

# **Amendments to the Morgan County Zoning & Subdivision Regulations**

---

**PLANNING COMMISSION HEARING**

**October 24, 2023**

**7:00 p.m.**

# TABLE OF CONTENTS

- **Amendments to the Morgan County Zoning & Subdivision Regulations**
- Amendments Summary
- Proposed Regulations
- Notification & Responses Received

## AMENDMENT SUMMARY



**MORGAN COUNTY PLANNING COMMISSION  
AMENDMENT SUMMARY  
October 17, 2022  
October 24, 2022 (meeting date)**

**AMENDMENTS  
MORGAN COUNTY ZONING REGULATIONS**

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

Zoning Amendments

1. Change references to “livestock confinement facilities” or similar to “confined animal feeding operation” throughout the Zoning Regulations for consistency.
2. Section 2-380(F) – Cleanup submittal requirement for water supply needed for special uses which do not involve the human consumption of water.
3. Section 2-395(I) – Cleanup review criteria regarding water supply needed for special uses which do not involve the human consumption of water.
4. Section 3-180 – Clarify the method of measurement between single-family dwellings and certain special uses for purposes of establishing the necessary setback.
5. General regulation cleanup
6. General regulation cleanup
7. Section 4-200 – Clarify location restrictions of confined animal feeding operations. Update language regarding the location restrictions of the permitted area of confined animal feeding operations, when there is a vacant residential property, and the County’s established right-of-ways. Setbacks from the County’s rights of way will be reviewed on a case-by-case basis with a possibility of a waiver in necessary. Although already stated, clarifying language was added to ensure there is no confusion as to the point of measurement from the special use.

8. Section 4-260 – replace “Residential Siting Policy” which was added to Section 3-180 with “Adequate Water” – requirements regarding adequate water supply for certain special uses.
9. Section 2-420 – Special Use Plan Map changes requiring a monument land survey.

#### Subdivision Amendments

10. Section 4-100 new subsection (H) – General considerations regarding residential subdivisions within 1320 feet of a confined animal feeding operation, packing plant, slaughter house, or rendering plant providing the County with authority to deny a residential subdivision within the established setback.
11. Section 6-120 (B)(3)(b) – Preliminary Plan submission will identify any confined animal feeding operation, packing plant, slaughter house, or rendering plant within 1320 feet of any portion of the exterior boundary of the subdivision.
12. Section 6-150 Criteria for Preliminary Plan (Major Subdivision) – new subsection (C ) – Addition of language outlining the criteria for a residential subdivision to be located within 1320 feet of a confined animal feeding operation, packing plant, slaughter house, or rendering plant.
13. Section 6-170 Final Plat drawing - new subsection (L)- Notice to be added to the plat for and approved subdivision located within 1320 feet from confined animal feeding operations, packing plants, slaughter houses, or rendering plants.
14. Section 8-170 Procedure (Minor Subdivision) - new subsection (F) – Plat submission will identify any confined animal feeding operation, packing plant, slaughter house, or rendering plant within 1320 feet of any portion of the exterior boundary of the subdivision.
15. Section 8-195 Approval Criteria (Minor Subdivisions) - new subsection (D) – Addition of language outlining the criteria for a residential subdivision to be located within 1320 feet between residential subdivisions and a confined animal feeding operation, packing plant, slaughter house, or rendering plant.

Nicole Hay  
Morgan County Planning Director

## PROPOSED REGULATIONS



### Zoning Amendments

1. Change references to “livestock confinement facilities” or similar references to “confined animal feeding operation” throughout Zoning Regulations to provide consistency.

2. **2-380(F) Submittal Requirements (Special Use Permits)**

If a supply of water is needed for the special use, in the case of human consumption, proof of an adequate supply of water in terms of ~~quantity and reliability and in the case of human consumption~~; quantity, quality, and reliability.

3. **2-395(I) Review Criteria (Special Use Permits)**

For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of ~~quantity and reliability and in the case of human consumption~~; quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.

4. **3-180 Agriculture Zone Special Review Uses**

(A) Single-family dwellings located less than 1,320 feet from an existing ~~animal confinement~~confined animal feeding operation, packing plant, slaughter house, or rendering plant, except for single-family dwellings located on the same legal parcel as an existing animal confinement operation. Distances from existing confined animal feeding operation, packing plant, slaughter house or rendering plant shall be measured from the boundary of the permitted area for the operation and the proposed building footprint of the single-family dwelling.

