



TOWN BOARD WORK SESSION

January 20, 2020 - 6:00 PM

1st Floor Conference Room, 301 Walnut Street, Windsor, CO 80550

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the Public in attendance are asked to be recognized by the Mayor before participating in any discussions of the Town Board

AGENDA

1. Land Use Code Update
2. Oil and Gas Location Requirements - S. Ballstadt
3. Future Meetings Agenda

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



MEMORANDUM

Date: January 20, 2020
To: Mayor and Town Board
Via: Shane Hale, Town Manager
From: Paul Hornbeck
Re: Land Use Code Update
Item #: 1.

Background / Discussion:

Please see attached memo.

ATTACHMENTS:

- ▢ Memo
- ▢ Staff PowerPoint



MEMORANDUM

Subdivision Standards

As discussed at the November 4, 2019 work session, the Parks, Recreation, and Culture Department has indicated they will be shifting away from construction of new neighborhood parks and focusing more on community and regional parks as well as connectivity. In order to provide recreational amenities within neighborhoods, the draft code requires residential development to provide pocket parks to be owned and maintained by homeowners associations or metropolitan districts. Pocket parks are small parks that serve the surrounding neighborhood. Based on discussion at the previous work session, some modifications to the draft code on pocket parks is proposed as follows:

- Pocket Park minimum size increased from 10,000 square feet to 20,000 square feet (roughly 1/2 acre)
- Additional flexibility in programming and design of the pocket parks

A related change based on input at the previous work session is a requirement for neighborhood trails to connect park sites, schools, Town trails, and other amenities. Neighborhood trails would be owned and maintained by a metro district or homeowners association, similar to pocket parks.

Procedure and Administration

Potential changes to the reviewing body on certain land use applications were discussed at the November 4, 2019 work session. Since legislative actions such as annexations and rezoning require Town Board action, no changes are contemplated on those applications. The consensus at the previous work session was to leave Town Board as the review body for Conditional Use Grant applications. Preliminary and final subdivision plats and site plans for multifamily development have been identified as applications in which the review body could be changed to Planning Commission and/or the Planning Director or designee.

Two primary benefits to such changes in decision making authority have been identified:

1. To provide a more streamlined process, with a reduced number of meetings required. This can save applicants time and money and allow greater efficiency of staff time and resources.
2. To provide greater certainty to all involved in the process. Often there is public perception that Town Board has more authority on land use applications than the Municipal Code actually provides. Quasi-judicial applications need to be reviewed on the merit of their conformance with applicable code requirements, while public hearings tend to allow for evidence not relevant to the project's merit.

At the previous work session there was a request for additional information and comparison to other jurisdictions decision making authorities which is provided in the table below. Loveland utilizes the most streamlined review process with the Planning Director serving as the decision maker on preliminary and final plats as well as for site plans for multifamily development. Windsor is currently an outlier in requiring Town Board/ Council action on final plats and multifamily site plans.

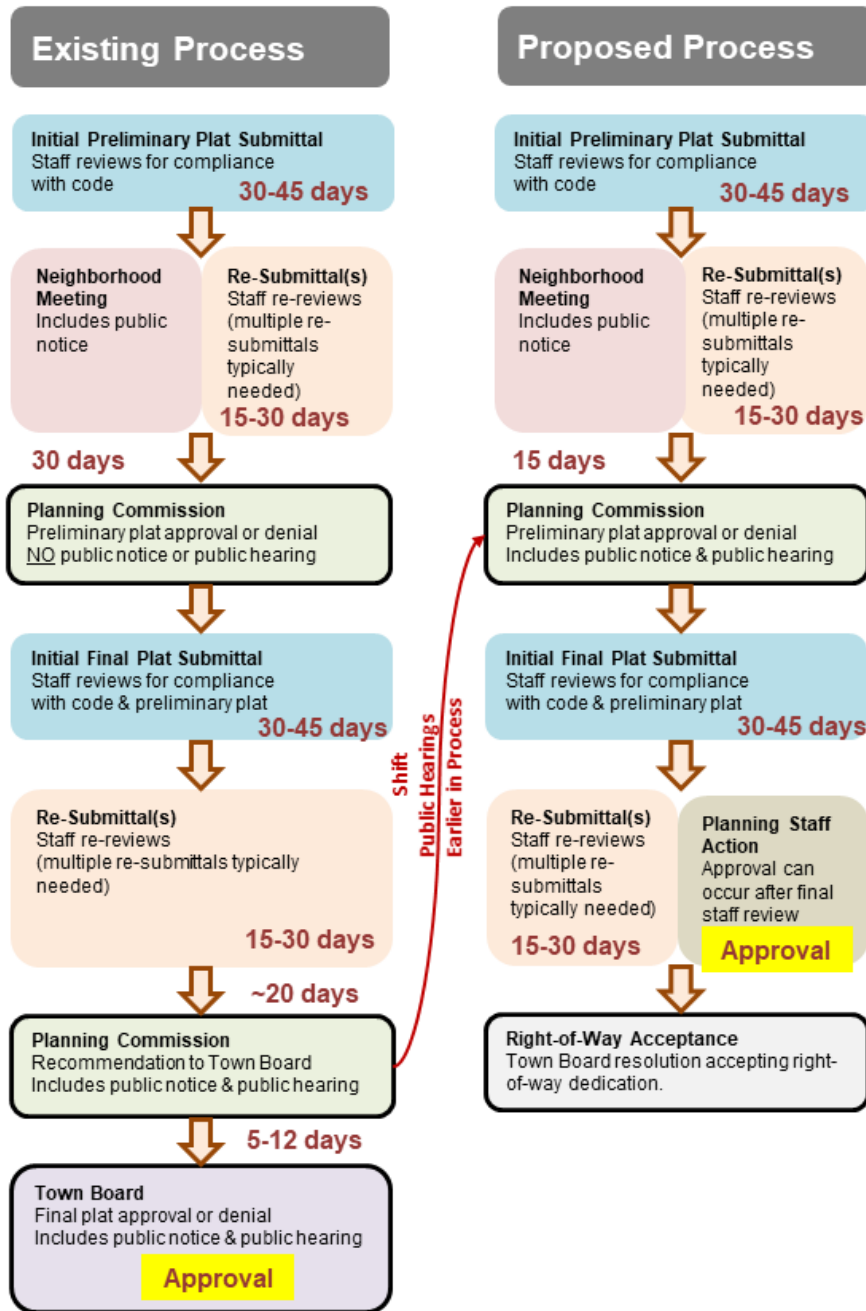
Land Use Application Review Bodies						
Project Type	Windsor (Existing)	Windsor (Proposed)	Fort Collins	Greeley	Longmont	Loveland
Preliminary Plat	Planning Commission	Planning Commission	Planning Commission or Planning Director <i>Depends on use/zone</i>	Planning Commission	Planning Commission	Planning Director <i>Neighborhood Meeting scheduled if significant public comment received</i>
Final Plat	Town Board	Planning Director	Planning Commission or Planning Director <i>Depends on use/zone</i>	Planning Director <i>Director provides written report of approvals to PC</i>	Planning Director <i>May be referred to Planning Commission</i>	Planning Director <i>Neighborhood Meeting scheduled if significant public comment received</i>
Multifamily Site Plan	Town Board	Planning Director	Planning Commission or Planning Director <i>Depends on zone</i>	Planning Director	Planning Director <i>May be referred to Planning Commission</i>	Planning Director
<i>Note: Different jurisdictions may have different terminology for project types and decision makers but the Windsor terminology is used for consistency.</i>						

Other changes to the preliminary/final plat process which were discussed previously are summarized below and illustrated on the flowchart on the following page:

- Reduced waiting time between neighborhood meeting and first consideration from 30 to 15 days
- Public hearing and associated public notice provided earlier in the process with Planning Commission consideration of preliminary plat
- Right-of-way would be accepted by action of Town Board after administrative plat approval

Proposed modifications would likely reduce the overall review period by approximately six weeks.

Major Subdivision Process



Multifamily site plans are the other type of application which a change in review body is proposed. Moving decision making authority of multifamily site plans to the Planning Director would be consistent with how commercial/ industrial site plans are currently reviewed. Additionally, a multifamily site plan application can only be considered if the appropriate zoning is in place and if properly designated on a master plan, both of which require public hearings and Town Board approval. By the time an application

is received for a multifamily site plan, the use has been entitled with appropriate zoning and is considered a use-by-right.

There was discussion at the last meeting about providing public notice for multifamily developments, perhaps in place of the Planning Commission and Town Board review. Some jurisdictions, including Longmont, do provide a notice of an application under review for all site plans to surrounding property owners, even if there is no associated public hearing or meeting. This is not a model currently proposed for Windsor because it doesn't provide opportunity for input.

The code currently requires applicants to mail public notices to surrounding property owners for most land use applications. The following modifications are proposed to this process:

- Notification required for Master Plan (not currently required)
- Increase conditional use grant notification radius from 100' to 300' (oil & gas notification is currently 300' and no change is proposed).
- Begin mailing public notice for variances (not currently required)
- Send notice for Preliminary Plat public hearing (currently Preliminary Plat is a public meeting and not public *hearing* so notice is not required)
- Send notification of right-of-way vacation to abutting properties (no notification currently required)

Public Notice Mailing Radius Requirements						
Project Type	Windsor (Existing)	Windsor (Proposed)	Fort Collins	Greeley	Longmont	Loveland
Annexation	300'	300'	800'	500'	1,000'	500'
Conditional Use	100' 500' (Oil & Gas)	300' 500' (Oil & Gas)	800'	500'	1,000'	500'
Final Plat	300'	300'	800'-1000'	None	300'	300'
Master Plan	None	300'	800'-1000'	500'	1000'	500'
Preliminary Plat	300' for Neighborhood Mtg. None for PC	300' for Neighborhood Mtg. 300' for PC	800'-1000'	500'	1,000'	300'

Public Notice Mailing Radius Requirements						
Rezoning	300'	300'	800'-1000'	500'	1,000'	500'
Site Plan	None	None	800'-1000'	None	300'	None for most uses/zones 300' for certain uses/zones
Vacation of ROW	None	Contiguous owners	Unknown	Contiguous owners	150'	Contiguous owners
Variance	None	150'	800'	500' (major); 150' (minor)	300'	150'
<i>Note: Different jurisdictions may have different terminology for project types and decision makers but the Windsor terminology is used for consistency.</i>						

Miscellaneous Updates

The current code fails to address parking of vehicles on front yards of homes or the creation of ad-hoc parking areas such as gravel surfaces. Complaints are received periodically about these issues from neighbors, therefore the following draft code language is proposed to address the issue:

Single family and duplex uses. Parking shall only occur on approved surfaces and is prohibited on landscaped or lawn areas. Parking surfaces shall not exceed 50% of the front yard area. Approved surfaces are:

- i. Concrete, asphalt, or approved permeable paving in conformance with Town standards;
- ii. Existing gravel surfaces installed in conformance with then current code requirements
- iii. New gravel surfaces subject to the following:
 1. Shall only be for supplemental parking and not for the primary driveway accessing required parking;
 2. Shall be adjacent to existing paved surface;
 3. Gravel surfaces shall transition to an approved surface for the entire distance within right-of-way or for a minimum distance of 10' prior street access, whichever is greater; and
 4. Shall not track gravel or mud into the street.

The Central Business (CB) zone district currently allows automobile sales and servicing which is inconsistent with the vision for downtown as a more pedestrian and retail oriented environment. With the recent re-use of Dutch Bros coffee (previously auto sales) and the relocation of Pike's Auto outside of the CB zone district, now is an opportune time to amend the CB district to remove auto sales, rentals, and service as allowed uses.

Subject to any Town Board or Planning Commission input the front yard parking and CB auto sales and service code amendments will be presented for adoption in the near future.



Land Use Code Update

Paul Hornbeck

Town Board/ Planning Commission January 20, 2020

Parks & Trails

- Pocket Park minimum size increased from 10,000 square feet to 20,000
- Additional flexibility in programming and design of the Pocket Parks

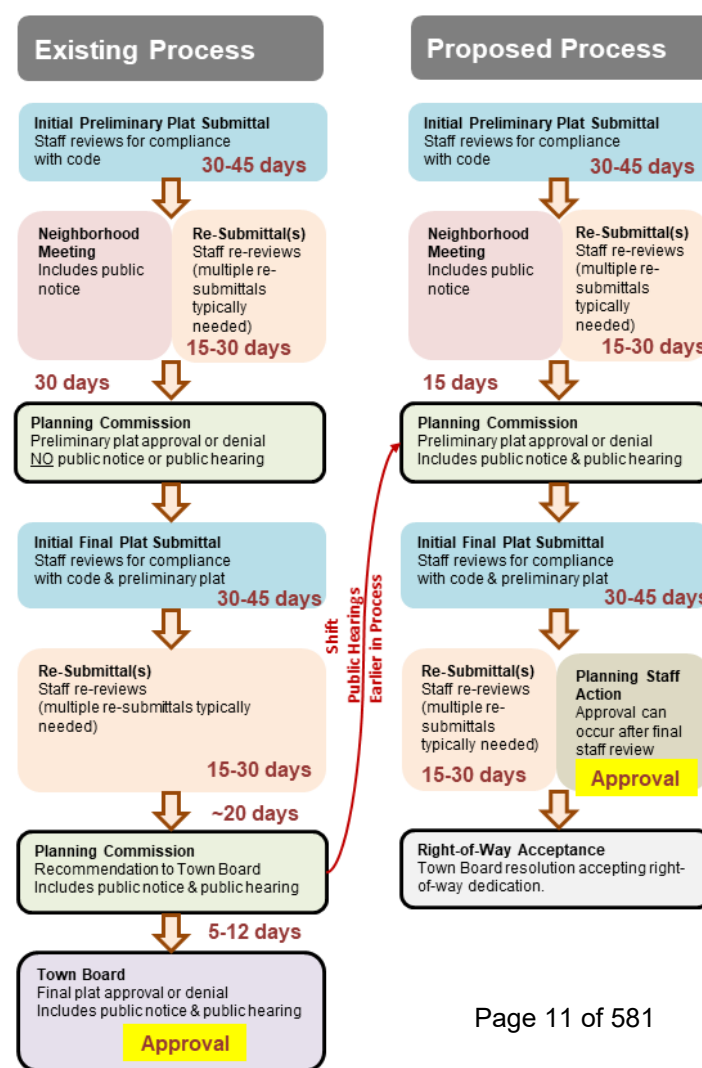


- Neighborhood trails to connect park sites, schools, Town trails, and other amenities. Neighborhood trails
- Owned and maintained by a metro district or home owners association

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Major Subdivision Process





Public Notice Mailing Requirements

Project Type	Windsor (Existing)	Windsor (Proposed)	Fort Collins	Greeley	Longmont	Loveland
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Vacation of ROW	None	Contiguous owners	Unknown	Unknown	150'	Contiguous owners
Variance	None	150'	800'	500'	300'	150'

Questions & Discussion





MEMORANDUM

Date: January 20, 2020
To: Mayor and Town Board
Via: Shane Hale, Town Manager
From: Scott Ballstadt, Director of Planning
Re: Oil and Gas Location Requirements
Item #: 2.

Background / Discussion:

Please see attached memo and related attachments.

ATTACHMENTS:

- ▢ Memo - Oil and Gas Locations Discussion
- ▢ Status of local oil & gas regulations table
- ▢ Adams County oil & gas regulations 1
- ▢ Adams County oil & gas regulations 2
- ▢ Broomfield draft oil & gas regulations
- ▢ Erie draft oil & gas regulations
- ▢ Draft ordinance regarding plugged and abandoned oil and gas wells
- ▢ Articles regarding plugged well leak in Broomfield
- ▢ Article regarding Firestone NTSB report



MEMORANDUM

Date: January 20, 2020
To: Mayor and Town Board
From: Scott Ballstadt, Director of Planning
Re: Oil & Gas Location Requirements discussion

Background / Discussion

Per Town Board direction, staff has conducted research and compiled the below and attached information regarding oil and gas siting regulations pertaining to incompatibilities with residential neighborhoods.

Local Land Use Authority Under SB 19-181

The Town Attorney's office has prepared for the Town Board's information the following brief overview of local land use authority under SB 19-181:

1. SB 181 makes specific modifications to the Local Land Use Enabling Act, CRS § 29-20-101, *et. seq.*, giving local governments the following powers:
 - a. Regulating the surface impacts of oil and gas operations in a reasonable manner to address:
 - The location and siting of oil and gas facilities and locations;
 - Impacts to public facilities and services;
 - Water quality and source, noise, vibration, odor, light, dust, air emissions and air quality, land disturbance, reclamation procedures, cultural resources, emergency preparedness and coordination with first responders, security, and traffic and transportation impacts;
 - Financial securities, indemnification, and insurance as appropriate to ensure compliance with the regulations of the local government; and
 - All other nuisance-type effects of oil and gas development.
 - b. Protecting and *minimizing adverse impacts* (under the expanded definition below) to public health, safety, and welfare and the environment.
 - c. Reaffirming the authority of local governments to regulate air quality.

d. The following powers are specifically authorized:

- Facility inspections;
- Fines for leaks, spills, and emissions; and
- Fees on operators or owners to cover the reasonably foreseeable direct and indirect regulatory costs.

“Minimizing adverse effects”, defined:

...to the extent necessary and reasonable, to protect public health, safety, and welfare and the environment by avoiding adverse impacts from oil and gas operations and minimizing and mitigating the extent and severity of those impacts that cannot be avoided.

2. Distinct grants of regulatory authority (distinct from Land Use Enabling Act). The Bill adds a new Section 34-60-131, *No land use preemption*:

Local governments and state agencies, including the commission and agencies listed in Section 34-60-105 (1)(b), have regulatory authority over oil and gas development, including as specified in Section 34-60-105 (1)(b). A local government's regulations may be more protective or stricter than state requirements.

Recent Activity Regarding Local Regulations

Staff has submitted questions to the respective planners, attorneys and managers listservs, contacted CML, and reached out to jurisdictions that are actively pursuing adoption of new oil and gas regulations since the passage of SB 19-181. The level of recent regulatory activity varies greatly; however, the following examples represent some of the jurisdictions that either have adopted or are pursuing adoption of new oil and gas site location regulations addressing incompatibilities between oil and gas and residential uses.

Adams County

Adams County adopted the attached updated Development Standards and Regulations on September 3, 2019 which require an Oil and Gas Facility permit for any oil and gas facility in Adams County.

Oil and Gas Facility Permits (OGF) are permissible in certain agricultural, commercial and industrial zone districts – though applicants must still go through the separate OGF permit process as outlined in Chapters 2 and 4 of Adams County regulations. The operator is required to identify three proposed locations for the oil and gas facility to be reviewed through an Alternative Site Analysis process prior to submittal of a Form 2 or 2A to the COGCC.

OGFs are not permitted in any residential zoned district, though an applicant can apply for a Zone District Waiver through the Board of County Commissioners public hearing process. The applicant must demonstrate that 1) the OGF is consistent with the Adams County Comprehensive Plan and 2) is compatible with the surrounding area, harmonious with the character of the neighborhood and not detrimental to public health, safety, welfare, the

environment or future land development. This second item would be a very high hurdle for an application to pass in any residential area.

Broomfield

As early as 2012, Broomfield began addressing oil and gas through Town Hall meetings and study sessions, creating an Oil and Gas Comprehensive Plan Update Committee, adopting an Oil and Gas Comprehensive Plan and related oil and gas regulations. The history is well documented at <https://www.broomfield.org/2830/Background>.

Broomfield is currently in the process of updating those regulations, and attached to this memo is the 8/5/19 Discussion Draft Amendments to Chapter 17-54 of the Broomfield Municipal Code including potential changes identified as redlines. This is the most current draft and will be updated after two more meetings scheduled this month.

With regard to oil and gas location siting, the attached discussion draft requires City Council approval of a use by special review (USR) application in specified zoning districts and, as part of that process, an operator is required to submit an alternative site analysis identifying three proposed locations with distances to existing or platted residences, occupied buildings, parks, open space, schools, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells and roadways (Sec. 17-54-050(B)(1)). If the City determines that none of the three proposed locations satisfies the purpose of their rules, the City may suggest alternative location(s). According to Broomfield staff, a 2,000-foot setback is also being considered based upon the CDPHE's most recent study.

Broomfield's draft USR requirements appear to be fairly comprehensive and also include air modeling and air quality mitigation plans to be conducted by a third-party consultant to demonstrate that emissions meet EPA, state and other standards (Sec. 17-54-060(N)(O) and (P)). The draft regulations and process are available at: <https://www.broomfield.org/2832/Guiding-Documents>

Erie

The Town of Erie passed an extension of their temporary moratorium on oil and gas exploration, extraction and related operations through January 28, 2020 and is currently evaluating the expanded regulatory authority allowed under SB 19-181 to make amendments to their Unified Development Code related to oil and gas operations.

Section 10.12.3 A of Erie's draft regulations state:

"Compliance with Zoning – Rezoning Application

No Oil and Gas Permit application will be scheduled for a hearing under these Regulations unless the property where the Operation will be located is zoned as Heavy Industrial (HI) under Section 10.7.5 of the UDC. Where rezoning is required, the Town will work with the Applicant to coordinate public notices and hearings for rezoning with the requirements of these Regulations."

In addition to heavy industrial zoning, Erie's draft regulations propose setbacks of 1,000-feet from occupied buildings, 2,000-feet from platted residential lots or parks, sports fields and playgrounds, or other outside activity areas and any occupied structure.

Similar to Adams County and Broomfield, Erie's draft also requires Alternative Site Analysis. An analysis of alternative sites from which the minerals can be accessed that includes for each site:

location, zoning, natural and manmade features, water source, distance of proposed pad to residences, occupied buildings, parks and open space, water bodies, floodplains and roadways. Justification of a preferred alternative site and/or reason why a site is not proposed as a viable alternative.

Also similar to Broomfield, Erie's draft regulations also require air quality modeling, monitoring and mitigation to be conducted by a third-party consultant. Erie's draft regulations and process are available at: [proposed changes to Chapter 12](#) An overview of Erie's activities regarding oil and gas regulations is available at: <https://www.erieco.gov/1557/Unified-Development-Code---Oil-and-Gas>

Longmont

The City of Longmont restricted oil and gas in residential zones for several years prior to SB 19-181, and that code is still in effect: "City oil and gas well permits may be issued for sites within the city excluding oil and gas well surface operations and facilities in residential zoning districts." See enclosed for complete code section. The City was sued by the State and COGCC and later reached an agreement which allowed the regulations to remain.

Windsor

Oil and gas facilities are currently identified as conditional uses in all zone districts, including residential zones, subject to the conditional use regulations in Chapter 16, Article VII of the Municipal Code (Code). Section 16-7-60 of the Code outlines the oil and gas conditional use grant (CUG) process, which requires public hearings before Planning Commission and Town Board.

Section 16-7-50 outlines the standards and requirements for conditional use grants, and requires that approval of a conditional use grant shall be based on the evaluation of such factors as the following:

1. The character and quality of the area in which the use will be located.
2. The physical appearance of the use, including suitability of architectural and landscaping treatment.
3. Appropriate location of the building or buildings on the lot.
4. Adequate provision of parking, loading and circulation facilities.
5. Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.
6. Potential effect of the use on storm drainage in the area.
7. Adequacy of planting screens where necessary.
8. Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.
9. The general compatibility of the proposed use with the area in which it is to be located.

Section 16-7-60(c) is specific to oil and gas facilities and states: Based upon specific site characteristics, which shall include but shall not be limited to: nature and proximity of adjacent development; prevailing weather patterns, including wind direction; vegetative cover

on or adjacent to the site; and topography of the site, the Town Board may, as a condition of approval of any conditional use grant, require any or all of the following methods to mitigate adverse impacts on surrounding properties: visual, landscape and floodplain requirements.

In addition to the aforementioned Code requirements, the Planning Commission and Town Board have historically included a set of standard conditions of approval on all recent CUG approvals, many of which correspond to state and/or federal requirements.

Setbacks from Plugged and Abandoned Oil and Gas Wells

Given the high level of oil and gas activity in recent years, proposals of surface development in close proximity to plugged and abandoned oil and gas wells are becoming more frequent. The attached draft ordinance proposes setbacks from plugged and abandoned wells to allow access should maintenance become necessary if issues arise with the plugged well.

In October 2019, Broomfield discovered an abandoned oil and gas well leaking methane below a new developing subdivision (see attached articles). On April 17, 2017, a home in Firestone exploded and collapsed, killing two men and injuring others inside the home. The National Transportation Safety Board (NTSB) investigated the Firestone explosion and found the approval to construct occupied structures in close proximity to former oil and gas facilities to be a contributing factor (see attached article).

The following table depicts the varying setbacks some northern Colorado jurisdictions require from plugged and abandoned oil and gas wells.

Jurisdiction	Setback Required from Plugged & Abandoned Oil & Gas Wells
Severance	50-feet (16.11.80 Development setbacks from wells)
Fort Collins	500 – 550-foot Buffer Yard D requirement (3.8.26 Buffering for Residential and High Occupancy Building Units)
Longmont	150-feet from proposed occupied buildings or additions, sports fields or playgrounds 50-feet from unoccupied buildings No proposed residential lots shall include any portion of plugged and abandoned or dry and abandoned oil and gas wells. (15.05.090.W.3.c)
COGCC (recommendation)	Although not codified, COGCC has indicated that 150-feet would be appropriate to allow for re-entry and work if needed
Local Industry (recommendation)	150-feet to allow for re-entry and work if needed

Attachments

Summary table of responses from other jurisdictions

Adams County new regulations <http://www.adcogov.org/oil-and-gas-information>

Broomfield draft regulations

Erie draft regulations

Longmont existing regulations

Draft plugged and abandoned oil and gas well ordinance

Articles regarding plugged well leak in Broomfield

Article regarding Firestone explosion NTSB report

cc:

Planning Commission

Status of local oil and gas regulations in other jurisdictions

Question: With the passage of SB 19-181, I am interested to know if any jurisdictions have either implemented or are considering a prohibition of oil and gas uses in residential zones?	
Jurisdiction	Response
Carbondale	Not considering changes
Lafayette	Looking into potential setbacks and other criteria
Longmont	Longmont code excluded oil and gas in residential zones prior to SB 19-181, and that code is still in effect: "City oil and gas well permits may be issued for sites within the city excluding oil and gas well surface operations and facilities in residential zoning districts." See enclosed for complete code section.
Thornton	Working on an update, but not along the magnitude of prohibition in residential zones
Erie	The Town of Erie enacted a temporary moratorium though August 13, 2019 and is currently evaluating the expanded regulatory authority allowed under Senate Bill 19-181 to make amendments to the Unified Development Code related to oil and gas operations. - o View the proposed changes to Chapter 12 - o View the current Chapter 12 (Oil and Gas Regulations) of the Unified Development Code. Erie's draft regulations and process are available at: https://www.erieco.gov/1557/Unified-Development-Code---Oil-and-Gas
Broomfield	Broomfield is updating local regulations pertaining to oil and gas as well as participating as a party in the following state rulemakings implementing SB 19181: • Broomfield is taking the lead in this effort on behalf of the Affiliated Local Government (ALG) coalition with Boulder County, Lafayette, and Longmont. Broomfield staff is working with an outside pipeline expert to recommend revisions to the COGCC 1100 Series including strengthening the leak detection and integrity management provisions applicable to COGCC-regulated flowlines and crude oil transfer lines. Broomfield's pre-hearing statement on behalf of the ALG is linked here.

	• AQCC rulemaking on air emissions scheduled for AQCC December 17-19, 2019, hearing. Broomfield is participating as a member of the Local Government Coalition with Boulder County, Lafayette, and the City and County of Denver along with more than 20 other local governments. The LGC supports revisions to the AQCC oil and gas rules that will minimize emissions of smog-forming volatile organic compounds and climate-altering methane from production and gathering and boosting facilities as well as minimize methane emissions from transmission facilities. Broomfield's air quality program was cited as support for the rule changes in the LGC pre-hearing statement linked here, and the exhibits linked here. • CCOB plans to participate in future COGCC rulemakings currently scheduled for 2020 including the mission change, cumulative impacts and alternative site analysis rulemakings. CCOB will actively participate in the COGCC led stakeholder meetings for these rulemakings scheduled to begin in October. Broomfield's draft regulations and process are available at: https://www.broomfield.org/2832/Guiding-Documents

CHAPTER 2—APPLICATION AND PERMITTING PROCEDURES

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Chapter 2—APPLICATION AND PERMITTING PROCEDURES

2-01 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS

This section outlines the general development review steps, which apply to all development applications or permits.

2-01-01 STEP 1: CONCEPTUAL REVIEW

2-01-01-01 PURPOSE

Conceptual review is an opportunity for an applicant to discuss requirements, standards, and procedures, which apply to a development proposal. Major problems can be identified and solved during conceptual review before a formal application is submitted. Representatives of the Community and Economic Development Department and other County Departments regularly attend conceptual review meetings.

2-01-01-02 APPLICABILITY

A conceptual review meeting is voluntary for all development applications. Conceptual review may be requested by an applicant as a means of identifying potential problems prior to making formal application. A request for conceptual review shall be made at least one (1) week in advance of the requested conceptual review meeting.

2-01-01-03 CONCEPT PLAN SUBMITTAL

The applicant requesting a conceptual review meeting shall submit a sketch of the proposed development, conceptual review meeting checklist, and any conceptual review fees at least one (1) week in advance of the requested conceptual review meeting. The sketch should indicate the location of the proposed project, major streets, and other significant features in the vicinity. The applicant should also submit any conceptual designs to be discussed.

The degree of assistance provided by staff at the conceptual review meeting will depend upon the level of detail the applicant provides in the conceptual review meeting submittal. The applicant is encouraged to provide as much detail as possible when preparing the conceptual review meeting submittal.

2-01-01-04 STAFF REVIEW AND RECOMMENDATION

Following the conceptual plan meeting with the applicant, the Director of Community and Economic Development (hereinafter in this Chapter "the Director" unless its context specifies one or the other) shall furnish the applicant with written comments regarding the plan, including appropriate recommendations to inform and assist the applicant. The written comments shall be mailed to the applicant within seven (7) days of the conceptual review meeting.

2-01-02 STEP 2: NEIGHBORHOOD MEETINGS

2-01-02-01 PURPOSE

The purpose of neighborhood meetings is to present the development concept to citizens and for the citizens to identify, list, and discuss issues related to the development proposal. Neighborhood meetings are held early in the process so affected property owners have an opportunity to provide input before excessive time and effort have been expended by the applicant.

Applicants are advised to get a determination of whether or not a neighborhood meeting is required prior to submitting an application that requires Planning Commission review. If an application is submitted and the Director determines that a neighborhood meeting is required, all review shall be held in abeyance until the applicant submits the required neighborhood meeting summary and affidavits.

2-01-02-02 APPLICABILITY

Neighborhood meetings may be required by the Director on a development proposal subject to Planning Commission review when the Director determines the development proposal could have significant neighborhood impacts.

If the Director determines that a neighborhood meeting is required, the applicant shall be responsible for scheduling, noticing, and coordinating the meeting. The applicant shall be responsible for all costs associated with holding the meeting.

2-01-02-03 NEIGHBORHOOD MEETING REQUIREMENTS*

Amended by the BoCC on January 28, 2013

2-01-02-03-01 LOCATION

In order to provide surrounding property owners the best opportunity to attend, the neighborhood meeting should be held on the subject property whenever possible. If this is not possible, the meeting should be held on the

closest practical location to the subject site. The location of the required neighborhood meeting shall follow the guidelines listed below:

- 1) Urban Adams County
 - a. If it is not possible to hold the neighborhood meeting on the subject property, the neighborhood meeting may be held at an alternate location that is a maximum of three (3) miles from the subject property
 - b. Exceptions to this policy may be granted in writing to increase the distance of the alternate location to approximately five (5) miles if applicants submit a request in writing with the proposed location and demonstrate that no practical locations within three (3) miles or less exist.
- 2) Semi-Urban Adams County
 - a. If it is not possible to hold the neighborhood meeting on the subject property, the neighborhood meeting may be held at an alternate location that is a maximum of five (5) miles from the subject property
 - b. Exceptions to this policy may be granted in writing to increase the distance of the alternate location to approximately fifteen (15) miles if applicants submit a request in writing with the proposed location and demonstrate that no practical locations within five (5) miles or less exist.
- 3) Rural Adams County
 - a. If it is not possible to hold the neighborhood meeting on the subject property, the neighborhood meeting may be held at an alternate location that is a maximum of fifteen (15) miles from the subject property
 - b. Exceptions to this policy may be granted in writing to increase the distance of the alternate location if applicants submit a request in writing with the proposed location and demonstrate that no practical locations within fifteen (15) miles or less exist.

These geographic areas are defined below:

- 1) Urban Adams County: all properties west of Imboden Road
- 2) Semi-Urban Adams County: all properties east of Imboden Road and west of Yellow Jacket Road
- 3) Rural Adams County: all properties east of Yellow Jacket Road to the eastern boundary of Adams County

2-01-02-03-02 *TIME OF NEIGHBORHOOD MEETING*

The neighborhood meeting shall be held at a time that is convenient for most people, typically on a weekday evening between the hours of 5:00 p.m. and 8:00 p.m. or weekends at a reasonable time. The meeting shall not be scheduled on a legal holiday.

2-01-02-04 *NOTICE OF NEIGHBORHOOD MEETING*

2-01-02-04-01 *WRITTEN NOTICE*

Written notice of the neighborhood meeting shall be given by the applicant to the owners of record of all real property within five hundred (500') feet (exclusive of public rights-of-way, public facilities, parks, or public open space) of the property lines of the parcel of land for which the development is planned. Designated representatives of neighborhood groups and homeowner's associations within the area of notification shall also receive written notice from the applicant.

The written notices shall be mailed at least ten (10) days prior to the meeting date. The notice shall state the date, time, place, and purpose of the neighborhood meeting and shall include a map of the property.

2-01-02-05 *ATTENDANCE AT NEIGHBORHOOD MEETING*

The applicant or applicant's representative shall attend the neighborhood meeting. The Community and Economic Development Department may also send a representative.

2-01-02-06 *FORMAT OF NEIGHBORHOOD MEETING*

The neighborhood meeting shall be held in an open house format. Maps of the development site, site plans and architectural elevation drawings should be available for review by the public. The applicant or applicant's representative shall be available to answer questions. The applicant shall provide comment sheets for participants to provide feedback concerning the proposed development. The applicant shall offer participants the opportunity to provide their name and mailing addresses for the purpose of receiving notice of public hearings concerning any application that is subsequently submitted.

2-01-02-07 *SUMMARY OF NEIGHBORHOOD MEETING*

A written summary of the neighborhood meeting shall be prepared by the applicant. The written summary shall be included with the development

application submittal and shall explain how any issues identified at the neighborhood meeting have been addressed. In addition, any names and addresses for participants who would like to receive notice of public hearings concerning any application, which is subsequently submitted shall be submitted with the meeting summary.

2-01-03 STEP 3: DEVELOPMENT APPLICATION SUBMITTAL

2-01-03-01 DEVELOPMENT APPLICATIONS

All development applications shall be submitted in a form established by the Director. Development applications, when submitted, shall be made available to the public.

2-01-03-02 CONSOLIDATED DEVELOPMENT APPLICATIONS AND REVIEW

When multiple development application types must be submitted for the same overall development proposal, the applications may be consolidated for submittal and review, at the discretion of the Director. A consolidated application shall only be reviewed, considered, and decided by the highest level board or commission that would have made a decision concerning an individual application had it been submitted, processed and considered as a series of separate development applications. Decision-makers, from highest level to lowest level, are the Board of County Commissioners, Board of Adjustment, and the Director, respectively. If the highest level of decision-maker is determined to be the Board of County Commissioners, the Planning Commission may be required to consider the application at a public hearing and provide a recommendation to the Board of County Commissioners.

2-01-03-03 DEVELOPMENT APPLICATION CONTENTS

The development application submittal requirements shall be established by the Director. The submittal requirements shall, at a minimum, include a list of all information, data, explanations, analysis, testing, reports, tables, graphics, maps, documents, forms, or other items reasonably necessary, desirable, or convenient to: (1) determine whether or not the applicant, developer and/or owner have the requisite power, authority, clear title, good standing, qualifications, and ability to submit and carry out the development and/or activities requested in the development application; and (2) determine whether or not the development activities and development application address and satisfy each and every applicable general development standard, district standard, or other requirement or provision of these standards and regulations.

2-01-03-03-01 *SUBMITTAL REQUIREMENT*

Each development application shall be submitted to the Director and shall include the identified submittal requirements for said development application. The Director may waive items not applicable due to the particular conditions and circumstances of said development proposal.

2-01-03-03-02 *DEVELOPMENT REVIEW FEES*

Development review fees shall be established by resolution by the Board of County Commissioners. The development review fees shall be paid at the time of submittal of any development application.

2-01-04 *STEP 4: DETERMINATION OF SUFFICIENCY*

After receipt of the development application, the Director shall determine whether the application is complete and ready for review. The determination of sufficiency shall not be based upon the perceived merits of the development proposal. If a submittal is found to be insufficient, all review of the submittal will be held in abeyance until the Director receives the necessary material to determine that the submittal is sufficient. The development application shall not be determined to be accepted nor shall the application be reviewed until the application submittal is determined sufficient by the Director.

Upon acceptance, the Director shall send written notice to the owners of record of all real property located within a minimum of five hundred (500') feet (exclusive of public rights-of-way, public facilities, parks, or public open space) of the property lines of the parcel of land for which the development is planned. Notice shall also be provided to all owners of mineral interests concerning impending surface development based on a certified list of owners provided by the applicant. Designated representatives of neighborhood groups and homeowner's associations within the area of notification shall also receive written notice from the Director. In addition, the Director shall send notice to all individuals who attended the neighborhood meeting and requested to be notified of the progress of the application for development. The notice shall be mailed by the Director within seven (7) days of the date of acceptance of the application. The notice shall describe the nature of the application and the deadline for pre-hearing comments.

2-01-05 *STEP 5: STAFF REPORT*

Within seven (7) days after determining the development application is sufficient, the Director shall refer the development application to the appropriate referral agencies. Referral agencies shall have twenty-one (21) days from the date of mailing to submit their comments to the Director. If a referral agency identifies concerns that require an

investigation, the applicant, the County Commissioners, and the agency may agree to a thirty (30) day extension of this time limit. Failure of the reviewing agencies to respond within the specified time limit or within the time period of an extension shall be considered a favorable response for the purpose of the review. Following is a list of the potential reviewing agencies:

1. The appropriate school district;
2. Each county and/or municipality within three (3) miles of the boundary of the proposed development;
3. All utility districts, associations, or companies providing service in the immediate vicinity of the proposed development;
4. All local improvement and service districts in the immediate vicinity of the proposed development;
5. All appropriate ditch companies;
6. The Colorado State Forest Service;
7. The Director of Public Works and Colorado Department of Transportation;
8. The Natural Resources Conservation Service (Soil Conservation District Board) for explicit review and recommendations regarding soil suitability, floodwater problems and watershed protection;
9. The U. S. Army Corps of Engineers;
10. The Colorado Division of Wildlife;
11. The Adams County Department of Parks and Community Resources;
12. The Tri-County and State Departments of Health for a review of those aspects of a proposed development that have the potential for immediate or long-term environmental health impacts, including, but not limited to, the on-lot sewage disposal reports, for the review of the adequacy of existing or proposed sewage treatment works to handle estimated effluent, for a report on the water quality of the proposed water supply to serve the proposed development, noise, odors, and pollution prevention;
13. The State Board of Land Commissioners when the proposed development is adjacent to state school land;
14. The State Engineer for an opinion regarding material injury likely to occur to decreed water rights by virtue of the diversion water necessary to serve the proposed development and adequacy of the proposed water supply to meet the needs of the proposed development;
15. The Colorado Geologic Survey for an evaluation of those geologic factors, which would have a significant impact on the proposed development;
16. The Director of Public Works;
17. The Sheriff's Office; or

18. Any public or private agency, company, or corporation, which has existing or proposed infrastructure in the immediate vicinity of the proposed development, which, in the opinion of the Director, may be affected by the proposed development.

Each referral agency shall be asked to send a copy of their comments to the applicant, but the applicant should contact the Director to ensure all comments are received.

Following receipt of the referral agency comments or at the end of the review period, the Director shall review the development application and prepare a staff report.

The staff report shall be made available for inspection and copying by the applicant and the public at least fourteen (14) days prior to the scheduled public hearing on the development application. The staff report shall indicate whether, in the opinion of the staff, the development application complies with all applicable standards of these standards and regulations. Conditions for approval may also be recommended to eliminate any areas of non-compliance or to mitigate any adverse effects of the development proposal.

2-01-06 STEP 6: NOTICE

Notice of the public hearing shall be provided by the Director in accordance with the following procedures.

2-01-06-01 WRITTEN NOTICE

The Director shall give written notice to the residents and owners of record of all real property located within a minimum of five hundred (500') feet (exclusive of public rights-of-way, public facilities, parks, or public open space) of the property lines of the parcel of land for which the development is planned. The Director may require the applicant to further expand the notification area. Designated representatives of neighborhood groups and homeowner's associations within the area of notification shall also receive written notice from the Director.

The written notices shall be mailed at least ten (10) days prior to the first public hearing date concerning the application. The written notice shall state the date, time, place, and purpose of the public hearing(s). Failure to mail such notice shall not affect the validity of any hearing or determination by the Planning Commission, Board of Adjustment, or Board of County Commissioners.

2-01-06-02 POSTED NOTICE

The real property proposed to be developed shall be posted with a sign, giving notice to the public of the proposed development. The signs shall be posted by the County on the subject property in a manner and at a location to afford the best

notice to the public. The property shall be posted at least ten (10) days prior to the first public hearing date.

The sign shall be a minimum of two (2) square feet and shall state the date, time, place, and purpose of the public hearing(s) and phone number and address of the case manager. Failure of the sign to remain posted prior to the hearing date shall not affect the validity of any hearing or determination by the Planning Commission, Board of Adjustment, or Board of County Commissioners.

2-01-06-03 PUBLISHED NOTICE

The Director shall publish notice of the public hearing. Notice of the time, date, and place of the public hearing(s) on the development application shall be published in the official County newspaper at least thirty (30) days prior to any hearing before the Board of County Commissioners. Failure of the Director to publish the required notice shall necessitate the delay of the hearing.

2-01-07 STEP 7: PUBLIC HEARING

2-01-07-01 CONDUCT OF PUBLIC HEARING

2-01-07-01-01 *RIGHTS OF ALL PERSONS*

Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall state their name, address and, if appearing on behalf of a person or organization, the name and mailing address of the person or organization being represented.

2-01-07-01-02 *EXCLUSION OF TESTIMONY*

The Planning Commission, Board of Adjustment, or Board of County Commissioners may exclude testimony or evidence it finds to be irrelevant, immaterial or unduly repetitious.

2-01-07-01-03 *CONTINUANCE OF PUBLIC HEARING*

The Planning Commission, Board of Adjustment, or Board of County Commissioners may, by motion or at the request of any person, continue any public hearing to a fixed date, time, and place. All continuances shall be granted at the discretion of the Planning Commission, Board of Adjustment, or Board of County Commissioners. The date and time of the continuance

shall be announced at the hearing. The applicant may be required to agree to any continuance in writing.

The applicant's agreement to a continuance shall eliminate any statutory or regulatory requirement for the Planning Commission, Board of Adjustment, or Board of County Commissioners to act on an application within any specific time period. If the applicant requests a continuance, the applicant may be required to pay a continuance fee.

2-01-07-01-04 *ORDER OF PROCEEDINGS AT PUBLIC HEARING*

The order of the proceedings at the public hearing shall be as follows:

1. Staff Report Presented: The staff shall present a narrative and/or graphic description of the development application. The staff shall present a report that includes a written recommendation.
2. Applicant Presentation: The applicant shall present any relevant information the applicant deems appropriate. Copies of all writings or other exhibits the applicant wishes the Planning Commission, Board of Adjustment, or Board of County Commissioners to consider must be submitted to the Director no less than five (5) working days before the public hearing.
3. Public Testimony: Relevant public testimony shall be heard.
4. Applicant Response: The applicant may respond to any testimony or evidence presented by the public at the direction of the Board or Commission holding the hearing.
5. Staff Response: The staff may respond to any statement made or evidence presented by the applicant or the public at the direction of the Board or Commission holding the hearing.

2-01-07-02 *DECISION AND FINDINGS*

2-01-07-02-01 *DECISION*

After consideration of the development application, the staff report, and the evidence from the public hearing, the chairman shall close the public hearing and, unless the case is continued, the Board or Commission shall approve, approve with conditions, or deny the development application based on its compliance with these standards and regulations. In the case of the Planning Commission, the approval, approval with condition(s), or denial shall be considered only as a recommendation to the Board of County Commissioners.

2-01-07-02-02 FINDINGS

All decisions shall include at least the following elements:

1. A statement of specific findings or other factors considered, whichever is appropriate, and a statement of the basis upon which the facts were determined, with specific reference to the relevant standards set forth in these standards and regulations; and
2. A statement of approval, approval with conditions, or denial, whichever is appropriate.

