, thirty (30) days prior to the hearing. Applicants must file with the Planning Department a certification of notice to mineral estate owners on a form provided by the County. Failure to file certification may result in a continuation of the hearing.
- (G) Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board and notify the applicant in writing of the hearing date and time. At least fourteen (14) days prior to the public hearing, ~~Staff shall send~~ notice of the hearing shall be mailed to landowners within one-thousand three hundred and twenty feet (1320') feet of the boundary of the proposed subdivision and posted publish ~~notice in newspaper of general circulation on the County's website. The notice shall remain posted through the conclusion of the hearing.~~

(H) The applicant shall be required to post notice on the property for which the major subdivision is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than twenty-four inches by thirty-six inches (24" x 36"). The size of the letters, indicating the notice, should be a minimum of two inches (2") high and such signs shall be erected on posts no less than four feet (4') above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the major subdivision application must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:

(1) Photographs of the signs posting the property shall be submitted to the Planning Department at least five (5) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least ten (10) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.

(I) The Board shall evaluate the preliminary plan, staff report, referral agency comments, applicant responses, Planning Commission recommendations, public comment and testimony, and, based upon the criteria in 6-150 of these Subdivision Regulations, shall either approve, approve with conditions, table for further study, remand to the Planning Commission, or deny the preliminary plan. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.

(J) The preliminary plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in such approval. Requests for extensions may be granted by the Board. An extension request shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the County's Comprehensive Plan, the Zoning Regulations or these Subdivision Regulations that have occurred since approval of the plan as these changes affect the plan and the anticipated time schedule for completing the platting process.

### **Minor Subdivision:**

#### **8-170 Procedure**

(I) If Applicable, the applicant shall be required to post notice on the property for which the minor subdivision is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than twenty-four inches by thirty-six inches (24" x 36"). The size of the letters, indicating the notice, should be a minimum of two inches (2") high and such signs shall be erected on posts no less than four feet (4') above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the minor subdivision application must be photographed

by the applicant and submitted to the Planning Department subject to the following requirements:

- (1) Photographs of the signs posting the property shall be submitted to the Planning Department at least five (5) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least ten (10) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.

### **8-190 Referral Review**

The Staff shall review the application and determine if the application is complete and whether the application should be referred to any other agency or department. If the application is referred, the department or referral agency will have fourteen (14) days to respond. Lack of response shall be deemed an approval. Upon determination that an application is complete, staff shall ~~send-mail a~~ notice of the application to landowners within one-thousand three hundred and twenty feet (1320') <sup>1</sup>/<sub>4</sub> mile of the proposed minor subdivision at least fourteen (14) days prior to the hearing or date of decision by Planning Administrator. In addition, at least fourteen (14) days prior to the hearing, if applicable, notice of the public hearing shall be posted also be posted at least 14 days prior to the hearing on the County's website. The notice shall remain posted through the conclusion of the hearing.

### **10-200 Amended Plats**

- (E) Review of Submission. Staff shall review the submittal information within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review. An incomplete submittal will not be processed. Once a complete application has been submitted, at least fourteen (14) days prior to the public hearing, notice of the public hearing shall be mailed to landowners within the subdivision or planned development and posted given at least 14 days prior to the hearing by publication in a newspaper of general circulation on the County's website. The notice shall remain posted through the conclusion of the hearing. and mailed to landowners within subdivision or planned development.

### **10-400 Replat**

- (E) Review of Submission. Staff shall review the submittal information within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes

or clarifications to the submittal information prior to referral agency review. An incomplete submittal will not be processed. Once a complete application has been submitted, at least fourteen (14) days prior to the hearing, notice of the public hearing shall be mailed to landowners within the subdivision or planned development and given posted at least 14 days prior to the hearing by publication in a newspaper of general circulation on the County's website. The notice shall remain posted through the conclusion of the hearing. ~~and mailed to landowners within subdivision or planned development.~~

#### **10-500 Plat Vacation – No Public Infrastructure or Dedication**

- (E) Review of Submission. Staff shall review the submittal information within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review. An incomplete submittal will not be processed. Once a complete application has been submitted, ~~at least 14 days prior to the hearing,~~ notice of the public hearing shall be and mailed to landowners within the subdivision or planned development and posted given at least 14 days prior to the hearing by publication in a newspaper of general circulation on the County's website. The notice shall remain posted through the conclusion of the hearing. ~~and mailed to landowners within subdivision or planned development.~~

#### **10-600 Plat Vacation – Public Infrastructure or Dedication**

- (E) Review of Submission. Staff shall review the submittal information within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to referral agency review. An incomplete submittal will not be processed. Once a complete application has been submitted, ~~at least fourteen (14) days prior to the hearing,~~ notice of the public hearing shall be mailed to landowners within the subdivision or planned development and posted given at least 14 days prior to the hearing by publication in a newspaper of general circulation on the County website. The notice shall remain posted through the conclusion of the hearing. ~~and mailed to landowners within subdivision or planned development.~~



NOTICE OF PUBLIC HEARING  
MORGAN COUNTY PLANNING COMMISSION  
TUESDAY, OCTOBER 15, 2024 AT 6:00 P.M.  
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN  
COUNTY ADMINISTRATIVE BUILDING, 231 ENSIGN,  
FORT MORGAN, COLORADO

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

1.) Zoning and Subdivision Amendments; Amendments relating to methods of published and public notices for land use permits, variance, subdivision application, and amendments to the subdivision regulations.

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

To participate remotely you may connect via Zoom at:  
<https://us02web.zoom.us/j/81398839615>  
Or Telephone:  
Dial:  
+1 719 359 4580 US  
Webinar ID: 813 9883 9615

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. Documents will also be available on the Morgan County Website <https://morgancounty.colorado.gov>

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

/s/Nicole Hay  
Nicole Hay  
Morgan County Planning Administrator

Published: September 26, 2024

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

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Prairie Mountain Media, LLC


PUBLISHER'S AFFIDAVIT

County of Morgan  
State of Colorado

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

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

Sep 26, 2024



Signature

Subscribed and sworn to me before me this

26th day of September, 2024.



Notary Public

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

(SEAL)

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