

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

**RESOLUTION NO. ____
2017 BCC**

**A RESOLUTION AMENDING THE MORGAN COUNTY SUBDIVISION
REGULATIONS ESTABLISHING A PROCESS TO AMEND
SUBDIVISION EXEMPTIONS**

WHEREAS, the Board of County Commissioners of Morgan County has adopted the Morgan County Subdivision Regulations to protect the public health, safety and welfare;

WHEREAS, the Board of County Commissioners may make amendments to the Morgan County Subdivision Regulations pursuant to the procedures in Sec. 1-150 of the Morgan County Subdivision Regulations;

WHEREAS, the Morgan County Subdivision Regulations currently prohibit amendments to subdivision exemption plats except in cases of technical errors and expressly prohibits amendments to subdivision exemptions which would create additional lots;

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the County to provide for a process to amend and reconfigure lots which have previously been subject to a subdivision exemption even though they are not simply technical errors and therefore would not meet the current criteria to amend the original subdivision exemption;

WHEREAS, on _____, the Planning Commission held a duly noticed public hearing on the proposed amendment and recommended _____;

WHEREAS, on _____, the Board of County Commission 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 Subdivision Regulations; and

WHEREAS, after considering public testimony received and the recommendation of the Planning Commission, the Board of County Commissioners finds the 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:

1. Section 2-245 of the Morgan County Subdivision Regulations is hereby amended to read as follows:

Any parcel of land in Morgan County, which is intended to be divided into two (2) or more lots or units, tracts, sites, parcels, separate interests, interests in common or other

divisions, to be used for industrial, commercial, or residential uses including condominiums, townhouses, or other separate ownership of multiple-dwelling units, unless such land or buildings when previously subdivided was accompanied by a filing which complied with the provisions of this section with substantially the same development density or which is divided into two (2) or more parcels, separate interest or interests in common, unless otherwise exempted under these Subdivision Regulations.

* * *

2. Section 9-100 of the Morgan County Subdivision Regulations is hereby amended to read as follows:

Subdivision exemptions provide for divisions of land on a small scale under circumstances in which the need to comply with Morgan County Subdivision Regulations would cause undue hardships and the impact of the proposed division does not bring the division within the purpose and intent of the Morgan County Subdivision Regulations. The abbreviated procedure set forth in these Exemption Regulations permits an applicant to process a proposed land division with a minimum of time and expense, while encouraging the proper arrangement of access roads in relation to existing or planned roads; providing for adequate light and air; avoiding congested population; providing for proper traffic circulation; insuring adequate provisions for water, sewage and recreation; and regulating such other matters as the Planning Commission and Board of County Commissioners may deem necessary in order to protect the best interests of the public, This procedure requires an exemption plat to be prepared.

3. Section 9-105 of the Morgan County Subdivision Regulations is hereby amended to read as follows:

Pursuant to §30-28-101(10)(d), C.R.S., the Board of County Commissioners of Morgan County has the authority to exempt from the definition of “subdivision” or “subdivided land” any division of land that the Board determines is not consistent with the purpose of the Subdivision Regulations.

4. Section 9-110 of the Morgan County Subdivision Regulations is hereby amended to read as follows:

Except as herein provided, no exemptions from State and County Subdivision Regulations shall be granted. These Exemption Regulations shall apply within the unincorporated areas of Morgan County, Colorado when the division of land meets the criteria in this Chapter. These Exemption Regulations shall not apply to the following activities:

* * *

5. Section 9-110(B) of the Morgan County Subdivision Regulations is hereby amended to read as follows:

(B) Except as provided for herein, division of a parcel of land which has been created or divided pursuant to these Exemption Regulations.

6. Section 9-120 of the Morgan County Subdivision Regulations is hereby amended to read as follows:

Except as allowed in Sections and 9-110(C) and 9-190, only one subdivision exemption shall be granted for each discrete tract of land under common ownership; provided that subdivision exemptions shall not be available for tracts less than 40 acres in size.

7. Section 9-157 of the Morgan County Subdivision Regulations is hereby amended to read as follows:

The Morgan County Planning Administrator may approve an exemption if the criteria of Section 9-180 are met. The Planning Administrator may refer the application to the Morgan County Planning Commission and Board of County Commissioners if an objection is received from a landowner located within ¼ mile of the proposed exemption or any referral agency. Approval of an exemption by the Morgan County Planning Commission and Morgan County Board of Commissioners may be required at the discretion of the Planning Administrator. Review of an application for a subdivision exemption by the Planning Commission and Board of Commissioners shall comply with the procedures as provided for herein.

8. Section 9-170(D) of the Morgan County Subdivision Regulations is hereby amended to read as follows:

Amendments to an exemption plat may be made as provided for in Sec. 9-190 of these Exemption Regulations. Under no circumstances may exemption plats be amended to create an additional number of parcels.

9. Section 9-180 of the Morgan County Subdivision Regulations is hereby amended to read as follows:

Subdivision exemptions shall satisfy all of the following criteria for approval:

* * *

10. Section 9-180(H) of the Morgan County Subdivision Regulations is hereby amended to read as follows:

(H) Exemptions shall not be considered on previously exempted land, except as provided for in Section 9-190 of these Exemption Regulations.

11. Section 9-180(N) of the Morgan County Subdivision Regulations is hereby amended to read as follows:

- (N) Notwithstanding the amendment procedure in Section 9-190, no more than four (4) exemptions may be approved in any officially defined quarter section (1/4 square mile) of land.

12. Section 9-180(O) of the Morgan County Subdivision Regulations is hereby amended to read as follows:

- (O) Exemptions shall not be granted for purposes of aggregating a new parcel(s) from adjacent parcels or previous exemptions, except as provided for in Sec. 9-190 of these Exemption Regulations, since this procedure avoids the subdivision intent of these Exemption Regulations.

13. Section 9-180 of the Morgan County Subdivision Regulations is hereby amended by the addition of new subsections (P) and (Q) to read as follows:

- (P) Subdivision exemptions may not result in the creation of more than two parcels of land.

- (Q) At least one parcel subject to the subdivision exemption shall be 35 acres after the exemption.

14. The Morgan County Subdivision Regulations are hereby amended by the addition of a new Section 9-190 to read as follows:

9-190 Amendments to Subdivision Exemptions.

(A) Applicability

Owners of property which was subject to a previously approved subdivision exemption pursuant to these Exemption Regulations may apply for an amendment to a subdivision exemption provided that the amendment meets the criteria in this Section 9-190.

(B) Process

Amendments to subdivision exemptions shall be subject to subdivision exemption application process as provided for this Chapter 9. The application fee shall be set by the Morgan County fee schedule.

(C) Criteria for Approval

The Planning Administrator or Morgan County Board of County Commissioners, in approving an amendment to a subdivision exemption, shall find:

1. The amendment will not result in any non-conforming parcels under

the Morgan County Zoning Regulations and is consistent with the intent and purpose of these Regulations;

2. The amendment will not adversely affect access, drainage or utility easements or rights of way serving the property or other properties in the area;
3. The amendment meets all design standards and other criteria applicable to exemptions under this Chapter or, as applicable, a technical error was made to the recorded original exemption plat; and
4. The amendment will not increase the number of lots approved in the original subdivision exemption.

APPROVED this ____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

James P. Zwetzig, Chairman

Laura D. Teague, Commissioner

Mark A. Arndt, Commissioner

ATTEST:
(SEAL)

Susan Bailey, Clerk to the Board