2-01-07-02-03 NOTIFICATION TO APPLICANT

Notification of the Planning Commission's, Board of Adjustment's, or Board of County Commissioners' decision shall be mailed by the Director to the applicant within seven (7) days after the decision. A copy of the decision shall also be made available to the public by the Director of Community and Economic Development within seven (7) days after the decision.

2-01-07-03 RECORD OF PROCEEDINGS

The Planning Commission's, Board of Adjustment's, or Board of County Commissioners' public hearing may be recorded by any appropriate means. A copy of the public hearing record may be acquired or viewed by any person upon application to the Director and payment of a fee to defray the cost of duplication of the record. The record shall consist of the following:

1. All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs, and other tangible items received or viewed by the Planning Commission, Board of Adjustment, or Board of County Commissioners at the proceedings;
2. All minutes of the proceedings; and
3. If available, a videotape or audiotape recording of the proceedings before the Planning Commission, Board of Adjustment, or Board of County Commissioners.

2-01-07-04 RECORDING OF DECISIONS AND PLATS

Once approved, the decision of the Planning Commission, Board of Adjustment, or Board of County Commissioners shall be filed with the Office of the Adams County Clerk and Recorder. In the case of a final plat, once the final construction plans and final plat are approved, the subdivision improvements agreement is executed and any other conditions of approval have been met, the final plat shall be recorded in the Office of the Adams County Clerk and Recorder.

2-01-08 STEP 8: STANDARDS

Before approving a development application, the Planning Commission, Board of Adjustment, or Board of County Commissioners must find that the development application has met the requirements of these standards and regulations and complies with the required criteria for approval.

2-01-09 STEP 9: CONDITIONS OF APPROVAL

The Planning Commission, Board of Adjustment, or Board of County Commissioners may impose such conditions on approval of the development application as are necessary to accomplish the purposes and intent of these standards and regulations. Such conditions must have a reasonable nexus to potential impacts of the proposed development and should be roughly proportional, both in nature and extent, to the impacts of the proposed development or shall be mutually agreed upon by Adams County and the applicant. (See Section 1-08 for further limitations on conditions.)

2-01-10 STEP 10: AMENDMENTS

2-01-10-01 MINOR AMENDMENTS

Minor amendments to any approved development plan may be approved, approved with conditions, or denied administratively by the Director and may be authorized without additional public hearings. Such minor amendments may be authorized by the Director as long as the development application, as amended, continues to comply with these standards and regulations, at least to the extent of its original compliance.

Minor amendments shall consist only of any or all of the following:

1. The amendment results in an increase or decrease by five-percent (5%) or less in the approved number of dwelling units;
2. The amendment results in an increase or decrease in the amount of square footage of a non-residential land use or structure that does not change the character of the project;
3. The amendment results in a change in the housing mix or use mix ratio which complies with the requirements of the zone district and does not change the character of the project; or
4. The amendment does not result in a change in the character of the development.

The Director may refer a minor amendment to the Planning Commission. If so referred, the decision of the Planning Commission shall constitute a final decision, subject to appeal to the Board of County Commissioners.

2-01-10-02 MAJOR AMENDMENTS

Amendments to any approved development plan not determined by the Director to be a minor amendment under the criteria set forth in Section 2-01-10-01 shall be deemed a major amendment.

Major amendments to development plans shall be reviewed and processed in the same manner as the original development plan for which the amendment is sought. Any approved major amendments shall be recorded in accordance with the procedures for recording the original development plan approval.

Any partial or total abandonment of an approved development plan shall be considered a major amendment.

2-02 **SPECIFIC DEVELOPMENT REVIEW STEPS FOR DEVELOPMENT APPLICATIONS**

This section outlines the specific development review steps, which apply to each distinct development application or permit type.

The follow development application types are included:

1. General Construction and Development Permits and Registrations

a. Access and Right-of-Way Permit

Generally, an access or right-of-way permit is required to construct a driveway which accesses a County road; place a culvert within a public right-of-way; place utilities within a public right-of-way; place landscaping within a public right-of-way; cut a County road; bore under a County road; or perform any work, excavation, filling, grading, or construction within a public right-of-way.

b. Building Permit

Generally, a building permit is required to construct a building or structure; place a building or structure; remodel a building or structure; construct an addition to a building or structure; modify a building or structure; construct, place, or modify a sign; excavate or fill land; construct oil and gas wells and appurtenant facilities; construct subdivision improvements including roads; construct a landfill; or modify the use of land or a structure.

c. Conservation Plan Permit

Generally, a conservation plan permit is required to till any fragile soils.

d. Contractor Registration

Generally, any contractor performing a business involving the construction, alteration, remodeling, repairing, or equipping of buildings or other structures shall be registered as a contractor.

e. Biosolids Application Permit

Generally, a domestic sewage sludge application permit is required for the discharge or disposal of restricted biosolids on agricultural lands.

f. Floodplain Use Permit

Generally, a floodplain use permit is required to locate or construct any structure or facility within a floodplain control overlay zone district; place any fill within a floodplain control overlay zone district; store or process any materials or equipment within a floodplain control overlay zone district; or change a channel of a watercourse within a floodplain control overlay zone district.

g. Stormwater Quality Permit *.

Generally, a stormwater quality permit is required for construction sites that disturb one acre or greater, or are part of a larger common plan of development disturbing on acre or greater. There are no exemptions for this permit.

2. Zoning and Land Use Approvals

a. Conditional Use Permit

A conditional use permit is required for any use identified as a conditional use within a zone district or overlay zone district.

b. Planned Unit Development

An approval of any proposed planned unit development is required to amend the zone district map and the requirements controlling the development of a parcel of land. A planned unit development creates a new overlay zone district for the parcel of land upon approval.

c. Special Use Permit (Temporary Use Permit)

A special use permit is required for any temporary use of land where the use is not a permitted principal use within the zone district or overlay zone district where the use will be located. Some special use permits may be issued administratively.

d. Oil and Gas Facility Permit

An Oil and Gas Facility permit is required for any oil and gas facility in Adams County.

e. Text, Zoning Map Amendment (Rezoning), or Comprehensive Plan Amendment

An approval of any proposed change to the zone district map or text of these standards and regulations is required to change, modify, or amend any standard, regulation, dimensional requirement, or use restriction controlling any parcel of land.

f. Certificate of Designation

Generally, a certificate of designation is required to locate a facility which collects, stores, treats, utilizes, processes, and/or disposes of solid wastes; locate infectious waste treatment facilities; locate transfer stations; locate hazardous waste disposal sites; locate waste impoundment operations; locate commercial composting operations; locate construction and demolition landfills; or locate other sites or facilities not specifically mentioned herein as may be required by C.R.S. §§30-20-101, *et seq.*, C.R.S. §§25-15-101, *et seq.*, and C.R.S. §§25-15-201, *et seq.*

g. Urban Renewal Plan

3. Subdivisions, Divisions of Land, and Platting Approvals

a. Condominium Map Review

Approval is required to develop condominiums. Condominium maps may be approved by the Director of Planning and Development.

b. Exemption

An exemption approval is required to obtain a release from the requirements of platting by resolution of the Board of County Commissioners in accordance with the terms set forth in these standards and regulations.

c. Plat Correction; Replat of Lot, Easement or Building Envelope; Vacation of Recorded Plat, Right-of-Way or Easement; or Repat of Subdivision

Approval is required to correct a plat; replat a lot, easement, or building envelope; vacate a recorded plat, right-of-way, or easement; or replat a subdivision.

d. Rural Site Plan Review

Approval is required for divisions of land seeking to benefit from the bonus lots associated with dividing land in accordance with the rural site plan development standards.

e. Subdivisions, Major

Approval is required to develop a major subdivision. Generally, a major subdivision divides parcels of twenty (20) acres or more or divides parcels into five (5) or more lots.

f. Subdivisions, Minor

Approval is required to develop a minor subdivision. Generally, a minor subdivision divides parcels of less than twenty (20) acres into four (4) or fewer lots.

4. Variations and Appeals

a. Appeal

A person aggrieved by a decision of an administrative official may appeal the decision to the Board of Adjustment.

b. Floodplain Use Permit Variance

Approval of a variance from the floodplain use permit standards is required to effect any change to these standards and regulations with respect to their application to an individual parcel of land.

c. Variance, Major

Approval of a variance from these standards and regulations is required to effect any change to these standards and regulations with respect to their application to an individual parcel of land. A variance may only be approved from the dimensional requirements, performance standards, and other special physical requirements contained in these standards and regulations.

2-02-01 ACCESS AND RIGHT-OF-WAY PERMIT

2-02-01-01 PURPOSE

The purpose of this section is to provide processing requirements for access or right-of-way permits in order to review, consider, approve, approve with modifications, or deny a request for permission to access a County road, install utilities within a public right-of-way, landscape within a public right-of-way, install a mailbox within a public right-of-way, or otherwise work or construct within a County right-of-way.

2-02-01-02 APPLICABILITY

All access or right-of-way permits must be processed in accordance with this section. An access or right-of-way permit is the only authorization under which access to a County road may be installed or constructed or work within a public right-of-way may be performed including, but not limited to, construction, landscaping, utility placement, alteration, or repair of any existing facilities or utilities within a public right-of-way or County road.

2-02-01-03 WHO CAN INITIATE AN ACCESS PERMIT

An access or right-of-way permit may be requested by, without limitation, the owner(s) of the property to which access is to be extended, the owner of the utility or mailbox, or any person(s) performing work within the public right-of-way or County road.

The applicant has the burden of proof to demonstrate the access or right-of-way permit fully complies with these standards and regulations and meets the criteria for approval.

2-02-01-04 ACCESS PERMIT REVIEW PROCEDURES

An access or right-of-way permit may be approved by the Director of Community and Economic Development.

The processing of an access or right-of-way permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for an access or right-of-way permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No notification of adjacent property owners is required. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable
7. Public Hearing: Not applicable. In substitution, an application for access or right-of-way permit shall be reviewed and approved, approved with modifications, or denied by the Director of Community and Economic Development based on its compliance with these standards and regulations.
8. Standards: Not applicable. In substitution, an application for access or right-of-way permit shall be reviewed for compliance with these standards and regulations.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development may impose any conditions determined to be necessary to assure the safety of the general public, protect the County's infrastructure, adequately accommodate the type and volume of traffic during the work, and deal with anticipated traffic volumes and road improvements.
10. Amendments: Not applicable. In substitution, an amendment to an access or right-of-way permit may be authorized by the Director of Community and Economic Development provided the access or right-of-way permit remains in compliance with all applicable standards and regulations.

2-02-01-05 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing an access or right-of-way permit shall find:

1. The access or right-of-way permit is consistent and complies with the requirements of these standards and regulations for the type of work to be performed.

2. The access or work to be performed will be of such a standard and condition to safely and adequately accommodate the type and volume of traffic currently using the access, including emergency and fire equipment and vehicles, plus any increase in traffic that may be added by the use accessing the road.
3. Adequate controls have been established to ensure compliance and safety during the course of work.
4. Adequate financial guarantees have been provided to ensure that any problems arising from the work to be performed can be reasonably remedied by the County, if necessary.

2-02-01-06 LAPSE OF APPROVAL

The access or right-of-way permit shall be valid for a period of six (6) months from the time such access or right-of-way permit is issued unless fully and properly acted upon and completed.

2-02-01-07 EXTENSION OF APPROVAL

One six (6) month extension may be granted by the Director of Community and Economic Development. In order to be eligible for an extension, the applicant shall file a request for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the access or right-of-way permit would lapse, unless waived by the Director of Community and Economic Development.

2-02-02 BUILDING PERMIT

2-02-02-01 PURPOSE

The purpose of this section is to provide processing requirements for building permits in order to review, consider, approve, approve with modifications, or deny a request for permission to erect, move, place, or alter a structure, sign, oil wells, temporary structure, or to excavate or fill land.

2-02-02-02 APPLICABILITY

All building permits must be processed in accordance with this section. A building permit is the only authorization under which a structure may be constructed, moved, placed, or altered; a sign may be placed, altered, moved, constructed, or replaced; an oil well and appurtenant facilities may be placed, drilled, altered,

moved, or constructed; land may be filled or excavated; temporary buildings may be placed; or utilities may be installed. All structures shall comply with the requirements of these standards and regulations even if the building permit requirement is waived by the Chief Building Official.

2-02-02-03 WHO CAN INITIATE A BUILDING PERMIT

A building permit may be requested by, without limitation, the owner(s) of the property on which the structure, sign, landfill, temporary building, or utility is to be erected, moved, placed, altered, excavated, or filled.

The applicant has the burden of proof to demonstrate the building permit fully complies with these standards and regulations and meets the criteria for approval.

2-02-02-04 BUILDING PERMIT REVIEW PROCEDURES

A building permit may be approved by the Chief Building Official.

The processing of a building permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for a building permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No notification of adjacent property owners is required. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable. In substitution, an application for a building permit shall be reviewed and approved, approved with modifications, or denied by the Chief Building Official based on its compliance with any development plan, these standards and regulations, and the building code adopted by the County by reference or otherwise, as amended.
8. Standards: Not applicable. In substitution, an application for a building permit shall be reviewed for compliance with any development plan, these standards and regulations, and all building code regulations adopted by the County.

9. Conditions of Approval: Applicable.
10. Amendments: Not applicable. In substitution, an amendment to a building permit may be authorized by the Chief Building Official provided the building permit remains in compliance with all applicable standards and regulations.

2-02-02-05 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a building permit shall find:

1. The building permit is consistent with and complies with the requirements of these standards and regulations and any applicable development plans or conditional use permits.
2. Legal access exists to the property for which the building permit has been requested.
3. The building permit complies with all requirements of the building code in effect at the time of issuance of the permit.

2-02-02-06 LAPSE OF APPROVAL

The building permit shall be valid for a period of six (6) months from the time such building permit is issued unless fully and properly acted upon and completed.

2-02-02-07 EXTENSION OF APPROVAL

One six (6) month extension may be granted by the Chief Building Official. In order to be eligible for an extension, the applicant shall file a request for extension with the Chief Building Official at least thirty (30) days prior to the date the building permit would lapse, unless waived by the Chief Building Official.

2-02-03 CERTIFICATE OF DESIGNATION

2-02-03-01 PURPOSE

The purpose of this section is to detail the steps for obtaining a certificate of designation. Certificates of designation are required for those solid waste and hazardous waste disposal sites and/or processing facilities, which are presumptively incompatible with other land uses, authorized or permitted in a zone district and may have long-term ramifications to the use of surrounding

lands. In addition to meeting applicable performance standards, certificates of designation may require the imposition of conditions in order to ensure the number of solid waste and hazardous waste disposal sites and/or processing facilities and their location, design, configuration, and operation are appropriate at a particular location.

2-02-03-02 APPLICABILITY

All uses that require a certificate of designation must be processed in accordance with this section. A certificate of designation shall be required for all solid waste and hazardous waste disposal sites and/or processing facilities that may include, but not be limited to:

1. Sites and facilities where the collection, storage, treatment, utilization, processing, and/or final disposal of solid waste occurs except as specifically exempted;
2. Infectious waste treatment facilities;
3. Hazardous waste disposal sites;
4. Waste impoundment operations;
5. Commercial composting operations when meeting the Colorado Department of Public Health and Environment Regulations 6CCR 1007-2, Section 14;
6. Inert fills when meeting the criteria for a certificate of designation;
7. Construction and demolition landfills;
8. Scrap tire recycling facilities with an inventory of over ten thousand (10,000) processed and unprocessed scrap tires; or
9. Other sites or facilities not specifically mentioned herein as may be required by C.R.S. §§30-20-101, *et seq.*, C.R.S. §§25-15-101, *et seq.*, and C.R.S. §§25-15-201, *et seq.*

Only the Board of County Commissioners may, after recommendation of the Planning Commission, adopt a resolution approving a certificate of designation to locate in accordance with these standards and regulations. Only those uses that are authorized as permitted principal uses or conditional uses in a zone district may be approved. The designation of a use as a permitted principal use or conditional use does not constitute an authorization or an assurance that such a use will be approved.

2-02-03-03 WHO CAN INITIATE A CERTIFICATE OF DESIGNATION REQUEST

A certificate of designation may be requested by, without limitation, any owner or person having an interest in the property on which the facility requiring the certificate of designation is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-03-04 CERTIFICATE OF DESIGNATION REVIEW PROCEDURES

A certificate of designation may be approved by the Board of County Commissioners by resolution. Any proposed certificate of designation shall be processed through two (2) public hearings before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of each hearing by the Planning Commission, the application for a certificate of designation and the recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the certificate of designation based on its consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the certificate of designation's compliance with the criteria for approval.

2-02-03-05 CERTIFICATE OF DESIGNATION REVIEW STEPS

The processing of a proposed certificate of designation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts. A neighborhood meeting may be required prior to accepting an application for a certificate of designation at either or both stages of the review process including the initial application and upon submittal of the operations plan and technical report following review and approval, denial, or approval with conditions of the initial application.
3. Development Application Submittal: In the case of a certificate of designation, there shall be two (2) submittals. The first submittal shall be to determine preliminary findings of fact regarding use compatibility and

siting impact issues. Following the determination of findings of fact regarding land use compatibility and siting impact issues, a second set of submittals shall be made to allow the review of the operations plan and technical report and approval or disapproval of the certificate of designation.

- a. All items or documents required for a certificate of designation as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda for the first submittal.
 - b. All items or documents required for a certificate of designation as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least two hundred thirty (230) days prior to the first unfilled Planning Commission public hearing agenda for the second submittal.
4. **Determination of Sufficiency:** Applicable. No application shall be processed if any taxes due are not paid. Upon receipt of a written recommendation for approval from the Colorado Department of Health, public hearings on the operations plan and technical report shall be set before the Planning Commission and Board of County Commissioners. No hearings shall be set if the Colorado Department of Public Health and Environment recommends disapproval pursuant to C. R. S. 30-20-104, Section 3.
 5. **Staff Report:** Applicable.
 6. **Notice:** Applicable, except notice shall be sent to all property owners within fifteen hundred (1,500') feet in urban areas and one (1) mile in agricultural areas at a minimum, or greater, as determined by the Director of Community and Economic Development.
 7. **Public Hearing:** Applicable. Two (2) sets of public hearings shall be held before both the Planning Commission and Board of County Commissioners. A hearing shall be held to review the certificate of designation's compatibility with land use and to make preliminary findings. A hearing shall also be held to review the operations plan and technical report.

The Director of Community and Economic Development may waive the public hearings to determine preliminary findings of fact regarding land use compatibility and siting impact issues of a proposal upon request of the applicant or with the applicant's concurrence, if the following determination is made:

- a. That due to the nature of the proposed operation, issues related to land use compatibility and siting impact cannot be separated from the information required in the operations plan and technical report; or
 - b. That due to the nature of the proposed operation, the operation plan and technical report is minor in nature and no public purpose would be served by separating the two (2) components of the request.
8. Standards: Applicable. At the first hearing concerning a certificate of designation, the Planning Commission shall conduct a preliminary fact finding and consider all relevant evidence regarding land use compatibility and site impacts concerning the application. This hearing shall include, but not be limited to, information of the impact on the surrounding land uses, access and traffic impact, conformance with requirements of these standards and regulations, and conformance with policies of the Adams County Comprehensive Plan. At such hearing, the Planning Commission shall forward a recommendation in the form of recommended findings of fact to the Board of County Commissioners as to whether or not the proposed land use is in accordance with the criteria. The Board of County Commissioners shall then conduct a preliminary fact finding public hearing and consider all relevant evidence regarding land use compatibility and site impacts concerning the application. If the Board of County Commissioners finds the proposed land use is not in accordance with the criteria, it shall make a finding of fact, and such findings may be the basis of a denial at future hearings should the applicant wish to proceed with the remainder of the permitting process.

After receiving the operations plan and technical report submittal and completing Steps 1 through 7, the Planning Commission shall forward a recommendation of disapproval, approval, or approval subject to conditions, to the Board of County Commissioners of the certificate of designation. The Board of County Commissioners shall then conduct a public hearing. The Board of County Commissioners may approve the request, in whole or in part, with or without modifications and requirements, or deny the request. Approval, if given, shall not be in conflict with the Colorado Department of Health's recommendation, but the Board of County Commissioners may impose any additional requirements or conditions it deems necessary to meet the purpose and intent of these standards and regulations.

9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a certificate of designation may attach any conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses or protect the environment. The Board of County Commissioners in approving a certificate of designation may impose any additional requirements or conditions it deems necessary

to meet the purpose and intent of these regulations, which may include, but are not limited to, the following:

- a. A requirement to ensure the facility development proceeds in accordance with a specific site plan and/or development schedule;
- b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-site improvements as are reasonably required by or related to the effect of the facility; or
- c. A requirement to ensure design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site vehicular circulation; alternative access or site and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors, and other pollutants; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; restrictions concerning the building bulk, height, setback, location, and external appearance; stipulations concerning adequate storm drainage or utilities; and limits on the duration of the certificate of designation.

10. Amendments: Applicable. In addition, the following shall be considered in determining if the change is a minor or major amendment:

- a. Amendments and Changes to Solid Waste Disposal Sites and/or Processing Facilities.

(1) State Review of Type of Change:

(a) A determination as to the type of the change under State regulations shall be made. The proposed change shall be referred to the Colorado Department of Health for a finding of fact as to whether or not the proposed change constitutes a significant change with regard to State regulations.

(b) The State will be afforded a twenty (20) working day period in which to respond. Upon receipt of a determination from the State as to the type of the change, the applicant will be advised of the determination and whether additional information is needed to complete the technical review of the change.

(c) If the State does not respond with a determination as to whether the change is significant or not within twenty (20) working days, the County may proceed based upon its own determination.

(2) County Review of Type of Change:

A determination shall be made as to the nature of the change with regard to County requirements as listed in the certificate of designation and with regard to potential impact on neighboring properties, the general public, or those intended to occupy or use the non-hazardous disposal site and/or processing facility. This determination shall be made by the Director of Community and Economic Development. The change shall fall into one (1) of the following categories:

(a) Minor:

A minor change from the permit (including approved plans) is one, which will have no discernible impact or will have limited impact on neighboring properties, the general public, or those intended to occupy or use the site and facility. No change which has been determined by the State to be a “significant change” under State regulations shall fall into this category. Minor changes are routine in nature. They may include, but are not limited to, corrections of typographical errors in the approved permit; equipment replacement or upgrading with functionally equivalent components; increased frequency in monitoring or maintenance activities; closure of the facility at an earlier than permitted date; changes in information listed in facility contacts or coordinators listed in the plan; replacement of a monitoring facility which has been damaged or rendered inoperable without change in location, design, or depth; changes in the site plan which provide for more efficient operations on site but have no impact on operation methods or the surrounding area. A change to allow additional elements in the wastestream may be determined to be minor provided the waste is not specifically prohibited by the permit, is a common variation in the type and quantity of the waste managed under the facility permit, and does not require a change in methods of operation, additional monitoring to assure public health requirements are met, nor result in a change in reclamation of the site. These items are listed as illustrations and are not intended to be all-inclusive.

Another type of minor change is a change necessary to comply with new regulations, where these changes can

be implemented without substantially changing design specifications or management practices in the permit.

(b) Major:

A major change from the permit (including approved plans) is one which has been determined to potentially have a significant impact on neighboring properties, the general public, or those intended to occupy or use the waste disposal site and facility. Changes which have been determined to be a “significant change” under State regulations shall fall into this category. They would include, but are not limited to, change in ownership of the facility, extension of the certificate’s duration, changes in the site plan which reduce or change the character of approved buffering, reduction in quantity or quality of monitoring (unless such change is mandated by regulatory requirements), or change in a specific condition, standard, or requirement of the Board of County Commissioners’ approval which would change the character of the facility or substantially increase the intensity of use. A change which allows additional elements in the wastestream which are prohibited by the permit, requires a change in the operations plan or the approved reclamation plan, or allows a waste which is not a common variation in the type and quantity of the waste managed under the facility permit, is a major change. These items are listed as illustrations and are not intended to be all-inclusive.

(3) State Review of the Substance of the Request:

If the State recommends:

(a) Approval of a significant change: See Section 4 (below).

(b) Disapproval of a significant change:

If the Colorado Department of Health recommends disapproval of the requested significant change, no public hearings shall be set. The request shall be denied.

(c) Approval of a non-significant change: See Section 4 (below).

- (d) Disapproval of a non-significant change: If the Colorado Department of Health recommends disapproval of the requested non-substantial change, the request shall be denied.
- (e) No comment within the review period on a non-significant change: If the State does not respond with a recommendation on the requested change as to whether the change is approved or not within sixty (60) calendar days, the County may proceed based upon its own determination. The applicant shall be advised that it is the operator's responsibility to ensure the minimum standards of the Solid Waste Disposal Sites and Facilities Act, C.R.S. §§30-20-101, *et seq.* have been met.

(4) County Review of the Substance of the Request:

- (a) If the Colorado Department of Health recommends approval of a non-significant change, and the change is a minor change as determined by the Director of Community and Economic Development, then the Director may approve the request with conditions determined necessary to assure the intent of these Regulations is met. If the Director of Community and Economic Development denies the request, the applicant may apply for a change in accordance with the procedure for a major change.
 - (b) If the Colorado Department of Health recommends approval of a significant or non-significant change, and the change is a major change as determined by the Director of Community and Economic Development, the review procedure as established in the Review Step 7 to Review the Operations Plan and Technical Report shall be followed. The request shall be evaluated in accordance with the Criteria for Approval.
- b. Information Requirements for an Amendment (major change) to a Solid Waste Disposal Site and Facility:
- (1) Application form and a review fee in accordance with a schedule established by the Board of County Commissioners as provided for in C.R.S. §30-20-103, as amended.
 - (2) Plans and written narrative which clearly describe the changes requested and their effect on the operation of the facility and the surrounding area.

- (3) Provision of any other relevant information required by the Director of Community and Economic Development in order to assure there is adequate information to review the amendment.
- c. Amendments or Substantial Changes and Modification to Hazardous Disposal Sites:
 - (1) For hazardous waste disposal sites, an amendment to the certificate of designation is required for all changes except for changes in:
 - (a) On-site operations.
 - (b) On-site monitoring requirements.
 - (c) Changes as described above in (a) and (b) are subject to regulation by the Colorado Department of Health pursuant to C.R.S. §§25-15-301, *et seq.*, and are not subject to County review unless it is a substantial change. Substantial changes require County approval pursuant to C.R.S. §25-15-206.
 - (2) Procedures for Review of Amendments to a Certificate of Designation for Hazardous Waste Disposal Sites:
 - (a) The proposed amendment or substantial change shall be referred to the Colorado Department of Health for a finding of fact as to whether or not the proposed amendment constitutes a substantial change, as defined in the rules and regulations promulgated by the Colorado Department of Health. The State will be afforded a twenty (20) working day period in which to respond. Upon receipt of a determination from the State as to the type of the change, the applicant will be advised of the determination and whether additional information is needed to complete the technical review of the change. If the State does not respond with a determination as to whether the change is substantial or not within twenty (20) working days, the County may proceed based upon its own determination.
 - (b) After receipt of the Colorado Department of Health's finding of fact or upon determination of staff that the required State review period has expired, a public hearing shall be set. Staff shall appear before the Board of County Commissioners during a public hearing and present relevant testimony concerning whether or not any proposed changes constitute a substantial change.

The Board of County Commissioners shall make a finding of fact based upon staff's testimony and recommendations of the Department of Health.

If the Board of County Commissioners finds that the proposed amendment constitutes a substantial change, public hearings shall be set in accordance with the procedures defined in Step 7 and the findings required by the Criteria for Approval.

If the Board of County Commissioners finds that the proposed amendment does not constitute a substantial change, no public hearings shall be set. A decision on changes determined to not be substantial is made by the Colorado Department of Health in accordance with State regulatory requirements and applicable State statutes.

- (c) If the recommendation of the Colorado Department of Health is denial, no public hearing shall be set and the request shall no longer be considered.
- d. Information Requirements for an Amendment or Substantial Change to a Hazardous Waste Disposal Site:
 - (1) Application form and a fee of ten thousand dollars (\$10,000);
 - (2) Plans and written narrative which clearly describe the changes requested and their effect on the operation of the facility and the surrounding area; and
 - (3) Provision of any other relevant information required by the Director of Community and Economic Development in order to assure there is adequate information to review the amendment.

2-02-03-06 CRITERIA FOR APPROVAL

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a certificate of designation for a solid waste disposal facility, shall find:

1. The proposed use is an acceptable use in the applicable zone district.
2. The certificate of designation is consistent with the purposes of these standards and regulations and meets the intent of the Adams County Comprehensive Plan.

3. The certificate of designation will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The certificate of designation is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the certificate of designation will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The certificate of designation has addressed all off-site impacts.
6. The site is suitable for the certificate of designation, including adequate usable space, adequate access, and absence of environmental constraints.
7. There is a need for the facility in the County.
8. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Health, the Tri-County Health Department, and other relevant agencies.
9. The site is accessible to Adams County residents and other potential users.
10. The proposed facility will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures.
11. The site conforms to siting standards for the type of facility being proposed.

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a certificate of designation for a hazardous material facility, shall find:

1. The proposed use is an acceptable use in the applicable zone district;
2. The certificate of designation is consistent with the purposes of these standards and regulations and meets the intent of the Adams County Comprehensive Plan;
3. The certificate of designation will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards;
4. The certificate of designation is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the

immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the certificate of designation will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation;

5. The certificate of designation has addressed all off-site impacts;
6. The site is suitable for the certificate of designation, including adequate usable space, adequate access, and absence of environmental constraints;
7. There is a need for the facility in the County;
8. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Health, the Tri-County Health Department, and other relevant agencies;
9. The site is accessible to Adams County residents and other potential users;
10. The proposed facility will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures;
11. The site conforms to siting standards for the type of facility being proposed; and
12. The certificate of designation complies with the requirements of C.R.S. §25-15-203.

2-02-03-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Board of County Commissioners shall issue a certificate of designation in conformance with the decision of the Board of County Commissioners and shall notify the Colorado Department of Health of the approval within five (5) days. The certificate of designation shall describe in detail the use allowed by the certificate, include all specific conditions applied by the Board of County Commissioners, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the certificate.

2-02-03-08 EFFECT OF APPROVAL

Issuance of a certificate of designation shall be deemed to authorize only the particular use and development plan for which it is issued. The applicant shall be subject to all other permits required by these standards and regulations to develop the land.

All conditions contained in the certificate of designation shall be binding upon the applicant, and any successors and assigns. The certificate of designation and its conditions shall limit and control the issuance and validity of certificates of occupancy, and shall restrict and limit the construction, location, use, and maintenance of all land and structures within the development. The Board of County Commissioners shall be required to sign the certificate of designation and have it recorded in the Office of the Adams County Clerk and Recorder.

2-02-04 CONSERVATION PLAN PERMIT

2-02-04-01 PURPOSE

The purpose of this section is to provide processing requirements for conservation plan permits in order to review, consider, approve, approve with modifications, or deny a request for permission to till fragile soils.

2-02-04-02 APPLICABILITY

All conservation plan permits must be processed in accordance with this section. A conservation plan permit is the only authorization under which fragile soils may be tilled.

2-02-04-03 WHO CAN INITIATE A CONSERVATION PLAN PERMIT

A conservation plan permit may be requested by, without limitation, the owner(s) of the property which is proposed to be tilled.

The applicant has the burden of proof to demonstrate the conservation plan permit fully complies with these standards and regulations, and meets the criteria for approval.

2-02-04-04 CONSERVATION PLAN PERMIT REVIEW PROCEDURES

A conservation plan permit may be approved by the Director of Community and Economic Development.

The processing of a conservation plan permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for a conservation plan permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development. The submittal shall include a recommendation from the appropriate Soil Conservation District Board obtained by the applicant after a hearing held by the appropriate Conservation District Board and after each owner abutting the property to be tilled was sent notice of the hearing at least ten (10) days prior to the scheduled hearing before the District Board.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Not applicable.
8. Standards: Not applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

2-02-04-05 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

The Director of Community and Economic Development shall either issue or deny the issuance of a conservation plan permit within seven (7) days of receipt of the recommendation. The applicant, adjacent property owners, and Soil Conservation District shall be notified by mail of the Director of Community and Economic Development's decision within seven (7) days of the decision. The conservation plan permit shall describe in detail the proposed tillage plan allowed by the permit, and include all specific conditions applied by the Director of Community and Economic Development.

2-02-04-06 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a conservation plan permit shall find:

1. The applicant has complied with the requirements of these standards and regulations.
2. The proposed conservation plan ensures that the tillage of the land for which the conservation plan permit is requested adequately controls wind and water erosion and minimizes any adverse impacts on surrounding property.

2-02-04-07 RECORDING AND VALIDITY OF THE PERMIT

The conservation plan permit approved by the Director of Community and Economic Development shall be recorded by the applicant with the Office of the Adams County Clerk and Recorder. Upon recording, the permit will be deemed valid and the applicant may begin to implement the conservation plan.

2-02-04-08 LAPSE OF APPROVAL

The conservation plan permit shall be valid for a period of five (5) years from the time such conservation plan permit is issued by the Director of Community and Economic Development. The permit shall not be considered valid and no tillage shall be permitted until the permit has been recorded in the Office of the Adams County Clerk and Recorder.

2-02-04-09 RENEWAL AND REVISION OF APPROVAL

Renewal applications shall be processed in the same manner as an initial application. An application for renewal shall be submitted prior to the lapse of approval of the initial permit.

2-02-05 CONTRACTOR REGISTRATION

2-02-05-01 REGISTRATION REQUIRED

Any contractor operating a business involving the construction, alteration, remodeling, repairing, or equipping of buildings or other structures, shall be registered as a contractor with Adams County. Those contractors performing work involving installation of underground utilities or construction of roads and streets and storm drainage facilities in Adams County are exempt from this registration requirement. However, other applicable standards and permits required by the County shall apply.

2-02-05-02 REGISTRATION PROCEDURE**2-02-05-02-01 *APPLICATION AND CERTIFICATE OF INSURANCE TO BE SUBMITTED***

Applications for contractor registration shall be submitted on forms provided by the Chief Building Official. Each application shall be accompanied by a certificate of insurance indicating the applicant has liability insurance coverage in an amount of at least one hundred thousand dollars (\$100,000) covering the type of registration requested.

2-02-05-02-02 *EXAMINATION WAIVED*

The Chief Building Official may register, without examination, applicants who are duly licensed under the laws of the State of Colorado, the City and County of Denver, and other counties, or municipalities within the State of Colorado for the licensing and the regulating of the plumbing trade, mechanical trade, building trade, etc., deemed by the Chief Building Official to be equivalent to the requirements of the County building code.

2-02-05-02-03 *REGISTRATION OF ELECTRICAL CONTRACTORS*

Electrical contractors shall be licensed by the State of Colorado and registered with the Chief Building Official before performing any electrical work within Adams County. Registrations shall be valid for one (1) year from the date of issuance.

2-02-05-02-04 *REGISTRATION OF PLUMBING CONTRACTORS*

Plumbing contractors shall be licensed by the State of Colorado and registered with the Chief Building Official before performing any plumbing work within Adams County. Registration shall be valid for one (1) year from the date of issuance.

2-02-05-02-05 *REGISTRATION OF ALL OTHER CONSTRUCTION CONTRACTORS*

All contractors performing work involving the construction, alteration, remodeling, repairing, or equipping of buildings or other structures in Adams County shall be licensed by the City and County of Denver, other counties, or municipalities within the State of Colorado. Registration shall be valid for one (1) year from the date of issuance.

2-02-05-03 CLASSIFICATION OF REGISTRATIONS

2-02-05-03-01 CLASS A REGISTRATION

To erect, add to, alter, or repair any building or structure, in all occupancy groups.

2-02-05-03-02 CLASS B REGISTRATION

To erect, add to, alter, or repair any building or structure not over two (2) stories in height, in group B, M, and R occupancies.

2-02-05-03-03 CLASS C REGISTRATION

To erect, add to, alter, or repair any building or structure of a non-structural nature, in group R and M occupancies.

2-02-05-03-04 CLASS D REGISTRATION

Any specialty contractor including, but not limited to, plumbing, electrical, siding, fences, glass and glazing, insulation, and heating.

2-02-05-04 EXPIRATION AND RENEWAL OF REGISTRATION

All registrations shall expire one (1) year from the date of issue. Application for renewal of registration shall follow the procedures for a new registration.

2-02-05-05 RESPONSIBILITY OF REGISTRATION

All registered contractors shall be responsible for work requiring a permit under the provisions of the County building code without limitation to the items as herein listed:

1. To provide minimum safety measures and equipment to protect workers and the public as proscribed by the County building code.
2. To present a registration card when requested by the Chief Building Official or his authorized representative.
3. To obtain a permit when required.
4. To construct faithfully without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the Department of Community and Economic Development.

5. To complete all work authorized on the permit issued under the authority of the County building code, unless good cause is shown.
6. To obtain inspection services when the same are required by the County building code.
7. To pay any fee assessed under the authority of the County building code.
8. To obey any order issued under the authority of the County building code.
9. To provide honest, factual and complete information on all applications for permits.

2-02-05-06 VALIDITY OF REGISTRATION

A change in name, business designation, or ownership of a registered contractor shall have the legal effect of operating without a valid registration. All such changes shall be reported by the registrant to the Department of Community and Economic Development within ten (10) days after such change occurs.

In the case where it is desired to change the name of a presently registered firm, partnership, or corporation where there is no change in ownership, a new license shall be issued under the new name, without charge, upon the surrender of the registration originally issued.

2-02-05-07 SUSPENSION OR REVOCATION OF REGISTRATION

2-02-05-07-01 AUTHORITY

The Chief Building Official may suspend or revoke a registration when the registrant commits one (1) or more of the following acts or omissions:

1. Failure to comply with any of the registrant's responsibilities as set forth herein.
2. Knowingly combining or conspiring with a person, firm or corporation by permitting one's registration to be used by such other person, firm or corporation.
3. By acting as agent, partner, associate or in any other capacity with person, firms or corporations to evade the provisions of the County building code.
4. Willfully refusing to correct the registrant's violation of any provision of the County building code, these standards and regulations, or other County requirements including provisions of development agreements or subdivision improvements agreements.

2-02-05-07-02 *PROCEDURE*

When any act or omission as herein enumerated is committed by a contractor, and the Chief Building Official deems such registration shall be suspended, the procedure shall be as follows:

1. The registrant shall be notified, in writing, by Certified Mail or by personal service, at least seven (7) days prior to the effective date of the suspension or revocation.
2. Upon the receipt of the notice, the registrant may request a hearing. Such request shall be in writing to the Chief Building Official within seven (7) days of the receipt of the notice.
3. If a hearing is requested by the registrant, the Chief Building Official shall set a time, date, and place for the hearing and shall so notify the registrant.
4. When a hearing is conducted, the registrant and other interested parties may be in attendance. The hearing shall be conducted in accordance with the procedures and requirements outlined in the bylaws of the Board of Appeals. The hearing shall be conducted by the Board of Appeals:
 - a. At the hearing, the Board of Appeals shall consider all the evidence presented and shall determine whether the suspension or revocation of the registrant was justified.
 - b. The burden of proof at said hearing shall be upon the Chief Building Official by a preponderance of the evidence.
 - c. The Board of Appeals shall issue a written order within ten (10) business days from the hearing date. The order or a copy thereof shall be available to the registrant at the Department of Community and Economic Development. The date of such availability shall be deemed the date of the order. Failure to issue an order within ten (10) business days from the date of the hearing shall be deemed to be a final order reversing the decision of the Chief Building Official.
 - d. If the registration is revoked, the contractor shall not be granted another registration for at least twelve (12) months after the date of revocation.

2-02-05-07-03 *TEMPORARY SUSPENSION*

A registrant shall not be permitted to perform any construction activities in Adams County after the effective date of the suspension or revocation by the Chief Building Official until the occurrence of one of the following circumstances:

1. The Board of Appeals rules the suspension or revocation was not justified;
2. The registrant posts a performance bond for the construction being performed, where applicable, or for five thousand dollars (\$5,000), whichever is the greater amount; or
3. The period of suspension expires.

2-02-05-08 PENALTIES

Any person, firm or corporation violates these regulations:

1. By performing in a business involving the construction, alteration, remodeling, repairing, or equipping of buildings or other structures or performing any other activity requiring the registration of contractors hereunder; and
2. Failing to register with the Chief Building Official of Adams County; or
3. Performing any of the activities requiring a registration while said registrant is suspended or revoked or without having first posted an adequate performance bond, when required under these regulations, is a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one hundred dollars (\$100), or by imprisonment in the County jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used, or maintained in violation of these license registration regulations, the Board of County Commissioners, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use.

2-02-06 BIOSOLIDS APPLICATION PERMIT (DOMESTIC SLUDGE)

2-02-06-01 PURPOSE

The purpose of this section is to provide processing requirements for biosolids application permits in order to review, consider, approve, approve with modifications, or deny a request for permission to discharge or dispose of biosolids through land application.

2-02-06-02 APPLICABILITY

All biosolids application permits must be processed in accordance with this section. A biosolids application permit is the only authorization under which biosolids may be discharged or applied to land for disposal. *Land applications of sewage, sewage sludge, or septage are prohibited.*

***Adopted by the BOCC on December 13, 2010**

2-02-06-03 WHO CAN INITIATE A BIOSOLIDS APPLICATION PERMIT

A biosolids application permit may be requested by, without limitation, the owner(s) of the property where the biosolids are proposed to be discharged or disposed.

The applicant has the burden of proof to demonstrate the biosolids application permit fully complies with these standards and regulations, and meets the criteria for approval.

2-02-06-04 BIOSOLIDS APPLICATION PERMIT REVIEW PROCEDURES

A biosolids application permit may be approved by the Director of Community and Economic Development.

The processing of a biosolids application permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Applicable.
3. Development Application Submittal: Applicable. All items or documents required for a biosolids application permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development. The application will be reviewed by the Soil Conservation District according to their rules and regulations regarding standards required for acceptable farming practices and in accordance with the time schedule for review.

Upon receipt of a recommendation from the Soil Conservation District, the Director of Community and Economic Development shall either approve, deny, or conditionally approve the request based upon the Soil Conservation District's recommendation and compliance with County regulations.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. The applicant shall contact all property owners within one (1) mile from the boundaries of the site where

sludge is to be placed as part of the information submitted to the Department of Community and Economic Development. The applicant shall survey residents to gauge their acceptance of biosolids being placed at the site.

In its review of the application materials the Director of Community and Economic Development shall:

- a. Contact the residents who responded negatively to the survey with a letter notifying the residents of the County's intent to issue a permit for the placing of biosolids.
 - b. Invite the residents to review the application and State rules and regulations in the County offices and provide comments with technical information relevant to the issuance of a biosolids permit.
 - c. Investigate and review comments of a technical nature, and if necessary, refer to the Colorado Department of Public Health and Environment for their review and determination.
5. Staff Report: Not applicable.
 6. Notice: Not applicable.
 7. Public Hearing: Not applicable.
 8. Standards: Applicable. The Director of Community and Economic Development shall make a determination of whether or not the application meets the criteria for approval.
 9. Conditions of Approval: Applicable. Conditions mitigating nuisance conditions related to the land placement of biosolids may be placed on the permit.
 10. Amendments: Applicable.

2-02-06-05 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

Upon receipt of a complete application, the Director of Community and Economic Development shall either issue or deny the issuance of a biosolids application permit within forty-five (45) days of receipt of the complete application. The applicant shall be notified by mail of the Director of Community and Economic Development's decision within forty-five (45) days of the decision. The biosolids application permit shall describe in detail the proposed biosolids application allowed by the permit, including all specific conditions applied by the Director of Community and Economic Development. Applicants and residents may protest the decision of the Director of Community and Economic Development concerning the granting of a permit to apply biosolids before the Board of Adjustment as outlined in Section 2-02-16.

2-02-06-06 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a biosolids application permit shall find:

1. The applicant has complied with the requirements of these standards and regulations.
2. The proposed biosolids application permit ensures the protection of ground and surface water quality and minimizes any adverse impacts on surrounding property.
3. The application is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to health, safety, or welfare of the inhabitants of the area and the County.
4. The application shall not result in excessive traffic, noise, vibration, dust, fumes, odors, or hours of operation after 10:00pm and before 6:00am on any day.
5. The applicant has obtained a Notice of Authorization for the Use and Distribution of Biosolids from the Colorado Department of Public Health and Environment.

2-02-06-07 RECORDING AND VALIDITY OF THE PERMIT

The biosolids application permit approved by the Director of Community and Economic Development shall be recorded by the applicant with the Office of the Adams County Clerk and Recorder. Upon recording the application, the permit will be deemed valid and the applicant may begin to apply the biosolids as provided for by the permit.

2-02-06-08 LAPSE OF APPROVAL

The biosolids application permit shall be valid unless the State permit lapses. The permit shall not be considered valid and no application shall be permitted until the permit has been recorded in the Office of the Adams County Clerk and Recorder.