5. **4-190 General – Delete entirely**

~~Reference to Sections 1-175, 1-180, 1-185, 1-560, 1-570, 1-575, and Table 3 of Appendix B of these Regulations is necessary to completely understand the intent of this Section.~~

6. **4-195 Procedure - Delete entirely**

~~Livestock Confinement Operation Permits shall follow the application procedure of a Use by Special Review (Section 2-370 and following).~~

7. **4-200 Location Restrictions**

(A) ~~Livestock confinement facilities~~Confined animal feeding operation which exceed sizes set out in Section 3-175, slaughter houses, packing plants, or rendering plants shall be located at least thirteen hundred twenty feet (1320') from any public place of assembly, from any existing residence or occupied commercial building, any county or municipal residential zone, ~~or~~ from any residential building site for which a building permit has been issued as measured from the



permitted building footprint, or from the lot line of any property, which is vacant, but which was created through a subdivision plat approved by the County or other land use authority.

- (C) ~~A livestock confinement facility~~confined animal feeding operation which is a legal nonconforming use because of this section may be allowed to expand provided that the expansion does not decrease any set back distances ~~from zone boundaries and places set out in paragraph (A) of this section~~this section.
- (D) The permitted area of ~~livestock confinement facilities~~a confined animal feeding operation shall be located at least fifteen feet (15') from any County, State or Federal highway right-of-way, and subject to review by the County and the Colorado Department of Transportation. The County has established right-of-ways (ROWS) that are located 30 feet on each side of section lines. The purpose of this ROW is to allow for maintenance of existing county roads and construction of new county roads. The inclusion of any portion of the permitted area for a confined animal feeding operation within this ROW will be reviewed by the County on a case-by-case basis to confirm that they will not conflict with the County's existing road plans and future road plans. In the event of a potential conflict, the permitted area may need to be relocated outside of this established ROW to allow for future construction of county roads and any waiver granted is subject to the County's rights to the ROW which are not extinguished by the waiver. In the event that there is no conflict, the County may issue a waiver that will allow for the inclusion of the permitted area, or any portion thereof, within the existing county ROW. It is the responsibility of the applicant to apply for a waiver in these situations, and to provide exact location of proposed permitted area and the distance from section lines. In the event a survey is required, the applicant will be responsible for obtaining and for paying the cost of the survey. This distance limitation shall be measured from the nearest boundary of the permitted area and not as set forth in Subsection (E). At the discretion of the Board of County Commissioners these location restrictions may be adjusted when considering the proximity to incorporated areas and residential planned developments.
- (E) Unless stated otherwise, distances from livestock confinement facilities set forth in these Zoning Regulations shall be measured from the ~~footprint boundary~~ of the permitted area upon which the livestock confinement operation is or will be located, and not the nearest building or structure located within the permitted area.

#### 8. ~~4-260 Residential Siting Policy~~ Adequate Water

~~It is the policy of Morgan County to discourage and/or deny applications for residential subdivisions, residential subdivision exemptions and home construction within thirteen hundred and twenty feet (1,320') of an animal confinement operation, packing plant, slaughter house, or rendering plant sited under these Regulations without a use by special review, except for residences located or to be located in the same legal parcel as an animal confinement operation. Should such a use by special review be granted in order to meet the needs of a property owner under hardship conditions, then a deed will also be recorded by the property owner at the time of granting the use by special review noting that the property owner acknowledges full knowledge that a permitted animal confinement operation, packing plant, slaughter house, or rendering plant was located closer than thirteen hundred and twenty feet (1,320') from the residence.~~



Applicants requesting a permit for a confined animal feeding operation, or any expansion, are not required to demonstrate rights to an adequate source of water upon application for a permit. However, all permittees must obtain rights to adequate water for all livestock within the permitted area, prior to bringing such livestock into the permitted area. All livestock must be watered in accordance with any applicable state law or regulation.

9. **2-420 Special Use Plan Map**

The special use map is prepared to show development plans for special use. The special use map must clear and legible at an appropriate scale, as approved by the Planning Administrator, to clearly show all of the information required below:

(A) The special use permit boundary monuments shall be surveyed as per requirements of C.R.S. §§ 38-51-100 through 108, as amended. Generally, such monuments shall be set at the surface of the ground not more than fourteen hundred (1400) feet apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curved boundary, and at public land corners. All boundary corners shall be marked by reasonably permanent monuments solidly embedded in the ground with a durable cap affixed securely to the top of each monument with the Colorado registration number of the responsible land surveyor. For any points that fall on solid bedrock, concrete, stone curbs, gutters, or walks, a durable metal disk or cap shall be securely anchored bearing the Colorado registration number of the responsible land surveyor.

