

**NOTICE OF PUBLIC HEARING BEFORE THE
BOARD OF MORGAN COUNTY COMMISSIONERS**

Notice is hereby given that on Tuesday, July 18, 2017, at 9:30 A.M., or as soon as possible thereafter, in the Hearing Room of the Morgan County Commissioners at Fort Morgan, Colorado, or at such time and place as this hearing may be adjourned, a public hearing will be held on proposed Amendments to the Morgan County Subdivision Regulations on file with the County Planning Administrator, 231 Ensign Street, Fort Morgan, Colorado 80701, (970) 542-3526.

1. Chapter 2, Definitions, of the Morgan County Subdivision Regulations shall be amended by the addition of a new Section 2-105.5 to read as follows:

2-105.5 Combination Agreement.

A voluntary acknowledgement by property owner filed for recording with the Clerk and Recorder whereby a property line is removed between two or more contiguous lots or parcels for the purpose of designating the exterior boundaries of the resulting parcels. The execution and filing of a combination agreement eliminates the lot or parcel line between two or more parcels for the purpose of meeting the requirements of this Code.

2. Chapter 9 of the Morgan County Subdivision Regulations shall be amended by the addition of a new Section 9-185, Combination of Contiguous Lots or Parcels, to read as follows:

Section 9-185 Combination of Contiguous Lot or Parcels

(A) Purpose.

The purpose of this Section is to establish standards whereby lots or parcels may be combined to create a single lot or parcel to provide for building permit issuance for new construction or habitable additions, without necessitating a replat or variance.

(B) Applicability. 2 The combination by contiguity may be applied to any contiguous lots or parcels of land where:

- i. The number of buildings located on the lots or parcels to be combined is no more than the maximum number of buildings permitted with the zoning district;
- ii. The lots or parcels to be combined are located within the same zoning district; and
- iii. The lots or parcels are owned in common ownership by the same person, persons or entity.

(C) Interpretation of Contiguity.

i. Common Boundary

Lots or parcels shall be regarded as contiguous when not less than one-sixth of the perimeter of either lot or parcel is shared by both lots or parcels or if the lots or parcels share a common boundary of at least 50 feet, whichever is less.

ii. Severance of Contiguity

The contiguity of lots or parcels shall not be considered severed by the existence, along their common boundaries, of a private road, road easement, driveway or alley; a public or private transportation or utility easement; a river, creek, stream, or other natural or artificial waterway; a geologic condition that naturally or artificially divides property; or an intersecting mining claim.

(D) Effect of Combination

The following provisions shall be applied to the combined lots or parcels as a result of a combination agreement:

- i. The combined lots or parcels shall be considered as one lot or parcel of land for the purposes of application of this Code; and
- ii. The combined lots or parcels shall have setbacks applied only along the exterior boundaries of the combined properties.

(E) No Guarantee of Buildable Lot or Parcel

Combination of lots does not guarantee that the resulting lot or parcel will meet the zoning district standards and be considered buildable.

(F) Criteria for Approval

The Planning Administrator, in approving a combination of contiguous parcels, shall find:

- i. The lots or parcels being combined are legal lots, except that an illegally-created lot or parcel may be combined with one or more existing legal lots if the Planning Administrator determines the resultant lot or parcel is consistent with the intent and purpose of this Code;
- ii. The combination agreement will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area;
- iii. The combination agreement will not result in establishing a nonconformity; and
- iv. Where the lots or parcels are subject to any CC&Rs or other restrictions, the establishment of the single lot will not result in a conflict with the CC&Rs or other restrictions.

(G) Completed Action

A combination of contiguous lots or parcels shall be considered completed and in effect when an approved combination agreement is filed for recording with the Clerk and Recorder.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign Street, Fort Morgan, Colorado, and may be examined during regular office hours.

At time of hearing, opportunity will be given for presentation of evidence in support of or in opposition to the amendments.

Pam Cherry
Planning Administrator

Published: July 3, 2017