2-02-07 FLOODPLAIN USE PERMIT

2-02-07-01 PURPOSE

The purpose of this section is to provide processing requirements for floodplain use permits in order to review, consider, approve, approve with modifications, or deny a request for permission to erect, move, place, or alter a structure or facility

within the flood control overlay zone district; place any fill within the flood control overlay zone district; store or process any materials or equipment within the flood control overlay zone district; or conduct certain land uses as described in Chapter 3 of these Standards and Regulations; or change a channel of a watercourse within the flood control overlay zone district.

2-02-07-02 APPLICABILITY

All floodplain use permits must be processed in accordance with this section. A floodplain use permit is the only authorization under which a structure may be erected, moved, placed, or altered within the flood control overlay zone district; fill may be placed within the flood control overlay zone district; materials or equipment may be stored or processed within the flood control overlay zone district; or a channel of a watercourse may be changed within the flood control overlay zone district.

2-02-07-03 WHO CAN INITIATE A FLOODPLAIN USE PERMIT

A floodplain use permit may be requested by, without limitation, the owner(s) of the property on which a structure is proposed to be erected, moved, placed, or altered within the flood control overlay zone district; fill is proposed to be placed within the flood control overlay zone district; materials or equipment are proposed to be stored or processed within the flood control overlay zone district; or a channel of a watercourse is proposed to be changed within the flood control overlay zone district.

The applicant has the burden of proof to demonstrate the floodplain use permit fully complies with these standards and regulations and meets the criteria for approval.

***Adopted by the BOCC on June 27, 2011.**

2-02-07-04 FLOODPLAIN USE PERMIT REVIEW PROCEDURES

A floodplain use permit may be approved by the Director of Community and Economic Development.

The processing of a floodplain use permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.

3. Development Application Submittal: Applicable. All items or documents required for a floodplain use permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No notification of adjacent property owners is required. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable. In substitution, an application for a floodplain use permit shall be reviewed and approved, approved with modifications, or denied by the Director of Community and Economic Development based on its compliance with any development plan and these standards and regulations.
8. Standards: Not applicable. In substitution, an application for a floodplain use permit shall be reviewed for compliance with any development plan, these standards and regulations, and all floodplain regulations adopted by the County.
9. Conditions of Approval: Applicable.
10. Amendments: Not applicable. In substitution, an amendment to a floodplain use permit may be authorized by the Director of Community and Economic Development provided the floodplain use permit remains in compliance with all applicable standards and regulations.

2-02-07-05 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a floodplain use permit shall find:

1. The floodplain use permit is consistent and complies with the requirements of these standards and regulations and any applicable development plans or conditional use permits.

2-02-07-06 LAPSE OF APPROVAL

The floodplain use permit shall be valid for a period of six (6) months from the time such floodplain use permit is issued unless fully and properly acted upon and completed.

2-02-07-07 EXTENSION OF APPROVAL

One six (6) month extension may be granted by the Director of Community and Economic Development. In order to be eligible for an extension, the applicant shall file a request for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the floodplain use permit would lapse.

2-02-08 CONDITIONAL USE PERMIT**2-02-08-01 PURPOSE**

The purpose of this section is to detail the steps for obtaining a conditional use permit. Conditional uses are those uses which are presumptively compatible with other land uses authorized or permitted in a zone district, but, if approved, which require more discretionary review than those uses which are authorized. In addition to meeting applicable performance standards, conditional uses may require the imposition of conditions in order to ensure the number of conditional uses and their location, design, and configuration are appropriate at a particular location.

2-02-08-02 APPLICABILITY

All uses that require a conditional use permit must be processed in accordance with this section. Only the Board of County Commissioners may, after recommendation of the Planning Commission, adopt a resolution approving a conditional use to locate in accordance with these standards and regulations. Only those uses that are authorized as conditional uses in a zone district may be approved. The designation of a use as a conditional use does not constitute an authorization or an assurance that such a use will be approved.

2-02-08-02-01 *INERT FILLS APPLICABILITY*

Inert material fills meeting the following criteria may obtain a conditional use permit issued in accordance with the procedures outlined in this chapter.

1. Total amount of inert fill material is over 500,000 cubic yards.
2. Time to completion of filling operation is greater than 365 days.
3. Fill material to be used meets the definition of inert fill as defined in Chapter 11.
4. Site operator has sole discretion over the source of fill material.
5. Fill material is not likely to contaminate ground water.*

*

2-02-08-03 WHO CAN INITIATE A CONDITIONAL USE PERMIT REQUEST

A conditional use permit may be requested by, without limitation, any owner or person having an interest in the property on which the conditional use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-08-04 CONDITIONAL USE PERMIT REVIEW PROCEDURES

A conditional use permit may be approved by the Board of County Commissioners by resolution. Any proposed conditional use permit shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the application for a conditional use permit and the recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the conditional use permit based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the conditional use permit's compliance with the criteria for approval.

2-02-08-05 CONDITIONAL USE PERMIT REVIEW STEPS

The processing of a proposed conditional use permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for conditional use permits as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.

5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before both the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a conditional use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses. The Board of County Commissioners in approving a conditional use permit may condition the approval on one or more of the following:
 - a. A requirement to ensure development proceeds in accordance with a specific site plan and/or development schedule.
 - b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-site improvements as are reasonably required by or related to the effect of the Zoning Map amendment.
 - c. A requirement to ensure design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site pedestrian, bicycle, and vehicular circulation; alternative access or open space provisions to address site capacity and resource protection issues; controls on noise, light, odors and other potential nuisances; measures to protect and improve the aesthetic value of high traffic areas; requirements to protect air and water quality; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; changes in off-street parking layout and design; restrictions concerning the building bulk, height, setback, location, and external appearance; stipulations concerning adequate storm drainage or utilities; and limits on the duration of the conditional use permit.
10. Amendments: Applicable.

2-02-08-06 CRITERIA FOR APPROVAL

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a conditional use permit, shall find:

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.

3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

2-02-08-07 ADDITIONAL CRITERIA FOR APPROVAL

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a conditional use permit for solid waste transfer stations, solid waste composting facilities, scrap tire recycling facilities, inert fills, or outdoor storage shall find:

2-02-08-07-01 *SOLID WASTE TRANSFER STATION CRITERIA FOR APPROVAL*

1. There is a need for the facility for the benefit of Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.

4. The proposed facility will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site is accessible to Adams County residents and other potential users.
7. The site will not impact health and welfare of the community based upon specific facility design and operating procedures.

2-02-08-07-02

SOLID WASTE COMPOSTING FACILITIES CRITERIA FOR APPROVAL

1. There is a need for the facility for the benefit of Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.
4. The proposed facility will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site is accessible to Adams County residents and other potential users.
7. The site will not impact health and welfare of the community based upon specific facility design and operating procedures.

2-02-08-07-03

RECYCLING FACILITIES, INCLUDING SCRAP TIRE, CRITERIA FOR APPROVAL

1. There is a need for the tire recycling operation for the benefit of Adams County and the proposed end use of the recycled material is a viable marketable material.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado

Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.

4. The proposed facility will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site will not impact health and welfare of the community based upon specific tire recycling facility design and operating procedures.

2-02-08-07-04

INERT FILLS CRITERIA FOR APPROVAL

1. There is a need for the inert filling operation for the benefit of Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.
4. The proposed inert fill will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site will not impact health and welfare of the community based upon specific fill design and operating procedures.

2-02-08-07-05

OUTDOOR STORAGE CRITERIA FOR APPROVAL

1. There is a need for the outdoor storage operation for the benefit of Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The proposed outdoor storage is clearly subordinate to a principal use of the property.
4. Aesthetic concerns have been taken into consideration during the site design and placement of the outdoor storage.

2-02-08-07-06 SOLID WASTE RECYCLING FACILITIES CRITERIA FOR APPROVAL

1. There is a need for the facility and it will provide a benefit to Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.
4. The proposed facility will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site is accessible to Adams County residents and other potential users.
7. The site will not adversely impact health and welfare of the community based upon specific design and operating procedures.

2-02-08-08 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall issue a conditional use permit in conformance with the decision of the Board of County Commissioners. The conditional use permit shall describe in detail the conditional use allowed by the permit, include all specific conditions applied by the Board of County Commissioners, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the permit.

2-02-08-09 EFFECT OF APPROVAL

Issuance of a conditional use permit shall be deemed to authorize only the particular use and development plan for which it is issued. The conditional use permit shall run with the land. The applicant shall be subject to all other permits required by these standards and regulations to develop the land.

All conditions contained in the conditional use permit shall be binding upon the applicant, and any successors and assigns. The conditional use permit and its conditions shall limit and control the issuance and validity of certificates of

occupancy, and shall restrict and limit the construction, location, use, and maintenance of all land and structures within the development. The applicant shall be required to sign the conditional use permit and have it recorded in the Office of the Adams County the Clerk and Recorder.

If at the expiration of one (1) year, a building permit has not been issued for the use for which the conditional use permit was approved or the approved conditional use has not been established, the conditional use permit shall expire and the use of the property shall revert to its formerly allowed uses without action by the Board of County Commissioners.

2-02-08-10 EXTENSION OF APPROVAL

An extension of time to obtain a building permit for the approved conditional use or to establish the approved conditional use may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the end of the reversion period. A progress report and revised schedule shall be submitted with the request for extension. An extension may be granted only if the Planning Commission finds that:

1. The applicant has maintained a continuous good faith effort in commencing the activity including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

2-02-09 URBAN RENEWAL PLAN*

2-02-09-01 PURPOSE

The purpose of this section is to detail the steps to follow for the adoption of an urban renewal plan pursuant to Section 31-25-112.5, C.R.S., which allows a City and County to cooperate in the development and redevelopment of an area subject to the provisions of the Colorado Urban Renewal Law. An urban renewal plan, urban renewal project, or urban renewal area may include unincorporated territory that is outside the boundaries of a municipality but contiguous to a portion of the urban renewal area located within the municipality. No such territory shall be included in the plan, project, or area without the consent of the Board of County Commissioners and the consent of each owner of, and each holder of a recorded

mortgage or deed of trust encumbering, real property within the unincorporated area proposed for inclusion

2-02-09-02 APPLICABILITY

All urban renewal plans approved for land within unincorporated Adams County must be processed in accordance with this section. The Board of County Commissioners may, after recommendation of the Planning Commission, adopt an urban renewal plan. This process shall be applicable to land within unincorporated areas only. Lands that have been annexed into municipalities shall only be subject to the applicable sections of the local municipal codes and Colorado state law.

2-02-09-03 WHO CAN INITIATE THE ADOPTION OF AN URBAN RENEWAL PLAN

The adoption of an urban renewal plan may be proposed, without limitation, by the Planning Commission, the Board of County Commissioners, or the owner(s) of the property to be included.

In addition, a municipality or urban renewal authority may propose an urban renewal plan.

No area that has been designated as an urban renewal area shall contain any agricultural land unless:

- The agricultural land is a brownfield site;
- Not less than one-half of the urban renewal area as a whole consists of parcels of land containing urban-level development that, at the time of the designation of such area, are determined to constitute a slum or blighted area, or a combination thereof, in accordance with state statute and not less than two-thirds of the perimeter of the urban renewal area as a whole is contiguous with urban-level development as determined at the time of the designation of such area;
- The agricultural land is an enclave within the territorial boundaries of a municipality and the entire perimeter of the enclave has been contiguous with urban-level development for a period of not less than three years as determined at the time of the designation of the area;
- Each public body that levies an ad valorem property tax on the agricultural land agrees in writing to the inclusion of the agricultural land within the urban renewal area; or
- The agricultural land was included in an approved urban renewal plan prior to June 1, 2010.
- Or as otherwise allowed by state statute.

Where an authority intends to acquire private property by eminent domain within the urban renewal area to be subsequently transferred to a private party in accordance with the requirements of section 31-25-105.5 (2), the governing body, prior to the commencement of the acquisition of such property, shall first hold a public hearing on the use of eminent domain as a means to acquire such property after written notice of the time, date, place, and purpose of the hearing has been provided to each owner of property within the urban renewal area at least thirty days prior to the date of the hearing. In order to authorize the use of eminent domain as a means to acquire property, the Board of County Commissioners shall base its decision on such authorization on a finding of blighted or slum conditions without regard to the economic performance of the property to be acquired

2-02-09-04 URBAN RENEWAL PLAN PROCEDURES

An urban renewal plan may be approved by the Board of County Commissioners by resolution. Any proposed urban renewal plan shall be processed through a public hearing before the Planning Commission for a determination as to the conformity of the urban renewal plan with the Adams County Comprehensive Plan. The Planning Commission shall also provide a recommendation as to the adoption of the plan to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the urban renewal plan and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the adoption of the urban renewal plan based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the urban renewal plan's compliance with the criteria for approval.

2-02-09-05 URBAN RENEWAL PLAN REVIEW STEPS

The processing of an urban renewal plan shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Required.
3. Development Application Submittal: All items or documents required for the urban renewal plan as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. Notice shall comply with Section 31-25- 112.5 and Section 31-25-107, C.R.S., as well as the notice requirements within Section 2-01-06 of these regulations. The Board of County Commissioners shall hold a public hearing on an urban renewal plan or substantial modification of an approved urban renewal plan no less than thirty days after public notice thereof by publication in a newspaper having a general circulation in the County. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal plan under consideration.
7. Public Hearing: Applicable. A public hearing shall be held before both the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving an urban renewal plan may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Applicable.

2-02-09-06 CRITERIA FOR APPROVAL

2-02-09-06-01 URBAN RENEWAL PLAN ADOPTION

The Planning Commission, in making their recommendation shall find:

1. The proposal is consistent with the goals and policies of the Adams County Comprehensive Plan.
2. The proposal is consistent and/or compatible with the land use, transportation, and open space maps in the Adams County Comprehensive Plan.
3. The proposal advances the health, safety, and welfare of the citizens and property owners of Adams County.
4. The land use designation within the Adams County Comprehensive Plan is consistent with the Urban Renewal Plan.

The Board of County Commissioners, in approving an urban renewal plan amendment shall find:

1. The Urban Redevelopment Area described in the Plan is found and declared to be a blighted area as defined in the Colorado Urban Renewal Law. This is a legislative finding by the Board of County Commissioners based upon the Blight Study and other evidence presented to Board of County Commissioners.
2. It is proper to include the unincorporated land located in Adams County and described as follows within the plan.
3. The Adams County Planning Commission has determined that the Plan conforms to the Adams County Comprehensive Plan, which is the general plan for development of Adams County as a whole.
4. The boundaries of the Urban Redevelopment Area have been drawn as narrowly as feasible to accomplish the planning and development objectives of the Plan.
5. The applicable school district has been permitted to participate in an advisory capacity with respect to the inclusion in the Plan of the tax allocation provisions authorized by Section 31-25-107(9) of the Colorado Urban Renewal Law, and the Authority will consult further with such school district as part of the financial planning for the activities and undertakings of the Authority pursuant to the Plan.
6. No relocation of individuals and families will be required in connection with the Plan.

OR

A feasible method exists for the relocation of individuals and families who will be displaced by the urban renewal project in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families;

7. No relocation of business concerns will be required in connection with the Plan.

OR

A feasible method exists for the relocation of business concerns that will be displaced by the urban renewal project in the urban renewal area or in other areas that are not generally less desirable with respect to public utilities and public and commercial facilities.

8. The Authority has taken reasonable efforts to provide written notice of

the public hearing prescribed by Section 31-25-107(3) of the Act to all property owners, residents and owners of business concerns in the proposed Urban Renewal Area at their last known addresses at least thirty days prior to the public hearing on the Plan.

9. The provisions of Section 31-25-107(9) of the Colorado Urban Renewal Law shall apply to the unincorporated territory of Adams County included in the Urban Renewal Area and the County Administrator is directed to arrange for the notification of the County Assessor as required by law.
10. Section 31-25-107(4)(d) of the Colorado Urban Renewal Law does not apply because no more than 120 days have passed since the commencement of the public hearing on the Plan.
11. Section 31-25-107(4)(e) of the Colorado Urban Renewal Law does not apply because there has been no previous failure to approve this Plan.

OR

If the urban renewal plan contains property that was included in a previously submitted urban renewal plan that the governing body failed to approve pursuant to this section, at least twenty-four months shall have passed since the commencement of the prior public hearing concerning such property pursuant to subsection (3) of this section unless substantial changes have occurred since the commencement of such hearing that result in such property constituting a blighted area pursuant to section 31-25-103

12. The Plan will afford maximum opportunity, consistent with the sound needs of the County as a whole, for the rehabilitation or redevelopment of the Urban Renewal Area by private enterprise.
13. Agreements are in place to finance any additional County infrastructure and services required to serve development within the Urban Renewal Area for the period in which all or any portion of the property taxes levied by the County are paid to the Authority.
14. No land acquisition by eminent domain is contemplated by the Plan at this time.

OR

All applicable requirements of state statute regarding the use of eminent domain have been satisfied.

15. The Urban Renewal Plan does not consist of any area of open land which is to be developed for residential uses.

OR

A shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas (including other portions of the urban renewal area); that the conditions of blight in the urban renewal area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality.

16. To the extent that the Urban Renewal Area described in the Plan may consist of open land, the nonresidential uses under the Plan are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.
17. The property owner(s) in the Urban Renewal Area have consented to inclusion of its land in the Urban Redevelopment Area.
18. The Urban Renewal Plan has been duly reviewed and considered and is hereby approved.

2-02-09-06-02

URBAN RENEWAL PLAN AMENDMENTS

An urban renewal plan may be modified at any time; but, if modified after the lease or sale by the authority of real property in the urban renewal project area, such modification shall be subject to such rights at law or in equity as a lessee or purchaser or his successor in interest may be entitled to assert.

Any proposed modification for lands within Unincorporated Adams County shall be submitted to the Board of County Commissioners, the applicable urban renewal authority, and the City Council of the applicable municipality for a resolution as to whether or not such modification will substantially change the urban renewal plan in land area, land use, design, building requirements, timing, or procedure, as previously approved, and, if it finds that there will be a substantial change, its approval of such modification shall be subject to the

requirements of this section. A modification shall be approved by the Board of County Commissioners, the City Council of the applicable municipality, and the applicable urban renewal authority.

2-02-09-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed a copy of the Board of County Commissioners' resolution granting approval.

The County Administrator shall arrange for the notification of the County Assessor as required by law.

2-02-10 PLANNED UNIT DEVELOPMENT

2-02-10-01 PURPOSE / OBJECTIVES

The purpose of this section is to detail the steps for obtaining a Zoning Map amendment for a Planned Unit Development (P.U.D.) which may or may not involve a division of land. The Standard P.U.D. process requires a minimum of two (2) approvals prior to development of a site, a Preliminary Development Plan (PDP) and Final Development Plan (FDP).

In accordance with the Planned Unit Development Act of 1972, the objective of a Planned Unit Development is to establish an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

2-02-10-01-01 PRELIMINARY DEVELOPMENT PLAN (PDP)

The Preliminary Development Plan establishes vested rights to develop a property in accordance with the plan. Approval of a PDP does not allow for construction. Minor site preparation may be allowed as determined by the Director of Community and Economic Development. The PDP should include the proposed land uses, the layout of landscaping, circulation, architectural elevations, buildings and, if required, a preliminary plat.

2-02-10-01-02 *FINAL DEVELOPMENT PLAN (FDP)*

The Final Development Plan is the site specific development plan which describes and establishes the type and intensity of uses for a specific parcel or parcels of land. The Final Development Plan includes a final subdivision plat, development agreement, and utility plan, as well as any detailed engineering that may be required. Approval of a FDP establishes a vested right to develop property in accordance with the plan.

2-02-10-01-03 *OVERALL DEVELOPMENT PLAN (ODP)*

For P.U.D. Zoning Map amendments involving two (2) or more separate Preliminary Development Plans, an Overall Development Plan is also required for review and approval prior to submittal of the first Preliminary Development Plan. The Overall Development Plan establishes general planning and development control parameters for projects developed in phases with multiple submittals while allowing sufficient flexibility to permit detailed planning in subsequent submittals. Approval of an ODP does not establish any vested right to develop a property in accordance with the plan.

Each successive development application builds on the previously approved application by providing additional details and meeting additional restrictions and standards.

2-02-10-02 *OVERALL DEVELOPMENT PLAN (ODP)*

2-02-10-02-01 *PURPOSE*

The purpose of this section is to detail the steps for establishing general planning and development control parameters for projects developed in phases with multiple submittals while allowing sufficient flexibility to permit detailed planning in subsequent submittals. Approval of an Overall Development Plan (ODP) does not establish any vested right to develop property in accordance with the plan.

2-02-10-02-02 *APPLICABILITY*

An ODP shall be required for any property intended for development over time in two (2) or more separate preliminary Development Plan submittals.

2-02-10-02-03 *WHO CAN INITIATE AN OVERALL DEVELOPMENT PLAN (ODP)*

An ODP shall be proposed by, without limitation, the owner(s) of the property within the boundaries of the proposed ODP.

The applicant has the burden of proof to demonstrate the ODP fully complies with these standards and regulations and meets the criteria for approval.

2-02-10-02-04

OVERALL DEVELOPMENT PLAN REVIEW PROCEDURES

An ODP may be approved by the Board of County Commissioners by resolution. Any ODP shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the ODP and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the ODP based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the ODP compliance with the criteria for approval.

The processing of an ODP shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable. All P.U.D.s shall be subject to a neighborhood meeting.
3. Development Application Submittal: All items or documents required for an ODP as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development. Once the application has been determined to be complete, the application shall be scheduled for public hearing before the Board of County Commissioners within sixty (60) days of notice of public hearing. Written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. All other factors of the Common Development Review Procedures within Chapter 2 shall be followed.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.

9. Conditions of Approval: Applicable. The Board of County Commissioners in approving an ODP may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.

10. Amendments: Applicable.

2-02-10-02-05 *CRITERIA FOR APPROVAL*

The Planning Commission in making their recommendation and the Board of County Commissioners in approving an ODP shall find:

1. The ODP is in general conformity with the Adams County Comprehensive Plan and any applicable area plan.
2. The ODP is consistent with the purpose of these standards and regulations.
3. The ODP is compatible or designed to mitigate externalities with the existing or allowed land uses adjacent to the proposed ODP.
4. The ODP conforms to the Adams County Transportation Plan and will not negatively impact utilities or traffic in the area or otherwise have a detrimental impact on property in sufficient proximity to the proposed development to be affected by it.
5. The ODP is consistent with any applicable drainage plans.
6. The ODP allows for the regulation of use and development of land and buildings where specific issues or concerns must be mitigated due to unusual and unique circumstances; or where alternative design concepts are desired; or are necessary to mitigate specific conditions.
7. The ODP is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

2-02-10-02-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall file a copy of the approved ODP in the office of the Department of Community and Economic Development. The Director of

Community and Economic Development shall not change the official Zoning Map, but shall note the date of approval and case number on the map to facilitate tracking.

2-02-10-02-07 *LAPSE OF APPROVAL*

The ODP approval shall lapse one (1) year from the date of approval if a preliminary Development Plan is not submitted.

2-02-10-02-08 *EXTENSION OF APPROVAL*

A ninety (90) day extension of the ODP to allow the applicant to submit the preliminary Development Plan may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the ODP would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous effort in good faith in preparing a preliminary Development Plan including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.
3. An ODP shall be limited to one ninety (90)-day extension.

2-02-10-03 *PRELIMINARY DEVELOPMENT PLAN (PDP)*

2-02-10-03-01 *PURPOSE*

The purpose of this section is to detail the steps for establishing the requirements for approval of the proposed land uses, the layout of landscaping, circulation, architectural elevations, buildings and, if required, a preliminary plat within a Preliminary Development Plan (PDP). Approval of a PDP establishes vested rights to develop property in accordance with the plan.

2-02-10-03-02 *APPLICABILITY*

A PDP shall be required for any property that is intended to be developed as a Planned Unit Development. The PDP application shall be accompanied by an application to rezone the property to the PUD zone district.*

Amended by the BoCC on January 28, 2013

2-02-10-03-03 *WHO CAN INITIATE A PRELIMINARY DEVELOPMENT PLAN (PDP)*

A PDP may be proposed by, without limitation, the owner(s) of the property within the boundaries of the proposed PDP.

The applicant has the burden of proof to demonstrate the PDP fully complies with these standards and regulations and meets the criteria for approval.

2-02-10-03-04 *PRELIMINARY DEVELOPMENT PLAN REVIEW PROCEDURES*

A PDP shall be approved by the Board of County Commissioners by resolution. Any PDP shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the PDP and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the PDP based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the PDP compliance with the criteria for approval.

The processing of a PDP shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable. All PDPs shall be subject to a neighborhood meeting.
3. Development Application Submittal: All items or documents required for a PDP as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development. An application for rezoning from the traditional zone district to the Planned Unit Development zone district shall also be submitted at this time. Once the application has been determined to be complete, the application shall be scheduled for public hearing before the Board of County Commissioners within sixty (60) days of notice of public hearing. Written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. All other factors of the Common Development Review Procedures within Chapter 2 shall be followed.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.

6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a PDP may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Applicable.

2-02-10-03-05

CRITERIA FOR APPROVAL

The Planning Commission in making their recommendation and the Board of County Commissioners in approving a PDP shall find:

1. The PDP is in general conformity with the Adams County Comprehensive Plan and any -applicable area plan.
2. The PDP is consistent with the purposes of these standards and regulations.
3. The PDP is compatible or designed to mitigate externalities with the existing or allowed land uses adjacent to the proposed PDP.
4. The PDP conforms to the Adams County Transportation Plan and will not negatively impact utilities or traffic in the area or otherwise have a detrimental impact on property in sufficient proximity to the proposed development to be affected by it.
5. The PDP is consistent with any applicable drainage plans.
6. The PDP allows for the regulation of use and development of land and buildings where specific issues or concerns must be mitigated due to unusual and unique circumstances; or where alternative design concepts are desired; or are necessary to mitigate specific conditions.
7. The PDP is consistent with any approved ODP for the property.
8. The PDP is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed development has established an adequate level of compatibility by:

- a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
- b. Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;
- c. Incorporating physical design features in the development to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;
- d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design;
- e. Incorporating public facilities or infrastructure, or cash-in-lieu, reasonably related to the proposed development so the proposed development will not negatively impact the levels of service of the County services and facilities; and
- f. Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings, and street furniture.

2-02-10-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall file a copy of the approved PDP in the office of the Department of Community and Economic Development and shall make the approved changes to the Official County Zone District Maps indicating the change to the P.U.D. zone district. No construction activities shall be permitted, except for minor site preparation, as determined by the Director of Community and Economic Development, until the Final Development Plan is approved by the Board of County Commissioners.

2-02-10-03-07 *LAPSE OF APPROVAL*

The PDP approval shall lapse three (3) years from the date of approval if a Final Development Plan is not submitted. If the PDP approval lapses prior to

the submittal of a Final Development Plan, future development of the property shall require rezoning in accordance with these regulations.*

Amended by the BoCC on January 28, 2013

2-02-10-03-08 *EXTENSION OF APPROVAL*

A one (1)-year extension may be granted by the Planning Commission. However, the Planning Commission may approve a shorter time period for the extension. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the PDP would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous effort in good faith in preparing a Final Development Plan including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.
3. A PDP shall be limited to a one (1)-year extension.

2-02-10-04 *FINAL DEVELOPMENT PLAN (FDP)*

2-02-10-04-01 *PURPOSE*

The purpose of this section is to provide processing requirements for the site specific development plan which describes and establishes the type and intensity of uses for a specific parcel or parcels of land. The Final Development Plan (FDP) includes a final subdivision plat, development agreement, and utility plan, as well as any additional plans, studies, or reports the County may require. Approval of a FDP establishes a vested right to develop property in accordance with the Plan.

2-02-10-04-02 *APPLICABILITY*

A FDP shall be required for any property that is intended to be developed as a Planned Unit Development.

2-02-10-04-03 *WHO CAN INITIATE A FINAL DEVELOPMENT PLAN (FDP)*

A FDP may be proposed by, without limitation, the owner(s) of the property within the boundaries of the proposed FDP.

The applicant has the burden of proof to demonstrate the FDP fully complies with these standards and regulations and meets the criteria for approval.

2-02-10-04-04 *FINAL DEVELOPMENT PLAN REVIEW PROCEDURES*

A FDP shall be approved by the Board of County Commissioners by resolution. Any FDP shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the FDP based on consideration of the staff report, the evidence from the public hearing, and the FDP compliance with the criteria for approval.

The processing of a FDP shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a FDP as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development. Once the application has been determined to be complete, the application shall be scheduled for public hearing before the Board of County Commissioners within sixty (60) days of notice of public hearing. Written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. All other factors of the Common Development Review Procedures within Chapter 2 shall be followed.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners, where the application may be placed on the consent calendar.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.

10. Amendments: Applicable.

2-02-10-04-05 *CRITERIA FOR APPROVAL*

The Board of County Commissioners in approving an FDP shall find:

1. The FDP is in general conformity with the Adams County Comprehensive Plan and any applicable area plan.
2. The FDP conforms to the P.U.D. standards.
3. The FDP is consistent with any approved PDP for the property.
4. The FDP construction plans meet the requirements of these standards and regulations and have been approved by the Director of Community and Economic Development, all infrastructure and utility providers, Tri-County Health Department, and all other referral agencies.

2-02-10-04-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall make the approved changes to the Official County Zone District Maps indicating the P.U.D. approval. In addition, the FDP will be recorded with the Office of the Adams County Clerk and Recorder.

2-02-10-05 *EFFECT OF FINAL DEVELOPMENT PLAN APPROVAL*

2-02-10-05-01 *LIMITATIONS ON OTHER USES*

After obtaining Final Development Plan approval, the subject property may not be developed in any other fashion than in accordance with the Final Development Plan unless:

1. The property owner obtains approval of the Board of County Commissioners to abandon the right to develop the property in accordance with the approved Final Development Plan;
2. The property owner obtains approval of the Board of County Commissioners to amend the approved Final Development Plan in accordance with the amendment procedures; or
3. The right to develop the property in accordance with the Final Development Plan has expired.

2-02-10-05-02 *NON-CONFORMING USES*

Non-conforming uses and structures shall not be expanded, replaced, or changed.

2-02-10-05-03 *PROCESS*

Any owner seeking approval of the Board of County Commissioners to abandon or amend a Final Development Plan shall submit an application complying with the procedures for amendments.

2-02-10-05-04 *CRITERIA*

In considering whether to approve a request for amendment or abandonment of a Final Development Plan, the Board of County Commissioners shall be governed by the following:

1. The application shall not be approved when any portion of the property would remain developed or to be developed in accordance with the Final Development Plan if the remaining parcel would no longer qualify for Final Development Approval pursuant to the criteria for approval of a Final Development Plan.
2. The application shall not be approved if the County's ownership of or practical use of any road, easement, right-of-way, or other public area would be denied or diminished to the detriment of the public good.

2-02-10-05-05 *DECISION*

If the Board of County Commissioners finds the forgoing criteria have been satisfied, the Board of County Commissioners shall approve the amendment or abandonment of the Final Development Plan.

2-02-11 *SPECIAL USE PERMIT*

2-02-11-01 *PURPOSE*

The purpose of this section is to detail the steps for obtaining a special use permit. Special uses are those uses which are non-permanent (less than five (5) years) and often support other land uses authorized or permitted in a zone district or public utilities or services, but which, because of their potential zone impacts require more discretionary review than those uses which are authorized. In addition to meeting applicable performance standards, special uses may require the imposition of conditions in order to ensure the number of special uses and their location, design, and configuration are appropriate at a particular location during

the duration of operation or use in order to protect the health, safety and welfare of the County and inhabitants of the area.

2-02-11-02 APPLICABILITY

All uses that require a special use permit must be processed in accordance with this section. The Board of Adjustment is the permit issuing authority for Special Use Permits. The designation of a use as a special use does not constitute an authorization or an assurance that such a use will be approved.

2-02-11-03 WHO CAN INITIATE A SPECIAL USE PERMIT REQUEST

A special use permit may be requested by, without limitation, any owner of, or person having an interest in the property on which the special use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-11-04 SPECIAL USE PERMIT REVIEW PROCEDURES

A special use permit may be approved by the Board of Adjustment and requires a public hearing. (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the special use permit based on consideration of the staff report, the evidence from the public hearings, and compliance with the criteria for approval.

2-02-11-05 SPECIAL USE PERMIT REVIEW STEPS

The processing of a proposed special use permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional, unless the County Manager or his or her designee waives this requirement.
2. Neighborhood Meeting: Optional, unless the County Manager or his or her designee determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for special use permits requiring a public hearing as described in the development application submittal requirements shall be submitted to the County Manager or his or her designee at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due are not paid.

5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a special use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure compatibility with adjacent uses. In addition to other conditions the Board of Adjustment may place on a special use permit, the Board of Adjustment shall specify the term of the special use permit. The term of a special use permit shall be limited to the absolute minimum term necessary for the proposed use, but in no case shall exceed five (5) years. A special use permit may be renewed following the same procedure used in granting the initial permit. The Board of Adjustment in approving a special use permit may condition the approval on one (1) or more of the following:
 - a. A requirement the development or activity proceeds in accordance with a specific site plan and/or development schedule.
 - b. A requirement the design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site pedestrian, bicycle, and vehicular circulation; alternative access and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors and other potential nuisances; measures to protect and improve the aesthetic value of high traffic areas; aesthetic value of high traffic areas; requirements to protect air and water quality; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; changes in off-street parking layout and design; restrictions concerning the building bulk, height, setback, location, and external appearance; stipulations concerning adequate storm drainage or utilities; and other appropriate conditions in order to protect the health, safety and welfare of Adams County residents, and to provide for sound environmental practices.
10. Amendments: Applicable.

2-02-11-06 GENERAL CRITERIA FOR APPROVAL

The Board of Adjustment, in approving a special use permit, shall consider:

1. The special use is consistent with the purposes of these standards and regulations.

2. The special use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
3. The special use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
4. The Special Use Permit has addressed all off-site impacts.
5. The site is suitable for the special use including adequate usable space, adequate access, and absence of environmental constraints.
6. The site plan for the proposed special use will provide adequate parking, traffic circulation, open space, fencing, screening, and landscaping.
7. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the special use as designed and proposed.

2-02-11-09 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of Adjustment, the Director of Community and Economic Development shall issue a special use permit in conformance with the decision of the permit issuing authority. The special use permit shall describe in detail the special use allowed by the permit, include all specific conditions applied by the permit issuing authority, and be accompanied by an official site plan modified by the applicant to reflect the conditions of the permit.

2-02-11-10 EFFECT OF APPROVAL

Issuance of a special use permit shall be deemed to authorize only the particular use and activity for which it is issued. The special use permit is nontransferable unless otherwise conditioned by the Board of Adjustment. The applicant shall be subject to all other permits required by these standards and regulations to use the land in accordance with the special use permit.

2-02-12 TEMPORARY USE PERMIT

2-02-12-01 PURPOSE

The purpose of this section is to detail the steps for obtaining a temporary use permit. Temporary uses are those uses which are non-permanent (less than one (1) year) and often support other land uses authorized or permitted in a zone district or public utilities or services, but which, because of their potential impacts require more discretionary review than those uses which are authorized. In addition to meeting applicable performance standards, temporary uses may require the imposition of conditions in order to ensure the number of temporary uses and their location, design, and configuration are appropriate at a particular location during the duration of operation or use.

2-02-12-02 APPLICABILITY

All uses that require a temporary use permit must be processed in accordance with this section. The Director of Community and Economic Development is the permit issuing authority for Temporary Use Permits. The designation of a use as a temporary use does not constitute an authorization or an assurance that such a use will be approved.

2-02-12-03 WHO CAN INITIATE A TEMPORARY USE PERMIT REQUEST

A temporary use permit may be requested by, without limitation, any owner of, or person having an interest in the property on which the temporary use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-12-04 TEMPORARY USE PERMIT REVIEW PROCEDURES

A temporary use permit may be approved by the Director of Community and Economic Development (See Steps 1 through 10 below). The Director of Community and Economic Development shall approve, approve with conditions, or deny the temporary use permit based on compliance with the criteria for approval.

2-02-12-05 TEMPORARY USE PERMIT REVIEW STEPS

The processing of a proposed temporary use permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for temporary use permits as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fourteen (14) days prior to the commencement date of the temporary use.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a temporary use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure compatibility with adjacent uses. In addition to other conditions the Director of Community and Economic Development may place on a temporary use permit, the Director of Community and Economic Development shall specify the term of the temporary use permit. The term of a temporary use permit shall be limited to the absolute minimum term necessary for the proposed use, but in no case shall exceed ninety (90) days. Section 4-05 specifies the maximum time frame or expiration of specific temporary uses eligible for the temporary use permit. A temporary use permit may be issued annually for the same project. The Director of Community and Economic Development in approving a temporary use permit may condition the approval on one (1) or more of the following:
 - a. A requirement the development or activity proceeds in accordance with a specific site plan and/or development schedule.
 - b. A requirement the design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site pedestrian, bicycle, and vehicular circulation; alternative access and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors and other potential nuisances; requirements to protect air and water quality; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; changes in off-street parking layout and design; restrictions

concerning the building bulk, height, setback, location, and external appearance; and stipulations concerning adequate storm drainage or utilities.

10. Amendments: Applicable.

2-02-12-06 CRITERIA FOR APPROVAL

The Director of Community and Economic Development, in approving a temporary use permit, shall consider:

1. The temporary use is consistent with the purposes of these standards and regulations.
2. The temporary use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
3. The temporary use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
4. The Temporary Use Permit has addressed all off-site impacts.
5. The site is suitable for the temporary use including adequate usable space, adequate access, and absence of environmental constraints.
6. The site plan for the proposed temporary use will provide adequate parking, traffic circulation, open space, fencing, screening, and landscaping.
7. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the temporary use as designed and proposed.

2-02-12-06-01 ADDITIONAL CRITERION FOR APPROVAL FOR PERMISSIBLE FIREWORKS STAND/TENT

The Director of Community and Economic Development, in approving a temporary use permit for permissible fireworks stand/tent, shall find:

1. The applicant has demonstrated the ability and, if applicable, a history of their ability to comply with these regulations.

2-02-12-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Director of Community and Economic Development, the Director of Community and Economic Development shall issue a temporary use permit. The temporary use permit shall describe in detail the temporary use allowed by the permit, include all specific conditions applied by the permit issuing authority, and be accompanied by an official site plan modified by the applicant to reflect the conditions of the permit.

2-02-12-08 EFFECT OF APPROVAL

Issuance of a temporary use permit shall be deemed to authorize only the particular use and activity for which it is issued. The temporary use permit is nontransferable. The applicant shall be subject to all other permits required by these standards and regulations to use the land in accordance with the temporary use permit.

2-02-14**OIL AND GAS FACILITY (OGF) PERMIT****2-02-14-01 PURPOSE**

The purpose of the oil and gas facility regulation is to allow for reasonable development of oil and gas in unincorporated Adams County while ensuring that facilities are sited in appropriate areas and utilize best practices to protect the health, safety, and welfare of our residents and the environment and wildlife.

The purpose of an OGF Permit is to regulate the surface land use of oil and gas production in order to protect the public safety, health, welfare and the environment of Adams County and its residents by ensuring that facilities are constructed and operated in accordance with best practices, to provide for sound environmental practices to protect the County's natural resources, to provide for the orderly siting and development of oil and gas operations, as well as to prevent damage to County roads and bridges.

The Colorado Oil and Gas Conservation Commission (COGCC), the Colorado Department of Public Health and the Environment (CDPHE) and the federal government have authority to regulate certain aspects of oil and gas mineral extraction. Requirements contained in this section shall not exempt the owner or operator of an oil and gas facility from compliance with the requirements of the COGCC, CDPHE, or any other regulatory authority.

The provisions of these standards and regulations shall apply to the construction, installation, alteration, repair, erection, location, maintenance, and abandonment

of all new or substantially modified oil and gas facilities within the unincorporated areas of the County. Substantially modified for the purposes of this section means anything requiring a Major Amendment.

2-02-14-02 APPLICABILITY

All uses that require an OGF must be processed in accordance with this Section. The Director of Community and Economic Development (CED) is the permit issuing authority for OGF Permits that do not require any waiver from approval criteria or performance standards. OGF Permits requiring waivers from approval criteria or performance standards must be approved by the Board of County Commissioners through the designated Waiver process.

2-02-14-03 WHO CAN INITIATE AN OGF PERMIT

An OGF Permit may be requested, without limitation, by any owner of, or person demonstrating a legal interest in property on which the OGF use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-14-04 OGF PERMIT REVIEW PROCEDURES

An OGF Permit may be approved by the Director of Community and Economic Development if the application does not require waiver or modification from any approval criteria or performance standards. An OGF Permit requiring a waiver or modification from any of the approval criteria or performance standards must be approved by the Board of County Commissioners and requires a public hearing. The Director of Community and Economic Development or the Board of County Commissioners shall approve, approve with conditions, or deny the OGF Permit based on consideration of the staff report, the evidence from the public hearing (if applicable), and compliance with the criteria for approval.

2-02-14-05 OGF PERMIT REVIEW STEPS

The processing of a proposed OGF permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures (although not necessarily conducted in the following order) as follows:

1. Conceptual review. Operator shall identify three proposed locations for the oil and gas facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify, and visually depict the same on a map, the following items that are located within a half-mile (1/2) radius of the parcel boundary of the proposed facility:

existing or platted residences, occupied buildings, parks, open space, schools, future school facilities, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, water supply facilities including wells, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.

- a. **Alternative Site Analysis:** Prior to submittal of Form 2 or 2A to the COGCC and during the conceptual review, the applicant must consult with the County on an Alternative Site Analysis as outlined below:
 1. In General. The County seeks to site OGFs in areas that have the least off-site impact possible in order to protect the health, safety, and welfare of its residents and to protect the environment and wildlife. In order to determine whether proposed siting is appropriate, CED staff must evaluate alternative sites.
 2. Description of potential sites. Applicant must submit descriptions of at least three (3) potential sites for the OGF that were considered by applicant. Potential sites must be a minimum of 1,000 feet away from each other, but can be located on the same parcel. Description must include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.
 3. Evaluation materials. CED staff will evaluate the potential sites to determine which site is likely to have the least off-site impacts. The CED Director will determine whether applicant is required to provide traffic impact studies, engineering studies, Environmental Impact Analysis as defined in these standards and regulations, or other evaluation tools in order to adequately evaluate site options. If not required by the CED Director as part of the alternative site analysis, these site-specific evaluation tools can be submitted by the applicant after site selection has occurred.

4. Evaluation criteria. In determining which sites are likely to have the least off-site impact, CED may consider the following:
 - i. Distance from existing or platted residences, schools, state licensed daycares, high occupancy buildings, active open spaces, environmentally sensitive areas, public drinking water supply areas, or other areas likely to be adversely impacted;
 - ii. Traffic impacts and impact to roads, bridges, and other infrastructure;
 - iii. Access to water and other operational necessities;
 - iv. Whether the site allows for utilization of impact mitigation, such as use of proximate pipelines;
 - v. Noise impacts;
 - vi. The impact on the surrounding land;
 - vii. The impact on wildlife; and
 - viii. Impact on nearby environmental resources such as water bodies.
5. Site Selection. The county shall review all proposed locations in order to determine which location(s) best protects public health, safety, welfare, and the environment and will choose the location that best satisfies this goal. The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. The County may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.
2. Neighborhood Meeting: Applicable. At the neighborhood meeting, the applicant shall provide an overview of its proposed oil and gas operation and allow those in attendance to provide input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.
3. Development Application Submittal: Community and Economic Development has developed a check list of required submittals for OGF Permits that may change from time to time. At a minimum, the following items are required as part of an OGF application submittal:
 - a. **Application Form**: a completed OGF Permit application form.
 - b. **Application Fee**: OGF application fee

c. Operations Plan:

1. Plan Format: Two hard copies of all plans shall be provided and one copy of the plans shall be provided in digital format, on either a thumb drive or CD. No plans shall contain copyright restrictions or public use restrictions.
2. Cover Sheet: The cover sheet shall have a title block with the reference to an Oil and Gas Facility Permit, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the COGCC Permit number when approved.
3. Impact Area Map: The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all producing oil and gas wells and other oil and gas operations within the one-mile (1) impact area; locations of all abandoned and shut-in wells within one quarter (1/4) mile radius of the projected track of the borehole; locations of all permitted registered water wells within one-half (1/2) mile of the proposed Oil and Gas Operation; existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area.
4. Drilling Operations Plan: The third sheet shall provide a site plan of drilling operations with drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County, prior to submitting the application for the Oil and Gas Facility Permit. The layout of the drilling equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.
5. Production Plan: The fourth sheet shall provide a site plan of production operations with production

equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The production plan shall also identify tentative drilling and completion schedules. A seed mix shall be provided for reseeding the well pad.

Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

6. **Signage Plan/Sign Detail:** A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise complaints. The sign with the 24-hour contact information must be placed close to the intersection of the access road and the right of way so that it is legible from the public right of way.
 7. **Final Plan:** Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Oil and Gas Operations Plan. The final Oil and Gas Operations Plan shall contain the information listed above unless otherwise specified by the County staff.
- d. **Emergency Preparedness and Response:** in accordance with the Emergency Preparedness and Response requirements in Section 4-10-02-03-03-03(9).
1. **Emergency Service Providers:** The applicant must provide a commitment to serve ("will serve") letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.
- e. **Engineering Documents:** The following technical Engineering documents are required by the CED staff unless otherwise waived:

1. Construction Plans: If applicable, Construction Plans for the proposed Oil and Gas Operation's public improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements, prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).
2. Pavement Design Report: If applicable, a Pavement Design Report prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 7).
3. Grading Erosion and Sediment Control: If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Adams County Development Standards and Regulations (Chapter 9).
4. Transportation, roads, access standards, and fees:
 - a. The applicant's transportation plan must be designed and implemented to ensure public safety and maintain quality of life for other users of the county transportation system, adjacent residents, and affected property owners.
 - b. Where available, existing private roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.
 - c. Access roads on the site and access points to public roads as identified in the application materials shall be reviewed by the CED department and shall be built and maintained in accordance with the engineering specifications and access road standards defined in the Adams County Development Standards and Regulations (Chapter 8).
 - d. All applicable transportation fees shall be paid prior to issuance of a notice to proceed, , including without limitation:
 - i. Access permit fees
 - ii. Oversize/overweight permit fees
 - iii. Right of way construction permit fees; and

- iv. Traffic impact and road maintenance fees.
 - e. Oil and gas operations must minimize impacts to the physical infrastructure of the county transportation system. Any costs to improve county transportation system infrastructure necessitated by the proposed oil and gas operation shall be the responsibility of the Applicant. All transportation system infrastructure improvements and associated costs shall be determined by the CED department. The County shall perform the work or arrange for it to be performed. If the Applicant disagrees with the infrastructure improvements or associated costs as assessed by CED, it may request that the department approve a different route for its proposed oil and gas operation that avoids the need for such improvements. Alternatively, the Applicant may engage a licensed civil engineering firm to perform a traffic impact study in accordance with Chapter 8 of the Development Standards and Regulations to independently evaluate county transportation system infrastructure improvements necessitated by the proposed oil and gas operation.
- 5. Drainage study/technical drainage letter/plan: If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).
- 6. Floodplain Use Permit: The applicant must obtain a Floodplain Use Permit, in accordance with the latest version of the Adams County Development Standards and Regulations, if the proposed Oil and Gas construction disturbance or operation encroaches into the 100-year floodplain, or the access is crossing a major drainage way, as defined by the latest version of the Adams County Development Standards and Regulations (Chapter 9).
- 7. Natural Resource Conservation Overlay (NRCO): if the Oil and Gas Facility is located in the NRCO, a Resource Review may be required.

- f. **Water Supply:** the applicant must provide proof of adequate water supply. Operator shall identify a water resource lawfully available for industrial use, including oil and gas development, to be utilized by Operator and its suppliers.
 - g. **Surface Owner Documentation:** Documentation as to whether the surface owner and others with interest in the property have authorized the proposed OGF.
 - h. **Additional Information:** Community and Economic Development will develop an application check list that may require additional information to process an OGF Permit application. In addition to the items required on the check list, the Director of Community and Economic Development may require additional information deemed necessary to evaluate particular applications.
- 4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
- 5. Staff Report: Applicable.
 - a. Concurrent Referral and Review. County staff may refer the complete application review by the various County Departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside experts or agencies such as the U.S. Army Corps of Engineers, if the project impacts a floodplain, life-safety providers, adjacent jurisdictions, local public health departments, and others as may be deemed appropriate. Operator shall reimburse the County for reasonable costs incurred in connection with the use of third-party expert reviewers.
- 6. Notice: Applicable, except notice shall be sent by the applicant to all property owners and current residents within a half mile at a minimum, or greater, as determined by the Director of Community and Economic Development. The Notice shall meet the format prescribed by the County. The notice shall contain a statement informing the recipients of the notice that they may request written notification by the Applicant of the commencement of construction and commencement of drilling operations. The applicant shall provide written notification by U.S. Mail, which shall include an offer to consult, to any municipality, special district, or county whose boundaries are within one-half (1/2) mile of the proposed parcel where an application for an Oil and Gas Facility has been filed with the County. Posted notice shall be required for all OGF Permits. The signs shall be posted by the County on the subject property in a manner and at a location to afford

the best notice to the public. Posting for an OGF Permit shall take place no later than ten days after the Operator selects a site for the facility.

7. Public Hearing. Applicable if the OGF Permit requires waiver from any approval criteria or performance standards. In cases requiring a waiver, a public hearing shall be held in front of the Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a permit for an OGF may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses. Conditions may include a requirement of an Access Permit or Oversize Load Permit prior to development of the Oil and Gas Facility, a Floodplain Use Permit prior to any work within the floodplain, or a building permit prior to construction of certain structures within the Oil and Gas Facility.
 - a. Term: The approving authority shall specify the term of the OGF Permit as the following: provided that at least one well is drilled and completed during the initial three (3) year period following all required State and local approvals of the OGF, such action permanently vests the permitted location for the number of wells contained within the initial permit approval. If wells permitted as part of the initial OGF permit are to be drilled at the multi-well pad location following expiration of the initial three (3) year period, those permit(s) for those wells shall be renewed following the OGF permit process as outlined in these regulations.
10. Amendments. Applicable. All amendments must be processed in accordance with Section 2-01-10, Amendments. Major Amendments for OGFs include any amendments to a Form 2A with the COGCC. For purposes of an OGF Permit, anything not identified as a major amendment shall be processed as a Minor Amendment.

2-02-14-06 CRITERIA FOR APPROVAL

The Board of County Commissioners or Director of Community and Economic Development, in approving an OGF Permit, shall consider:

1. The OGF is consistent with the purposes of these standards and regulations.

2. The OGF will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.
3. The siting of the OGF, after evaluation of alternative sites, is the most compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare, the environment and wildlife of the County.
4. The siting of the OGF does not create any site-specific conditions that present significant or material impacts to nearby land uses.
5. The OGF has addressed off-site impacts and complies with all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.
6. The site is suitable for the use, including adequate usable space, adequate access, and adherence of environmental or wildlife stipulations.
7. The site plan for the proposed use will provide adequate parking, traffic circulation, fencing, screening, and landscaping.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the OGF as designed and proposed.
9. Cultural and Historical Resources: the OGF does not cause significant degradation of cultural, historic, or archaeological sites eligible for County landmarking, or the National Historic Register.
10. Water Bodies and Water Quality: the OGF does not cause adverse impacts to surface or ground waters within Adams County. The operator shall comply with all applicable water quality standards.
11. Emergency Preparedness and Response: the OGF does not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
12. Air Quality: The OGF meets all required air quality standards.

2-02-14-07 OIL AND GAS FACILITY PERMIT WAIVER

2-02-14-07-01 PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners, at public meeting, may grant waivers or modifications from approval criteria or performance standards normally required for OGF Permits, allow the OGF use in an area not zoned for OGFs, or allow applicant to develop an OGF site not selected by Community and Economic Development.

2-02-14-07-02 APPLICABILITY

If the OGF permit application is denied based on noncompliance with the approval criteria or performance standards, if the applicant seeks to develop in an area not zoned for OGF development, or if an applicant seeks to develop on a site not approved by CED staff, an applicant may apply for an Oil and Gas Facility Permit Waiver.

2-02-14-07-03 WHO CAN INITIATE A WAIVER

A waiver may be proposed by any applicant that may apply for an OGF.

The applicant has the burden of proof to demonstrate that the waiver or proposed site selection meets the criteria for approval.

2-02-14-07-04 WAIVER REVIEW PROCEDURES

Any waiver shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). Waiver applications will be heard by the Board of County Commissioners at a public hearing. At such public hearing, the Board of County Commissioners may waive or modify specific regulations or standards requested by the applicant and approve the application, may approve with conditions, or may deny the application.

Applicants may only seek a waiver after submitting a complete application for an OGF Permit and participating in a conceptual review meeting with Community and Economic Development staff. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit, applicant may choose to seek a waiver from the Board of County Commissioners. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Must be completed prior to application for waiver as part of OGF Permit process.

2. Neighborhood Meeting: Director of Community and Economic Development will determine whether neighborhood meetings are required after evaluating steps taken as part of OGF process.
3. Development Application Submittal: In addition to all requirements for an OGF Permit, applicant must provide a request for waiver that articulates the specific waivers sought and explains why waivers are necessary.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. Any requested waiver shall be reviewed and acted upon by the Board of County Commissioners prior to issuance of an OGF Permit.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners, in approving a waiver for an OGF Permit, may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses.
10. Amendments: Applicable.

2-02-14-07-05 *CRITERIA FOR APPROVAL*

The Board of County Commissioners, in approving a waiver, shall find:

1. Extraordinary hardships or practical difficulties result from strict compliance with these standards and regulations
2. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.
3. The waiver does not have the effect of nullifying the purpose of these standards and regulations.

2-02-14-07-06 *ADDITIONAL CRITERIA FOR A ZONE DISTRICT WAIVER*

The Board of County Commissioners, in approving zone district waiver, in addition to the criteria outlined above, shall find:

1. The proposed Oil and Gas Facility is consistent with the Adams County Comprehensive Plan.

2. The proposed Oil and Gas Facility is compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare or the environment of the inhabitants of the area and the County.

2-02-15 AMENDMENT TO TEXT OF THE STANDARDS AND REGULATIONS AND/OR ZONING MAP (REZONING) AND/OR COMPREHENSIVE PLAN

2-02-15-01 PURPOSE

The purpose of this section is to detail the steps to follow for changing the text of these standards and regulations, or the boundaries of the zone districts shown on the Zoning Map (Rezoning), or the Comprehensive Plan.

2-02-15-02 APPLICABILITY

All amendments to the text of these standards and regulations and any changes to the Zoning Map or Comprehensive Plan must be processed in accordance with this section. Only the Board of County Commissioners may, after recommendation of the Planning Commission, adopt a resolution amending the text of these standards and regulations, or the Zoning Map, or the Comprehensive Plan.

2-02-15-03 WHO CAN INITIATE A TEXT, ZONING MAP, OR COMPREHENSIVE PLAN AMENDMENT

2-02-15-03-01 AMENDMENT TO ZONING MAP (REZONING)

An amendment to the Zoning Map may be proposed, without limitation, by the Planning Commission, the Board of County Commissioners, or the owner(s) of the property to be rezoned.

In addition, a municipality, airport authority, or other owner or operator of an aviation facility available for public use may propose an amendment to the Zoning Map to establish or amend an Aviation Zone or Influence Area Overlay District for the area including area surrounding an aviation facility.

2-02-15-03-02 *AMENDMENT TO COMPREHENSIVE PLAN*

An amendment to the Comprehensive Plan may be proposed, without limitation, by the Planning Commission, the Board of County Commissioners, the Director of Community and Economic Development or the owner(s) of the property to be amended on the plan.

2-02-15-03-03 *TEXT AMENDMENT*

An amendment to the text of these standards and regulations may be proposed by the Planning Commission, Board of County Commissioners, the Director of Community and Economic Development, the Director of Public Works,* any owner or person having an interest in land located within the unincorporated area of the County, or any resident of the County.

The applicant has the burden of proof to demonstrate a text or a Zoning Map amendment fully complies with these standards and regulations and meets the criteria for approval.

***Adopted by the BOCC on June 27, 2011.**

**2-02-15-04 TEXT, ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT
REVIEW PROCEDURES**

An amendment to the text of these standards and regulations, an amendment to the Zoning Map, or an amendment to the Comprehensive Plan may be approved by the Board of County Commissioners by resolution. Any proposed amendment shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the amendment and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the amendment based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the amendment's compliance with the criteria for approval. In the case of a Comprehensive Plan amendment, the Planning Commission shall make a decision on the amendment and the matter will be referred to the Board of County Commissioners to ratify the decision at a public hearing.

**2-02-15-05 TEXT, ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT
REVIEW STEPS**

The processing of a proposed text, Zoning Map, or Comprehensive Plan amendment shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development, or in the case of Comprehensive Plan Amendment the Director of Community and Economic Development, determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for amendment of the text of these standards and regulations and/or to the Zoning Map as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice:
 - a. Text Amendments: Partially applicable. Publication in the official County newspaper is required. Written notice and posting are not required.
 - b. Zoning Map Amendments (Rezoning): Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before both the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a Zoning Map amendment may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses. The Board of County Commissioners in approving a Zoning Map amendment may condition the approval on one (1) or more of the following:
 - a. A requirement to ensure development proceeds in accordance with a specific site plan and/or development schedule.
 - b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-

site improvements as are reasonably required by or related to the effect of the Zoning Map amendment.

10. Amendments: Applicable.

2-02-15-06 CRITERIA FOR APPROVAL

2-02-15-06-01 TEXT AMENDMENTS

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a text amendment, shall find:

1. The text amendment is consistent with the Adams County Comprehensive Plan.
2. The text amendment is consistent with the purposes of these standards and regulations.
3. The text amendment will not be detrimental to the majority of persons or property in the surrounding areas nor to the community in general.

2-02-15-06-02 ZONING MAP AMENDMENTS (REZONING)

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a Zoning Map amendment, shall find:

1. The Zoning Map amendment is consistent with the Adams County Comprehensive Plan.
2. The Zoning Map amendment is consistent with the purposes of these standards and regulations.
3. The Zoning Map amendment will comply with the requirements of these standards and regulations.
4. The Zoning Map amendment is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

2-02-15-06-03 COMPREHENSIVE PLAN AMENDMENTS

The Planning Commission, in making their decision, and the Board of County Commissioners in ratifying a Comprehensive Plan amendment, shall find:

1. The Comprehensive Plan amendment is consistent with the goals and policies of the Adams County Comprehensive Plan.

2. The Comprehensive Plan amendment is consistent and/or compatible with the land use, transportation, and open space maps in the Adams County Comprehensive Plan.
3. The Comprehensive Plan amendment advances the health, safety, and welfare of the citizens and property owners of Adams County.

2-02-15-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic shall make the approved changes to the Official County Zoning Maps, Comprehensive Plan, or text of these standards and regulations.

2-02-16 EXEMPTION

2-02-16-01 PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners may grant exemptions from the definitions of the terms “subdivision” and “subdivided land” for any division of land if the Board determines that such a division is not within the purpose of Article 28, Title 30 of the Colorado Revised Statutes.

2-02-16-02 APPLICABILITY

An exemption approval is required to obtain a release from the requirements of platting by resolution of the Board of County Commissioners in accordance with the terms set forth in these standards and regulations.

2-02-16-03 WHO CAN INITIATE A SUBDIVISION EXEMPTION

A Subdivision Exemption may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be divided.

The applicant has the burden of proof to demonstrate the Subdivision Exemption fully complies with these standards and regulations, and meets the criteria for approval.

2-02-16-04 SUBDIVISION EXEMPTION REVIEW PROCEDURES

A Subdivision Exemption shall be approved by the Board of County Commissioners by resolution. Any Subdivision Exemption shall be processed through a public meeting before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the Subdivision Exemption based on consideration of the staff report, the evidence from the public meeting, and the Subdivision Exemption's compliance with the criteria for approval.

The processing of a Subdivision Exemption shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a Subdivision Exemption as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of County Commissioners public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notification of the adjacent property owners is required.
5. Staff Report: Applicable. No notification of referral agencies is required.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. The Board of County Commissioners may take testimony from the public at the public meeting.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

2-02-16-05 CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a Subdivision Exemption, shall find:

1. The Subdivision Exemption is consistent with and conforms to these standards and regulations.

2. The Subdivision Exemption is a division of land determined not to be within the purpose of Article 28, Title 30 of the Colorado Revised Statutes and is consistent with one (1) of the following criteria:
 - a. Boundary line adjustments where no additional parcels are created (unplatted land only).
 - b. Exemptions creating additional parcels shall be permitted for parcels with more than one (1) principal residence provided all of the following criteria are met:
 - (1) Each residence was constructed in conformance with the applicable County regulations in effect at the time the residence was constructed, and provided the structures were not previously considered uninhabitable or accessory to a principal residence (e.g., a guest house, resort or seasonal cabins used in conjunction with a lodge operation or housing for tenant labor);
 - (2) Each residence shall have a documented history of continuous use as a single-family dwelling; and
 - (3) Legal and physical access shall be provided to all parcels by public right-of-way or recorded easement, acceptable to the Adams County Director of Public Works in compliance with the Adams County Engineering Design and Construction Standards.
 - c. Other divisions of land affected by a deed recorded in the Office of the Adams County Clerk and Recorder that the Board of County Commissioners determines is not within the purposes of this resolution. If it is determined the applicant is using the exemption process to circumvent the subdivision regulations, the applicant shall be required to comply with the applicable sections of this resolution.
 - d. The property which is the subject of the Exemption may not be within any recorded subdivision plat.
 - e. The property which is the subject of the Exemption may not be zoned for commercial or industrial uses.

2-02-16-06 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the deeds, plan exhibit, required easements and maintenance agreements and a copy of the Board of County Commissioners' Resolution granting approval.

2-02-16-07 LAPSE OF APPROVAL

The Subdivision Exemption approval shall lapse one (1) year from the date of approval if the required deeds and other supporting materials are not submitted.

2-02-16-08 EXTENSION OF APPROVAL

A ninety (90)-day extension of the Subdivision Exemption approval may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the Subdivision Exemption approval would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous good faith effort in preparing the Subdivision Exemption submittals including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

A Subdivision Exemption shall be limited to one ninety (90)-day extension.

2-02-17 WAIVER FROM SUBDIVISION DESIGN STANDARDS*

Adopted by the BoCC on January 28, 2013

2-02-17-01 PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners may grant waivers from subdivision design and improvement standards.

2-02-17-02 APPLICABILITY

A waiver is required to obtain a release from the requirements of subdivision design by resolution of the Board of County Commissioners in accordance with the terms set forth in these standards and regulations.

2-02-17-03 WHO CAN INITIATE A WAIVER

A waiver may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be divided.

The applicant has the burden of proof to demonstrate that the waiver meets the criteria for approval.

2-02-17-04 WAIVER REVIEW PROCEDURES

A waiver shall be approved by the Board of County Commissioners by resolution. Any waiver shall be processed through a public meeting before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the waiver based on consideration of the staff report, the evidence from the public meeting, and the waiver's compliance with the criteria for approval.

The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a waiver as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of County Commissioners public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notification of the adjacent property owners is required.
5. Staff Report: Applicable. No notification of referral agencies is required.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. Any requested waiver shall be reviewed and acted upon by the Board of County Commissioners prior to scheduling a final development plan (plat) hearing. The Board of County Commissioners may take testimony from the public at the public meeting.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

2-02-17-05 CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a waiver, shall find:

1. Extraordinary hardships or practical difficulties result from strict compliance with these standards and regulations
2. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.
3. The waiver does not have the effect of nullifying the purpose of these standards and regulations.

2-02-17-06 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder a copy of the Board of County Commissioners' Resolution granting approval.

2-02-17-07 LAPSE OF APPROVAL

The waiver approval shall lapse two (2) years from the date of approval if the final plat application is not submitted.

2-02-17-08 EXTENSION OF APPROVAL

A ninety (90)-day extension of the waiver approval may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the waiver approval would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous good faith effort in preparing the final plat submittals including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

A Waiver shall be limited to one ninety (90)-day extension.

2-02-18 PLAT CORRECTION; REPLAT OF LOT, EASEMENT OR BUILDING ENVELOPE; VACATION OF RECORDED PLAT, RIGHT-OF-WAY OR EASEMENT; OR REPLAT OF SUBDIVISION

2-02-18-01 PURPOSE

The purpose of this section is to detail the steps for obtaining approval to correct a plat; replat a lot, easement or building envelope; vacate a recorded plat, right-of-way or easement; or replat a subdivision. The process is designed to ensure the intent of the original subdivision is not substantially altered.

The process varies according to the nature or the proposed amendment based on, but not limited to, the following: degree of change, design, size, impact to public facilities, services, roads, and overall impacts. The Director of Community and Economic Development has the discretionary authority to modify the application procedures upon the determination adequate public notice and input on the replat or vacation can be attained through a modified process and the modified process will not substantially impair the intent and purpose of these standards and regulations.

2-02-18-02 PLAT CORRECTION

2-02-18-02-01 PURPOSE

The purpose of this section is to detail the steps for making changes to recorded plats, due to errors and omissions, i.e. dimensions, road names and plat notes.

2-02-18-02-02 APPLICABILITY

An approved plat correction certificate shall be required to effect any change to a recorded subdivision plat.

2-02-18-02-03 WHO CAN INITIATE A PLAT CORRECTION

A plat correction may be proposed by, without limitation, the owner(s) of, or person having an interest in the subdivided property.

2-02-18-02-04 PLAT CORRECTION REVIEW PROCEDURES

A plat correction shall be approved by the Director of Community and Economic Development. Plat corrections shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic

Development shall approve or deny the plat correction and shall forward a written administrative analysis concerning the decision and a copy of the plat correction certificate to the applicant and Office of the Adams County Clerk and Recorder. The Director of Community and Economic Development decision shall be based on the criteria for approval.

The processing of a plat correction shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a plat correction as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notice to adjacent property owners is required. However, when the plat correction involves a road name change, the applicant shall notify all affected property owners by certified mail, return receipt requested at least ten (10) days prior to application submittal. The return receipts shall be submitted to the Director of Community and Economic Development as part of the application submittals.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable. The Director of Community and Economic Development in approving a plat correction shall find the plat correction certificate meets the criteria for approval. Upon approval, the plat correction certificate shall be signed by the Director of Community and Economic Development and recorded in the Office of the Adams County Clerk and Recorder.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-18-02-05***CRITERIA FOR APPROVAL***

The Director of Community and Economic Development, in approving a plat correction, shall find:

1. The correction complies with these standards and regulations, and the original conditions of approval.

2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The correction is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-02-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic shall sign the plat correction certificate and cause it to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-18-02-07 *APPEAL*

A denial of a plat correction may be appealed to the Board of County Commissioners at a regular business meeting when a request for appeal is submitted, in writing, to the Director of Community and Economic Development within thirty (30) days of the denial.

2-02-18-03 *LOT LINE VACATION*

2-02-18-03-01 *PURPOSE*

The purpose of this section is to detail the steps for vacating a lot line, i.e. the combination of two (2) or more lots into one (1) lot.

2-02-18-03-02 *APPLICABILITY*

An approved vacation map, vacation approval certificate, and correction deed shall be required to vacate any lot line on a recorded subdivision plat.

2-02-18-03-03 *WHO CAN INITIATE A LOT LINE VACATION*

A lot line vacation may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property.

2-02-18-03-04 *LOT LINE VACATION REVIEW PROCEDURES*

A lot line vacation shall be approved by the Director of Community and Economic Development. Lot line vacations shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and

Economic Development shall approve or deny the lot line vacation and shall forward a written administrative analysis concerning the decision and a copy of the vacation map, vacation approval certificate, and correction deed, to the applicant and Office of the Adams County Clerk and Recorder. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a lot line vacation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a lot line vacation as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notice to adjacent property owners is required.
5. Staff Report: Applicable. Referral agencies shall not be notified except all Special Districts and easement holders shall be notified to review the lot line vacation.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable. The Director of Community and Economic Development in approving a lot line vacation shall find the vacation map, vacation approval certificate, and correction deed meets the criteria for approval. Upon approval, the vacation approval certificate shall be signed by the Director of Community and Economic Development and the vacation map, vacation approval certificate, and correction deed shall be recorded in the Office of the Adams County Clerk and Recorder.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-18-03-05***CRITERIA FOR APPROVAL***

The Director of Community and Economic Development, in approving a lot line vacation, shall find:

1. The vacation complies with these standards and regulations and the original conditions of approval.

2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The vacation is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall sign the vacation approval certificate and cause the vacation map, vacation approval certificate, and correction deed to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-18-03-07 *APPEAL*

A denial of a lot line vacation may be appealed to the Board of County Commissioners at a regular business meeting when a request for appeal is submitted, in writing, to the Director of Community and Economic Development within thirty (30) days of the denial.

2-02-18-04 *LOT LINE/BUILDING ENVELOPE ADJUSTMENT*

2-02-18-04-01 *PURPOSE*

The purpose of this section is to detail the steps for a realignment of a lot line or building envelope, or replatting of several lots (e.g., three (3) lots into two (2)), in which the original subdivision is not substantially modified and additional lots are not created. However, tracts may be created provided the intended use of the tract(s) does not include a structure.

2-02-18-04-02 *APPLICABILITY*

An approved lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds shall be required to realign any lot lines or adjust a building envelope on a recorded subdivision plat.

2-02-18-04-03 WHO CAN INITIATE A LOT LINE/BUILDING ENVELOPE ADJUSTMENT

A lot line/building envelope adjustment may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property.

2-02-18-04-04 LOT LINE/BUILDING ENVELOPE ADJUSTMENT REVIEW PROCEDURES

A lot line/building envelope adjustment shall be approved by the Director of Community and Economic Development. Lot line/building envelope adjustments shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic Development shall approve or deny the lot line/building envelope adjustment and shall forward a written administrative analysis concerning the decision and a copy of the lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds, to the applicant and the Office of the Adams County Clerk and Recorder. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a lot line/building envelope adjustment shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a lot line/building envelope adjustment as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. Notice to adjacent property owners is only required when a change in the building envelope is proposed.
5. Staff Report: Applicable. Referral agencies shall not be notified except all Special Districts and easement holders shall be notified to review the lot line vacation.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable. The Director of Community and Economic Development in approving a lot line/building envelope adjustment shall find the lot line/building envelope adjustment map, lot

line/building envelope adjustment approval certificate, and correction deeds meet the criteria for approval. Upon approval, the lot line/building envelope adjustment approval certificate shall be signed by the Director of Community and Economic Development and the lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds shall be recorded in the Office of the Adams County Clerk and Recorder.

9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-18-04-05 *CRITERIA FOR APPROVAL*

The Director of Community and Economic Development, in approving a lot line/building envelope adjustment, shall find:

1. The lot line/building envelope adjustment complies with these standards and regulations, and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The lot line/building envelope adjustment is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-04-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall sign the lot line/building envelope adjustment approval certificate and cause the lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-18-04-07 *APPEAL*

A denial of a lot line/building envelope adjustment may be appealed to the Board of County Commissioners at a regular business meeting when a request for appeal is submitted, in writing, to the Director of Community and Economic Development within thirty (30) days of the denial.

2-02-18-05 SUBDIVISION REPLAT**2-02-18-05-01 PURPOSE**

The purpose of this section is to detail the steps for replatting a subdivision or several lots, in which the original subdivision is substantially modified and/or additional lots are created.

2-02-18-05-02 APPLICABILITY

An approved subdivision plat shall be required to substantially alter an existing recorded subdivision plat.

2-02-18-05-03 WHO CAN INITIATE A SUBDIVISION REPLAT

A subdivision replat may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected properties.

2-02-18-05-04 SUBDIVISION REPLAT REVIEW PROCEDURES

A subdivision replat shall be approved by the Board of County Commissioners. The Director of Community and Economic Development shall determine whether the proposed subdivision replat is substantial or insubstantial based upon, but not limited to, the following factors: design, size, public concern, public facilities, services, access, and transportation network. If the Director determines the subdivision replat is insubstantial, the subdivision replat shall be processed as a minor subdivision. If the Director of Community and Economic Development determines the replat is substantial, the subdivision replat shall be processed as a major subdivision.

2-02-18-05-05 CRITERIA FOR APPROVAL

The Director of Community and Economic Development, in approving the sketch plan in the case where a replat is processed as a minor subdivision, the Planning Commission, in making their recommendation in the case where a replat is processed as a major subdivision, and the Board of County Commissioners, in approving a replat, shall find:

1. The subdivision replat complies with these standards and regulations, and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The subdivision replat is in keeping with the purpose and intent of the subdivision regulations.

4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-05-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the replat of the subdivision, correction deeds and any subdivision improvements agreement.

2-02-18-06 *PLAT VACATION-NO PUBLIC INFRASTRUCTURE OR DEDICATION*

2-02-18-06-01 *PURPOSE*

The purpose of this section is to detail the steps for vacation of a subdivision plat that has no public infrastructure or dedication.

2-02-18-06-02 *APPLICABILITY*

An approved vacation certificate shall be required to vacate any recorded subdivision plat.

2-02-18-06-03 *WHO CAN INITIATE A PLAT VACATION*

A plat vacation may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property.

2-02-18-06-04 *PLAT VACATION REVIEW PROCEDURES*

A plat vacation shall be approved by the Director of Community and Economic Development. Plat vacations shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic Development shall approve or deny the plat vacation and shall forward a written administrative analysis concerning the decision and a copy of the plat vacation certificate, and correction deeds, to the applicant and the Office of the Adams County Clerk and Recorder. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a plat vacation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a plat vacation as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notification of adjacent property owners shall be required.
5. Staff Report: Applicable. No notification of referral agencies shall be required.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable. The Director of Community and Economic Development in approving a plat vacation shall find the plat vacation certificate, and correction deeds meet the criteria for approval. Upon approval, the plat vacation certificate shall be signed by the Director of Community and Economic Development and recorded in the Office of the Adams County Clerk and Recorder.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-18-06-05

CRITERIA FOR APPROVAL

The Director of Community and Economic, in approving a plat vacation, shall find:

1. The plat vacation complies with these standards and regulations, and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The plat vacation is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-06-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall sign the plat vacation certificate, and record the plat vacation certificate and correction deeds with the Office of the Adams County Clerk and Recorder.

2-02-18-06-07 *APPEAL*

A denial of a plat vacation may be appealed to the Board of County Commissioners at a regular business meeting when a request for appeal is submitted, in writing, to the Director of Community and Economic Development within thirty (30) days of the denial.

2-02-18-07 *PLAT VACATION- PUBLIC INFRASTRUCTURE OR DEDICATION*

2-02-18-07-01 *PURPOSE*

The purpose of this section is to detail the steps for vacation of a subdivision plat that has associated public infrastructure or dedication.

2-02-18-07-02 *APPLICABILITY*

An approved vacation resolution and vacation map shall be required to vacate any recorded subdivision plat that has associated public infrastructure or dedication.

2-02-18-07-03 *WHO CAN INITIATE A PLAT VACATION*

A plat vacation may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property.

2-02-18-07-04 *PLAT VACATION REVIEW PROCEDURES*

A plat vacation shall be approved by the Board of County Commissioners. Plat vacations shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the plat vacation based on consideration of the staff report, the evidence from the public hearing, and the plat vacation's compliance with the criteria for approval.

The processing of a plat vacation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.

2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a plat vacation as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A hearing shall be held before the Board of County Commissioners only.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Not applicable.

2-02-18-07-05

CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a plat vacation, shall find:

1. The plat vacation complies with these standards and regulations and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The plat vacation is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-07-06

ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic development shall cause the vacation resolution, vacation map, and correction deeds to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-18-08 ROADWAY VACATION

2-02-18-08-01 PURPOSE

The purpose of this section is to detail the steps for vacation of roadways, which include any public street, alley, lane, parkway, avenue, road, trail, or other public way designated or dedicated on a plat, conveyed by deed or recorded easement, or acquired by prescriptive use, whether or not it has ever been used as such. A street or road, established as part of a subdivision, but never constructed or used as such, may be vacated and replatted through the replat process.

2-02-18-08-02 APPLICABILITY

Any roadway dedicated to the County or public, may only be vacated through the following procedures, which have been adopted in accordance with C.R.S. §§43-2-101, *et seq.*

2-02-18-08-03 WHO CAN INITIATE A ROADWAY VACATION

A roadway vacation may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property or the Board of County Commissioners.

2-02-18-08-04 ROADWAY VACATION REVIEW PROCEDURES

A roadway vacation shall be approved by the Board of County Commissioners. Roadway vacations shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the roadway vacation based on consideration of the staff report, the evidence from the public hearing, and the roadway vacation's compliance with the criteria for approval.

The processing of a roadway vacation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for a roadway vacation as described in the application submittal

requirements shall be submitted to the Director of Community and Economic Development.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. At least fourteen (14) days prior to the Board of County Commissioners hearing, a notice shall be mailed by first-class mail to the last known address of each abutting property owner.
7. Public Hearing: Applicable. A hearing shall be held before the Board of County Commissioners only.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Not applicable.

2-02-18-08-05

CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a roadway vacation, shall find:

1. The roadway vacation complies with these standards and regulations and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The roadway vacation is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.
5. The vacation does not leave any land adjoining the roadway without an established public road or private access easement connecting said land with another established public road.
6. If the roadway is a state or federal highway, the vacation has been approved by the state transportation commission.

2-02-18-08-06

ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause the vacation resolution, vacation/replat map, and correction deeds to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-19 SUBDIVISION, MAJOR

2-02-19-01 PURPOSE

The purpose of this section is to detail the steps for obtaining approval to develop a major subdivision. All major subdivisions are required to obtain two (2) approvals prior to development of a site.

The first approval required is an approval of the preliminary plat. The preliminary plat provides an in-depth analysis of the proposed subdivision, including a refinement of the design considering the geologic hazards, environmentally sensitive areas, source of required services, vehicular/pedestrian circulation, and the relationship to surrounding land uses.

The second approval required is an approval of the final plat. The final plat provides a review of all final engineering plans, subdivision improvements agreements, and other legal requirements.

For more complicated subdivision proposals, the sketch plan approval may be obtained prior to submission of an application for preliminary plat. The sketch plan is a conceptual plan analysis of the feasibility of the subdivision including conceptual design, ability to obtain water/sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and conformance with zoning, design standards, and the Adams County Comprehensive Plan.

Each process involves the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, staff analysis and meetings with staff or public hearings/meetings. Each successive application builds on the previously approved application by providing additional details and by meeting additional restrictions and standards. This progression relieves the applicant from major and potentially unnecessary expenses in situations that may require a redesign and therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

The sketch plan shall be reviewed by the Director of Community and Economic Development and Director of Public Works with written staff analysis provided, prior to submittal of the preliminary plat. The preliminary plat shall be reviewed by the Planning Commission and the Board of County Commissioners at a public hearing. The final plat shall be reviewed by the Board of County Commissioners at a public meeting. The final plat may not be submitted prior to the preliminary plat approval.

2-02-19-02 SKETCH PLAN**2-02-19-02-01 PURPOSE**

The purpose of this section is to detail the steps for examining the feasibility of a subdivision of land including the review of conceptual design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and conformance with zoning, design standards, and the Adams County Comprehensive Plan. Approval of a sketch plan does not establish a vested right to develop property in accordance with the plan.

2-02-19-02-02 APPLICABILITY

A sketch plan approval is optional for all major subdivisions.

2-02-19-02-03 WHO CAN INITIATE A SKETCH PLAN

A sketch plan may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided.

The applicant has the burden of proof to demonstrate the sketch plan fully complies with these standards and regulations and meets the criteria for approval.

2-02-19-02-04 SKETCH PLAN REVIEW PROCEDURES

A sketch plan shall be approved by the Director of Community and Economic Development. Sketch plans shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic Development shall approve, approve with conditions, or deny the sketch plan and shall forward a written administrative analysis concerning the decision and application to the applicant. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a sketch plan shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable, unless the Director of Community and Economic Development determines the development proposal may not have significant neighborhood impacts.

3. Development Application Submittal: All items or documents required for a sketch plan as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a sketch plan may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Not applicable.

2-02-19-02-05

CRITERIA FOR APPROVAL

The Director of Community and Economic Development, in approving a sketch plan, shall find:

1. The sketch plan is consistent with the Adams County Comprehensive Plan and any applicable area plan.
2. The sketch plan is consistent with the purpose of these standards and regulations.
3. The sketch plan is in conformance with the subdivision design standards.
4. The applicant has provided reasonable evidence that a sufficient water supply has been acquired in terms of quantity, quality and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided reasonable evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
6. The applicant has provided reasonable evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.

7. The applicant has provided reasonable evidence showing adequate drainage improvements can be provided.
8. Significant cultural, archaeological, natural/historical resources and unique landforms will be reasonably protected in accordance with resources inventory provisions of these standards and regulations.
9. Necessary services, including fire/police protection, schools, recreation, utilities, open space and transportation system, appear to be available to serve the proposed subdivision.
10. The sketch plan appears to be compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

2-02-19-02-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall file a copy of the approved sketch plan in the offices of the Department of Community and Economic Development.

2-02-19-02-07 *LAPSE OF APPROVAL*

The sketch plan approval shall lapse one (1) year from the date of approval if a preliminary plat is not submitted.

2-02-19-02-08 *EXTENSION OF APPROVAL*

A sketch plan approval may not be extended.

2-02-19-03 *PRELIMINARY PLAT*

2-02-19-03-01 *PURPOSE*

The purpose of this section is to detail the steps for an in-depth analysis of the proposed subdivision including a refinement of the design considering the geologic hazards, environmentally sensitive areas, source of required services, vehicular/pedestrian circulation, and the relationship to surrounding land uses. Approval of a preliminary plat establishes a vested right to develop property in accordance with the plat.

2-02-19-03-02 *APPLICABILITY*

A preliminary plat shall be required for any property intended for subdivision. A preliminary plat shall be approved prior to filing an application for final plat.

2-02-19-03-03 *WHO CAN INITIATE A PRELIMINARY PLAT*

A preliminary plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided.

The applicant has the burden of proof to demonstrate the preliminary plat fully complies with these standards and regulations and meets the criteria for approval.

2-02-19-03-04 *PRELIMINARY PLAT REVIEW PROCEDURES*

A preliminary plat shall be approved by the Board of County Commissioners. Any preliminary plat shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the preliminary plat and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the preliminary plat based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the preliminary plat's compliance with the criteria for approval.

The processing of a preliminary plat shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable, unless the Director of Community and Economic Development determines the development proposal may not have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for a preliminary plat as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.

5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a preliminary plat may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Applicable.

2-02-19-03-05

CRITERIA FOR APPROVAL

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a preliminary plat, shall find:

1. The preliminary plat is consistent with the Adams County Comprehensive Plan and any available area plan.
2. The preliminary plat is consistent with the purposes of these standards and regulations.
3. The preliminary plat is in conformance with the subdivision design standards and any approved sketch plan.
4. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that such system complies with state and local laws and regulations.
6. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
7. The applicant has provided evidence that adequate drainage improvements comply with these standards and regulations.
8. The overall density of development within the proposed subdivision conforms to the zone district density allowances.

9. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
 - a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
 - b. Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;
 - c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;
 - d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design; and
 - e. Incorporating public facilities or infrastructure, or cash-in-lieu, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of the County services and facilities.

2-02-19-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall file a copy of the approved preliminary plat in the Community and Economic Development Department.

2-02-19-03-07 *LAPSE OF APPROVAL*

The preliminary plat approval shall lapse two (2) years from the date of approval if a final plat is not submitted.

2-02-19-03-08 *EXTENSION OF APPROVAL*

A ninety (90)-day extension of the preliminary plat approval may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the preliminary plat would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous good faith effort in preparing a final development plan including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

A preliminary plat shall be limited to one ninety (90)-day extension.

2-02-19-04 *FINAL PLAT***2-02-19-04-01 *PURPOSE***

The purpose of this section is to detail the steps and requirements for a review of all final engineering plans, subdivision improvements agreements, and other legal requirements for platting a major subdivision. Approval of a final plat establishes a vested right to develop property in accordance with the plan.

2-02-19-04-02 *APPLICABILITY*

A final plat shall be required for any property intended to be subdivided.

2-02-19-04-03 *WHO CAN INITIATE A FINAL PLAT*

A final plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided. A final plat may only be submitted if a preliminary plat for the subject property has been approved. The final plat shall conform to the preliminary plat.

The applicant has the burden of proof to demonstrate the final plat fully complies with these standards and regulations and meets the criteria for approval.

2-02-19-04-04 FINAL PLAT REVIEW PROCEDURES

A final plat shall be approved by the Board of County Commissioners by resolution. Any final plat shall be processed through a public meeting before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the final plat based on its consideration of the staff report, the evidence from the public meeting, and the final plat's compliance with the criteria for approval.

The processing of a final plat shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a final plat as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of County Commissioners public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. This item would be listed on the consent calendar. However, the Board of County Commissioners may take testimony from the public at the public hearing.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

2-02-19-04-05 CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a final plat, shall find:

1. The final plat is consistent and conforms to the approved preliminary plat.
2. The final plat is in conformance with the subdivision design standards.
3. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the

type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.

4. The applicant has provided evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
5. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.
7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.

2-02-19-04-06

ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the final plat and subdivision improvements agreement.

2-02-20 SUBDIVISION, MINOR**2-02-20-01 PURPOSE**

The purpose of this section is to detail the steps for obtaining approval to develop a minor subdivision. A minor subdivision shall only be used to divide parcels of less than twenty (20) acres into four (4) or fewer lots. All minor subdivisions are required to obtain two (2) approvals prior to development of a site.

The first required approval is an approval of the sketch plan. The sketch plan is a conceptual plan analysis of the feasibility of the subdivision including conceptual design, ability to obtain water/sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and

conformance with zoning, design standards, and the Adams County Comprehensive Plan.

The second required approval is an approval of the final plat. The final plat provides a review of all final engineering plans, subdivision improvements agreements, and other legal requirements.

An Applicant may also choose to process a minor subdivision in the same manner as a major subdivision and the process shall follow Section 2-02-16-03. Each process involves the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, staff analysis and meetings with staff or public hearings/meetings. The final plat application builds on the previously approved application by providing additional details and by meeting additional restrictions and standards. This progression relieves the applicant from major and potentially unnecessary expenses in situations which may require a redesign, and, therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

The sketch plan shall be reviewed by the Director of Community and Economic Development with written staff analysis provided, prior to submittal of the final plat. The final plat shall be reviewed by the Planning Commission and Board of County Commissioners at a public hearing. The final plat may not be submitted prior to obtaining a sketch plan approval.

If significant issues are identified or disclosed during the sketch plan process, including, but not limited to, public opposition, the applicant may choose to have the minor subdivision processed as a major subdivision. Where issues appear to be significant or public opposition to a subdivision is substantial, the applicant is advised that by filing a preliminary plat, the applicant may avoid the unnecessary expense in completing final engineering where final plat approval is less certain. If the applicant chooses to have the proposed minor subdivision processed as a major subdivision, the applicant shall submit a preliminary plat in conformance with the requirements of the major subdivision process.

2-02-20-02 SKETCH PLAN

2-02-20-02-01 PURPOSE

The purpose of this section is to detail the steps for examining the feasibility of a subdivision of land including the review of conceptual design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and conformance with zoning, design standards, and the Adams County Comprehensive Plan. Approval of a sketch plan does not establish any vested right to develop property in accordance with the plan.

2-02-20-02-02 *APPLICABILITY*

A sketch plan approval shall be required for all minor subdivisions prior to submission of an application for final plat.

2-02-20-02-03 *WHO CAN INITIATE A SKETCH PLAN*

A sketch plan may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided.

The applicant has the burden of proof to demonstrate the sketch plan fully complies with these standards and regulations and meets the criteria for approval.

2-02-20-02-04 *SKETCH PLAN REVIEW PROCEDURES*

A sketch plan shall be approved by the Director of Community and Economic Development. Sketch plans shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic Development shall approve, approve with conditions, or deny the sketch plan and shall forward a written administrative analysis concerning the decision and application to the applicant. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a sketch plan shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for a sketch plan as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable.

9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a sketch plan may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Not applicable.

2-02-20-02-05 *CRITERIA FOR APPROVAL*

The Director of Community and Economic Development, in approving a sketch plan, shall find:

1. The sketch plan appears to be consistent with the Adams County Comprehensive Plan and any applicable area plan.
2. The sketch plan appears to be consistent with the purpose of these standards and regulations.
3. The sketch plan appears to be in conformance with the subdivision design standards.
4. The applicant has provided reasonable evidence that a sufficient water supply has been acquired in terms of quantity, quality and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided reasonable evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
6. The applicant has provided reasonable evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
7. The applicant has provided reasonable evidence adequate drainage improvements can be provided.
8. Significant cultural, archaeological, natural/historical resources and unique landforms will be reasonably protected in accordance with resource inventory provisions of these standards and regulations.
9. Necessary services, including fire/police protection, schools, recreation, utilities, open space and transportation system, appear to be available to serve the proposed subdivision.
10. The sketch plan appears to be compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the

area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

2-02-20-02-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall file a copy of the approved sketch plan in the Community and Economic Development Office.

2-02-20-02-07 *LAPSE OF APPROVAL*

The sketch plan approval shall lapse one (1) year from the date of approval if a preliminary plat is not submitted.

2-02-20-02-08 *EXTENSION OF APPROVAL*

A sketch plan approval may not be extended.