(B)(A) The maximum sheet size shall be 24" x 36".

(C)(B) An information block in a corner of the map which includes the following: the preparation date; a scale; names and addresses of the owner and applicant, if different than the owner, names and addresses of engineer or surveyor who prepared the plan; addresses of the site; the number of the sheet and total number of sheets; and sheet title (e.g., site plan, landscape plan, drainage plan).

(D)(C) A north arrow.

(E)(D) The special use plan map shall include certificates for the Surveyor, the property owner's signature, the Board and the Clerk to the Board.

(F) Legal description of the lot(s) or permitted boundary, as applicable.

(G) All existing and proposed structures.

(H) All existing or proposed utility easements or rights-of-way for telephone, gas, electric, water and sewer lines.

(I) Delineation of Special Flood Hazard Area and a note stating which Flood Insurance Rate Map (FIRM) was used and the appropriate zone definition.

(J) Location of any geologic hazard areas or mineral resource areas. (E)

(K)(F) Vicinity Map. A vicinity map shall be drawn on special use plan map. The vicinity map shall be at a suitable scale. The vicinity map shall delineate all of the required information

PROPOSED AMENDMENTS – ZONING AND SUBDIVISION REGULATIONS  
PLANNING COMMISSION – OCTOBER 24, 2023

within a one-half (½) mile radius of the property proposed for the special use. The following information shall be shown on the vicinity map:

- (1) Section, township and range.
- (2) Scale and north arrow.
- (3) Outline of the perimeter of the parcel proposed for the special use.
- (4) Locations and names of all public rights of way, irrigation ditches and water features.
- (5) Location of all residences within a one-half-mile radius, existing and proposed accesses to the property proposed for the special use, any abutting subdivision outlines and names, and the boundaries of any adjacent municipality.
- (6) Any other relevant information within a one-half-mile distance of the perimeter of the property proposed for the special use as may be reasonably required by the Planning Administrator to meet the intent and purpose of this Chapter.

~~(L)(G)~~ For the lot or lots to be used for the special use, the following information shall be provided on the special use plan map:

~~(1) — The scale of the special use area shall be one (1) inch equals one hundred (100) feet or other scale approved by Planning Administrator.~~

~~(1) —~~ The special use permit boundary monuments shall be surveyed as per requirements of C.R.S. §§ 38-51-100 through 108, as amended. Generally, such monuments shall be set at the surface of the ground not more than fourteen hundred (1400) feet apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curved boundary, and at public land corners. All boundary corners shall be marked by reasonably permanent monuments solidly embedded in the ground with a durable cap affixed securely to the top of each monument with the Colorado registration number of the responsible land surveyor. For any points that fall on solid bedrock, concrete, stone curbs, gutters, or walks, a durable metal disk or cap shall be securely anchored bearing the Colorado registration number of the responsible land surveyor.

~~(2) — The drawing shall outline the boundaries of the lots being considered for the Use by Special Review.~~

~~(3)~~(2) The drawing shall include the location and identification of all of the following items within a two-hundred-foot radius of the boundaries of the lot(s) as well as within the lot(s) itself; it shall also include the proposed features and structures of the proposed special use:

- (a) All public rights of way of record (including names).
- (b) All existing and proposed structures.
- (c) All existing or proposed utility easements or rights-of-way for telephone, gas, electric, water and sewer lines.



PROPOSED AMENDMENTS – ZONING AND SUBDIVISION REGULATIONS  
PLANNING COMMISSION – OCTOBER 24, 2023

- (d) Irrigation ditches.
- (e) Adjacent property lines and respective owners' names (may be shown on vicinity map instead).
- (f) All hydrographic features including streams, rivers, ponds and reservoirs (including names).
- (g) Location of areas of moderate or severe soil limitations as defined by the Natural Resources Conservation Service or by a soil survey and study prepared by a soils engineer or scientist for the uses and associated structures proposed for the parcel.
- (h) Complete traffic circulation and parking plan showing locations and sizes.
- (i) Location, amount, size and type of any proposed landscape material, including fencing, walls, berms or other screening.
- ~~(j) Delineation of Special Flood Hazard Area and a note stating which Flood Insurance Rate Map (FIRM) was used and the appropriate zone definition.~~
- (k) Location of any geologic hazard areas or mineral resource areas.
- ~~(l) Location of any special flood hazard area, geologic hazard area, or mineral resource areas.~~
- ~~(l)(k)~~ Such additional information as may be reasonably required by the Planning Administrator, the Planning Commission or the Board in order to determine that the application meets the requirements of these Regulations.