2-02-20-03 *FINAL PLAT*

2-02-20-03-01 *PURPOSE*

The purpose of this section is to detail the steps and requirements for a review of all final engineering plans, subdivision improvements agreements, and other legal requirements for platting a minor subdivision. Approval of a final plat establishes a vested right to develop property in accordance with the plan.

2-02-20-03-02 *APPLICABILITY*

A final plat shall be required for any property intended for subdivision.

2-02-20-03-03 *WHO CAN INITIATE A FINAL PLAT*

A final plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided. A final plat may only be submitted if a sketch plan for the subject property has been approved. The final plat shall conform to the sketch plan.

The applicant has the burden of proof to demonstrate the final plat fully complies with these standards and regulations and meets the criteria for approval.

2-02-20-03-04 FINAL PLAT REVIEW PROCEDURES

A final plat shall be approved by the Board of County Commissioners by resolution. Any final plat shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the final plat and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the final plat based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the final plat's compliance with the criteria for approval.

The processing of a final plat shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a final plat as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Not applicable.
10. Amendments: Applicable.

2-02-20-03-05 CRITERIA FOR APPROVAL

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a final plat, shall find:

1. The final plat is consistent and conforms to the approved sketch plan.

2. The final plat is in conformance with the subdivision design standards.
3. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
4. The applicant has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
5. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.
7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.
8. The final plat is consistent with the Adams County Comprehensive Plan and any available area plan.
9. The final plat is consistent with the purposes of these standards and regulations.
10. The overall density of development within the proposed subdivision conforms to the zone district density allowances.
11. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
 - a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
 - b. Incorporating site planning techniques to foster the implementation of the County's plans and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of

other services consistent with adopted plans, policies and regulations of the County;

- c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures; and
- d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.

2-02-20-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the final plat and subdivision improvements agreement.

2-02-21 APPEAL FROM ADMINISTRATIVE DECISION

2-02-21-01 PURPOSE

The purpose of this section is to detail the steps and requirements for appeals from decisions of administrative officials to ensure these standards and regulations are administered properly and consistently with the policies adopted by the County.

2-02-21-02 APPLICABILITY

All appeals from an administrative decision must be processed in accordance with this section. The Board of Adjustment shall have the authority to hear and decide appeals by any aggrieved person, where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these standards and regulations. Only those provisions relating to the administration of these standards and regulations, the interpretation of performance and design standards, or zone district regulations and standards may be appealed to the Board of Adjustment. An alleged error in the interpretation and administration of any subdivision standards or regulations, or the administration and interpretation of any engineering design and construction standards may not be appealed to the Board of Adjustment, but must be appealed to the Board of County Commissioners.

2-02-21-03 WHO CAN INITIATE AN APPEAL

An appeal may be initiated by, without limitation, any person aggrieved by any decision of any administrative official of the County in the enforcement of these standards and regulations.

2-02-21-04 TIME LIMITATIONS

All appeals must be initiated within ten (10) calendar days of the date the order, requirement, decision, or determination was made or rendered by the administrative official. The Director Community and Economic Development may waive or extend this deadline only upon finding the person filing the appeal received no actual or constructive form of notice of the order, requirement, decision, or determination being appealed. Failure to file the appeal in a timely manner shall constitute a waiver of any rights to appeal under this section.

2-02-21-05 APPEAL REVIEW PROCEDURES

An appeal shall be decided by the Board of Adjustment. Any appeal shall be processed through an administrative hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall grant the appeal, modify the administrative decision, or deny the appeal based on consideration of the staff report, the evidence from the public hearing, and compliance with the criteria for approval.

2-02-21-06 APPEAL REVIEW STEPS

The processing of an appeal shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for an appeal as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. Upon a determination of sufficiency, the appeal shall stay any proceedings in furtherance of the contested action. The Director of Community and Economic Development may certify in writing to the Board of County Commissioners that a stay poses an imminent peril to life or property or would seriously interfere with the enforcement of these standards and regulations. The Board of

County Commissioners shall review the certification and may override the stay of further proceedings.

5. Staff Report: Applicable. The administrative official whose action is being appealed shall transmit to the Director of Community and Economic Development all administrative papers, records, and other information regarding the subject being appealed within seven (7) days of being given notice of the appeal by the Director of Community and Economic Development. The Director of Community and Economic Development shall give notice in writing to the administrative official whose decision is being appealed. Copies of all written materials transmitted to the Director of Community and Economic Development shall be incorporated into the staff report.
6. Notice: Not applicable.
7. Public Hearing: Not applicable. An administrative hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-21-07 CRITERIA FOR APPROVAL

The Board of Adjustment, in granting an appeal or modifying an administrative decision, shall have all the powers of the administrative official from whom the appeal is taken and shall, in making its decision, find an error in the application of these standards and regulations on the part of the administrative official rendering the order, requirement, decision, or determination. The motion regarding the appeal shall state the reasons the Board of Adjustment used and the findings of fact the Board made in reaching its decision.

2-02-21-08 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING THE GRANT OF AN APPEAL

Upon the granting of an appeal or modification of an administrative decision by the Board of Adjustment, the Director of Community and Economic Development shall send a letter of decision to the administrative officer whose decision was overturned or modified and the appellant. The letter of decision shall describe in detail the grant of appeal approved by the Board of Adjustment.

2-02-21-09 EFFECT OF APPROVAL

The applicant shall be subject to all permits required by these standards and regulations. All orders, decisions, determinations, and interpretations made under those permit procedures shall be consistent with the reversal or modification granted to the appellant.

2-02-22 FLOODPLAIN USE PERMIT VARIANCE**2-02-22-01 PURPOSE**

The purpose of this section is to detail the processing steps and requirements for a variance from the provisions of the Floodplain Overlay Zone District requirements. The variance is a means whereby the literal terms of the Floodplain Overlay Zone District standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with their application. In granting a variance, the spirit of the Floodplain Overlay Zone District standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

2-02-22-02 APPLICABILITY

All Floodplain Overlay Zone District variance requests must be processed in accordance with this section. Only the Board of Adjustment may approve a variance from the Floodplain Overlay Zone District standards and regulations. Variances to the Floodplain Overlay Zone District requirements shall be limited as follows:

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places;
2. Variances shall not be issued within any designated floodway if any increase in flood levels would occur during the base flood discharge or if increases within the channel exceed those standards specified in the storm drainage design and technical criteria of these standards and regulations;* and
3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level.

2-02-22-03 WHO CAN INITIATE A VARIANCE REQUEST

A variance may be requested by, without limitation, any owner of, or person having an interest in the affected property. The applicant has the burden of proof to demonstrate the variance meets the criteria for approval.

2-02-22-04 VARIANCE REVIEW PROCEDURES

A variance may be approved by the Board of Adjustment. Any request for variance shall be processed through a public hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the public hearing, and the variance's compliance with the criteria for approval.

2-02-22-05 VARIANCE REVIEW STEPS

The processing of a variance shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for obtaining a variance as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least twenty (20) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a variance may attach any conditions necessary to ensure the variance authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and

zone district in which the subject property is located and will protect the public health and safety.

10. Amendments: Applicable.

2-02-22-06 CRITERIA FOR APPROVAL

The Board of Adjustment in approving a variance shall find:

1. Special physical requirements or circumstances exist which are peculiar to the land, the lot or some aspect inherent in the land causes the hardship, and are not applicable to other lands in the same district.
2. The literal interpretation of the provisions of these standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these standards and regulations.
3. Granting of the variance requested will not confer on the applicant any special privilege denied by these standards and regulations for other land in the same zone district.
4. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of these standards and regulations.
5. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.
6. The variance is the minimum necessary, considering the flood hazard, to afford relief.
7. The applicant has shown good and sufficient cause.
8. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with State or Federal law or regulations or conflict with existing local laws,* regulations or ordinances. ***Adopted by the BOCC on June 27, 2011.**
9. The Board of Adjustment has considered all technical evaluations, all relevant factors, standards specified in other sections of these standards and regulations, and:
 - a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- d. The importance of services provided by the proposed facility to the community.
- e. The necessity of the facility to the water front location, where applicable.
- f. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- g. The compatibility of the proposed use with the existing and anticipated development.
- h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of Adams County.
- i. The safety of access to the property in time of flood for ordinary and emergency vehicles.
- j. The expected height, velocity, duration, rate of rise, and sediment transport of the flood water and the effects of wave action as described by a registered professional engineer, if applicable, expected at the site.
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, telephone, water systems, streets, and bridges.

2-02-22-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all conditions of the Board of Adjustment, the Director of Community and Economic Development shall file a variance decision letter with the Office of the Adams County Clerk and Recorder and the Federal Emergency Management Agency. The variance decision letter shall describe in detail the variance approved by the Board of Adjustment and include all specific conditions applied by the Board of Adjustment, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the variance.

The Director of Community and Economic Development shall also notify the applicant in writing over his or her signature that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required by this section. ***Adopted by the BOCC on June 27, 2011.**

2-02-22-08 EFFECT OF APPROVAL

Issuance of a variance shall be deemed to authorize only the particular variation from the Floodplain Overlay Zone District standards and regulations for which it is issued. The variance shall run with the land. The applicant shall be subject to all permits required by these standards and regulations to develop the land.

All conditions contained in the variance shall be binding upon the applicant, any successors, and assigns. The variance and its conditions shall limit and control the issuance and validity of certificates of occupancy and shall restrict and limit the construction, location, and maintenance of all land and structures within the boundaries of the property subject to the variance.

2-02-22-09 REVERSION OF APPROVAL

If at the expiration of one (1) year, a building permit has not been issued for the structure for which the variance was approved or the use associated with the variance has not been established, the variance shall expire and the use of the property shall be controlled by the Floodplain Overlay Zone District standards and regulations without action by the Board of Adjustment.

2-02-22-10 EXTENSION OF APPROVAL

An extension of the variance to allow for the application for a building permit or the establishment of the use or activity approved by the variance may be granted by the Board of Adjustment. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the end of the reversion period. A progress report and revised schedule shall be submitted with the request for extension. An extension may be granted only if the Board of Adjustment finds:

1. The applicant has maintained a continuous good faith effort in commencing the activity including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

2-02-23 VARIANCE

2-02-23-01 PURPOSE

The purpose of this section is to detail the processing steps and requirements for a variance. The variance is a means whereby the literal terms of these standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with their application. In granting a variance, the spirit of these standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

2-02-23-02 APPLICABILITY

All variance requests must be processed in accordance with this section. The Board of Adjustment may approve a variance from these standards and regulations. A variance may only be approved from the dimensional requirements, performance standards, and other special physical requirements contained in these standards and regulations. The Board of Adjustment shall not have the authority to grant a variance to use of a property. In addition, the Board of Adjustment may not grant a variance from the noise and height restrictions within the Aviation Zone, the International Airport Clear Zone, or the Height and Noise Overlay Zone Districts.

2-02-23-03 WHO CAN INITIATE A VARIANCE REQUEST

A variance may be requested by, without limitation, any owner of, or person having an interest in the affected property. The applicant has the burden of proof to demonstrate the variance meets the criteria for approval.

2-02-23-04 VARIANCE REVIEW PROCEDURES

A variance may be approved by the Board of Adjustment. Any request for variance shall be processed through a public hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the public hearing, and the variance's compliance with the criteria for approval.

2-02-23-05 VARIANCE REVIEW STEPS

The processing of a variance shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for obtaining a variance as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a variance may attach any conditions necessary to ensure the variance authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone district in which the subject property is located. Conditions serving to prevent or minimize adverse impacts upon other properties in the neighborhood shall include, but not be limited to limitations on the size and location, hours of operation, requirements for landscaping and screening, lighting limitations, and access requirements.
10. Amendments: Applicable.

2-02-23-06 CRITERIA FOR APPROVAL

The Board of Adjustment in approving a variance shall consider:

1. Special physical requirements or circumstances exist which are peculiar to the land, the lot, or some aspect inherent in the land causes the hardship, and are not applicable to other lands in the same district.
2. The literal interpretation of the provisions of these standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these standards and regulations.
3. Granting of the variance requested will not confer on the applicant any special privilege denied by these standards and regulations for other land in the same zone district.

4. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of these standards and regulations.
5. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.
6. The granting of the variance will be in harmony with the general purpose and intent of these standards and regulations and with the Adams County Comprehensive Plan.
7. The granting of a variance from strict application of these standards and regulations will not cause substantial detriment to the public good or impair the intent of these standards and regulations.
8. The variance would not allow a use which (a) is not otherwise permitted in the zone district in which the property is located, (b) would result in the extension of a non-conforming use, or (c) would change the zone classification of any or all of the subject property.

2-02-23-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all conditions of the Board of Adjustment, the Director of Community and Economic Development shall file a variance decision letter with the Office of the Adams County Clerk and Recorder. The variance decision letter shall describe in detail the variance approved by the Board of Adjustment and include all specific conditions applied by the Board of Adjustment, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the variance.

2-02-23-08 EFFECT OF APPROVAL

Issuance of a variance shall be deemed to authorize only the particular variation from these standards and regulations for which it is issued. The variance shall run with the land. The applicant shall be subject to all permits required by these standards and regulations to develop the land.

All conditions contained in the variance shall be binding upon the applicant, any successors and assigns. The variance and its conditions shall limit and control the issuance and validity of certificates of occupancy, and shall restrict and limit the construction, location, and maintenance of all land and structures within the boundaries of the property subject to the variance.

2-02-23-09 REVERSION OF APPROVAL

If at the expiration of one (1) year, a building permit has not been issued for the structure for which the variance was approved or the use associated with the variance has not been established, the variance shall expire and the use of the property shall be controlled by these standards and regulations without action by the Board of Adjustment.

2-02-23-10 EXTENSION OF APPROVAL

An extension of the variance to allow for the application for a building permit or the establishment of the use or activity approved by the variance may be granted by the Board of Adjustment. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the end of the reversion period. A progress report and revised schedule shall be submitted with the request for extension. An extension may be granted only if the Board of Adjustment finds that:

1. The applicant has maintained a continuous good faith effort in commencing the activity including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

2-02-24 CLEARING AND GRADING PERMIT**2-02-24-01 PURPOSE**

The purpose of this section is to provide processing requirements for clearing and grading permits in order to review, consider, approve, approve with modifications, or deny a request for permission to clear bush and/or vegetation, excavate or import soils, disturb land and/or, change the topography of land within unincorporated Adams County.

2-02-24-02 APPLICABILITY

All clearing and grading (GRD) permits must be processed in accordance with this section. A GRD permit is required if:

1. The total area of land disturbance is to be 3,000 square feet or greater, or
2. The cumulative fill and/or excavation exceeds 50-cubic yards.

A GRD permit is the mechanism to provide authorization under which land may be cleared of vegetation, excavated, receive imported soils, disturbed and/or, the topography of the land altered. In accordance with Section 5-02-02, properties that are the subject of an active Subdivision case cannot be issued a clearing and grading permit prior to the approval of the subdivision plat. Agricultural and farming activities are exempt from this requirement.

2-02-24-03 WHO CAN INITIATE A CLEARING AND GRADING PERMIT

A clearing and grading permit may be requested by, without limitation, the owner(s) of the property to which the clearing and grading work is to be performed, the owner of the utility, or any person(s) performing work within the County with legal right to perform such work. The applicant has the burden of proof to demonstrate the clearing and grading permit fully complies with these standards and regulations and meets the criteria for approval.

2-02-24-04 PERMIT APPLICATION

The applicant must submit to the County the following documentation to obtain a Clearing and Grading Permit:

1. A complete GRD Permit Application on the form prescribed by the County. The application shall be signed by a person responsible for compliance with the GRD permit throughout the duration of the permit's validity.
2. An Erosion and Sediment Control Plan (ESCP) that includes the narrative and civil Erosion Control (EC) Plan, according to Section 9-03-08 ESCP.
3. GRD Permit fee.
4. Other materials as deemed appropriate by the County to ensure compliance with this Regulation.

GRD permits are issued for a period of six (6) months, and solely for the specific applicant, scope of work, location and size of the proposed development. Any GRD permit renewal or modifications to the scope of work, location or size of the permitted area (area within the construction boundary line where land disturbing activities are allowed to take place) must be pre-approved in writing by the County. Amendments to the permit shall be filed by the Permittee with the County on a form prescribed by the County. GRD permits will not be approved until construction plans are approved. If there is no construction activity for a period longer than 6 months then any GRD permit issued will be automatically terminated.

2-02-24-05 PERMIT FEES

GRD Permit fees shall be established from time to time in the annual fee schedule adopted by the Board of County Commissioners. The permit fees shall be paid at the time of submittal of the GRD Permit application. All applicable permit fees are non-refundable.

2-02-24-06 CLEARING AND GRADING PERMIT REVIEW PROCEDURES

A clearing and grading permit may be approved by the Director of Community and Economic Development. The processing of an clearing and grading permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for a clearing and grading permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. Notification of adjacent property owners may be required if the proposed development could have offsite impacts. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable
7. Public Hearing: Not applicable. In substitution, an application for a clearing and grading permit shall be reviewed and approved, approved with modifications, or denied by the Director of

Community and Economic Development based on its compliance with these standards and regulations.

8. Standards: Not applicable. In substitution, an application for clearing and grading permit shall be reviewed for compliance with these standards and regulations.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development may impose any conditions determined to be necessary to assure the safety of the general public, protect the County's infrastructure, adequately accommodate the type and volume of traffic during the work, and deal with anticipated traffic volumes and road improvements.
10. Amendments: Not applicable. In substitution, an amendment to a clearing and grading permit may be authorized by the Director of Community and Economic Development provided the clearing and grading permit remains in compliance with all applicable standards and regulations.

2-02-24-07 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a clearing and grading permit shall find:

1. The clearing and grading permit is consistent and complies with the requirements of these standards and regulations for the type of work to be performed.
2. The work to be performed will be of such a standard and condition as to prevent adverse effects to neighboring properties.
3. Adequate controls have been established to ensure compliance and safety during the course of work.
4. Adequate financial guarantees have been provided to ensure that any problems arising from the work to be performed can be reasonably remedied by the County, if necessary.

2-02-24-08 RIGHT OF ENTRY

Refer to Chapter 1 of these standards and regulations for the authority to enter onto private property within unincorporated Adams County for inspection purposes. Additionally, the landowner, developer, builder, or GRD Permittee must allow County staff the right-of-entry for the following:

1. To enter upon the construction project premises to investigate, within reason, any actual, suspected, or

potential source of water pollution, or violation of these regulations. The investigation may include, but is not limited to, the following: sampling of any discharge or process waters, the taking of photographs, interviewing associated personnel on alleged violations, and access to any and all facilities or areas within the project premises that may have any effect on the discharge, permit, or alleged violations.

2-02-24-09 EFFECT OF APPROVAL

The clearing and grading permit shall be valid for a period of six (6) months from the time such clearing and grading permit is issued unless fully and properly acted upon and completed.

2-02-24-10 EXTENSION OF APPROVAL

The Director of Community and Economic Development may grant extensions of up to six (6) months. In order to be eligible for an extension, the applicant shall file a request for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the clearing and grading permit would lapse, unless waived by the Director of Community and Economic Development.

2-02-24-11 FINAL CONSTRUCTION SITE STABILIZATION

The GRD permit shall remain active until Final Construction Site Stabilization has occurred. Final Construction Site Stabilization occurs when all ground disturbing activities are complete, and all disturbed areas have either been built on, paved over or a uniform vegetative cover has been established per conditionally accepted ESCP. Prior to GRD permit closeout, all items listed below must be completed in order for the construction site to be considered to have Final Construction Site Stabilization:

1. The site has a uniform vegetative cover with a density of at least seventy percent (70%) compared to the original undisturbed site. Vegetative cover shall be established with the approved seed mix, sod or a combination thereof.
2. If applicable, proper installation and maintenance of all approved permanent post-construction stormwater quality treatment BMPs.
3. Removal of all stockpiles of soil, construction material/debris, construction equipment, etc. from the construction site.

4. Streets, parking lots and other surrounding paved surfaces are clean and free of any sediment or debris.
5. Removal of sediment and debris within the private or adjacent public storm drainage system.
6. Restoration and stabilization of any damaged public infrastructure caused by the Permittee's construction activities.

Any acceptance of installed vegetative cover shall not be construed to relieve the property owner of the duty to warrant and maintain the installed vegetative measures as aforementioned.

2-02-24-12 PERMIT CLOSEOUT NOTIFICATION

The Permittee must contact the County to set up a Closeout Inspection. The purpose of the Closeout Inspection is to verify the site is adequately stabilized and/or covered with pavement or structures, per the County accepted plans. If the County needs to conduct more than one Closeout Inspection, an inspection fee may be assessed for each additional closeout inspection, as approved by Adams County Annual Fee Schedule adopted by the Board of County Commissioners.

2-02-24-13 AUTHORITY

Enforcement of the Adams County GRD Permit is the responsibility of the Department of Public Works. The Department of Public Works is hereby authorized to sign-off (or withhold the approval) of associated County permits (e.g. Building, Right-of-Way, Infrastructure, etc.) with a signature line once all GRD Permit conditions have been met.

The Department of Public Works is hereby authorized to sign off on the Certificate of Occupancy (C.O.) for buildings holding a GRD Permit. In order for the Department of Public Works to sign off on a C.O., the associated overall site shall be in compliance with the GRD Permit requirements. Sites that are under an enforcement action may not receive a sign off by the Department of Public Works.

2-02-24-14 ENFORCEMENT POLICIES

It is the policy of Adams County to encourage compliance with the approved GRD permit by working with the landowner, developer, builder, or GRD Permittee during construction. The County may allow the landowner, developer, builder, or GRD Permittee a reasonable amount of time to re-inspect the site to ensure necessary measures have been completed to bring a construction site into compliance prior to formal enforcement. The County considers the owner of the land the ultimate responsible party for all construction activities. It is ultimately the responsibility of the landowner to take all necessary measures to ensure the site is in compliance with County, State and Federal statutes, regulations, ordinances and permits. The County has, to the maximum extent practicable, made its Clearing and Grading Regulations consistent with the requirements of the Adams County Stormwater Quality Permit and the State CDPS Stormwater Discharge Permit for Construction Activities. In the event of conflicting requirements, the most stringent or restrictive shall govern.

2-02-24-15 VIOLATIONS

The following items are considered, but not limited to, a violation of the Clearing and Grading Regulations and/or Clearing and Grading (GRD) Permit:

1. Conducting a permit covered activity without a County GRD Permit.
2. Failure to prepare an Erosion and Sediment Control Plan (ESCP).
3. Failure to prepare an Erosion Control (EC) Plan
4. Conducting a permit covered activity without Adams County review and conditional acceptance of the ESCP.
5. Conducting activity without a State CDPS Stormwater Discharge Permit for Construction Activities (when applicable).
6. Failure to renew the GRD Permit.
7. Deficient ESCP.
8. Failure to update the ESCP adequately to reflect current site conditions.
9. Failure to install, maintain or properly select stormwater pollution prevention Best Management Practices (BMP).

10. Failure to correct findings from Adams County Regulatory Inspections.

2-02-24-16 PENALTIES

In addition to penalties listed under Chapter 1 of these standards and regulations, the following penalties may apply to any person, landowner, developer, builder, or GRD Permittee if such person fails to adequately comply with the measures required by the ESCP, EC Plan, GRD Permit, Stormwater Quality Regulations or other written requirements by the County. The remedies listed below are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the County to seek alternative and/or cumulative remedies.

1. Verbal or Written Warning: Advice of non-compliance given by the County to the Permittee that indicates the Permittee is in violation with County Regulations and directing immediate resolution.
2. Notice of Violation (NOV): As defined in Chapter 1 of these standards and regulations. Additionally the NOV shall include re-inspection dates in which the County returns to the site to ensure completion of corrective and preventative measures. Possible measures may include, but are not limited to; vacuum and jetting storm sewer structures, attending educational training, submitting standard operating procedures, posting signage, reimbursing the County for any additional inspection cost and/or spill material provided by the County, etc. When clean-up and repairs are not feasible, then alternative equivalent activities may be directed such as, but not limited to, storm drain stenciling, attendance to compliance workshops, and trash cleanup.
3. Suspension or Revocation of Permits: As defined in Chapter 1 of these standards and regulations. All fees for re-issuance of a new permit must be paid prior to re-issuance of the permit.
4. Permit Fee Increase: As established in the Annual Fee Schedule adopted by the Board of County Commissioners.
5. Certificate of Occupancy (C.O.) Withhold: As defined in Chapter 1 of these standards and regulations. In Addition, the County may withhold the Certificate of Occupancy (C.O.) sign off if the associated overall site is not in compliance with the GRD Permit requirements. Sites that are under an enforcement action will not receive a sign off by Public Works Department.

6. Cease and Desist Order: As defined in Chapter 1 of these standards and regulations.
7. Payment of additional Inspections: A person or landowner may be charged inspection fees for more than one regular follow-up regulatory inspection or any inspection triggered by a Notice of Violation as established in the Annual Fee Schedule adopted by the Board of County Commissioners.
8. Stringent Self-Inspection Frequency: Permittees may be required to conduct GRD self- inspections on a more stringent frequency if the Permittee is non-responsive after two NOV, or systematic/chronic violator.
9. Financial Surety Withdrawal: The County may, after notifying the GRD Permittee of the required maintenance and/or BMP removal, and such person's failure to perform such maintenance and/or BMP removal within ten (10) business days thereafter, enter upon the property and perform or cause to be performed the required work and assess the reasonable costs and expenses of such work against such person. At such time, as any assessment for work performed by the County has not been paid by the GRD Permittee, the County shall withdraw from the GRD Permit Financial Surety;
10. Civil/Criminal Action: As defined in Chapter 1 of these standards and regulations.

CHAPTER 3—ZONE DISTRICT REGULATIONS

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Chapter 3—ZONE DISTRICT REGULATIONS**3-01 GENERAL APPLICATION**

The requirements within each zone district shall be the minimum regulations and shall apply to both the use of land or structure within each zone district. No land shall be used or occupied and no structure or building shall be constructed, erected, altered, used, or occupied except in conformity with all standards and regulations specified for the zone district in which it is located, and in conformity with the County's building, subdivision, other standards and regulations, resolutions, and ordinances. All Variance requests are subject to Section 2-02-18 of the Adams County Standards and Regulations, excluding Marijuana Establishments and Sexually Oriented Businesses. These regulations shall be subject to limitations regarding the number of marijuana establishments and/or the type of establishments as set forth by the BOCC in resolution.

3-02 ESTABLISHMENT OF ZONE DISTRICTS

In order to regulate the use of land and buildings, regulate the location, height, bulk and size of buildings and other structures, and to provide for minimum separation between uses and structures, the unincorporated areas of Adams County are divided into the following underlying defined zone districts:

1. Agricultural-3 (A-3)
2. Agricultural-2 (A-2)
3. Agricultural-1 (A-1)
4. Residential Estate (RE)
5. Residential-1-A (R-1-A) Same as R-1-C
6. Residential-1-C (R-1-C)
7. Residential Two-Family (R-2)
8. Residential Moderate Density (R-3)
9. Residential High Density (R-4)
10. Mobile Home Dwelling (MH)
11. Commercial-0 (C-0)
12. Commercial-1 (C-1)
13. Commercial-2 (C-2)
14. Commercial-3 (C-3)
15. Commercial-4 (C-4)
16. Commercial-5 (C-5)
17. Industrial-1 (I-1)
18. Industrial-2 (I-2)
19. Industrial-3 (I-3)
20. Conservation (CO)
21. Public Lands, Parks, Open Space, and Facilities (PL)
22. Planned Unit Development (P.U.D.)
23. Aviation (AV)
24. Denver International Airport (DIA)

3-03 ESTABLISHMENT OF OVERLAY ZONE DISTRICTS

In order to regulate the use and development of land and buildings where specific issues or concerns must be mitigated due to unusual and unique circumstances or where alternative design concepts are desired or are necessary to mitigate specific conditions, the following overlay zone districts are hereby created:

1. Airport Height Overlay (AHO)
2. Airport Influence Zone (AIZ)
3. Airport Noise Overlay (ANO)
4. Flammable Gas Overlay (FGO)
5. Flood Control Overlay (FCO)
6. Mineral Conservation Overlay (MCO)
7. Natural Resources Conservation Overlay (NRCO)

3-04 INCORPORATION AND INTERPRETATION OF MAPS

The location and boundaries of the zone and overlay zone districts established by these standards and regulations are shown on the zone district maps of Adams County (Adams County Zoning Maps), which are incorporated into these standards and regulations by reference.

If for any reason the location of any zone or overlay zone district boundary line is not readily determinable from the Official Adams County Zoning Maps, the location of the zone or overlay zone district boundary line shall be determined by the Director of Community and Economic Development in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:

1. Where a zone or overlay zone district boundary line is located with reference to a fixture, monument, or natural feature, the location of such fixture, monument, or natural feature shall control.
2. Where a zone or overlay zone district boundary line is given a position within or abutting a highway, road, street, or alley right-of-way which does not appear to be located within any zone or overlay zone district, the zone district boundary line shall be deemed to be in the center of the highway, road, street, or alley right-of-way.
3. Where a zone or overlay zone district boundary line is shown as approximately following subdivision plat lot lines, municipal boundary or County boundary lines, the lot lines, or municipal or County boundary lines shall control.
4. Where a zone or overlay zone district boundary line is shown by a specific dimension, such specific dimension shall control.
5. Where a zone or overlay zone district boundary line is shown by reference to property ownership, the location of the zone or overlay zone district boundary line shall be determined by scaling from the County Assessor's maps.
6. In all other circumstances, the location of the zone or overlay zone district boundary line shall be determined by scaling from the zone district maps.

3-04-01 DIVISION OF A LOT BY A ZONE DISTRICT BOUNDARY

Where a zone or overlay zone district boundary line divides a lot, and where the division makes impractical the reasonable use of the lot, the zone or overlay zone district boundary may be adjusted by the Director of Community and Economic Development in either direction not to exceed one hundred (100) feet beyond the district boundary line into the remaining portion of the lot.

3-04-02 PROCEDURE FOR OBTAINING A BOUNDARY INTERPRETATION

Before a boundary interpretation may be provided by the Director of Community and Economic Development, a request for interpretation must be submitted to the Community and Economic Development Department in a form established by the Director of Community and Economic Development. After the Director of Community and Economic Development receives the request of interpretation, the Director of Community and Economic Development shall determine whether the request is complete, specific, clear and ready for review. If the Director of Community and Economic Development determines the request is not complete, a written notice shall be sent to the applicant specifying the deficiencies. The Director of Community and Economic Development shall take no further action on the request until the deficiencies are remedied.

After the request has been determined to be sufficient, the Director of Community and Economic Development shall review and evaluate the request in light of the terms and provisions of these standards and regulations and the zoning map, and render a written interpretation. The Director of Community and Economic Development may consult the County Attorney and other departments before rendering an interpretation. The written interpretation shall be sent to the applicant by U.S. Mail. *Interpretations not in writing shall have no force or effect.* Written interpretations set no precedent and shall be limited to the property identified in the interpretation.

The Director of Community and Economic Development shall maintain an official record of all interpretations in the Community and Economic Development Department. Such official record shall be available for inspection.

3-05 PERMITTED USES AND INTERPRETATIONS**3-05-01 USES PERMITTED IN EACH ZONE DISTRICT OR OVERLAY ZONE DISTRICT**

The uses permitted in each zone or overlay zone district are specifically designated in Section 3-07 through 3-37. No use not specifically permitted or conditionally permitted shall be allowed in a district unless the Director of Community and Economic Development determines the use is similar to an expressly permitted use.

3-05-02 PROCEDURE FOR OBTAINING AN INTERPRETATION OF THE TEXT OF THESE STANDARDS AND REGULATIONS

Before a text interpretation may be provided by the Director of Community and Economic Development, a request for interpretation must be submitted to the Community and Economic Development Department in a form established by the Director of Community and Economic Development. After the Director of Community and Economic Development receives the request of interpretation, the Director of Community and Economic Development shall determine whether the request is complete, specific, clear and ready for review. If the Director of Community and Economic Development determines the request is not complete, a written notice shall be sent to the applicant specifying the deficiencies. The Director of Community and Economic Development shall take no further action on the request until the deficiencies are remedied.

After the request has been determined to be sufficient, the Director of Community and Economic Development shall review and evaluate the request in light of the terms and provisions of these standards and regulations and the zoning map, and render a written interpretation. The Director of Community and Economic Development may consult the County Attorney and other departments before rendering an interpretation. The written interpretation shall be sent to the applicant by U.S. Mail. *Interpretations not in writing shall have no force or effect.* Written interpretations set no precedent and shall be limited to the property identified in the interpretation.

The Director of Community and Economic Development shall maintain an official record of all interpretations in the Community and Economic Development Department. Such official record shall be available for inspection.

3-05-03 LIMIT OF INTERPRETATION

No interpretation shall authorize any use in a zone or overlay zone district unless the Director of Community and Economic Development determines the use is substantially similar to a permitted use or conditionally permitted use in the district. No interpretation shall permit the establishment of any use inconsistent with the statement of purpose for the district in question, and no interpretation shall have the effect of amending, abrogating, or waiving any other standard or requirement established in these standards and regulations.

3-05-04 RELATIONSHIP OF INTERPRETATION TO OTHER STANDARDS

The Director of Community and Economic Development may require any use determined to be substantially similar to a permitted use or conditionally permitted use in a district to comply with all other standards contained in these standards and regulations pertaining to the substantially similar use, including, but not limited to, dimensional requirements, parking requirements, design requirements, and performance standards.

3-06 USE CATEGORIES DEFINED

The categories of use defined by these standards and regulations are set forth below. These use categories are established as a means of detailing the permitted uses within each zone district and overlay zone district. The categories are also established to provide consistent review, permitting, design requirements, and performance standards among similar uses. The uses not enumerated in this Section are not necessarily excluded. Section 3-05-01 empowers the Director of Community and Economic Development to make interpretations of use. The Director of Community and Economic Development may use the most recent edition of the Standard Industrial Classification Manual published by the Executive Office of the President, Office of Management and Budget, or any other sources to help determine whether an unidentified use is substantially similar to an identified permitted or conditional use.

1. Agricultural Uses
 - a. Agricultural Business
 - b. Agricultural Support Businesses and Services
 - c. Farming
 - d. Nurseries
 - e. Ranching
2. Residential Uses
 - a. Group Living Facility
 - b. Manufactured Home Park
 - c. Mobile Home Park
 - d. Multi-Family Dwelling
 - e. Single-Family Dwelling
 - f. Two-Family Dwelling
3. Institutional Uses
 - a. Funeral Home/Mortuary *
 - b. Funeral Home/Mortuary to Include Cremation *
 - c. Halfway House *
 - d. Institutional Care
 - e. Jails and Prisons
 - f. Neighborhood Indoor Uses
 - g. Outdoor Public Uses
 - h. Places of Worship

- i. Public Service
- j. Universities
- 4. Commercial Uses
 - a. Airports, Landing Strips and Heliports
 - b. Animal Hospitals
 - c. Automobile Service Stations
 - d. Bed and Breakfast Establishments
 - e. Campgrounds, Commercial
 - f. Communications Towers, Commercial
 - g. Commercial Retail
 - h. Convenience Store
 - i. Drive-In Establishments
 - j. Golf Course/Driving Range, Commercial
 - k. Heavy Retail and Heavy Services
 - l. Indoor Commercial Recreation/Entertainment
 - m. Kennel, Commercial
 - n. Lodging, Commercial
 - o. Massage Business
 - p. Off-Premise Advertising Devices
 - q. Office
 - r. Outdoor Commercial Recreation
 - s. Parking Lot, Commercial
 - t. Racing Facilities
 - u. Restaurants
 - v. Services
 - w. Sexually-Oriented Business
 - x. Trade Schools
- 5. Industrial Uses
 - a. Business Park Uses
 - b. Extraction or Disposal Uses
 - c. Heavy Industry
 - d. Heavy Manufacturing or Processing

- e. Landscape Storage Yards *
 - f. Light Industry
 - g. Light Manufacturing or Processing
 - h. Major Energy Facility
 - i. Moderate Manufacturing or Processing
 - j. Oil and Gas Facilities
 - k. Accessory Outdoor Storage (up to 25% of the building area) *
 - l. Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area) *
 - m. Outdoor Storage (in excess of 100% of the building area) *
6. Marijuana Establishmentsⁱ
- a. Medical Marijuana Center
 - b. Retail Marijuana Stores
 - c. Medical Marijuana Infused Products Manufacturers
 - d. Retail Marijuana Product Manufacturing Facilities
 - e. Medical Marijuana Optional Premises Cultivation Operations
 - f. Retail Marijuana Cultivation Facilities
 - g. Retail Marijuana Testing Facilities

*** Adopted by the BOCC on December 13, 2010**

3-07 USE CHART AND DIMENSIONAL REQUIREMENTS

3-07-01 USE CHARTⁱⁱ

The following tables summarize the permitted, conditionally permitted, and prohibited uses in each zone district. These tables are provided for ease of comparing allowed and prohibited uses between zone districts. Other standards or restrictions may apply within a specific zone district. The reader is advised to check the restrictions in the specific zone district section within these standards and regulations, review any restrictions within any overlay zone district which may further limit the permitted and conditional uses, and review any performance standards applicable to the use. If there is a conflict between the Use Chart and Dimensional Requirements (Chart) and the specific language in the zone district then the language in the zone district shall prevail over the chart.

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
AGRICULTURAL USES						
Agricultural Businesses and Farming Operations	C	C	C	-	-	-
Animal farms	P	P	P	-	-	-
Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO)	C	C	C	-	-	-
Aquaculture facility	C	C	C	-	-	-
Crop farming, excluding Hemp	P	P	P	P	P	P
Crop farming, including hemp	P	P	P	-	-	-
Equestrian Arena, Commercial	C	C	C	-	-	-
Equestrian Arena, Personal	P	P	P	-	-	-
Agricultural Support Businesses and Services	C	C	C	-	-	-
Farm machinery sales and services	C	C	C	-	-	-
Farm supply sales	C	C	C	-	-	-
Grain mill	C	C	C	-	-	-
Grain elevators	C	C	C	-	-	-
Riding stables or academy	C	C	C	-	-	-
Nurseries	P	P	P	-	-	-
Forestry and Silviculture	P	P	P	-	-	-
Timbering and logging	P	P	P	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
RESIDENTIAL USES						
Accessory Dwelling Unit	P	P	P	P	P	P
Group Home for the Developmentally Disabled	C	C	C	C	C	C
Group Home for the Elderly	C	C	C	C	C	C
Group Living Facility (1 to 5 persons)	P	P	P	P	P	P
Group Living Facility (in excess of 5 persons)	C	C	C	C	C	C
Group Living Facility (with more than 1 registered sex offender)	C	C	C	C	C	C
Manufactured Home Park	-	-	-	-	C	C
Mobile Home Park	-	-	-	-	-	-
Multi-Family Dwelling	-	-	-	-	-	-
Single-Family Dwelling	P	P	P	P	P	P
Two-Family Dwelling	C	C	C	-	-	P
INSTITUTIONAL USES						
Funeral Home/Mortuary*	P	P	P	-	-	-
Funeral Home/Mortuary to include Cremation*	C	C	C	-	-	-
Halfway House*	-	-	C	-	-	-
Institutional Care	C	C	C	C	C	C
Boarding/rooming houses	C	C	C	C	C	C
Convalescent homes	C	C	C	C	C	C
Convents or monasteries	C	C	C	C	C	C
Foster homes	C	C	C	C	C	C
Hospitals/clinics	C	C	C	C	C	C
Nursing homes	C	C	C	C	C	C
Protective living facilities	C	C	C	C	C	C
Sanitariums	C	C	C	C	C	C
Sheltered care homes	C	C	C	C	C	C
Jails and Prisons	-	-	C	-	-	-
Jails	-	-	C	-	-	-
Penal institutions	-	-	C	-	-	-
Prisons	-	-	C	-	-	-
Neighborhood Indoor Uses	C	C	C	C	C	C
Branch libraries	C	C	C	C	C	C
Day care centers (day or nursery schools) (Adult* or Child)	C	C	C	C	C	C

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Gymnasiums	C	C	C	C	C	C
Handball	C	C	C	C	C	C
Handball courts	C	C	C	C	C	C
Indoor recreational centers	C	C	C	C	C	C
Indoor skating rinks (ice or roller)	C	C	C	C	C	C
Indoor swimming pools	C	C	C	C	C	C
Neighborhood community or recreational centers	C	C	C	C	C	C
Public or private primary and secondary schools (excluding trade schools)	C	C	C	C	C	C
Racquetball	C	C	C	C	C	C
Tennis	C	C	C	C	C	C
Outdoor Public Uses	P	P	P	P	P	P
Arboretums	P	P	P	P	P	P
Areas for hiking	P	P	P	P	P	P
Cemeteries, with or without caretaker residences*	C	C	P	-	-	-
Garden plots	P	P	P	P	P	P
Nature areas	P	P	P	P	P	P
Picnic areas	P	P	P	P	P	P
Public areas for active recreational activities	P	P	P	P	P	P
Recreation-oriented parks	P	P	P	P	P	P
Wildlife sanctuaries	P	P	P	P	P	P
Places of Worship	C	C	P	C	C	C
Public Service	C	C	C	C	C	C
All government-owned facilities except landfills or mining facilities	C	C	C	C	C	C
Emergency service buildings or garages	C	C	C	C	C	C
Government offices	C	C	C	C	C	C
Utility substations or transmission and distribution facilities	C	C	C	C	C	C
Universities	C	C	C	C	C	C
COMMERCIAL USES						