**Subdivision Regulations**

**10. 4-100 General Considerations – new subsection (H), move current (H) to (I)**

- (H) Residential subdivisions within thirteen hundred and twenty feet (1,320') of a confined animal feeding operation, packing plant, slaughter house, or rendering plant are discouraged and may be denied if the applicant cannot satisfy the criteria in the applicable subdivision regulations.

**11. 6-120 Preliminary Plan – subsection (B)(3)(b)**

Current zoning of property; current use of property; use of surrounding properties. Identification of any confined animal feeding operation, packing plant, slaughter house, or rendering plant located within thirteen hundred and twenty feet (1,320') of any portion of the exterior boundary of the subdivision. Distance to the confined animal feeding operation, packing plant, slaughter house, or rendering plant shall be measured from the boundary of the permitted area upon which the use is located.

**12. 6-150 Criteria for Preliminary Plan (Major Subdivision) – new subsection (C)**

- (C) It is the policy of Morgan County to maintain a distance of thirteen hundred and twenty feet (1,320') between residential subdivisions and confined animal feeding operations,

PROPOSED AMENDMENTS – ZONING AND SUBDIVISION REGULATIONS  
PLANNING COMMISSION – OCTOBER 24, 2023

packing plants, slaughter houses, or rendering plants as such uses are not necessarily compatible. The County desires to maintain its agricultural character while permitting limited residential development in relation to certain agricultural activities. If any portion of the proposed residential major subdivision is within thirteen hundred and twenty feet (1,320') of a confined animal feeding operation, packing plant, slaughter house, or rendering plant, the Planning Commission and Board shall consider the following criteria:

- (1) Whether the applicant can demonstrate a sufficient hardship, which is not self-imposed, that supports a deviation from the County's policy to maintain the distance between residential subdivisions and confined animal feeding operations, packing plants, slaughter houses, or rendering plants.
- (2) What specific mitigation measures will be implemented to reduce the impacts of the confined animal feeding operation, packing plant, slaughter house, or rendering plant on the residential subdivision and how such measures will be enforced.
- (3) The size of the portion of the residential subdivision within the thirteen hundred and twenty feet (1,320') distance from the confined animal feeding operation, packing plant, slaughter house, or rendering plant.
- (4) Whether buildable areas for residences can be located outside the thirteen hundred and twenty feet (1,320') distance, even if a portion of the residential subdivision is located within the thirteen hundred and twenty feet (1,320') distance.

**13. 6-170 Final Plat Drawing – new subsection (L)**

- (L) Any approved subdivision located within thirteen hundred and twenty feet (1320') of a confined animal feeding operation, packing plant, slaughter house, or rendering plant pursuant to criteria in Sec. 6-150(C) shall contain the following notice on the plat:

Please take notice that this subdivision is located within thirteen hundred and twenty feet (1320') of a confined animal feeding operation, packing plant, slaughter house, or rendering plant, which existed at the time of approval of the subdivision. Morgan County is a right to farm county and by law, all normal and non-negligent agricultural operations may not be considered nuisances. Residents in this subdivision must be prepared to accept as normal the effects of agriculture and rural living.

**14. 8-170 Procedure (Minor Subdivision) – new subsection (F)**

The applicant, who shall be the fee title owner of the affected property, shall discuss the planned minor subdivision with the Staff and then submit, at least twenty (20) days prior to a regularly scheduled meeting to the County Planning Commission or duly authorized staff, the required fees, a Plat and the appropriate number of copies of and all information to enable the Planning Commission to determine compliance with these Regulations and together with three (3) copies of the following documentation:

- (A) A title insurance commitment or policy including a schedule of exceptions to title dated or endorsed to a date no more than six (6) months prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in the dedication, if applicable.



PROPOSED AMENDMENTS – ZONING AND SUBDIVISION REGULATIONS  
PLANNING COMMISSION – OCTOBER 24, 2023

If the Board of County Commissioners grants approval to such plat with a dedication, it may be a condition to such approval that applicant provide a title insurance policy to the County prior to recording the plat.