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Airports, Landing Strips and Heliports	C	C	C	-	-	-
Animal Hospitals	C	C	C	-	-	-
Automobile Service Stations	-	-	-	-	-	-
Car washes	-	-	-	-	-	-
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	-	-	-	-	-	-
Gas stations	-	-	-	-	-	-
Bed and Breakfast Establishments	P	P	P	C	C	-
Campgrounds, Commercial	C	C	C	-	-	-
Camps	C	C	C	-	-	-
Campsites	C	C	C	-	-	-
Recreational vehicle parks	C	C	C	-	-	-
Tents	C	C	C	-	-	-
Trailer parks	C	C	C	-	-	-
Communications Towers, Commercial	C	C	C	-	-	-
Antenna arrays (satellite dishes)	C	C	C	-	-	-
Radio or TV broadcasting towers	C	C	C	-	-	-
Telecommunications towers	C	C	C	-	-	-
Commercial Retail	-	-	-	-	-	-
Apparel and accessory stores	-	-	-	-	-	-
Building supplies	-	-	-	-	-	-
Cabinet sales	-	-	-	-	-	-
Dry cleaners	-	-	-	-	-	-
Engineering and management services	-	-	-	-	-	-
Food stores	-	-	-	-	-	-
Furniture and home furnishings stores	-	-	-	-	-	-
General merchandise stores	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Greenhouses (retail) and greenhouses with garden supplies	-	-	-	-	-	-
Health services	-	-	-	-	-	-
Legal services	-	-	-	-	-	-
Membership organizations	-	-	-	-	-	-
Miscellaneous retail except fuel dealers	-	-	-	-	-	-
Miscellaneous services	-	-	-	-	-	-
Social services except care facilities	-	-	-	-	-	-
Convenience Retail Store	-	-	-	-	-	-
Drive-In Establishments	-	-	-	-	-	-
Golf Course/Driving Range, Commercial	C	C	C	C	C	C
Heavy Retail and Heavy Services	-	-	C	-	-	-
Auto/truck rental/leasing	-	-	C	-	-	-
Automobile dealers	-	-	C	-	-	-
Automotive repair except top, body, upholstery repair, paint, and tire retreading shops	-	-	C	-	-	-
Automotive services except wrecking or towing storage yards	-	-	C	-	-	-
Cabinet manufacturing with sales	-	-	C	-	-	-
Cold storage	-	-	C	-	-	-
Firewood sales, storage, and splitting	-	-	C	-	-	-
Flea market	-	-	C	-	-	-
Mobile home and manufactured housing dealers with mobile home sales office	-	-	C	-	-	-
Pawn shops	-	-	C	-	-	-
Radio and TV broadcasting station	-	-	C	-	-	-
Indoor Commercial Recreation/Entertainment	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Assembly halls	-	-	-	-	-	-
Auditoriums	-	-	-	-	-	-
Bowling alleys	-	-	-	-	-	-
Indoor sports arenas	-	-	-	-	-	-
Movie theaters	-	-	-	-	-	-
Physical fitness facilities	-	-	-	-	-	-
Pool arcades	-	-	-	-	-	-
Video arcades	-	-	-	-	-	-
Kennel, Commercial	C	C	C	-	-	-
Lodging, Commercial	-	-	-	-	-	-
Convention centers	-	-	-	-	-	-
Hotels	-	-	-	-	-	-
Motels	-	-	-	-	-	-
Massage Business	-	-	-	-	-	-
Off-Premise Advertising Devices	-	-	-	-	-	-
Office	-	-	-	-	-	-
Banking and other credit agencies (offices only)	-	-	-	-	-	-
Business services	-	-	-	-	-	-
Commodity brokers and services	-	-	-	-	-	-
Holding and other investments	-	-	-	-	-	-
Insurance carriers	-	-	-	-	-	-
Medical offices	-	-	-	-	-	-
Real estate	-	-	-	-	-	-
Security	-	-	-	-	-	-
Outdoor Commercial Recreation	C	C	C	-	-	-
Amusement parks	C	C	C	-	-	-
Archery ranges	C	C	C	-	-	-
Batting cages	C	C	C	-	-	-
Drive-in theaters	C	C	C	-	-	-
Go-cart establishments	C	C	C	-	-	-
Ice and roller skating rinks	C	C	C	-	-	-
Miniature golf establishments	C	C	C	-	-	-
Music arenas	C	C	C	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Outdoor commercial amusement facilities	C	C	C	-	-	-
Pistol and shooting ranges	C	C	C	-	-	-
Theme parks	C	C	C	-	-	-
Water slides	C	C	C	-	-	-
Parking Lot, Commercial	-	C	C	-	-	-
Racing Facilities	-	-	C	-	-	-
Automobile racing	-	-	C	-	-	-
Dog tracks	-	-	C	-	-	-
Horse racing	-	-	C	-	-	-
Truck racing	-	-	C	-	-	-
Restaurants	-	-	-	-	-	-
Services	-	-	C	-	-	-
Sexually Oriented Business	-	-	-	-	-	-
Trade Schools	C	C	C	-	-	-
INDUSTRIAL USES						
Business Park Uses	-	-	-	-	-	-
Apparel and other finished products made from fabrics and similar materials	-	-	-	-	-	-
Arrangement of transportation of freight and cargo	-	-	-	-	-	-
Bakeries	-	-	-	-	-	-
Communications	-	-	-	-	-	-
Development and testing services	-	-	-	-	-	-
Measuring, analyzing, and controlling instrument manufacturing	-	-	-	-	-	-
Medical and optical goods	-	-	-	-	-	-
Motion picture production and allied services	-	-	-	-	-	-
Moving companies	-	-	-	-	-	-
Musical instruments and sporting/athletic goods manufacturing	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Photographic	-	-	-	-	-	-
Research	-	-	-	-	-	-
Space research and technology	-	-	-	-	-	-
United states postal service	-	-	-	-	-	-
Watches and clocks	-	-	-	-	-	-
Extraction or Disposal Uses	C/S	C/S	C/S	C/S	C/S	C/S
Heavy Industry	-	C	C	-	-	-
Alcoholic beverage manufacturing	-	C	C	-	-	-
Asphalt and concrete production facilities	-	C	C	-	-	-
Auction yards with livestock	-	C	C	-	-	-
Automobile manufacturing	-	C	C	-	-	-
Chemical manufacturing	-	C	C	-	-	-
Chemicals and allied products manufacturing except drugs	-	C	C	-	-	-
Heavy construction contractors	-	C	C	-	-	-
Manufactured homes	-	C	C	-	-	-
Meat processing, packing, packaging, and slaughterhouses	-	C	C	-	-	-
Paper, pulp, or paperboard mills	-	C	C	-	-	-
Petroleum products manufacturing	-	C	C	-	-	-
Railroad yard	C	C	C			
Railroad transportation	-	C	C	-	-	-
Rubber and miscellaneous plastics manufacturing	-	C	C	-	-	-
Salvage yards	-	C	C	-	-	-
Sawmills	-	C	C	-	-	-
Stone and clay products	-	C	C	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
The storage and disassembly of vehicles and the re-assembly of various parts	-	C	C	-	-	-
Trailer and truck manufacturing	-	C	C	-	-	-
Transportation equipment	-	C	C	-	-	-
Utility production or processing facilities	-	C	C	-	-	-
Heavy Manufacturing or Processing	-	-	-	-	-	-
Abrasive manufacturing	-	-	-	-	-	-
Acid manufacturing	-	-	-	-	-	-
Asbestos products manufacturing	-	-	-	-	-	-
Boiler or tank manufacturing	-	-	-	-	-	-
Bone reduction	-	-	C	-	-	-
Caustic soda manufacturing	-	-	-	-	-	-
Celluloid manufacturing	-	-	-	-	-	-
Coal, coke yards, or coal classifications	-	-	-	-	-	-
Detergent, soap, and by-products manufacturing using animal fat	-	-	-	-	-	-
Disinfectant, insecticide, or poison manufacturing	-	-	-	-	-	-
Distillation of bone, refuse, grain, and wood	-	-	-	-	-	-
Dye manufacturing	-	-	-	-	-	-
Felt manufacturing	-	-	-	-	-	-
Fossil fuel manufacturing	-	-	-	-	-	-
Fuel, oil, gasoline, and petroleum products (bulk storage and/or sale)	-	-	-	-	-	-
Hazardous waste treatment facility	-	-	-	-	-	-
Linseed oil, shellac, and turpentine manufacturing and refinery	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Lubrication and grease manufacturing	-	-	-	-	-	-
Lumber mills, planing mills, and storage of logs	-	-	-	-	-	-
Oil compounding	-	-	-	-	-	-
Paint and enamel manufacturing	-	-	-	-	-	-
Pickle manufacturing	-	C	C	-	-	-
Recycling Facilities	-	-	C	-	-	-
Scrap processing or shredding yard	-	-	-	-	-	-
Smelting or refining of metal	-	-	-	-	-	-
Sugar and beet refining	-	-	-	-	-	-
Tar and waterproofing (materials manufacturing, treatment, and bulk storage)	-	-	-	-	-	-
Landscape Storage Yards*	-	-	C	-	-	-
Light Industry	-	-	C	-	-	-
Auction houses without livestock	-	-	C	-	-	-
Auto towing and storage yards	-	-	C	-	-	-
Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops	-	-	C	-	-	-
Bus repair	-	-	C	-	-	-
Dairy and food processing and manufacturing facilities	-	-	C	-	-	-
Drug manufacturing	-	-	C	-	-	-
Dry cleaning plants	-	-	C	-	-	-
Electric and electronic equipment, including electronic distribution and electrical industrial	-	-	C	-	-	-
Fabricated metal, sheet metal shops, metal products manufacturing	-	-	C	-	-	-
Fuel and ice dealers	-	-	C	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Furniture and fixtures	-	-	C	-	-	-
General building contractors	-	-	C	-	-	-
Instruments and related products	-	-	C	-	-	-
Leather and leather products, including tanning and finishing	-	-	C	-	-	-
Local and interurban passenger transit	C	C	C	-	-	-
Lumber, building materials, and wood products	-	-	C	-	-	-
Meat processing and packaging, excluding meat packing and slaughter	-	-	C	-	-	-
Miscellaneous manufacturing industries	-	-	C	-	-	-
Paper products, except mills	-	-	C	-	-	-
Printing and publishing	-	-	C	-	-	-
Recreational vehicle storage	-	-	C	-	-	-
Special trade contractors	-	-	C	-	-	-
Special warehousing and storage	-	-	C	-	-	-
Textiles and apparel	-	-	C	-	-	-
Transportation services	-	-	C	-	-	-
Trucking and general warehousing, including mini-storage	-	-	C	-	-	-
Truck stops	C	C	C	-	-	-
Welding repair	-	-	C	-	-	-
Wholesale trade (durable and non-durable)	-	-	C	-	-	-
Light Manufacturing or Processing	-	-	-	-	-	-
Beverage manufacturing	-	-	-	-	-	-
Book binding	-	-	-	-	-	-
Canvas products manufacturing	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Clothing or cloth manufacturing	-	-	-	-	-	-
Office and computing machines	-	-	-	-	-	-
Electronics manufacturing	-	-	-	-	-	-
Furnace installation, repair, and cleaning	-	-	-	-	-	-
Hosiery manufacturing	-	-	-	-	-	-
Machine shops	-	-	-	-	-	-
Machine tool manufacturing	-	-	-	-	-	-
Machinery sales	-	-	-	-	-	-
Public utility storage, yards, and service installments	-	-	-	-	-	-
Shoe manufacturing	-	-	-	-	-	-
Sign manufacturing, repair, and maintenance	-	-	-	-	-	-
Major Energy Facility	C	C	C	C	C	C
Moderate Manufacturing or Processing						
Can manufacturing	-	-	-	-	-	-
Candy product manufacturing (for sale off premises)	-	-	-	-	-	-
Cement, cinder block, concrete, lime or plaster manufacturing	-	-	-	-	-	-
Cosmetic and perfume manufacturing	-	-	-	-	-	-
Creosote manufacturing or treatment plant	-	-	-	-	-	-
Fat rendering production	-	-	-	-	-	-
Fertilizer manufacturing and processing	C	C	C	-	-	-
Forging plant and foundry	-	-	-	-	-	-
Glass or glass product manufacturing	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Metal ingots, casting sheets, or bearings, forging or rolling mills	-	-	-	-	-	-
Millinery manufacturing	-	-	-	-	-	-
Mobile homes manufacturing and storage	-	-	-	-	-	-
Vacation camper manufacturing	-	-	-	-	-	-
Oil and Gas Facility	-	O	O	-	-	-
Accessory Outdoor Storage (up to 25% of the building area)*	-	-	-	-	-	-
Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)*	-	-	-	-	-	-
Outdoor Storage (in excess of 100% of the building area)*	-	-	-	-	-	-
MARIJUANA ESTABLISHMENTS						
Medical Marijuana Center	-	-	-	-	-	-
Retail Marijuana Store	-	-	-	-	-	-
Medical Marijuana Infused Products Manufacturer	-	-	-	-	-	-
Retail Marijuana Product Manufacturing Facility	-	-	-	-	-	-
Medical Marijuana Optional Premises Cultivation Operation	-	-	P	-	-	-
Retail Marijuana Cultivation Facility	-	-	P	-	-	-
Retail Marijuana Testing Facility	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
AGRICULTURAL USES							
Agricultural Businesses and Farming Operations	-	-	-	-	-	-	-
Animal farms	-	-	-	-	-	-	-
Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO)	-	-	-	-	-	-	-
Aquaculture facility	-	-	-	-	-	-	-
Crop farming, excluding hemp	P	P	P	P	P	P	P
Crop farming, including hemp	-	-	-	-	-	-	-
Equestrian Arena, Commercial	-	-	-	-	-	-	-
Equestrian Arena, Personal	-	-	-	-	-	-	-
Agricultural Support Businesses and Services	-	-	-	-	-	-	-
Farm machinery sales and services	-	-	-	-	-	-	-
Farm supply sales	-	-	-	-	-	-	-
Grain mill	-	-	-	-	-	-	-
Grain elevators	-	-	-	-	-	-	-
Riding stables or academy	-	-	-	-	-	-	-
Nurseries	-	-	-	P	P	P	P
Forestry and Silviculture	-	-	-	-	-	-	-
Timbering and logging	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
RESIDENTIAL USES							
Accessory Dwelling Unit	P	P	-	P	P	P	P
Group Home for the Developmentally Disabled	C	C	C	-	-	-	-
Group Home for the Elderly	C	C	C	-	-	-	-
Group Living Facility (1 to 5 persons)	P	P	C	-	-	-	-
Group Living Facility (in excess of 5 persons)	C	C	C	-	-	-	-
Group Living Facility (with more than 1 registered sex offender)	C	C	C	-	-	-	-
Manufactured Home Park	C	C	C	C	C	-	-
Mobile Home Park	-	-	P	-	-	-	-
Multi-Family Dwelling	P	P	C	C	C	-	-
Single-Family Dwelling	C	C	P	C	-	-	-
Two-Family Dwelling	C	C	C	C	-	-	-
INSTITUTIONAL USES							
Funeral Home/Mortuary*	-	-	-	-	-	-	P
Funeral Home/Mortuary to include Cremation*	-	-	-	-	-	-	C
Halfway House*	-	-	-	-	-	-	-
Institutional Care	C	C	C	P	P	P	P
Boarding/rooming houses	C	C	C	P	P	P	P
Convalescent homes	C	C	C	P	P	P	P
Convents or monasteries	C	C	C	P	P	P	P
Foster homes	C	C	C	P	P	P	P
Hospitals/clinics	C	C	C	P	P	P	P
Nursing homes	C	C	C	P	P	P	P
Protective living facilities	C	C	C	P	P	P	P
Sanitariums	C	C	C	P	P	P	P
Sheltered care homes	C	C	C	P	P	P	P
Jails and Prisons	-	-	-	-	-	-	-
Jails	-	-	-	-	-	-	-
Penal institutions	-	-	-	-	-	-	-
Prisons	-	-	-	-	-	-	-
Neighborhood Indoor Uses	C	C	C	P	P	P	P
Branch libraries	C	C	C	P	P	P	P
Day care centers (day or nursery schools) (Adult* or Child)	C	C	C	P	P	P	P
Gymnasiums	C	C	C	P	P	P	P

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Handball	C	C	C	P	P	P	P
Handball courts	C	C	C	P	P	P	P
Indoor recreational centers	C	C	C	P	P	P	P
Indoor skating rinks (ice or roller)	C	C	C	P	P	P	P
Indoor swimming pools	C	C	C	P	P	P	P
Neighborhood community or recreational centers	C	C	C	P	P	P	P
Public or private primary and secondary schools (excluding trade schools)	C	C	C	P	P	P	P
Racquetball	C	C	C	P	P	P	P
Tennis	C	C	C	P	P	P	P
Outdoor Public Uses	P	P	P	P	P	P	P
Arboretums	P	P	P	P	P	P	P
Areas for hiking	P	P	P	P	P	P	P
Cemeteries, with or without caretaker residences*	-	-	-	-	-	-	P
Garden plots	P	P	P	P	P	P	P
Nature areas	P	P	P	P	P	P	P
Picnic areas	P	P	P	P	P	P	P
Public areas for active recreational activities	P	P	P	P	P	P	P
Recreation-oriented parks	P	P	P	P	P	P	P
Wildlife sanctuaries	P	P	P	P	P	P	P
Places of Worship	C	C	C	P	P	P	P
Public Service	C	C	C	C	C	C	C
All government-owned facilities except landfills or mining facilities	C	C	C	C	C	C	C
Emergency service buildings or garages	C	C	C	C	C	C	C
Government offices	C	C	C	C	C	C	C
Utility substations or transmission and distribution facilities	C	C	C	C	C	C	C
Universities	-	-	-	C	C	C	C
COMMERCIAL USES							

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Airports, Landing Strips and Heliports	-	-	-	-	-	-	-
Animal Hospitals	-	-	-	P	P	P	P
Automobile Service Stations	-	-	-	P	P	P	P
Car washes	-	-	-	P	P	P	P
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	-	-	-	P	P	P	P
Gas stations	-	-	-	P	P	P	P
Bed and Breakfast Establishments	-	-	-	P	P	P	P
Campgrounds, Commercial	-	-	-	C	C	C	C
Camps	-	-	-	C	C	C	C
Campsites	-	-	-	C	C	C	C
Recreational vehicle parks	-	-	-	C	C	C	C
Tents	-	-	-	C	C	C	C
Trailer parks	-	-	-	C	C	C	C
Communications Towers, Commercial	-	-	-	C	C	C	C
Antenna arrays (satellite dishes)	-	-	-	C	C	C	C
Radio or TV broadcasting towers	-	-	-	C	C	C	C
Telecommunications towers	-	-	-	C	C	C	C
Commercial Retail	-	-	-	P	P	P	P
Apparel and accessory stores	-	-	-	P	P	P	P
Building supplies	-	-	-	P	P	P	P
Cabinet sales	-	-	-	P	P	P	P
Dry cleaners	-	-	-	P	P	P	P
Engineering and management services	-	-	-	P	P	P	P
Food stores	-	-	-	P	P	P	P
Furniture and home furnishings stores	-	-	-	P	P	P	P
General merchandise stores	-	-	-	P	P	P	P

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Greenhouses (retail) and greenhouses with garden supplies	-	-	-	P	P	P	P
Health services	-	-	-	P	P	P	P
Legal services	-	-	-	P	P	P	P
Membership organizations	-	-	-	P	P	P	P
Miscellaneous retail except fuel dealers	-	-	-	P	P	P	P
Miscellaneous services	-	-	-	P	P	P	P
Social services except care facilities	-	-	-	P	P	P	P
Convenience Retail Store	-	-	-	P	P	P	P
Drive-In Establishments	-	-	-	C	C	P	P
Golf Course/Driving Range, Commercial	C	C	C	C	C	P	P
Heavy Retail and Heavy Services	-	-	-	-	-	C	C
Auto/truck rental/leasing	-	-	-	-	-	C	C
Automobile dealers	-	-	-	C	C	P	P
Automotive repair except top, body, upholstery repair, paint, and tire retreading shops	-	-	-	-	-	C	C
Automotive services except wrecking or towing storage yards	-	-	-	-	-	C	C
Cabinet manufacturing with sales	-	-	-	-	-	C	C
Cold storage	-	-	-	-	-	C	C
Firewood sales, storage, and splitting	-	-	-	-	-	C	C
Flea market	-	-	-	-	-	C	C
Mobile home and manufactured housing dealers with mobile home sales office	-	-	-	-	-	C	C
Pawn shops	-	-	-	-	-	C	C
Radio and TV broadcasting station	-	-	-	-	-	C	C
Indoor Commercial Recreation/Entertainment	-	-	-	-	C	P	P

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Assembly halls	-	-	-	-	C	P	P
Auditoriums	-	-	-	-	C	P	P
Bowling alleys	-	-	-	-	C	P	P
Indoor sports arenas	-	-	-	-	C	P	P
Movie theaters	-	-	-	-	C	P	P
Physical fitness facilities	-	-	-	-	C	P	P
Pool arcades	-	-	-	-	C	P	P
Video arcades	-	-	-	-	C	P	P
Kennel, Commercial	-	-	-	-	C	C	C
Lodging, Commercial	-	-	-	C	P	P	P
Convention centers	-	-	-	C	P	P	P
Hotels	-	-	-	C	P	P	P
Motels	-	-	-	C	P	P	P
Massage Business	-	-	-	C	C	C	C
Off-Premise Advertising Devices	-	-	-	-	-	-	-
Office	-	-	-	P	P	P	P
Banking and other credit agencies (offices only)	-	-	-	P	P	P	P
Business services	-	-	-	P	P	P	P
Commodity brokers and services	-	-	-	P	P	P	P
Holding and other investments	-	-	-	P	P	P	P
Insurance carriers	-	-	-	P	P	P	P
Medical offices	-	-	-	P	P	P	P
Real estate	-	-	-	P	P	P	P
Security	-	-	-	P	P	P	P
Outdoor Commercial Recreation	-	-	-	-	C	C	C
Amusement parks	-	-	-	-	C	C	C
Archery ranges	-	-	-	-	C	C	C
Batting cages	-	-	-	-	C	C	C
Drive-in theaters	-	-	-	-	C	C	C
Go-cart establishments	-	-	-	-	C	C	C
Ice and roller skating rinks	-	-	-	-	C	C	C
Miniature golf establishments	-	-	-	-	C	C	C
Music arenas	-	-	-	-	C	C	C
Outdoor commercial amusement facilities	-	-	-	-	C	C	C

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Pistol and shooting ranges	-	-	-	-	C	C	C
Theme parks	-	-	-	-	C	C	C
Water slides	-	-	-	-	C	C	C
Parking Lot, Commercial	-	-	-	-	C	C	C
Racing Facilities	-	-	-	-	-	-	-
Automobile racing	-	-	-	-	-	-	-
Dog tracks	-	-	-	-	-	-	-
Horse racing	-	-	-	-	-	-	-
Truck racing	-	-	-	-	-	-	-
Restaurants	-	-	-	C	P	P	P
Services	-	-	-	P	P	P	P
Sexually Oriented Business	-	-	-	-	-	-	-
Trade Schools	-	-	-	-	C	C	P
INDUSTRIAL USES							
Business Park Uses	-	-	-	C	C	C	C
Apparel and other finished products made from fabrics and similar materials	-	-	-	C	C	C	C
Arrangement of transportation of freight and cargo	-	-	-	C	C	C	C
Bakeries	-	-	-	C	C	C	C
Communications	-	-	-	C	C	C	C
Development and testing services	-	-	-	C	C	C	C
Measuring, analyzing, and controlling instrument manufacturing	-	-	-	C	C	C	C
Medical and optical goods	-	-	-	C	C	C	C
Motion picture production and allied services	-	-	-	C	C	C	C
Moving companies	-	-	-	C	C	C	C
Musical instruments and sporting/athletic goods manufacturing	-	-	-	C	C	C	C
Photographic	-	-	-	C	C	C	C
Research	-	-	-	C	C	C	C

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Space research and technology	-	-	-	C	C	C	C
United states postal service	-	-	-	C	C	C	C
Watches and clocks	-	-	-	C	C	C	C
Extraction or Disposal Uses	C/S	C/S	C/S	C/S	C/S	C/S	C/S
Heavy Industry	-	-	-	-	-	-	-
Alcoholic beverage manufacturing	-	-	-	C	C	C	C
Asphalt and concrete production facilities	-	-	-	-	-	-	-
Auction yards with livestock	-	-	-	-	-	-	-
Automobile manufacturing	-	-	-	-	-	-	-
Chemical manufacturing	-	-	-	-	-	-	-
Chemicals and allied products manufacturing except drugs	-	-	-	-	-	-	-
Heavy construction contractors	-	-	-	-	-	-	-
Manufactured homes	-	-	-	-	-	-	-
Meat processing, packing, packaging, and slaughterhouses	-	-	-	-	-	-	-
Paper, pulp, or paperboard mills	-	-	-	-	-	-	-
Petroleum products manufacturing	-	-	-	-	-	-	-
Railroad transportation	-	-	-	-	-	-	-
Railroad yards	-	-	-	-	-	-	-
Rubber and miscellaneous plastics manufacturing	-	-	-	-	-	-	-
Salvage yards	-	-	-	-	-	-	-
Sawmills	-	-	-	-	-	-	-
Stone and clay products	-	-	-	-	-	-	-
The storage and disassembly of vehicles and the re-assembly of various parts	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Trailer and truck manufacturing	-	-	-	-	-	-	-
Transportation equipment	-	-	-	-	-	-	-
Utility production or processing facilities	-	-	-	-	-	-	-
Heavy Manufacturing or Processing	-	-	-	-	-	-	-
Abrasive manufacturing	-	-	-	-	-	-	-
Acid manufacturing	-	-	-	-	-	-	-
Asbestos products manufacturing	-	-	-	-	-	-	-
Boiler or tank manufacturing	-	-	-	-	-	-	-
Bone reduction	-	-	-	-	-	-	-
Caustic soda manufacturing	-	-	-	-	-	-	-
Celluloid manufacturing	-	-	-	-	-	-	-
Coal, coke yards, or coal classifications	-	-	-	-	-	-	-
Detergent, soap, and by-products manufacturing using animal fat	-	-	-	-	-	-	-
Disinfectant, insecticide, or poison manufacturing	-	-	-	-	-	-	-
Distillation of bone, refuse, grain, and wood	-	-	-	-	-	-	-
Dye manufacturing	-	-	-	-	-	-	-
Felt manufacturing	-	-	-	-	-	-	-
Fossil fuel manufacturing	-	-	-	-	-	-	-
Fuel, oil, gasoline, and petroleum products (bulk storage and/or sale)	-	-	-	C	C	C	C
Hazardous waste treatment facility	-	-	-	-	-	-	-
Linseed oil, shellac, and turpentine manufacturing and refinery	-	-	-	-	-	-	-
Lubrication and grease manufacturing	-	-	-	-	-	-	-
Lumber mills, planing mills, and storage of logs	-	-	-	-	-	-	-
Oil compounding	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Paint and enamel manufacturing	-	-	-	-	-	-	-
Pickle manufacturing	-	-	-	-	-	-	-
Recycling Facilities	-	-	-	-	-	-	-
Scrap processing or shredding yard	-	-	-	-	-	-	-
Smelting or refining of metal	-	-	-	-	-	-	-
Sugar and beet refining	-	-	-	-	-	-	-
Tar and waterproofing (materials manufacturing, treatment, and bulk storage)	-	-	-	-	-	-	-
Landscape Storage Yards*	-	-	-	-	-	-	-
Light Industry	-	-	-	-	-	-	-
Auction houses without livestock	-	-	-	-	-	-	-
Auto towing and storage yards	-	-	-	-	-	-	-
Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops	-	-	-	-	-	-	-
Bus repair	-	-	-	-	-	-	-
Dairy and food processing and manufacturing facilities	-	-	-	-	-	-	-
Drug manufacturing	-	-	-	-	-	-	-
Dry cleaning plants	-	-	-	-	-	-	-
Electric and electronic equipment, including electronic distribution and electrical industrial	-	-	-	-	-	-	-
Fabricated metal, sheet metal shops, metal products manufacturing	-	-	-	-	-	-	-
Fuel and ice dealers	-	-	-	-	-	-	-
Furniture and fixtures	-	-	-	-	-	-	-
General building contractors	-	-	-	-	-	-	-
Instruments and related products	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Leather and leather products, including tanning and finishing	-	-	-	-	-	-	-
Local and interurban passenger transit	-	-	-	-	-	-	-
Lumber, building materials, and wood products	-	-	-	-	-	-	-
Meat processing and packaging, excluding meat packing and slaughter	-	-	-	-	-	-	-
Miscellaneous manufacturing industries	-	-	-	-	-	-	-
Paper products, except mills	-	-	-	-	-	-	-
Printing and publishing	-	-	-	-	-	-	-
Recreational vehicle storage	-	-	-	-	-	-	-
Special trade contractors	-	-	-	-	-	-	-
Special warehousing and storage	-	-	-	-	-	-	-
Textiles and apparel	-	-	-	-	-	-	-
Transportation services	-	-	-	-	-	-	-
Trucking and general warehousing, including mini-storage	-	-	-	-	-	-	-
Truck stops	-	-	-	-	-	-	-
Welding repair	-	-	-	-	-	-	-
Wholesale trade (durable and non-durable)	-	-	-	-	-	-	-
Light Manufacturing or Processing	-	-	-	-	-	-	-
Beverage manufacturing	-	-	-	-	-	-	-
Book binding	-	-	-	-	-	-	-
Canvas products manufacturing	-	-	-	-	-	-	-
Clothing or cloth manufacturing	-	-	-	-	-	-	-
Office and computing machines	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Electronics manufacturing	-	-	-	-	-	-	-
Furnace installation, repair, and cleaning	-	-	-	-	-	-	-
Hosiery manufacturing	-	-	-	-	-	-	-
Machine shops	-	-	-	-	-	-	-
Machine tool manufacturing	-	-	-	-	-	-	-
Machinery sales	-	-	-	-	-	-	-
Public utility storage, yards, and service installments	-	-	-	-	-	-	-
Shoe manufacturing	-	-	-	-	-	-	-
Sign manufacturing, repair, and maintenance	-	-	-	-	-	-	-
Major Energy Facility	C	C	C	C	C	C	C
Moderate Manufacturing or Processing	-	-	-	-	-	-	-
Can manufacturing	-	-	-	-	-	-	-
Candy product manufacturing (for sale off premises)	-	-	-	-	-	-	-
Cement, cinder block, concrete, lime or plaster manufacturing	-	-	-	-	-	-	-
Cosmetic and perfume manufacturing	-	-	-	-	-	-	-
Creosote manufacturing or treatment plant	-	-	-	-	-	-	-
Fat rendering production	-	-	-	-	-	-	-
Fertilizer manufacturing and processing	-	-	-	-	-	-	-
Forging plant and foundry	-	-	-	-	-	-	-
Glass or glass product manufacturing	-	-	-	-	-	-	-
Metal ingots, casting sheets, or bearings, forging or rolling mills	-	-	-	-	-	-	-
Millinery manufacturing	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Mobile homes manufacturing and storage	-	-	-	-	-	-	-
Vacation camper manufacturing	-	-	-	-	-	-	-
Oil and Gas Facility	-	-	-	O	O	O	O
Accessory Outdoor Storage (up to 25% of the building area)*	-	-	-	-	-	-	P
Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)*	-	-	-	-	-	-	-
Outdoor Storage (in excess of 100% of the building area)*	-	-	-	-	-	-	-
MARIJUANA ESTABLISHMENTS							
Medical Marijuana Center	-	-	-	-	-	-	P
Retail Marijuana Store	-	-	-	-	-	-	P
Medical Marijuana Infused Products Manufacturer	-	-	-	-	-	-	-
Retail Marijuana Product Manufacturing Facility	-	-	-	-	-	-	-
Medical Marijuana Optional Premises Cultivation Operation	-	-	-	-	-	-	P
Retail Marijuana Cultivation Facility	-	-	-	-	-	-	P
Retail Marijuana Testing Facility	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
AGRICULTURAL USES							
Agricultural Businesses and Farming Operations	-	-	-	-	-	-	-
Animal farms	-	-	-	-	-	-	-
Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO)	C	P	P	P	P	-	-
Aquaculture facility	C	P	P	P	P	-	-
Crop farming, excluding hemp	P	P	P	P	P	P/C	P
Crop farming, including hemp	-	-	P	P	P	P/C	P
Equestrian Arena, Commercial	-	-	-	-	-	-	-
Equestrian Arena, Personal	-	-	-	-	-	-	-
Agricultural Support Businesses and Services	C	P	P	P	P	-	-
Farm machinery sales and services	C	P	P	P	P	-	-
Farm supply sales	C	P	P	P	P	-	-
Grain mill	C	P	P	P	P	-	-
Grain elevators	C	P	P	P	P	-	-
Riding stables or academy	C	P	P	P	P	-	-
Nurseries	P	P	P	P	P	P/C	P
Forestry and Silviculture	-	-	-	-	-	-	-
Timbering and logging	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
RESIDENTIAL USES							
Accessory Dwelling Unit	P	P	P	P	P	P	P
Group Home for the Developmentally Disabled	-	-	-	-	-	-	-
Group Home for the Elderly	-	-	-	-	-	-	-
Group Living Facility (1 to 5 persons)	-	-	-	-	-	-	-
Group Living Facility (in excess of 5 persons)	-	-	-	-	-	-	-
Group living facility (with more than 1 registered sex offender)	-	-	-	-	-	-	-
Manufactured Home Park	-	-	-	-	-	-	-
Mobile Home Park	-	-	-	-	-	-	-
Multi-Family Dwelling	-	-	-	-	-	-	-
Single-Family Dwelling	-	-	-	-	-	C	-
Two-Family Dwelling	-	-	-	-	-	-	-
INSTITUTIONAL USES							
Funeral Home/Mortuary*	P	P	P	P	P	-	-
Funeral Home/Mortuary to include Cremation*	C	C	P	P	P	-	-
Halfway House*	-	C	C	C	C	-	C
Institutional Care	P	P	P	P	P	-	P
Boarding/rooming houses	P	P	P	P	P	-	P
Convalescent homes	P	P	P	P	P	-	P
Convents or monasteries	P	P	P	P	P	-	P
Foster homes	P	P	P	P	P	-	P
Hospitals/clinics	P	P	P	P	P	-	P
Nursing homes	P	P	P	P	P	-	P
Protective living facilities	P	P	P	P	P	-	P
Sanitariums	P	P	P	P	P	-	P
Sheltered care homes	P	P	P	P	P	-	P
Jails and Prisons	-	C	C	C	C	-	C
Jails	-	C	C	C	C	-	C
Penal institutions	-	C	C	C	C	-	C
Prisons	-	C	C	C	C	-	C
Neighborhood Indoor Uses	P	P	P	P	P	-	P
Branch libraries	P	P	P	P	P	-	P
Day care centers (day or nursery schools) (Adult* or Child)	P	P	P	P	P	-	P
Gymnasiums	P	P	P	P	P	-	P

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Handball	P	P	P	P	P	-	P
Handball courts	P	P	P	P	P	-	P
Indoor recreational centers	P	P	P	P	P	-	P
Indoor skating rinks (ice or roller)	P	P	P	P	P	-	P
Indoor swimming pools	P	P	P	P	P	-	P
Neighborhood community or recreational centers	P	P	P	P	P	-	P
Public or private primary and secondary schools (excluding trade schools)	P	P	P	P	P	-	P
Racquetball	P	P	P	P	P	-	P
Tennis	P	P	P	P	P	-	P
Outdoor Public Uses	P	P	P	P	P	P/ C	P
Arboretums	P	P	P	P	P	P/ C	P
Areas for hiking	P	P	P	P	P	P/ C	P
Cemeteries, with or without caretaker residences*	P	P	P	P	P	-	-
Garden plots	P	P	P	P	P	P/ C	P
Nature areas	P	P	P	P	P	P/ C	P
Picnic areas	P	P	P	P	P	P/ C	P
Public areas for active recreational activities	P	P	P	P	P	P/ C	P
Recreation-oriented parks	P	P	P	P	P	P/ C	P
Wildlife sanctuaries	P	P	P	P	P	P/ C	P
Places of Worship	P	P	P	C	C	-	-
Public Service	C	C	C	C	C	C	P
All government-owned facilities except landfills or mining facilities	C	C	C	C	C	C	P
Emergency service buildings or garages	C	C	C	C	C	C	P
Government offices	C	C	C	C	C	C	P
Utility substations or transmission and distribution facilities	C	C	C	C	C	C	P
Universities	C	C	C	C	C	-	P
COMMERCIAL USES							

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Airports, Landing Strips and Heliports	-	-	C	C	C	-	C
Animal Hospitals	P	P	P	P	P	-	-
Automobile Service Stations	P	P	P	P	P	-	-
Car washes	P	P	P	P	P	-	-
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	P	P	P	P	P	-	-
Gas stations	P	P	P	P	P	-	-
Bed and Breakfast Establishments	P	P	P	P	P	-	-
Campgrounds, Commercial	C	C	C	C	C	-	-
Camps	C	C	C	C	C	-	-
Campsites	C	C	C	C	C	-	-
Recreational vehicle parks	C	C	C	C	C	-	-
Tents	C	C	C	C	C	-	-
Trailer parks	C	C	C	C	C	-	-
Communications Towers, Commercial	C	C	C	C	C	-	-
Antenna arrays (satellite dishes)	C	C	C	C	C	-	-
Radio or TV broadcasting towers	C	C	C	C	C	-	-
Telecommunications towers	C	C	C	C	C	-	-
Commercial Retail	P	P	P	P	P	-	-
Apparel and accessory stores	P	P	P	P	P	-	-
Building supplies	P	P	P	P	P	-	-
Cabinet sales	P	P	P	P	P	-	-
Dry cleaners	P	P	P	P	P	-	-
Engineering and management services	P	P	P	P	P	-	-
Food stores	P	P	P	P	P	-	-
Furniture and home furnishings stores	P	P	P	P	P	-	-
General merchandise stores	P	P	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Greenhouses (retail) and greenhouses with garden supplies	P	P	P	P	P	-	-
Health services	P	P	P	P	P	-	-
Legal services	P	P	P	P	P	-	-
Membership organizations	P	P	P	P	P	-	-
Miscellaneous retail except fuel dealers	P	P	P	P	P	-	-
Miscellaneous services	P	P	P	P	P	-	-
Social services except care facilities	P	P	P	P	P	-	-
Convenience Retail Store	P	P	P	P	P	-	-
Drive-In Establishments	P	P	P	P	P	-	-
Golf Course/Driving Range, Commercial	P	P	P	P	P	-	-
Heavy Retail and Heavy Services	C	C	P	P	P	-	-
Auto/truck rental/leasing	C	C	P	P	P	-	-
Automobile dealers	P	P	P	P	P	-	-
Automotive repair except top, body, upholstery repair, paint, and tire retreading shops	P	P	P	P	P	-	-
Automotive services except wrecking or towing storage yards	C	C	P	P	P	-	-
Cabinet manufacturing with sales	C	C	P	P	P	-	-
Cold storage	C	C	P	P	P	-	-
Firewood sales, storage, and splitting	C	C	P	P	P	-	-
Flea market	C	C	P	P	P	-	-
Mobile home and manufactured housing dealers with mobile home sales office	C	C	P	P	P	-	-
Pawn shops	C	C	P	P	P	-	-
Radio and TV broadcasting station	C	C	P	P	P	-	-
Indoor Commercial Recreation/Entertainment	P	P	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Assembly halls	P	P	P	P	P	-	-
Auditoriums	P	P	P	P	P	-	-
Bowling alleys	P	P	P	P	P	-	-
Indoor sports arenas	P	P	P	P	P	-	-
Movie theaters	P	P	P	P	P	-	-
Physical fitness facilities	P	P	P	P	P	-	-
Pool arcades	P	P	P	P	P	-	-
Video arcades	P	P	P	P	P	-	-
Kennel, Commercial	C	C	C	C	C	-	-
Lodging, Commercial	P	P	P	P	P	-	-
Convention centers	P	P	P	P	P	-	-
Hotels	P	P	P	P	P	-	-
Motels	P	P	P	P	P	-	-
Massage Business	C	C	C	C	C	-	-
Off-Premise Advertising Devices	-	C	C	C	C	-	-
Office	P	P	P	P	P	-	-
Banking and other credit agencies (offices only)	P	P	P	P	P	-	-
Business services	P	P	P	P	P	-	-
Commodity brokers and services	P	P	P	P	P	-	-
Holding and other investments	P	P	P	P	P	-	-
Insurance carriers	P	P	P	P	P	-	-
Medical offices	P	P	P	P	P	-	-
Real estate	P	P	P	P	P	-	-
Security	P	P	P	P	P	-	-
Outdoor Commercial Recreation	C	C	C	C	C	-	-
Amusement parks	C	C	C	C	C	-	-
Archery ranges	C	C	C	C	C	-	-
Batting cages	C	C	C	C	C	-	-
Drive-in theaters	C	C	C	C	C	-	-
Go-cart establishments	C	C	C	C	C	-	-
Ice and roller skating rinks	C	C	C	C	C	-	-
Miniature golf establishments	C	C	C	C	C	-	-
Music arenas	C	C	C	C	C	-	-
Outdoor commercial amusement facilities	C	C	C	C	C	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Pistol and shooting ranges	C	C	C	C	C	-	-
Theme parks	C	C	C	C	C	-	-
Water slides	C	C	C	C	C	-	-
Parking Lot, Commercial	P	P	P	P	P	-	-
Racing Facilities	C	C	C	C	C	-	-
Automobile racing	C	C	C	C	C	-	-
Dog tracks	C	C	C	C	C	-	-
Horse racing	C	C	C	C	C	-	-
Truck racing	C	C	C	C	C	-	-
Restaurants	P	P	P	P	P	-	-
Services	P	P	P	P	P	-	-
Sexually Oriented Business	P	P	P	P	P	-	-
Trade Schools	P	P	P	P	P	-	-
INDUSTRIAL USES							
Business Park Uses	P	P	P	P	P	-	-
Apparel and other finished products made from fabrics and similar materials	P	P	P	P	P	-	-
Arrangement of transportation of freight and cargo	P	P	P	P	P	-	-
Bakeries	P	P	P	P	P	-	-
Communications	P	P	P	P	P	-	-
Development and testing services	P	P	P	P	P	-	-
Measuring, analyzing, and controlling instrument manufacturing	P	P	P	P	P	-	-
Medical and optical goods	P	P	P	P	P	-	-
Motion picture production and allied services	P	P	P	P	P	-	-
Moving companies	P	P	P	P	P	-	-
Musical instruments and sporting/athletic goods manufacturing	P	P	P	P	P	-	-
Photographic	P	P	P	P	P	-	-
Research	P	P	P	P	P	-	-

(P) Permitted**(C) Conditional
Facility Permit****(S) Special Use Permit
(-) Prohibited****(O) Oil and Gas**

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Space research and technology	P	P	P	P	P	-	-
United states postal service	P	P	P	P	P	-	-
Watches and clocks	P	P	P	P	P	-	-
Extraction or Disposal Uses	C/S	C/S	C/S	C/S	C/S	-	-
Heavy Industry	-	-	C	P/ C	P/ C	-	-
Alcoholic beverage manufacturing	P	P	P	P	P	-	-
Asphalt and concrete production facilities	-	-	C	P	P	-	-
Auction yards with livestock	-	-	C	P	P	-	-
Automobile manufacturing	-	-	C	P	P	-	-
Chemical manufacturing	-	-	C	P	P	-	-
Chemicals and allied products manufacturing except drugs	-	-	C	P	P	-	-
Heavy construction contractors	-	-	C	P	P	-	-
Manufactured homes	-	-	C	P	P	-	-
Meat processing, packing, packaging and slaughterhouses	-	-	C	P	P	-	-
Paper, pulp, or paperboard mills	-	-	C	P	P	-	-
Petroleum products manufacturing	-	-	C	P	P	-	-
Railroad transportation	-	-	C	P	P	-	-
Railroad yard	C	P	P	P	P	-	-
Rubber and miscellaneous plastics manufacturing	-	-	C	P	P	-	-
Salvage yards	-	-	C	P	P	-	-
Sawmills	-	-	C	P	P	-	-
Stone and clay products	-	-	C	P	P	-	-
The storage and disassembly of vehicles and the re-assembly of various parts	-	-	C	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Trailer and truck manufacturing	-	-	C	P	P	-	-
Transportation equipment	-	-	C	P	P	-	-
Utility production or processing facilities	-	-	C	P	P	-	-
Heavy Manufacturing or Processing	-	-	-	C	P	-	-
Abrasive manufacturing	-	-	-	C	P	-	-
Acid manufacturing	-	-	-	C	C	-	-
Asbestos products manufacturing	-	-	-	C	C	-	-
Boiler or tank manufacturing	-	-	C	P	P	-	-
Bone reduction	-	-	-	C	C	-	-
Caustic soda manufacturing	-	-	-	C	C	-	-
Celluloid manufacturing	-	-	-	C	P	-	-
Coal, coke yards, or coal classifications	-	-	-	C	C	-	-
Detergent, soap, and by-products manufacturing using animal fat	-	-	-	C	C	-	-
Disinfectant, insecticide, or poison manufacturing	-	-	-	C	C	-	-
Distillation of bone, refuse, grain, and wood	-	-	-	C	C	-	-
Dye manufacturing	-	-	-	C	C	-	-
Felt manufacturing	-	-	-	P	P	-	-
Fossil fuel manufacturing	-	-	-	C	C	-	-
Fuel, oil, gasoline, and petroleum products (bulk storage and/or sale)	-	-	P	P	P	-	-
Hazardous waste treatment facility	-	-	-	C	C	-	-
Linseed oil, shellac, and turpentine manufacturing and refinery	-	-	-	C	C	-	-
Lubrication and grease manufacturing	-	-	-	P	C	-	-
Lumber mills, planing mills, and storage of logs	-	-	P	P	P	-	-
Oil compounding	-	-	-	C	C	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Paint and enamel manufacturing	-	-	C	C	C	-	-
Pickle manufacturing	-	-	P	P	P	-	-
Recycling Facilities	-	-	C	C	C	-	--
Scrap processing or shredding yard	-	-	C	C	C	-	-
Smelting or refining of metal	-	-	C	C	C	-	-
Sugar and beet refining	-	-	P	P	P	-	-
Tar and waterproofing (materials manufacturing, treatment, and bulk storage)	-	-	C	C	C	-	-
Landscape Storage Yards*	-	C	P	P	P	-	-
Light Industry	-	C	P	P	P	-	-
Auction houses without livestock	-	C	P	P	P	-	-
Auto towing and storage yards	-	C	P	P	P	-	-
Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops	P	P	P	P	P	-	-
Bus repair	-	C	P	P	P	-	-
Dairy and food processing and manufacturing facilities	-	C	P	P	P	-	-
Drug manufacturing	-	C	P	P	P	-	-
Dry cleaning plants	-	C	P	P	P	-	-
Electric and electronic equipment, including electronic distribution and electrical industrial	-	C	P	P	P	-	-
Fabricated metal, sheet metal shops, metal products manufacturing	-	C	P	P	P	-	-
Fuel and ice dealers	-	C	P	P	P	-	-
Furniture and fixtures	-	C	P	P	P	-	-
General building contractors	-	C	P	P	P	-	-
Instruments and related products	-	C	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
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(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Leather and leather products, including tanning and finishing	-	C	P	P	P	-	-
Local and interurban passenger transit	-	C	P	P	P	-	-
Lumber, building materials, and wood products	-	C	P	P	P	-	-
Meat processing and packaging, excluding meat packing and slaughter	-	C	P	P	P	-	-
Miscellaneous manufacturing industries	-	C	P	P	P	-	-
Paper products, except mills	-	C	P	P	P	-	-
Printing and publishing	-	C	P	P	P	-	-
Recreational vehicle storage	-	C	P	P	P	-	-
Special trade contractors	-	C	P	P	P	-	-
Special warehousing and storage	-	C	P	P	P	-	-
Textiles and apparel	-	C	P	P	P	-	-
Transportation services	-	C	P	P	P	-	-
Trucking and general warehousing, including mini-storage	-	C	P	P	P	-	-
Truck stops	C	P	P	P	P	-	-
Welding repair	-	C	P	P	P	-	-
Wholesale trade (durable and non-durable)	-	C	P	P	P	-	-
Light Manufacturing or Processing	-	C	P	P	P	-	-
Beverage manufacturing	-	C	P	P	P	-	-
Book binding	-	C	P	P	P	-	-
Canvas products manufacturing	-	C	P	P	P	-	-
Clothing or cloth manufacturing	-	C	P	P	P	-	-
Office and computing machines	-	C	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Electronics manufacturing	-	C	P	P	P	-	-
Furnace installation, repair, and cleaning	-	C	P	P	P	-	-
Hosiery manufacturing	-	C	P	P	P	-	-
Machine shops	-	C	P	P	P	-	-
Machine tool manufacturing	-	C	P	P	P	-	-
Machinery sales	-	C	P	P	P	-	-
Public utility storage, yards, and service installments	-	C	P	P	P	-	-
Shoe manufacturing	-	C	P	P	P	-	-
Sign manufacturing, repair, and maintenance	-	C	P	P	P	-	-
Major Energy Facility	C	C	C	C	C	C	-
Moderate Manufacturing or Processing	-	-	P	P	P	-	-
Can manufacturing	-	-	P	P	P	-	-
Candy product manufacturing (for sale off premises)	-	C	P	P	P	-	-
Cement, cinder block, concrete, lime or plaster manufacturing	-	-	P	P	P	-	-
Cosmetic and perfume manufacturing	-	-	P	P	P	-	-
Creosote manufacturing or treatment plant	-	-	C	C	C	-	-
Fat rendering production	-	-	P	P	P	-	-
Fertilizer manufacturing and processing	C	P	P	P	P	-	-
Forging plant and foundry			C	C	P	-	-
Glass or glass product manufacturing	-	-	P	P	P	-	-
Metal ingots, casting sheets, or bearings, forging or rolling mills	-	-	P	P	P	-	-
Millinery manufacturing	-	-	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Mobile homes manufacturing and storage	-	-	C	P	P	-	-
Vacation camper manufacturing	-	-	P	P	P	-	-
Oil and Gas Facility	O	O	O	O	O	-	-
Accessory Outdoor Storage (up to 25% of the building area)*	P	P	P	P	P	-	-
Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)*	-	C	P	P	P	-	-
Outdoor Storage (in excess of 100% of the building area)*	-	-	C	P/C	P/C	-	-
MARIJUANA ESTABLISHMENTS							
Medical Marijuana Center	P	P	P	P	P	-	-
Retail Marijuana Store	P	P	P	P	P	-	-
Medical Marijuana Infused Products Manufacturer	-	-	P	P	P	-	-
Retail Marijuana Product Manufacturing Facility	-	-	P	P	P	-	-
Medical Marijuana Optional Premises Cultivation Operation	P	P	P	P	P	-	-
Retail Marijuana Cultivation Facility	P	P	P	P	P	-	-
Retail Marijuana Testing Facility	-	-	P	P	P	-	-

*Adopted by the BOCC on December 13, 2010

(P) Permitted

(C) Conditional
Facility Permit

(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

3-07-02 SUMMARY OF DIMENSIONAL REQUIREMENTS

The following tables summarize the dimensional requirements in each zone district. These tables are provided for ease of comparing dimensional requirements between zone districts. Other standards or restrictions may apply within a specific zone district. The reader is advised to check the restrictions in the specific zone district section within these standards and regulations, review any restrictions within any overlay zone district which may further limit dimensional requirements, and review any performance standards applicable to the use.

(P) Permitted**(C) Conditional
Facility Permit****(S) Special Use Permit
(-) Prohibited****(O) Oil and Gas**

**Chapter 3—Zone District Regulations
Use Chart and Dimensional Requirements**

ZONE DISTRICT		AGRICULTURE-1 (A-1)	AGRICULTURE-2 (A-2)	AGRICULTURE-3 (A-3)
MINIMUM LOT SIZE		2.5 acres	10 acres	35 acres
MINIMUM LOT WIDTH	W/Well AND Individual Sewage Disposal System	150 feet	425 feet	600 feet
	W/Public Water OR Sewer Facilities	100 feet		
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURE	Front	30 feet	50 feet	50 feet
	Side Corner	30 feet	50 feet	50 feet
	Side	10 ft, or 1 ft per 2 ft of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater
	Rear	20 feet	20 feet	20 feet
	R.O.W.	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet
		Local or Collector: 30 feet	Local or Collector: 50 feet	Local or Collector: 50 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.)		120 feet	120 feet	120 feet
MINIMUM SETBACKS FOR ACCESSORY STRUCTURE OR AG. BUILDING	Front	At least 10' to the rear of the front structure line of the principal dwelling, or 100' from the front property line, whichever is less	At least 10' to the rear of the front structure line of the principal dwelling, or 100' from the front property line, whichever is less	At least 10' to the rear of the front structure line of the principal dwelling, or 100' from the front property line, whichever is less
	Side	10 ft, or 1 ft per 2 ft of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater
	Rear	10 feet	10 feet	10 feet
	R.O.W.	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet
		Local or Collector: 30 feet	Local or Collector: 50 feet	Local or Collector: 50 feet

ZONE DISTRICT		AGRICULTURE-1 (A-1)	AGRICULTURE-2 (A-2)	AGRICULTURE-3 (A-3)
MAXIMUM HEIGHT	Dwelling and Non-Ag. Structure	35 feet	35 feet	35 feet
	Agriculture Structure	70 feet (25 feet on a lot established by a recorded subdivision plat)	70 feet (25 feet on a lot established by a recorded subdivision plat)	70 feet (25 feet on a lot established by a recorded subdivision plat)
	W/Well AND Indiv. Sewage Disposal System	6% of lot area (access, bldg. n/a without a principal dwelling)	N/A (access, bldg. n/a without a principal dwelling)	N/A
MAXIMUM STRUCTURE COVERAGE	W/Public Water OR Sewer	7.5% of lot area (access, bldg. n/a without a principal dwelling)		
	W/Public Water AND Sewer	12.5% of lot area (access, bldg. n/a without a principal dwelling)		
MINIMUM FLOOR AREA OF DWELLING	Single Story Dwelling	1,200 square feet	1,200 square feet	1,200 square feet
	Tri-Level Dwelling	1,200 square feet	1,200 square feet	1,200 square feet
	Bi-Level Or Two Story Dwelling	900 square feet on the 1 st floor plus 600 square feet on the 2 nd floor. (A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.)	900 square feet on the 1 st floor plus 600 square feet on the 2 nd floor. (A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.)	900 square feet on the 1 st floor plus 600 square feet on the 2 nd floor. (A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.)

ZONE DISTRICT	RESIDENTIAL ESTATE (R-E)	RESIDENTIAL-1-A and RESIDENTIAL-1-C (R-1-A and R-1-C)	
MINIMUM LOT SIZE	2.5 acres (well and septic) 1.0 acres (public water or sewer)	Corner Lots: 7,500 square feet	Internal Lots: 7,000 square feet
MINIMUM LOT WIDTH	W/Well AND Individual Sewage Disposal System	150 feet	N/A
	W/Public Water OR Sewer Facilities	100 feet	N/A
	Corner Lot	N/A	70 feet
	Internal Lot	N/A	65 feet
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURE	Front	30 feet	20 feet
	Side Corner	30 feet	20 feet
	Side	17 feet one side or 5 feet from attached garage, 5 feet on the other side	17 feet one side or 5 feet from attached garage, 5 feet on the other side
	Rear	20 feet	15 feet
	R.O.W.	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet
		Local or Collector: 30 feet	Local or Collector: 20 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.)	120 feet	120 feet	

ZONE DISTRICT		RESIDENTIAL ESTATE (R-E)	RESIDENTIAL-1-A and RESIDENTIAL-1-C (R-1-A and R-1-C)
MINIMUM SETBACKS FOR ACCESSORY STRUCTURE	Front	30 feet or equal to the principal dwelling, whichever is greater	At least equal to the principal dwelling or more
	Side Corner	30 feet or equal to the principal dwelling, whichever is greater	20 feet or equal to the principal dwelling, whichever is greater
	Side	20 feet	5 feet
	Rear	10 feet	5 feet
MAXIMUM HEIGHT	R.O.W.	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet
	Dwelling	35 feet	25 feet
	Accessory Structure	25 feet	16 feet
MAXIMUM STRUCTURE COVERAGE	W/Well AND Individual Sewage Disposal System	12.5% of lot area	N/A
	W/Public Water OR Sewer	12.5% of lot area	N/A
	W/Public Water AND Sewer	12.5% of lot area	N/A
	Accessory Building	In no case shall an accessory building exceed twice the floor area of the principal structure on the lot unless the accessory building is an aircraft hangar. Aircraft hangers shall meet the performance standards for aircraft hangers.	900 square feet
MINIMUM FLOOR AREA OF DWELLING		1,800 square feet	1,250 square feet

ZONE DISTRICT	RESIDENTIAL TWO-FAMILY (R-2)		RESIDENTIAL MODERATE DENSITY (R-3)	RESIDENTIAL HIGH DENSITY (R-4)	MOBILE HOME DWELLING (MH)
MINIMUM LOT SIZE	Two-Family Lot: 4,500 square feet per dwelling unit		Attached Dwellings on Individual Lot: 2,500 square feet per dwelling	2 acres	5,000 square feet
	Single Family Lot	Attached Dwellings on One Lot: 9,500 square feet per three dwellings			
MAXIMUM DENSITY	N/A		14 dwelling units per acre	35 dwelling units per acre	N/A
MINIMUM LOT WIDTH	Two-Family Lot		Attached Dwellings on Individual Lot: 25 feet	200 feet	Mobile Homes less than or equal to 20 feet wide: 45 feet
	Corner Lot: 50 feet	Internal Lot: 45 feet	Mobile Homes more than 20 feet wide: 50 feet		
	Single Family Lot		Attached Dwellings on One Lot: 150 feet		
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURE	Front	20 feet	20 feet	25 feet	20 feet
	Side Corner	20 feet	20 feet	25 feet	20 feet
	Side	17 feet one side or 5 feet from attached garage, 5 feet on the other side, 0 feet along common wall of two- family dwelling	0 feet along common walls of adjoining dwelling units, 5 feet from end unit when units are located on individual lots, 20 feet from end unit when units are located on a single lot	25 feet	17 feet one side or 5 feet when lot includes accessory structure, 5 feet on the other side
	Rear	15 feet	20 feet	20 feet	15 feet
	R.O.W.	State Highway or Arterial: 40 feet	State Highway or Arterial: 40 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 40 feet
	Local or Collector: 20 feet		Local or Collector: 20 feet	Local or Collector: 25 feet	Local or Collector: 20 feet

ZONE DISTRICT	RESIDENTIAL TWO-FAMILY (R-2)	RESIDENTIAL MODERATE DENSITY (R-3)	RESIDENTIAL HIGH DENSITY (R-4)	MOBILE HOME DWELLING (MH)
SETBACK FROM SECTION LINES (Variations may be permitted if the Dept. of Public Works determines no additional r.o.w. is required.)	100 feet	100 feet	100 feet	100 feet
SETBACK FROM OTHER ZONE DISTRICT BOUNDARY LINES	N/A	N/A	N/A	For All Structures: 25 feet
MINIMUM SETBACKS FOR ACCESSORY STRUCTURE	Front	20 feet	50 feet	20 feet
	Side Corner	20 feet	50 feet	20 feet
	Side	5 feet	5 feet	5 feet
	Rear	5 feet	5 feet	5 feet
R.O.W.	State Highway or Arterial: 40 feet	State Highway or Arterial: 40 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 40 feet
	Local or Collector: 20 feet	Local or Collector: 20 feet	Local or Collector: 50 feet	Local or Collector: 20 feet
MAXIMUM HEIGHT	Dwelling	25 feet	70 feet	20 feet
	Accessory Structure	16 feet	16 feet	10 feet
MAXIMUM ACCESSORY BUILDING COVERAGE	450 square feet per two-family dwelling unit, 900 square feet when used as a single- family dwelling	80 square feet per dwelling unit	80 square feet per dwelling unit	600 square feet
MINIMUM FLOOR AREA OF DWELLING	Two-family	1,000 square feet per dwelling unit	N/A	600 square feet
	Single Family	1,250 square feet	N/A	
	Efficiency Unit	N/A	450 square feet	
	One Bedroom	N/A	600 square feet	
	Two Bedroom	N/A	750 square feet	
	Three Bedroom	N/A	900 square feet	
	Four Bedroom	N/A	1,000 square feet	

ZONE DISTRICT	COMMERCIAL-0 & COMMERCIAL-1 (C-0 and C-1)	COMMERCIAL-2 & COMMERCIAL-3 (C-2 and C-3)	COMMERCIAL-4 & COMMERCIAL-5 (C-4 and C-5)
MINIMUM LOT SIZE	N/A	N/A	N/A
MINIMUM LOT WIDTH	75 feet	75 feet	100 feet
Front	25 feet	25 feet	25 feet
Side Corner	25 feet	25 feet	25 feet
MINIMUM SETBACKS FOR A STRUCTURE	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures
Rear	15 feet	15 feet	15 feet
R.O.W.	State Highway or Arterial: 75 feet Local or Collector: 25 feet	State Highway or Arterial: 75 feet Local or Collector: 25 feet	State Highway or Arterial: 75 feet Local or Collector: 25 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Dept. of Public Works determines no additional right-of-way is required.)	100 feet	100 feet	100 feet
MAXIMUM HEIGHT	25 feet	35 feet	35 feet
MAXIMUM FLOOR AREA PER COMMERCIAL USE	2,000 square feet	10,000 square feet	N/A
HOURS OF OPERATION	7:00 a.m. to 10:00 p.m.	7:00 a.m. to 12:00 a.m. when property abuts residentially zoned or used property	N/A

ZONE DISTRICTS	INDUSTRIAL-1 (I-1)	INDUSTRIAL-2 (I-2)	INDUSTRIAL-3 (I-3)
MINIMUM LOT SIZE	1 acre	2 acres	2 acres
MINIMUM LOT WIDTH	100 feet	125 feet	125 feet
MINIMUM SETBACKS FOR A STRUCTURE	Front	25 feet	25 feet
	Side Corner	25 feet	25 feet
	Side	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures
	Rear	15 feet	15 feet
	R.O.W.	State Highway or Arterial: 75 feet Local or Collector: 25 feet	State Highway or Arterial: 75 feet Local or Collector: 25 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.)	145 feet	145 feet	145 feet
MAXIMUM HEIGHT	60 feet	75 feet	90 feet

3-08 AGRICULTURAL-1 DISTRICT (A-1)

3-08-01 PURPOSE

The purpose of the Agricultural-1 District is to provide a rural single-family dwelling district where the minimum lot area for a home site is intended to provide for a rural living experience. Limited farming uses are permitted including the keeping of a limited number of animals for individual homeowner's use. This district is primarily designed for the utilization and enjoyment of the County's rural environment.

3-08-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Agricultural-1 District, subject to building permit review and approval. Only one principal use shall be permitted per lot.

3-08-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Agricultural-1 District as noted above:

1. Farming
2. Nurseries
3. Ranching
4. Equestrian Arena, Personal

3-08-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in an Agricultural-1 District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-08-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Agricultural-1 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**

2. Outdoor Public Uses (Excluding Cemeteries)

3-08-02-04 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Agricultural-1 District as noted above:

1. Bed and Breakfast

3-08-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural, Accessory
2. Residential, Accessory

3-08-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Agricultural-1 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval:

3-08-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in an Agricultural-1 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Business
3. Equestrian Arena, Commercial

3-08-04-02 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in an Agricultural-1 District as noted above:

1. Two-Family Dwelling
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-08-04-03 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Agricultural-1 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Outdoor Public Uses (Cemeteries) ***Adopted by the BoCC on December 13, 2010**
5. Places of Worship
6. Public Service
7. Universities

3-08-04-04 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Agricultural-1 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Animal Hospitals
3. Campgrounds, Commercial
4. Communications Towers, Commercial
5. Golf Course/Driving Range, Commercial
6. Kennel, Commercial
7. Outdoor Commercial Recreation
8. Trade Schools

3-08-04-05 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Agricultural-1 District as noted above:

1. Extraction and Disposal Uses (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit ; see Chapters 2 and 4).
2. Local and interurban passenger transit
3. Major Energy Facilities

3-08-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Agricultural-1 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Agricultural-1 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-08-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-08-07 AREA AND HEIGHT STANDARDS

3-08-07-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement in an Agricultural-1 District shall be 2.5 acres.

3-08-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-08-07-02-01 *MINIMUM WITH WELL AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM*

The minimum width of a lot in an Agricultural-1 District with a well and individual sewage disposal system shall be one-hundred-fifty (150) feet.

3-08-07-02-02 *MINIMUM WITH PUBLIC WATER OR SEWER FACILITIES*

The minimum width of a lot in an Agricultural-1 District with public water or sewer facilities shall be one-hundred (100) feet.

3-08-07-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-08-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in an Agricultural-1 District shall be thirty (30) feet.

3-08-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in an Agricultural-1 District shall be thirty (30) feet.

3-08-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in an Agricultural-1 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-08-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in an Agricultural-1 District shall be twenty (20) feet.

3-08-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for a principal structure in an Agricultural-1 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be one-hundred-twenty (120) feet. The minimum setback from a collector or local road shall be thirty (30) feet.

3-08-07-03-06 *MINIMUM SETBACK FROM SECTION LINE FOR ALL STRUCTURES*

The minimum setback from a section line for a principal structure in an Agricultural-1 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-08-07-04 *SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES OR AGRICULTURE BUILDINGS*

3-08-07-04-01 *MINIMUM FRONT SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one-hundred (100) feet from the front property line, whichever is less.

3-08-07-04-02 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in an Agricultural-1 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-08-07-04-03 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in an Agricultural-1 District shall be ten (10) feet.

3-08-07-04-04 *MINIMUM R.O.W. SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one-hundred (100) feet from the front property line, whichever is less. The minimum setback from a section line for all accessory structures in an Agricultural-1 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-08-07-04-05 *MINIMUM SETBACK FROM SECTION LINE FOR ALL ACCESSORY STRUCTURES*

The minimum setback from a section line for all accessory structures in an Agricultural-1 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-08-07-05 *MAXIMUM HEIGHT*

3-08-07-05-01 *DWELLINGS AND ACCESSORY STRUCTURES*

The maximum height of dwellings and accessory structures in an Agricultural-1 District shall be thirty-five (35) feet.

3-08-07-05-02 *AGRICULTURAL STRUCTURES*

The maximum height of agricultural structures in an Agricultural-1 District shall be seventy (70) feet, except for structures located on a lot established by a recorded subdivision plat, where the maximum shall be twenty-five (25) feet.

3-08-07-06 MAXIMUM STRUCTURE COVERAGE

3-08-07-06-01 *LOT SERVED BY WELL AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM*

The maximum structure coverage on a lot served by a well and individual sewage disposal system in an Agricultural-1 District shall be 6% of lot area.

3-08-07-06-02 *LOT SERVED BY PUBLIC WATER OR SEWER*

The maximum structure coverage on a lot served by public water or sewer in an Agricultural-1 District shall be 7.5% of lot area.

3-08-07-06-03 *LOT SERVED BY PUBLIC WATER AND SEWER*

The maximum structure coverage on a lot served by public water and sewer in an Agricultural-1 District shall be 12.5% of lot area.

3-08-07-06-04 *ACCESSORY BUILDING COVERAGE*

In no case shall an accessory building exceed twice the floor area of the principal structure on the lot unless the accessory building is an aircraft hangar. Aircraft hangars shall meet the performance standards for aircraft hangars. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-08-07-07 MINIMUM FLOOR AREA OF DWELLINGS

3-08-07-07-01 *SINGLE STORY DWELLING*

The minimum floor area of a single story dwelling in an Agricultural-1 District shall be twelve hundred (1,200) square feet.

3-08-07-07-02 *TRI-LEVEL DWELLING*

The minimum floor area of a tri-level dwelling in an Agricultural-1 District shall be twelve hundred (1,200) square feet.

3-08-07-07-03 *BI-LEVEL OR TWO STORY*

The minimum floor area of a bi-level or two story dwelling in an Agricultural-1 District shall be nine hundred (900) square feet on the 1st floor plus six hundred (600) square feet on the 2nd floor. A lower level with more than 50%

of its perimeter located more than 50% above grade level may be counted as floor area.

**3-08-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Agricultural-1 District unless inconsistent with a provision contained in Section 3-08, in which case the specific standard or requirement contained in Section 3-08 shall apply.

3-09 AGRICULTURAL-2 DISTRICT (A-2)

3-09-01 PURPOSE

The purpose of the Agricultural-2 District is to provide a district for rural subdivisions of at least ten (10) acres in size where adequate provisions are made for internal and external roads and access, water and sewer facilities, fire protection and other emergency services, and other public services and utilities. Farming uses are permitted, including the cultivation of land and the keeping of a limited number of animals.

3-09-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Agricultural-2 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-09-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Agricultural-2 District as noted above:

1. Farming
2. Nurseries
3. Ranching
4. Equestrian Arena, Personal

3-09-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in an Agricultural-2 District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-09-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Agricultural-2 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**

2. Outdoor Public Uses (Excluding Cemeteries)

3-09-02-04 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Agricultural-2 District as noted above:

1. Bed and Breakfast

3-09-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural, Accessory
2. Residential, Accessory

3-09-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Agricultural-2 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval:

3-09-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in an Agricultural-2 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Business
3. Equestrian Arena, Commercial

3-09-04-02 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in an Agricultural-2 District as noted above:

1. Two-Family Dwelling
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-09-04-03 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Agricultural-2 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Places of Worship
5. Outdoor Public Uses (Cemeteries) ***Adopted by the BoCC on December 13, 2010**
6. Public Service
7. Universities

3-09-04-04 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Agricultural-2 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Animal Hospitals
3. Campgrounds, Commercial
4. Communications Towers, Commercial
5. Golf Course/Driving Range, Commercial
6. Kennel, Commercial
7. Outdoor Commercial Recreation
8. Parking Lot, Commercial
9. Trade Schools

3-09-04-05 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Agricultural-2 District as noted above:

1. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Conditional Use Permit or Certificate of Designation pursuant to Chapter 2; (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).

2. Heavy Industry (Excluding Solid Waste Transfer Stations and Scrap Tire Recycling Facilities), including salvage yards, pickle manufacturing, and local and interurban passenger transit.
3. Major Energy Facilities

3-09-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Agricultural-2 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Agricultural-2 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-09-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Agricultural-2 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-09-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-09-08 AREA AND HEIGHT STANDARDS

3-09-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement in an Agricultural-2 District shall be ten (10) acres.

3-09-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum width of a lot in an Agricultural-2 District shall be four-hundred-twenty-five (425) feet.

3-09-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-09-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in an Agricultural-2 District shall be fifty (50) feet.

3-09-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in an Agricultural-2 District shall be fifty (50) feet.

3-09-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in an Agricultural-2 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-09-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in an Agricultural-2 District shall be twenty (20) feet.

3-09-08-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for a principal structure in an Agricultural-2 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be one-hundred-twenty (120) feet. The minimum setback from a collector or local road shall be fifty (50) feet.

3-09-08-03-06 *MINIMUM SETBACK FROM SECTION LINE FOR ALL STRUCTURES*

The minimum setback from a section line for a principal structure or agricultural building in an Agricultural-2 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-09-08-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES OR AGRICULTURE BUILDINGS

3-09-08-04-01 *MINIMUM FRONT SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one-hundred (100) feet from the front property line, whichever is less.

3-09-08-04-02 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in an Agricultural-2 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-09-08-04-03 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in an Agricultural-2 District shall be ten (10) feet.

3-09-08-04-04 *MINIMUM R.O.W. SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one-hundred (100) feet from the front property line, whichever is less. The minimum setback from a section line for all accessory structures in an Agricultural-2 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-09-08-04-05 *MINIMUM SETBACK FROM SECTION LINE FOR ALL ACCESSORY STRUCTURES*

The minimum setback from a section line for all accessory structures in an Agricultural-2 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-09-08-05 MAXIMUM HEIGHT

3-09-08-05-01 *DWELLINGS AND ACCESSORY STRUCTURES*

The maximum height of dwellings and accessory structures in an Agricultural-2 District shall be thirty-five (35) feet.

3-09-08-05-02 *AGRICULTURAL STRUCTURES*

The maximum height of agricultural structures in an Agricultural-2 District shall be seventy (70) feet, except for structures located on a lot established by a recorded subdivision plat, where the maximum shall be twenty-five (25) feet.

3-09-08-06 MAXIMUM STRUCTURE COVERAGE

The maximum structure coverage on a lot in an Agricultural-2 District shall not be limited. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-09-08-07 MINIMUM FLOOR AREA OF DWELLINGS

3-09-08-07-01 *SINGLE STORY DWELLING*

The minimum floor area of a single story dwelling in an Agricultural-2 District shall be twelve hundred (1,200) square feet.

3-09-08-07-02 *TRI-LEVEL DWELLING*

The minimum floor area of a tri-level dwelling in an Agricultural-2 District shall be twelve hundred (1,200) square feet.

3-09-08-07-03 *BI-LEVEL OR TWO STORY*

The minimum floor area of a bi-level or two story dwelling in an Agricultural-2 District shall be nine hundred (900) square feet on the 1st floor plus six hundred (600) square feet on the 2nd floor. A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.

**3-09-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Agricultural-2 District unless inconsistent with a provision contained in Section 3-09, in which case the specific standard or requirement contained in Section 3-09 shall apply.

3-10 **AGRICULTURAL-3 DISTRICT (A-3)**

3-10-01 **PURPOSE**

The purpose of the Agricultural-3 District is to provide land primarily in holdings of at least thirty-five (35) acres for dryland or irrigated farming, pasturage, or other related food production uses.

3-10-02 **PERMITTED PRINCIPAL USES**

The following uses are permitted uses in an Agricultural-3 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-10-02-01 **PERMITTED PRINCIPAL AGRICULTURAL USES**

The following principal agricultural uses are permitted in an Agricultural-3 District as noted above:

1. Farming
2. Nurseries
3. Ranching
4. Equestrian Arena, Personal

3-10-02-02 **PERMITTED PRINCIPAL RESIDENTIAL USES**

The following principal residential uses are permitted in an Agricultural-3 District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-10-02-03 **PERMITTED PRINCIPAL INSTITUTIONAL USES**

The following principal institutional uses are permitted in an Agricultural-3 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Outdoor Public Uses

3. Places of Worship (subject to performance standards in Section 4-07-02-04)

3-10-02-04 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Agricultural-3 District as noted above:

1. Bed and Breakfast

3-10-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in an Agricultural-3 District as noted above:

1. Medical Marijuana Optional Premises Cultivation Operation
2. Retail Marijuana Cultivation Facility

3-10-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural, Accessory
2. Residential, Accessory

3-10-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Agricultural-3 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval:

3-10-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in an Agricultural-3 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Business
3. Equestrian Arena, Commercial

3-10-04-02 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in an Agricultural-3 District as noted above:

1. Two-Family Dwelling
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-10-04-03 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Agricultural-3 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Halfway House ***Adopted by the BoCC on December 13, 2010**
3. Institutional Care
4. Jails and Prisons
5. Neighborhood Indoor Uses
6. Public Service
7. Universities

3-10-04-04 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Agricultural-3 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Animal Hospitals
3. Campgrounds, Commercial
4. Communications Towers, Commercial
5. Golf Course/Driving Range, Commercial
6. Heavy Retail and Heavy Services
7. Kennel, Commercial
8. Outdoor Commercial Recreation

9. Parking Lot, Commercial
10. Racing Facilities
11. Services
12. Trade Schools

3-10-04-05 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Agricultural-3 District as noted above:

1. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Conditional Use Permit or Certificate of Designation pursuant to Chapter 2; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4.)
2. Heavy Industry (Excluding Solid Waste Transfer Stations and Scrap Tire Recycling Facilities)
3. Landscape Storage Yards
4. Light Industry, including bone reduction, and pickle manufacturing. (Excluding all other Light, Heavy and Moderate Manufacturing or Processing uses)
5. Major Energy Facilities
6. Recycling Facility ***Adopted by the BoCC on December 13, 2010**

3-10-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Agricultural-3 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Agricultural-3 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-10-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Agricultural-3 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-10-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-10-08 AREA AND HEIGHT STANDARDS

3-10-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement in an Agricultural-3 District shall be thirty-five (35) acres.

3-10-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum width of a lot or parcel in an Agricultural-3 District shall be six hundred (600) feet.

3-10-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-10-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in an Agricultural-3 District shall be fifty (50) feet.

3-10-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in an Agricultural-3 District shall be fifty (50) feet.

3-10-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in an Agricultural-3 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-10-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in an Agricultural-3 District shall be twenty (20) feet.

3-10-08-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for a principal structure in an Agricultural-3 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be one-hundred-twenty (120) feet. The minimum setback from a collector or local road shall be fifty (50) feet.

3-10-08-03-06 *MINIMUM SETBACK FROM SECTION LINE FOR ALL STRUCTURES*

The minimum setback from a section line for a principal structure or agricultural building in an Agricultural-3 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-10-08-04 *SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES OR AGRICULTURE BUILDINGS*

3-10-08-04-01 *MINIMUM FRONT SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one hundred (100) feet from the front property line, whichever is less, if a principal dwelling already exists on site. The minimum front setback for a principal structure in an Agricultural-3 District shall be fifty (50) feet.

3-10-08-04-02 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in an Agricultural-3 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-10-08-04-03 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in an Agricultural-3 District shall be ten (10) feet.

3-10-08-04-04 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in an Agricultural-3 District from an arterial right-of-way shall be fifty (50) feet except a section line

arterial right-of-way where the minimum setback shall be one-hundred-twenty (120) feet. The minimum setback from a collector or local road shall be fifty (50) feet.

3-10-08-04-05 *MINIMUM SETBACK FROM SECTION LINE FOR ALL ACCESSORY STRUCTURES*

The minimum setback from a section line for all accessory structures in an Agricultural-3 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-10-08-05 *MAXIMUM HEIGHT*

3-10-08-05-01 *DWELLINGS AND ACCESSORY STRUCTURES*

The maximum height of dwellings and accessory structures in an Agricultural-3 District shall be thirty-five (35) feet.

3-10-08-05-02 *AGRICULTURAL STRUCTURES*

The maximum height of agricultural structures in an Agricultural-3 District shall be seventy (70) feet, except for structures located on a lot established by a recorded subdivision plat, where the maximum shall be twenty-five (25) feet.

3-10-08-06 *MAXIMUM STRUCTURE COVERAGE*

The maximum structure coverage on a lot in an Agricultural-3 District shall not be limited. Accessory buildings may be constructed prior to the principal dwelling on a lot.

3-10-08-07 *MINIMUM FLOOR AREA OF DWELLINGS*

3-10-08-07-01 *SINGLE STORY DWELLING*

The minimum floor area of a single story dwelling in an Agricultural-3 District shall be twelve hundred (1,200) square feet.

3-10-08-07-02 *TRI-LEVEL DWELLING*

The minimum floor area of a tri-level dwelling in an Agricultural-3 District shall be twelve hundred (1,200) square feet.

3-10-08-07-03 *BI-LEVEL OR TWO STORY*

The minimum floor area of a bi-level or two story dwelling in an Agricultural-3 District shall be nine hundred (900) square feet on the 1st floor plus six hundred (600) square feet on the 2nd floor. A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.

**3-10-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Agricultural-3 District unless inconsistent with a provision contained in Section 3-10, in which case the specific standard or requirement contained in Section 3-10 shall apply.

3-11 RESIDENTIAL ESTATE DISTRICT (RE)

3-11-01 PURPOSE

The purpose of the Residential Estate District is to serve exclusively as a single-family detached residential district for larger lots and larger homes in a spacious, open environment away from higher density uses and where agricultural uses and the keeping of livestock are substantially restricted.

3-11-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential Estate District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-11-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential Estate District as noted above:

1. Traditional Farming

3-11-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential Estate District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-11-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential Estate District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-11-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Residential, Accessory
2. Institutional, Accessory

3-11-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential Estate District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-11-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential Estate District as noted above:

1. Group Living Facility (in excess of 5 persons)
2. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-11-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential Estate District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service
5. Universities

3-11-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential Estate District as noted above:

1. Bed and Breakfast
2. Golf Courses/Driving Ranges, Commercial

3-11-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential Estate District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities

3-11-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential Estate District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential Estate District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-11-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-11-07 AREA AND HEIGHT STANDARDS

3-11-07-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size in a Residential Estate District shall be two-and-one-half (2.5) acres where individual well and septic are provided and one (1) acre where public water or public sewer is provided.

3-11-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-11-07-02-01 *MINIMUM WITH WELL AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM*

The minimum width of a lot in a Residential Estate District with a well and individual sewage disposal system shall be one-hundred-fifty (150) feet.

3-11-07-02-02 *MINIMUM WITH PUBLIC WATER OR SEWER FACILITIES*

The minimum width of a lot in a Residential Estate District with public water or sewer facilities shall be one hundred (100) feet.

3-11-07-03 *SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE*

3-11-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential Estate District shall be thirty (30) feet.

3-11-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential Estate District shall be thirty (30) feet.

3-11-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential Estate District shall be seventeen (17) feet on one side or five (5) feet from attached garage, and five (5) feet on the other side.

3-11-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential Estate District shall be twenty (20) feet.

3-11-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential Estate District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local right-of-ways shall be thirty (30) feet.

3-11-07-03-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential Estate District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-11-07-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

3-11-07-04-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential Estate District shall be thirty (30) feet or no less than the existing or proposed setback of the principal dwelling, whichever is greater.

3-11-07-04-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential Estate District shall be thirty (30) feet, or equal to the principal dwelling, whichever is greater.

3-11-07-04-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential Estate District shall be twenty (20) feet.

3-11-07-04-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential Estate District shall be ten (10) feet.

3-11-07-04-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential Estate District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local right-of-ways shall be thirty (30) feet.

3-11-07-04-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential Estate District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-11-07-05 MAXIMUM HEIGHT

3-11-07-05-01 *DWELLINGS*

The maximum height of dwellings in a Residential Estate District shall be thirty-five (35) feet.

3-11-07-05-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential Estate District shall be twenty-five (25) feet.

3-11-07-06 MAXIMUM STRUCTURE COVERAGE

3-11-07-06-01 *LOT SERVED BY WELL AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM*

The maximum structure coverage on a lot served by a well and individual sewage disposal system in a Residential Estate District shall be 12.5% of lot area.

3-11-07-06-02 *LOT SERVED BY PUBLIC WATER OR SEWER*

The maximum structure coverage on a lot served by public water or sewer in a Residential Estate District shall be 12.5% of lot area.

3-11-07-06-03 *LOT SERVED BY PUBLIC WATER AND SEWER*

The maximum structure coverage on a lot served by public water and sewer in a Residential Estate District shall be 12.5% of lot area.

3-11-07-06-04 *ACCESSORY BUILDING COVERAGE*

In no case shall an accessory building exceed twice the floor area of the principal structure on the lot unless the accessory building is an aircraft hangar. Aircraft hangers shall meet the performance standards for aircraft hangers. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-11-07-07 MINIMUM FLOOR AREA OF DWELLINGS

The minimum floor area of dwellings in a Residential Estate District shall be eighteen hundred (1,800) square feet.

**3-11-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential Estate District unless inconsistent with a provision contained in Section 3-11, in which case the specific standard or requirement contained in Section 3-11 shall apply.

3-12 RESIDENTIAL-1-A DISTRICT (R-1-A)

The same as R-I-C

3-13 RESIDENTIAL-1-C DISTRICT (R-1-C)

3-13-01 PURPOSE

The purpose of the Residential-1-C District is to serve exclusively as a single-family district for smaller home sites and smaller homes.

3-13-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential-1-C District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-13-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential-1-C District as noted above:

1. Traditional Farming

3-13-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential-1-C District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-13-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential-1-C District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-13-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory

2. Institutional Uses, Accessory

3-13-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential-1-C District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-13-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential-1-C District as noted above:

1. Manufactured Home Park
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-13-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential-1-C District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service
5. Universities

3-13-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential-1-C District as noted above:

1. Bed and Breakfast
2. Golf Courses/Driving Ranges, Commercial

3-13-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential-1-C District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit ; see Chapters 2 and 4).
2. Major Energy Facilities

3-13-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential-1-C District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential-1-C District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-13-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-13-07 AREA AND HEIGHT STANDARDS

3-13-07-01 MINIMUM LOT SIZE REQUIREMENTS

3-13-07-01-01 CORNER LOTS

The minimum lot size for corner lots in a Residential-1-C District shall be seventy-five hundred (7,500) square feet.

3-13-07-01-02 INTERNAL LOTS

The minimum lot size for internal lots in a Residential-1-C District shall be seven thousand (7,000) square feet.

3-13-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-13-07-02-01 *CORNER LOTS*

The minimum lot width for corner lots in a Residential-1-C District shall be seventy (70) feet.

3-13-07-02-02 *INTERNAL LOTS*

The minimum lot width for internal lots in a Residential-1-C District shall be sixty-five (65) feet.

3-13-07-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-13-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential-1-C District shall be twenty (20) feet.

3-13-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential-1-C District shall be twenty (20) feet.

3-13-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential-1-C District shall be seventeen (17) feet on one side or five (5) feet from attached garage, and five (5) feet on the other side.

3-13-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential-1-C District shall be fifteen (15) feet.

3-13-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential-1-C District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local right-of-ways shall be twenty (20) feet.

3-13-07-03-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential-1-C District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-13-07-04 *SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES*

3-13-07-04-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential-1-C District shall be no less than the existing or proposed setback of the principal dwelling.

3-13-07-04-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential-1-C District shall be twenty (20) feet or equal to the principal dwelling, whichever is greater.

3-13-07-04-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential-1-C District shall be five (5) feet.

3-13-07-04-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential-1-C District shall be five (5) feet.

3-13-07-04-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential-1-C District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local right-of-ways shall be twenty (20) feet.

3-13-07-04-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential -1-C District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-13-07-05 MAXIMUM HEIGHT

3-13-07-05-01 *DWELLINGS*

The maximum height of dwellings in a Residential-1-C District shall be twenty-five (25) feet.

3-13-07-05-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential-1-C District shall be sixteen (16) feet.

3-13-07-06 MAXIMUM ACCESSORY BUILDING COVERAGE

The maximum accessory building coverage in a Residential-1-C District shall be nine hundred (900) square feet. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-13-07-07 MINIMUM FLOOR AREA OF DWELLINGS

The minimum floor area of dwellings in a Residential-1-C District shall be twelve- hundred-fifty (1,250) square feet.

**3-13-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential-1-C District unless inconsistent with a provision contained in Section 3-13, in which case the specific standard or requirement contained in Section 3-13 shall apply.

3-14 RESIDENTIAL-2 DISTRICT (R-2)

3-14-01 PURPOSE

The purpose of the Residential-2 District is to provide a residential district which permits two-family dwellings and single family homes in a moderate density setting.

3-14-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential-2 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-14-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential-2 District as noted above:

1. Traditional Farming

3-14-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential-2 District as noted above:

1. Single Family Dwelling
2. Two-Family Dwelling
3. Group Living Facility (1 to 5 persons)

3-14-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential-2 District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-14-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory
2. Institutional Uses, Accessory

3-14-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential-2 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-14-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential-2 District as noted above:

1. Manufactured Home Park
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-14-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential-2 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service
5. Universities

3-14-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential-2 District as noted above:

1. Golf Courses/Driving Ranges, Commercial

3-14-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential-2 District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities

3-14-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential-2 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential-2 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-14-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-14-07 AREA AND HEIGHT STANDARDS

3-14-07-01 MINIMUM LOT SIZE REQUIREMENTS

3-14-07-01-01 *SINGLE FAMILY LOTS*

The minimum size of single family lots in a Residential-2 District shall be:

1. Corner Lots: seventy-five hundred (7,500) square feet
2. Internal Lot: seven thousand (7,000) square feet

3-14-07-01-02 *TWO-FAMILY LOTS*

The minimum size of two-family dwelling lots in a Residential-2 District shall be forty-five hundred (4,500) square feet per dwelling unit.

3-14-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-14-07-02-01 *SINGLE FAMILY LOTS*

The minimum width of single family lots in a Residential-2 District shall be:

1. Corner Lots: seventy (70) feet
2. Internal Lot: sixty-five (65) feet

3-14-07-02-02 *TWO-FAMILY LOTS*

The minimum width of two-family dwelling lots in a Residential-2 District shall be:

1. Corner Lots: fifty (50) feet where a two-family dwelling is constructed as a townhome (single dwelling unit on each lot) and one hundred (100) feet where a two-family dwelling is built on a single lot.
2. Internal Lot: forty-five (45) feet where a two-family dwelling is constructed as a townhome (single dwelling unit on each lot) and ninety (90) feet where a two-family dwelling is built on a single lot.

3-14-07-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-14-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential-2 District shall be twenty (20) feet.

3-14-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential-2 District shall be twenty (20) feet.

3-14-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential-2 District shall be seventeen (17) feet on one side or five (5) feet from an attached garage, five (5) feet on the other side, and zero (0) feet along the common wall of a two-family dwelling.

3-14-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential-2 District shall be fifteen (15) feet.

3-14-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential-2 District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local right-of-ways shall be twenty (20) feet.

3-14-07-03-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential-2 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-14-07-04 *SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES*

3-14-07-04-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential-2 District shall be twenty (20) feet.

3-14-07-04-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential-2 District shall be twenty (20) feet.

3-14-07-04-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential-2 District shall be five (5) feet.

3-14-07-04-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential-2 District shall be five (5) feet.

3-14-07-04-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential-2 District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local right-of-ways shall be twenty (20) feet.

3-14-07-04-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential-2 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-14-07-05 *MAXIMUM HEIGHT*

3-14-07-05-01 *DWELLINGS*

The maximum height of dwellings in a Residential-2 District shall be twenty-five (25) feet.

3-14-07-05-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential-2 District shall be sixteen (16) feet.

3-14-07-06 *MAXIMUM ACCESSORY BUILDING COVERAGE*

The maximum accessory building coverage in a Residential-2 District shall be four-hundred-fifty (450) square feet per two-family dwelling unit. A maximum of 900 square feet shall be allowed for an accessory building when used as a single family dwelling.

3-14-07-07 *MINIMUM FLOOR AREA OF DWELLINGS*

3-14-07-07-01 *TWO-FAMILY*

The minimum floor area of a two-family dwelling in a Residential-2 District shall be one thousand (1,000) square feet per dwelling unit.

3-14-07-07-02 *SINGLE FAMILY DWELLING*

The minimum floor area of a single family dwelling in a Residential-2 District shall be twelve-hundred-fifty (1,250) square feet.

**3-14-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential-2 District unless inconsistent with a provision contained in Section 3-14, in which case the specific standard or requirement contained in Section 3-14 shall apply.

3-15 RESIDENTIAL-3 DISTRICT (R-3)

3-15-01 PURPOSE

The purpose of the Residential-3 District is to provide a moderate density district which allows three (3) or more single-family attached residences on a single lot or on individually owned lots.

3-15-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential-3 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-15-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential-3 District as noted above:

1. Traditional Farming

3-15-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential-3 District as noted above:

1. Multi-Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-15-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential-3 District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-15-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory

2. Institutional Uses, Accessory

3-15-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential-3 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-15-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential-3 District as noted above:

1. Single-Family Dwelling
2. Two-Family Dwelling
3. Manufactured Home Park
4. Group Living Facility (in excess of 5 persons), including Group home for the developmentally disabled, and Group home for the elderly.
5. Group Living Facility (with more than 1 registered sex offender)

3-15-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential-3 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service

3-15-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential-3 District as noted above:

1. Golf Courses/Driving Ranges, Commercial

3-15-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential-3 District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities

3-15-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential-3 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential-3 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-15-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-15-07 AREA AND HEIGHT STANDARDS

3-15-07-01 MINIMUM LOT SIZE REQUIREMENTS

3-15-07-01-01 *ATTACHED DWELLINGS ON INDIVIDUAL LOTS*

The minimum lot size for attached dwellings on individual lots in a Residential-3 District shall be twenty-five hundred (2,500) square feet per dwelling unit.

3-15-07-01-02 *ATTACHED DWELLINGS ON ONE LOT*

The minimum lot size for attached dwellings on one lot in a Residential-3 District shall be ninety-five hundred (9,500) square feet.

3-15-07-02 MAXIMUM DENSITY

The maximum density in a Residential-3 District shall be fourteen (14) dwelling units per acre.

3-15-07-03 MINIMUM LOT WIDTH REQUIREMENTS

3-15-07-03-01 *ATTACHED DWELLINGS ON INDIVIDUAL LOTS*

The minimum lot width for attached dwellings on individual lots in a Residential-3 District shall be twenty-five (25) feet.

3-15-07-03-02 *ATTACHED DWELLINGS ON ONE LOT*

The minimum lot width for attached dwellings on one (1) lot in a Residential-3 District shall be one-hundred-fifty (150) feet.

3-15-07-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-15-07-04-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential-3 District shall be twenty (20) feet.