- (B) Documented proof of availability of dependable sewer and potable water sufficient to serve the minor subdivision.
- (C) Documented proof of legal access if the subject property does not have direct contiguous access to a public road or street.
- (D) Any other special reports required by Staff or the Planning Commission.
- (E) Any proposed Subdivision Improvements Agreement.
- (F) Current zoning of property; current use of property; use of surrounding properties. Identification of any confined animal feeding operation, packing plant, slaughter house, or rendering plant located within thirteen hundred and twenty feet (1,320') of any portion of the exterior boundary of the subdivision. Distance to the confined animal feeding operation, packing plant, slaughter house, or rendering plant shall be measured from the boundary of the permitted area upon which the use is located.

**15. 8-195 Approval Criteria (Minor Subdivisions) – new subsection (D)**

- (D) In addition to the above criteria, it is the policy of Morgan County to maintain a distance of thirteen hundred and twenty feet (1320') between residential subdivisions and confined animal feeding operations, packing plants, slaughter houses, or rendering plants as such uses are not necessarily compatible. The County desires to maintain its agricultural character while permitting limited residential development in relation to certain agricultural activities. If any portion of the proposed residential minor subdivision is within thirteen hundred and twenty feet (1,320') of a confined animal feeding operation, packing plant, slaughter house, or rendering plant, the Planning Commission and Board shall consider the following criteria:
  - (1) Whether the applicant can demonstrate a sufficient hardship, which is not self-imposed, that supports a deviation from the County's policy to maintain the distance between residential subdivisions and confined animal feeding operations, packing plants, slaughter houses, or rendering plants.
  - (2) What specific mitigation measures will be implemented to reduce the impacts of the confined animal feeding operation, packing plant, slaughter house, or rendering plant on the residential subdivision and how such measures will be enforced.
  - (3) The size of the portion of the residential subdivision within the thirteen hundred and twenty feet (1,320') distance from the confined animal feeding operation, packing plant, slaughter house, or rendering plant.
  - (4) Whether buildable areas for residences can be located outside the thirteen hundred and twenty feet (1,320') distance, even if a portion of the residential subdivision is located within the thirteen hundred and twenty feet (1,320') distance.

## NOTICE & RESPONSES

Newspaper notice

Publishers affidavit

**NOTICE OF SPECIAL PUBLIC HEARING  
MORGAN COUNTY PLANNING COMMISSION  
OCTOBER 24, 2023 AT 7:00 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 Amendments:** Amendments relating to confined animal feeding operations (CAFOs) and requirements for special use permit maps.
- 2.) **Subdivision Amendments:** Amendments relating to the distance between residential major and minor subdivisions and confined animal feeding operations (CAFOs).

**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/83575934446>

Or Telephone:

Dial:

+1 719 359 4580 US

Webinar ID: 835 7593 4446

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

*Nicole Hay*

Nicole Hay

Morgan County Planning Administrator

Published: October 7, 2023



NOTICE OF SPECIAL PUBLIC HEARING  
MORGAN COUNTY PLANNING COMMISSION  
OCTOBER 24, 2023 AT 7:00 P.M.  
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN  
COUNTY ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MOR-  
GAN, 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 Amendments: Amendments relating to confined animal feeding operations (CAFOs) and requirements for special use permit maps.
- 2.) Subdivision Amendments: Amendments relating to the distance between residential major and minor subdivisions and confined animal feeding operations (CAFOs).

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/83575934446>  
Or Telephone:  
Dial:  
+1 719 359 4580 US  
Webinar ID: 835 7593 4446

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

/s/ Nicole Hay

Nicole Hay

Morgan County Planning Administrator

Published: October 7, 2023

Published: Fort Morgan Times October 7, 2023-2008205

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:

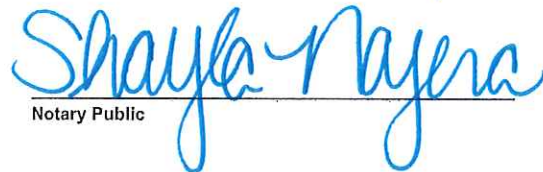
1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal 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):

Oct 7, 2023

  
Signature

Subscribed and sworn to me before me this

9th day of October, 2023

  
Notary Public

(SEAL)

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

Account: 1052763  
Ad Number: 2008205  
Fee: \$43.24