3-15-07-04-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential-3 District shall be twenty (20) feet.

3-15-07-04-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential-3 District shall be zero (0) feet along common walls of adjoining dwelling units, five (5) feet from an end unit when units are located on individual lots, and twenty (20) feet from an end unit when units are located on a single lot.

3-15-07-04-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential-3 District shall be twenty (20) feet.

3-15-07-04-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential-3 District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local right-of-ways shall be twenty (20) feet.

3-15-07-04-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential-3 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-15-07-05 *SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES*

3-15-07-05-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential-3 District shall be twenty (20) feet.

3-15-07-05-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential-3 District shall be twenty (20) feet.

3-15-07-05-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential-3 District shall be five (5) feet.

3-15-07-05-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential-3 District shall be five (5) feet.

3-15-07-05-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential-3 District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local right-of-ways shall be twenty (20) feet.

3-15-07-05-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential-3 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-15-07-06 MAXIMUM HEIGHT

3-15-07-06-01 *PRINCIPAL STRUCTURE*

The maximum height of a principal structure in a Residential-3 District shall be thirty-five (35) feet.

3-15-07-06-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential-3 District shall be sixteen (16) feet.

3-15-07-07 MAXIMUM ACCESSORY BUILDING COVERAGE

The maximum accessory building coverage in a Residential-3 District shall be 80 square feet per dwelling unit.

3-15-07-08 MINIMUM FLOOR AREA OF DWELLINGS

3-15-07-08-01 *EFFICIENCY UNIT*

The minimum floor area of an efficiency unit in a Residential-3 District shall be four-hundred-fifty (450) square feet.

3-15-07-08-02 *ONE BEDROOM UNIT*

The minimum floor area of a one bedroom unit in a Residential-3 District shall be six hundred (600) square feet.

3-15-07-08-03 *TWO BEDROOM UNIT*

The minimum floor area of a two bedroom unit in a Residential-3 District shall be seven-hundred-fifty (750) square feet.

3-15-07-08-04 *THREE BEDROOM UNIT*

The minimum floor area of a three bedroom unit in a Residential-3 District shall be nine hundred (900) square feet.

3-15-07-08-05 *FOUR BEDROOM UNIT*

The minimum floor area of a four bedroom unit in a Residential-3 District shall be one thousand (1,000) square feet.

**3-15-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential-3 District unless inconsistent with a provision contained in Section 3-15, in which case the specific standard or requirement contained in Section 3-15 shall apply.

3-16 RESIDENTIAL-4 DISTRICT (R-4)

3-16-01 PURPOSE

The purpose of the Residential-4 District is to provide a high-density district that allows three (3) or more single-family attached residences on a single lot.

3-16-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential-4 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-16-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential-4 District as noted above:

1. Traditional Farming

3-16-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential-4 District as noted above:

1. Multi-Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-16-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential-4 District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-16-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory

2. Institutional Uses, Accessory

3-16-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential-4 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-16-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential-4 District as noted above:

1. Single-Family Dwelling
2. Two-Family Dwelling
3. Manufactured Home Park
4. Group Living Facility (in excess of 5 persons), including Group home for the developmentally disabled, and Group home for the elderly.
5. Group Living Facility (with more than 1 registered sex offender)

3-16-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential-4 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service

3-16-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential-4 District as noted above:

1. Golf Courses/Driving Ranges, Commercial

3-16-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential-4 District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit ; see Chapters 2 and 4).
2. Major Energy Facilities

3-16-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential-4 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential-4 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-16-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-16-07 AREA AND HEIGHT STANDARDS

3-16-07-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size in a Residential-4 District shall be two (2) acres.

3-16-07-02 MINIMUM DENSITY

The minimum density in a Residential-4 District shall be fourteen (14) dwelling units per acre.

3-16-07-03 MAXIMUM DENSITY

The maximum density in a Residential-4 District shall be thirty-five (35) dwelling units per acre.

3-16-07-04 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Residential-4 District shall be two hundred (200) feet.

3-16-07-05 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-16-07-05-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential-4 District shall be twenty-five (25) feet.

3-16-07-05-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential-4 District shall be twenty-five (25) feet.

3-16-07-05-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential-4 District shall be twenty-five (25) feet.

3-16-07-05-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential-4 District shall be twenty (20) feet.

3-16-07-05-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential-4 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local right-of-ways shall be twenty-five (25) feet.

3-16-07-05-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential-4 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-16-07-06 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

3-16-07-06-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential-4 District shall be fifty (50) feet.

3-16-07-06-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential-4 District shall be fifty (50) feet.

3-16-07-06-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential-4 District shall be five (5) feet.

3-16-07-06-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential-4 District shall be five (5) feet.

3-16-07-06-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential-4 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local right-of-ways shall be fifty (50) feet.

3-16-07-06-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential-4 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-16-07-07 *MAXIMUM HEIGHT*

3-16-07-07-01 *PRINCIPAL STRUCTURE*

The maximum height of a principal structure in a Residential-4 District shall be seventy (70) feet.

3-16-07-07-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential-4 District shall be sixteen (16) feet.

3-16-07-08 MAXIMUM ACCESSORY BUILDING COVERAGE

The maximum accessory building coverage in a Residential-4 District shall be eighty (80) square feet per dwelling unit.

3-16-07-09 MINIMUM FLOOR AREA OF DWELLINGS

3-16-07-09-01 *EFFICIENCY UNIT*

The minimum floor area of an efficiency unit in a Residential-4 District shall be four-hundred-fifty (450) square feet.

3-16-07-09-02 *ONE BEDROOM UNIT*

The minimum floor area of a one bedroom unit in a Residential-4 District shall be six hundred (600) square feet.

3-16-07-09-03 *TWO BEDROOM UNIT*

The minimum floor area of a two bedroom unit in a Residential-4 District shall be seven-hundred-fifty (750) square feet.

3-16-07-09-04 *THREE BEDROOM UNIT*

The minimum floor area of a three bedroom unit in a Residential-4 District shall be nine hundred (900) square feet.

3-16-07-09-05 *FOUR BEDROOM UNIT*

The minimum floor area of a four bedroom unit in a Residential-4 District shall be one thousand (1,000) square feet.

3-16-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential-4 District unless inconsistent with a provision contained in Section 0, in which case the specific standard or requirement contained in Section 0 shall apply.

3-17 MOBILE HOME DWELLING DISTRICT (MH)

3-17-01 PURPOSE

The purpose of the Mobile Home Dwelling District is to provide a district for Mobile Homes with the necessary facilities with mobile home spaces or lots, which may (but need not) be owned by different persons.

3-17-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Mobile Home Dwelling District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-17-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Mobile Home Dwelling District as noted above:

1. Traditional Farming

3-17-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Mobile Home Dwelling District as noted above:

1. Single Family Dwelling
2. Mobile Home Parks

3-17-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Mobile Home Dwelling District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-17-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory
2. Institutional Uses, Accessory

3-17-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Mobile Home Dwelling District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-17-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Mobile Home Dwelling District as noted above:

1. Two-Family Dwelling
2. Multi-Family Dwelling
3. Manufactured Home Park
4. Group Living Facility (1 to 5 persons)
5. Group Living Facility (in excess of 5 persons), including Group home for the developmentally disabled, and Group home for the elderly
6. Group Living Facility (with more than 1 registered sex offender)

3-17-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Mobile Home Dwelling District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service

3-17-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Mobile Home Dwelling District as noted above:

1. Golf Courses/Driving Ranges, Commercial

3-17-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Mobile Home Dwelling District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities

3-17-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Mobile Home Dwelling District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Mobile Home Dwelling District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-17-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-17-07 AREA AND HEIGHT STANDARDS

3-17-07-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size in a Mobile Home Dwelling District shall be five thousand (5,000) square feet. Minimum size of new developments shall be forty (40) acres.

3-17-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-17-07-02-01 *MOBILE HOMES LESS THAN OR EQUAL TO TWENTY FEET WIDE*

The minimum lot width in a Mobile Home Dwelling District for mobile homes less than or equal to twenty feet wide shall be forty-five (45) feet.

3-17-07-02-02 *MOBILE HOMES MORE THAN TWENTY FEET WIDE*

The minimum lot width in a Mobile Home Dwelling District for mobile homes more than twenty (20) feet wide shall be fifty (50) feet.

3-17-07-03 *SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE*

3-17-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Mobile Home Dwelling District shall be twenty (20) feet.

3-17-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Mobile Home Dwelling District shall be twenty (20) feet.

3-17-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Mobile Home Dwelling District shall be seventeen (17) feet on one side or five (5) feet when the lot includes an accessory structure, and five (5) feet on the other side.

3-17-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Mobile Home Dwelling District shall be fifteen (15) feet.

3-17-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Mobile Home Dwelling District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local right-of-ways shall be twenty (20) feet.

3-17-07-03-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Mobile Home Dwelling District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-17-07-04 SETBACK FROM OTHER DISTRICT BOUNDARY LINES FOR ALL STRUCTURES

The setback from other zone district boundary lines for all structures in a Mobile Home Dwelling District shall be twenty-five (25) feet.

3-17-07-05 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

3-17-07-05-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Mobile Home Dwelling District shall be twenty (20) feet.

3-17-07-05-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Mobile Home Dwelling District shall be twenty (20) feet.

3-17-07-05-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Mobile Home Dwelling District shall be five (5) feet.

3-17-07-05-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Mobile Home Dwelling District shall be five (5) feet.

3-17-07-05-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Mobile Home Dwelling District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local right-of-ways shall be twenty (20) feet.

3-17-07-05-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Mobile Home Dwelling District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-17-07-06 MAXIMUM HEIGHT

The maximum height of a structure in a Mobile Home Dwelling District shall be twenty (20) feet and the maximum height of any accessory structure shall be ten (10) feet.

3-17-07-07 MAXIMUM ACCESSORY BUILDING COVERAGE

The maximum accessory building coverage in a Mobile Home Dwelling District shall be six hundred (600) square feet.

3-17-07-08 MINIMUM FLOOR AREA OF DWELLINGS

The minimum floor area of dwellings in a Mobile Home Dwelling District shall be six hundred (600) square feet.

**3-17-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Mobile Home Dwelling District unless inconsistent with a provision contained in Section 3-16, in which case the specific standard or requirement contained in Section 3-16 shall apply.

3-18 COMMERCIAL-0 DISTRICT (C-0)

3-18-01 PURPOSE

The purpose of the Commercial-0 District is to provide an office district designed to provide administration and professional services, local employment and services, and provide a small local retail district designed to provide small convenient retail shopping and personal services for persons residing in adjacent residential areas.

3-18-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-0 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-18-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-0 District as noted above:

1. Nurseries
2. Traditional Farming

3-18-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-0 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**
4. Places of Worship

3-18-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses when no more than two thousand (2,000) square feet per business, and provided there are no outdoor facilities, are permitted in a Commercial-0 District as noted above:

1. Animal Hospitals, No outdoor facilities

2. Automobile Service Stations
3. Bed and Breakfast Establishments
2. Commercial Retail
3. Convenience Retail Store
4. Office
5. Services

3-18-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional, Accessory
3. Residential, Accessory

3-18-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-0 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-18-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional commercial uses are permitted in a Commercial-0 District as noted above:

1. Single-Family Dwelling
2. Two-Family Dwelling
3. Multi-Family Dwelling
4. Manufactured Home Parks

3-18-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-0 District as noted above:

1. Public Service
2. Universities

3-18-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-0 District as noted above:

1. Automobile Dealers
2. Campgrounds, Commercial
3. Communications Towers, Commercial
4. Commercial Retail in excess of two thousand (2,000) square feet per business
5. Convenience Store in excess of two thousand (2,000) square feet per business
6. Drive-In Establishments
7. Golf Course/Driving Range, Commercial
8. Lodging, Commercial in excess of two thousand (2,000) square feet per business
9. Massage Business
10. Office in excess of two thousand (2,000) square feet per business
11. Restaurants
12. Services in excess of two thousand (2,000) square feet per business

3-18-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-0 District as noted above:

1. Alcoholic Beverage Manufacturing
2. Business Park Uses
3. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
4. Fuel, Oil Gasoline, and Petroleum Products (bulk storage and/or sale)
5. Major Energy Facilities

3-18-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-0 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a

Commercial-0 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-18-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-0 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-18-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-18-08 AREA AND HEIGHT STANDARDS

3-18-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-0 District.

3-18-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-0 District shall be seventy-five (75) feet.

3-18-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-18-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-0 District shall be twenty-five (25) feet.

3-18-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-0 District shall be twenty-five (25) feet.

3-18-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-0 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-18-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-0 District shall be fifteen (15) feet.

3-18-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-18-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-0 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-18-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-0 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-18-08-04 *MAXIMUM HEIGHT*

The maximum height of a structure in a Commercial-0 District shall be twenty-five (25) feet.

3-18-08-05 *MAXIMUM FLOOR AREA PER COMMERCIAL USE*

The maximum floor area per commercial use in a Commercial-0 District shall be two thousand (2,000) square feet unless otherwise approved with a Conditional Use Permit.

3-18-08-06 *HOURS OF OPERATION*

The hours of operation in a Commercial-0 District shall be restricted to 7:00 a.m. to 10:00 p.m.

**3-18-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-0 District unless inconsistent with a provision contained in Section 3-17, in which case the specific standard or requirement contained in Section 3-17 shall apply.

3-19 COMMERCIAL-1 DISTRICT (C-1)

3-19-01 PURPOSE

The purpose of the Commercial-1 District is to provide an office district designed to provide retail shopping services and professional office space for persons residing in adjacent residential areas.

3-19-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-1 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-19-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-0 District as noted above:

1. Nurseries
2. Traditional Farming

3-19-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-1 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**
4. Places of Worship

3-19-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses when less than two thousand (2,000) square feet per business are permitted in a Commercial-1 District as noted above:

1. Animal Hospitals (no outdoor facilities)
2. Automobile Service Stations
3. Bed and Breakfast Establishments

3. Commercial Retail
4. Convenience Retail Store
5. Lodging, Commercial
6. Office
7. Restaurants
8. Services

3-19-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional, Accessory
3. Residential, Accessory

3-19-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-1 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-19-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional commercial uses are permitted in a Commercial-1 District as noted above:

1. Multi-Family Dwelling
2. Manufactured Home Parks

3-19-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-1 District as noted above:

1. Public Service
2. Universities

3-19-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-1 District as noted above:

1. Animal Hospitals with outdoor facilities
2. Automobile Dealers
3. Campgrounds, Commercial
4. Communications Towers, Commercial
5. Commercial Retail in excess of two thousand (2,000) square feet per business
6. Drive-In Facilities
7. Golf Course/Driving Range, Commercial
8. Indoor Commercial Recreation/Entertainment
9. Kennel, Commercial
10. Lodging, Commercial in excess of two thousand (2,000) square feet per business
11. Massage Business
12. Office in excess of two thousand (2,000) square feet per business
13. Outdoor Commercial Recreation
14. Parking Lot, Commercial
15. Restaurants in excess of two thousand (2,000) square feet per business
16. Services in excess of two thousand (2,000) square feet per business
17. Trade Schools

3-19-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-1 District as noted above:

1. Alcoholic Beverage Manufacturing
2. Business Park Uses
3. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
4. Fuel, Oil, Gasoline, and Petroleum Products (bulk storage and/or sale)
5. Major Energy Facilities

3-19-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-1 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commercial-1 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-19-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-1 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-19-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-19-08 AREA AND HEIGHT STANDARDS

3-19-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-1 District.

3-19-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-1 District shall be seventy-five (75) feet.

3-19-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-19-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-1 District shall be twenty-five (25) feet.

3-19-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-1 District shall be twenty-five (25) feet.

3-19-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-1 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-19-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-1 District shall be fifteen (15) feet.

3-19-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-19-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-1 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-19-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-1 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-19-08-04 *MAXIMUM HEIGHT*

The maximum height of a structure in a Commercial-1 District shall be twenty-five (25) feet.

3-19-08-05 *MAXIMUM FLOOR AREA PER COMMERCIAL USE*

The maximum floor area per commercial use in a Commercial-1 District shall be two thousand (2,000) square feet unless otherwise approved with a Conditional Use Permit.

3-19-08-06 HOURS OF OPERATION

The hours of operation in a Commercial-1 District shall be restricted to 7:00 a.m. to 10:00 p.m.

**3-19-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-1 District unless inconsistent with a provision contained in Section 3-18 in which case the specific standard or requirement contained in Section 3-18 shall apply.

3-20 COMMERCIAL-2 DISTRICT (C-2)

3-20-01 PURPOSE

The purpose of the Commercial-2 District is to provide a retail and service district designed to provide most retail shopping and personal services for persons residing in nearby residential areas.

3-20-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-2 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-20-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-2 District as noted above:

1. Nurseries
2. Traditional Farming

3-20-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-2 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**
4. Places of Worship

3-20-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses with no more than ten thousand (10,000) square feet per use are permitted in a Commercial-2 District as noted above:

1. Animal Hospitals
2. Automobile Dealers
3. Automobile Service Stations

4. Bed and Breakfast Establishments
5. Commercial Retail
6. Convenience Retail Store
7. Drive-In Facilities
8. Golf Course/Driving Range, Commercial
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Office
12. Restaurants
13. Services

3-20-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional, Accessory

3-20-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-2 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-20-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-2 District as noted above:

1. Public Service
2. Universities

3-20-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-2 District as noted above:

1. Campgrounds, Commercial

2. Communications Towers, Commercial
3. Heavy Retail and Heavy Services in excess of ten thousand (10,000) square feet (Excluding Automobile Dealers which are Permitted Principal Uses which are less than ten thousand (10,000) square feet).
4. Kennel, Commercial
5. Lodging, Commercial in excess of ten thousand (10,000) square feet
6. Massage Business
7. Office in excess of ten thousand (10,000) square feet
8. Outdoor Commercial Recreation
9. Parking Lot, Commercial
10. Services in excess of ten thousand (10,000) square feet
11. Trade Schools in excess of ten thousand (10,000) square feet

3-20-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-2 District as noted above:

1. Alcoholic Beverage Manufacturing
2. Business Park Uses
3. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit ; see Chapters 2 and 4).
4. Fuel, Oil, Gasoline, and Petroleum Products (bulk storage and/or sale)
5. Major Energy Facilities

3-20-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-2 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commercial-2 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-20-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-2 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-20-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-20-08 AREA AND HEIGHT STANDARDS

3-20-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-2 District.

3-20-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-2 District shall be seventy-five (75) feet.

3-20-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-20-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-2 District shall be twenty-five (25) feet.

3-20-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-2 District shall be twenty-five (25) feet.

3-20-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-2 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-20-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-2 District shall be fifteen (15) feet.

3-20-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-20-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-2 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-20-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-2 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-20-08-04 *MAXIMUM HEIGHT*

The maximum height of a structure in a Commercial-2 District shall be thirty-five (35) feet.

3-20-08-05 *MAXIMUM FLOOR AREA PER COMMERCIAL USE*

The maximum floor area per commercial use in a Commercial-2 District shall be ten thousand (10,000) square feet.

3-20-08-06 *HOURS OF OPERATION*

The hours of operation in a Commercial-2 District shall be restricted to 7:00 a.m. to 12:00 a.m. when property abuts residentially zoned or used property. Otherwise, no restrictions on the hours of operation shall apply.

3-20-09 *RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS*

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-2 District unless inconsistent with a provision contained in Section 3-19, in which case the specific standard or requirement contained in Section 3-19 shall apply.

3-21 COMMERCIAL-3 DISTRICT (C-3)

3-21-01 PURPOSE

The purpose of the Commercial-3 District is to provide a retail and service district designed to provide most retail shopping and personal services for persons residing within Adams County and the surrounding area.

3-21-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-3 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-21-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-3 District as noted above:

1. Nurseries
2. Traditional Farming

3-21-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-3 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Outdoor Public Uses
5. Places of Worship

3-21-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses with no more than ten thousand (10,000) square feet per use are permitted in a Commercial-3 District as noted above:

1. Animal Hospitals
2. Automobile Dealers

3. Automobile Service Stations
4. Bed and Breakfast Establishments
5. Commercial Retail
6. Convenience Retail Store
7. Drive-In Facilities
8. Golf Course/Driving Range, Commercial
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Office
12. Restaurants
13. Services
14. Trade Schools

3-20-02-04 PERMITTED MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in a Commercial-3 District as noted above:

1. Medical Marijuana Center
2. Retail Marijuana Store
3. Medical Marijuana Optional Premises Cultivation Operation
4. Retail Marijuana Cultivation Facility

3-21-02-05 PERMITTED PRINCIPAL INDUSTRIAL USES

1. Accessory Outdoor Storage (up to 25% of the building area) ***Adopted by the BoCC on December 13, 2010**

3-21-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional, Accessory

3-21-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-3 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-21-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-3 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Public Service
3. Universities

3-21-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-3 District as noted above:

1. Campgrounds, Commercial
2. Communications Towers, Commercial
3. Business Park Uses
4. Heavy Retail and Heavy Services (Excluding Automobile Dealers which are a Permitted Principal Use)
4. Kennel, Commercial
5. Lodging, Commercial in excess of ten thousand (10,000) square feet
6. Massage Business
7. Office in excess of ten thousand (10,000) square feet
8. Outdoor Commercial Recreation in excess of ten thousand (10,000) square feet
9. Parking Lot, Commercial
10. Services in excess of ten thousand (10,000) square feet
11. Trade Schools in excess of ten thousand (10,000) square feet

3-21-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-3 District as noted above:

1. Alcoholic Beverage Manufacturing. Business Park Uses
2. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
3. Fuel, Oil, Gasoline, and Petroleum Products (bulk storage and/or sale)
4. Major Energy Facilities

3-21-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-3 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commercial-3 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-21-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-3 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-21-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-21-08 AREA AND HEIGHT STANDARDS

3-21-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-3 District.

3-21-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-3 District shall be seventy-five (75) feet.

3-21-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-21-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-3 District shall be twenty-five (25) feet.

3-21-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-3 District shall be twenty-five (25) feet.

3-21-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-3 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-21-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-3 District shall be fifteen (15) feet.

3-21-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-21-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-3 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-21-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-3 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-21-08-04 MAXIMUM HEIGHT

The maximum height of a structure in a Commercial-3 District shall be thirty-five (35) feet.

3-21-08-05 MAXIMUM FLOOR AREA PER COMMERCIAL USE

The maximum floor area per commercial use in a Commercial-3 District shall be ten thousand (10,000) square feet unless otherwise approved with a Conditional Use Permit.

3-21-08-06 HOURS OF OPERATION

The hours of operation in a Commercial-3 District shall be restricted to 7:00 a.m. to 12:00 a.m. when property abuts residentially zoned or used property. Otherwise, no restrictions on the hours of operation shall apply.

**3-21-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-3 District unless inconsistent with a provision contained in Section 3-20, in which case the specific standard or requirement contained in Section 3-20 shall apply.

3-22 COMMERCIAL-4 DISTRICT (C-4)

3-22-01 PURPOSE

The purpose of the Commercial-4 District is to serve as a general retail and service district designed to provide services and products for both the general and traveling public in a regional context.

3-22-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-4 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-22-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-4 District as noted above:

1. Nurseries
2. Traditional Farming

3-22-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-4 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Outdoor Public Uses
5. Places of Worship

3-22-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in a Commercial-4 District as noted above:

1. Animal Hospitals
2. Automobile Dealers

3. Automotive Repair, including top, body, upholstery repair, paint, and tire re-treading shops
4. Automobile Service Stations
5. Bed and Breakfast Establishments
6. Commercial Retail
7. Convenience Retail Store
8. Drive-In Facilities
9. Golf Course/Driving Range, Commercial
10. Indoor Commercial Recreation/Entertainment
11. Lodging, Commercial
12. Office
13. Parking Lot, Commercial
14. Restaurants
15. Services
16. Sexually Oriented Businesses subject to the requirements of Section 4-17
17. Trade Schools

3-22-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal institutional uses are permitted in a Commercial-4 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the building area)
***Adopted by the BoCC on December 13, 2010**
2. Alcohol Beverage Manufacturing
3. Automotive Repair, including top, body, upholstery repair, paint, and tire re-treading shops
4. Business Park Uses

3-22-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in a Commercial-4 District as noted above:

1. Medical Marijuana Center
2. Retail Marijuana Store
3. Medical Marijuana Optional Premises Cultivation Operation
4. Retail Marijuana Cultivation Facility

3-22-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional Uses, Accessory
3. Industrial Uses, Accessory

3-22-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-4 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-22-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in a Commercial-4 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses

3-22-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-4 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Public Service
3. Universities

3-22-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-4 District as noted above:

1. Campgrounds, Commercial
2. Communications Towers, Commercial
3. Heavy Retail and Heavy Services (Excluding Automobile Dealers and Automotive Repair which are a permitted principal use in the C-4 Zone District)

4. Kennel, Commercial
5. Massage Business
6. Outdoor Commercial Recreation
7. Racing Facilities

3-22-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-4 District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit ; see Chapters 2 and 4).
2. Major Energy Facilities

3-22-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-4 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commercial-4 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-22-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-4 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-22-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-22-08 AREA AND HEIGHT STANDARDS

3-22-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-4 District.

3-22-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-4 District shall be one hundred (100) feet.

3-22-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-22-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-4 District shall be twenty-five (25) feet.

3-22-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-4 District shall be twenty-five (25) feet.

3-22-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-4 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-22-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-4 District shall be fifteen (15) feet.

3-22-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-22-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-4 District from an arterial right-of-way shall be seventy-five (75) feet except a section line

arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-22-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-4 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-22-08-04 MAXIMUM HEIGHT

The maximum height of a structure in a Commercial-4 District shall be thirty-five (35) feet.

3-22-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-4 District unless inconsistent with a provision contained in Section 3-21, in which case the specific standard or requirement contained in Section 3-21 shall apply.

3-23 COMMERCIAL-5 DISTRICT (C-5)

3-23-01 PURPOSE

The purpose of the Commercial-5 District is to serve as a general retail and service district designed to provide the broadest scope of services and products for both the general and traveling public in an interstate and regional context.

3-23-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-5 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-23-02-01 PERMITTED AGRICULTURAL USES

The following agricultural uses are permitted in a Commercial-5 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses
3. Nurseries
4. Traditional Farming

3-23-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following institutional uses are permitted in a Commercial-5 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Outdoor Public Uses
5. Places of Worship

3-23-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in a Commercial-5 District as noted above:

1. Animal Hospitals
2. Automobile Dealers
3. Automobile Service Stations
4. Bed and Breakfast Establishments
5. Commercial Retail
6. Convenience Retail Store
7. Drive-In Facilities
8. Golf Course/Driving Range, Commercial
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Office
12. Parking Lot, Commercial
13. Restaurants
14. Services
15. Sexually Oriented Businesses subject to the requirements of Section 4-17
16. Trade Schools

3-23-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal institutional uses are permitted in a Commercial-5 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the building area)
***Adopted by the BoCC on December 13, 2010**
2. Alcoholic Beverage Manufacturing
3. Automotive Repair, including top, body, upholstery repair, paint, and tire re-treading shops
4. Business Park Uses

3-23-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in a Commercial-5 District as noted above:

1. Medical Marijuana Center
2. Retail Marijuana Store
3. Medical Marijuana Optional Premises Cultivation Operation
4. Retail Marijuana Cultivation Facility

3-23-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional Uses, Accessory.
3. Industrial Uses, Accessory

3-23-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-5 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-23-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-5 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Halfway House ***Adopted by the BoCC on December 13, 2010**
3. Jails and Prisons
4. Public Service
5. Universities

3-23-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-5 District as noted above:

1. Campgrounds, Commercial
2. Communications Towers, Commercial
3. Heavy Retail and Heavy Services (excluding Automotive Dealers and Automotive Repair which are a permitted principal use in the C-5 Zone District)
4. Kennel, Commercial
5. Massage Business
6. Off-Premise Advertising Devices
7. Outdoor Commercial Recreation
8. Racing Facilities

3-23-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-5 District as noted above:

1. Accessory Outdoor Storage (in excess of 25% and up to 100% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
2. Extraction and Disposal uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit ;see Chapters 2 and 4).
3. Candy product manufacturing (for sale off premise)
4. Light Industrial (Excluding Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops which are permitted principal uses in the C-5 Zone District)
5. Light Manufacturing or Processing
6. Major Energy Facility

3-23-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-5 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commercial-5 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-23-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-5 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-23-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-23-08 AREA AND HEIGHT STANDARDS

3-23-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-5 District.

3-23-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-5 District shall be one hundred (100) feet.

3-23-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-23-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-5 District shall be twenty-five (25) feet.

3-23-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-5 District shall be twenty-five (25) feet.

3-23-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-5 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-23-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-5 District shall be fifteen (15) feet.

3-23-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-23-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-5 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-23-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-5 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-23-08-04 *MAXIMUM HEIGHT*

The maximum height of a structure in a Commercial-5 District shall be thirty-five (35) feet.

3-23-09 *RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS*

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-5 District unless inconsistent with a provision contained in Section 3-22, in which case the specific standard or requirement contained in Section 3-22 shall apply.

3-24 INDUSTRIAL-1 DISTRICT (I-1)

3-24-01 PURPOSE

The purpose of the Industrial-1 District is to provide a general commercial and restricted industrial district designed to provide for a variety of compatible business, warehouse, wholesale, offices and very limited industrial uses.

3-24-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Industrial-1 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-24-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Industrial-1 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses
3. Farming
4. Nurseries
5. Ranching
6. Traditional Farming

3-24-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Industrial-1 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
3. Institutional Care
4. Neighborhood Indoor Uses
5. Outdoor Public Uses
6. Places of Worship

3-24-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Industrial-1 District as noted above:

1. Animal Hospital
2. Automobile Service Stations
3. Bed and Breakfast Establishments
4. Commercial Retail
5. Convenience Retail Store
6. Drive-In Facilities
7. Golf Course/Driving Range, Commercial
8. Heavy Retail and Heavy Services
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Offices
12. Parking Lot, Commercial
13. Restaurants
14. Services
15. Sexually Oriented Businesses subject to the requirements of Section 4-17
16. Trade School

3-24-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in an Industrial-1 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
2. Accessory Outdoor Storage (in excess of 25% and up to 100% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
3. Alcoholic Beverage Manufacturing
4. Automotive Repair, including top, body upholstery repair, paint, and re-treading shops
5. Business Park

6. Candy Product Manufacturing (for sale off premise)
7. Fuel, Oil, Gasoline, and Petroleum Products (Bulk Storage and/or Sale)
8. Glass or Glass Product Manufacturing
9. Landscape Storage Yard
10. Light Industry
11. Light Manufacturing or Processing
12. Lumber Mills, Planing Mills, and Storage of Logs
13. Moderate Manufacturing or Processing (Excluding Creosote Manufacturing or Treatment Plant, Forging Plant and Foundry, Mobile Home Manufacturing and Storage)
14. Pickle Manufacturing
15. Sugar and Beet Refining

3-24-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in an Industrial-1 District as noted above:

1. Medical Marijuana Center
2. Retail Marijuana Store
3. Medical Marijuana Infused Products Manufacturer
4. Retail Marijuana Product Manufacturing Facility
5. Medical Marijuana Optional Premises Cultivation Operation
6. Retail Marijuana Cultivation Facility
7. Retail Marijuana Testing Facility

3-24-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural Uses, Accessory
2. Commercial Uses, Accessory
3. Industrial Uses, Accessory

3-24-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Industrial-1 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-24-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Industrial-1 District as noted above:

5. Halfway House ***Adopted by the BoCC on December 13, 2010**
6. Jails and Prisons
3. Public Service
4. Universities

3-24-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Industrial-1 District as noted above:

1. Airports, Landing Strips, and Heliports
3. Campgrounds, Commercial
4. Communication Towers, Commercial
5. Kennel, Commercial
6. Massage Business
7. Off-Premise Advertising Devices
8. Outdoor Commercial Recreation
9. Racing Facilities

3-24-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Industrial-1 District as noted above:

1. Outdoor Storage (in excess of 100% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
2. Boiler or tank works
3. Creosote Manufacturing or Treatment Plant

4. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Temporary Use Permit or Certificate of Designation pursuant to Chapter 2 and 4; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit ; see Chapters 2 and 4).
5. Forging plant and foundry
6. Heavy Industry (Excluding Solid Waste Transfer Stations, Scrap Tire Recycling Facilities and Solid Waste Recycling Facilities and Excluding Alcoholic Beverage Manufacturing which is a permitted principal use in the I-1 Zone District; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4)
7. Major Energy Facilities
8. Mobile Homes Manufacturing and Storage
9. Paint and Enamel Manufacturing
10. Recycling Facilities
11. Scrap Processing or Shredding Yard
12. Smelting or Refining of Metal
13. Tar and Waterproofing (materials manufacturing, treatment, and bulk storage)

3-24-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Industrial-1 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in the Industrial-1 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-24-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Industrial-1 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-24-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-24-08 AREA AND HEIGHT STANDARDS

3-24-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement shall be one (1) acre in an Industrial-1 District.

3-24-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in an Industrial-1 District shall be one hundred (100) feet.

3-24-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-24-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in an Industrial-1 District shall be twenty-five (25) feet.

3-24-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in an Industrial-1 District shall be twenty-five (25) feet.

3-24-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in an Industrial-1 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-24-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in an Industrial-1 District shall be fifteen (15) feet.

3-24-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-24-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in an Industrial-1 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75)

feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-24-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in an Industrial-1 District shall be one-hundred-forty-five (145) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-24-08-04 MAXIMUM HEIGHT

The maximum height of a structure in an Industrial-1 District shall be sixty (60) feet.

3-24-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Industrial-1 District unless inconsistent with a provision contained in Section 3-23, in which case the specific standard or requirement contained in Section 3-23 shall apply.

3-25 INDUSTRIAL-2 DISTRICT (I-2)

3-25-01 PURPOSE

The purpose of the Industrial-2 District is to accommodate light manufacturing, processing, fabrication, assembly, and storage of non-hazardous and/or non-obnoxious material and products as well as allowing service facilities for industries and their employees.

3-25-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Industrial-2 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-25-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Industrial-2 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses
3. Farming
4. Nurseries
5. Ranching
6. Traditional Farming

3-25-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Industrial-2 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
3. Institutional Care
4. Neighborhood Indoor Uses
5. Outdoor Public Uses

3-25-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Industrial-2 District as noted above:

1. Animal Hospitals
2. Automobile Service Stations
3. Bed and Breakfast Establishments
4. Commercial retail
5. Convenience Retail Store
6. Drive-In Facilities
7. Golf Course/Driving Range, Commercial
8. Heavy Retail and Heavy Services
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial Offices
11. Parking Lot, Commercial
12. Restaurants
13. Services
14. Sexually Oriented Businesses subject to the requirements of Section 4-17
Trade Schools

3-25-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in an Industrial-2 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
2. Accessory Outdoor Storage (in excess of 25% and up to 100% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
3. Outdoor Storage (in excess of 100% of the bldg. area) *See Outdoor Storage Performance Standards in Chapter 4 ***Adopted by the BoCC on December 13, 2010**
4. Boiler Tank Works
5. Business Park Uses

6. Fuel, Oil, Gasoline, and Petroleum Products (bulk storage and/or sale)
7. Felt Manufacturing
8. Landscape Storage Yard
9. Lubrication and Grease Manufacturing
10. Lumber mills, Planing Mills, and Storage of Logs
11. Pickle Manufacturing
12. Sugar and Beet Refining
13. Heavy Industry (Excluding Solid Waste Transfer Stations, Scrap Tire Recycling Facilities and Solid Waste Recycling Facilities; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4)
14. Light Industry
15. Light Manufacturing and Processing
16. Moderate Manufacturing and Processing (Excluding Creosote Manufacturing or Treatment Plant, Forging Plant and Foundry)

3-25-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in an Industrial-2 District as noted above:

1. Medical Marijuana Center
2. Retail Marijuana Store
3. Medical Marijuana Infused Products Manufacturer
4. Retail Marijuana Product Manufacturing Facility
5. Medical Marijuana Optional Premises Cultivation Operation
6. Retail Marijuana Cultivation Facility
7. Retail Marijuana Testing Facility

3-25-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial, Accessory
2. Industrial, Accessory

3-25-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Industrial-2 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-25-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Industrial-2 District as noted above:

5. Halfway House ***Adopted by the BoCC on December 13, 2010**
6. Jails and Prisons
7. Places of Worship

8. Public Service
9. Universities

3-25-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Industrial-2 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Campgrounds, Commercial
3. Communication Towers, Commercial
4. Kennel, Commercial
5. Massage Businesses
6. Off-Premise Advertising Devices
7. Outdoor Commercial Recreation
8. Racing Facilities

3-25-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Industrial-2 District as noted above:

1. Outdoor Storage (in excess of 100% of the bldg. area) * See Outdoor Storage Performance Standards in Chapter 4 ***Adopted by the BoCC on December 13, 2010**

2. Creosote Manufacturing
3. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Conditional Use Permit or Certificate of Designation pursuant to Chapter 2; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit ; see Chapters 2 and 4.)
4. Forging Plant and Foundry
5. Heavy Manufacturing or Processing excluding, Boiler or Tank Works, Felt Manufacturing, Fuel, Oil, Gasoline and Petroleum Products (bulk storage and/or sale), Lubrication and Grease Manufacturing, Lumber Mills, Planing Mills, and Storage of Logs, Pickle Manufacturing, and Sugar and Beet Refining which are permitted principal uses in the Industrial-2 Zone District
6. Major Energy Facilities

3-25-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Industrial-2 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Industrial-2 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-25-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Industrial-2 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-25-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-25-08 AREA AND HEIGHT STANDARDS

3-25-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement shall be two (2) acres in an Industrial-2 District.

3-25-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in an Industrial-2 District shall be one-hundred-twenty-five (125) feet.

3-25-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-25-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in an Industrial-2 District shall be twenty-five (25) feet.

3-25-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in an Industrial-2 District shall be twenty-five (25) feet.

3-25-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in an Industrial-2 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-25-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in an Industrial-2 District shall be fifteen (15) feet.

3-25-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-25-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in an Industrial-2 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-25-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in an Industrial-2 District shall be one-hundred-forty-five (145) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-25-08-04 *MAXIMUM HEIGHT*

The maximum height of a structure in an Industrial-2 District shall be seventy-five (75) feet.

3-25-09 *RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS*

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Industrial-2 District unless inconsistent with a provision contained in Section 3-23, in which case the specific standard or requirement contained in Section 3-23 shall apply.

3-26 INDUSTRIAL-3 DISTRICT (I-3)

3-26-01 PURPOSE

The purpose of the Industrial-3 District is to provide a heavy industrial district designed to accommodate most industrial enterprises.

3-26-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Industrial-3 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-26-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Industrial-3 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses
3. Farming
4. Nurseries
5. Ranching
6. Traditional Farming

3-26-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Industrial-3 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
3. Institutional Care
4. Neighborhood Indoor Uses
5. Outdoor Public Uses

3-26-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Industrial-3 District as noted above:

1. Animal Hospitals
2. Automobile Service Stations
3. Bed and Breakfast Establishments
4. Commercial Retail
5. Convenience Retail Store
6. Drive-In Facilities
7. Golf Course/Driving Range, Commercial
8. Heavy Retail and Heavy Services
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Offices
12. Parking Lot, Commercial
13. Restaurants
14. Services
15. Sexually Oriented Businesses subject to the requirements of Section 4-17
16. Trade Schools

3-26-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in an Industrial-3 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
2. Accessory Outdoor Storage (in excess of 25% and up to 100% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
3. Outdoor Storage (in excess of 100% of the bldg. area) ***See Outdoor Storage Performance Standards in Chapter 4 *Adopted by the BoCC on December 13, 2010**
4. Business Park Uses
5. Heavy Industrial (Excluding Solid Waste Transfer Station, Scrap Tire Recycling Facilities and Solid Waste Recycling Facilities; Except Oil

and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4)

6. Heavy Manufacturing and Processing (Excluding Acid Manufacturing, Asbestos Products Manufacturing, Bone Reduction, Caustic Soda Manufacturing, Coal, Coke Yards, or Coal Classifications, Fossil Fuel Manufacturing, Detergent, Soap and Byproducts Manufacturing Using Animal Fat, Disinfectant, Insecticide, or Poison Manufacturing, Distillation of Bone, Refuse, Grain, and Wood, Dye Manufacturing, Hazardous Waste Treatment Facility, Linseed Oil, Shellac, and Turpentine Manufacturing and Refinery, Lubrication and Grease Manufacturing, Oil Compounding, Paint and Enamel Manufacturing, Recycling Facilities, Scrap Processing or Shredding Yard, Smelting or Refining of Metal, and Tar and Waterproofing (materials manufacturing, treatment, and bulk storage).
7. Landscape Storage Yard
8. Light Industry
9. Light Manufacturing or Processing

3-26-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in an Industrial-3 District as noted above:

1. Medical Marijuana Centers
2. Retail Marijuana Stores
3. Medical Marijuana Infused Products Manufacturers
4. Retail Marijuana Product Manufacturing Facilities
5. Medical Marijuana Optional Premises Cultivation Operations
6. Retail Marijuana Cultivation Facilities
7. Retail Marijuana Testing Facilities

3-26-03 MODERATE MANUFACTURING (EXCLUDING CREOSOTE MANUFACTURING OR TREATMENT PLANT)PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Commercial Uses, Accessory
2. Industrial Uses, Accessory

3-26-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Industrial-3 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-26-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Industrial-3 District as noted above:

5. Halfway House ***Adopted by the BoCC on December 13, 2010**
6. Jails and Prisons
3. Places of Worship
4. Public Service
5. Universities

3-26-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Industrial-3 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Campgrounds , Commercial
3. Communication Towers, Commercial
4. Kennel, Commercial
5. Massage Business
6. Off-Premise Advertising Devices
7. Outdoor Commercial Recreation
8. Racing Facilities

3-26-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Industrial-3 District as noted above:

1. Outdoor Storage (in excess of 100% of the bldg. area) ***See Outdoor Storage Performance Standards in Chapter 4 *Adopted by the BoCC on December 13, 2010**
2. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Conditional Use Permit or a Certificate of Designation

pursuant to Chapter 2; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit ; see Chapters 2 and 4.)

3. Heavy Manufacturing or Processing except, Abrasive Manufacturing, Boiler or Tank Works, Celluloid Manufacturing, Felt Manufacturing, Fuel, Oil, Gasoline, and Petroleum Products (Bulk Storage and/or Sale), Lumber Mills, Planing Mills, and Storage of Logs, Pickle Manufacturing, and Sugar and Beet Refining which are permitted principal uses in the I-3 Zone District.
4. Creosote manufacturing or treatment plant
5. Major Energy Facilities

3-26-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Industrial-3 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Industrial-3 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-26-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Industrial-3 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-26-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-26-08 AREA AND HEIGHT STANDARDS

3-26-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement shall be two (2) acres in an Industrial-3 District.

3-26-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in an Industrial-3 District shall be one-hundred-twenty-five (125) feet.

3-26-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-26-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in an Industrial-3 District shall be twenty-five (25) feet.

3-26-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side setback for a structure in an Industrial-3 District shall be twenty-five (25) feet.

3-26-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in an Industrial-3 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-26-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in an Industrial-3 District shall be fifteen (15) feet.

3-26-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-26-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in an Industrial-3 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-26-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in an Industrial-2 District shall be one-hundred-forty-five (145) feet. Variations may be

permitted if the Department of Public Works determines no additional right-of-way is required.

3-26-08-04 MAXIMUM HEIGHT

The maximum height of a structure in an Industrial-3 District shall be ninety (90) feet.

**3-26-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Industrial-3 District unless inconsistent with a provision contained in Section 3-25, in which case the specific standard or requirement contained in Section 3-25 shall apply.

Adams County adopted the following zoning regulations for a Transit Oriented Development (TOD) zone district on January 7, 2013.

3-27 TRANSIT-ORIENTED DEVELOPMENT DISTRICT AND STANDARDS (TOD)

3-27-01 PURPOSE

The purpose of the Transit-Oriented Development (TOD) district designation is to encourage compact urban growth patterns, provide opportunities for increased transportation mode choice, reduce reliance on the automobile, and create a safe and pleasant pedestrian environment. The district regulations help ensure an attractive streetscape, a functional mix of complementary uses, and provision of amenities that support the use of transit, bicycles, and pedestrian facilities.

3-27-02 APPLICABILITY

Properties within or partially within a one-half mile radius of RTD FasTracks stations located, as measured from a point roughly in the center of the platform or as may be specifically established by the Director of Community and Economic Development following completion of construction of the stations, may be rezoned to the TOD zone district upon approval of the rezoning application by the BOCC pursuant to Section 02-02-12. Except as otherwise expressly stated, once a property is rezoned to TOD, the TOD zone district regulations shall apply to all properties within the boundaries of the TOD zone district. Specific performance standards contained in Chapter 4 shall apply unless otherwise modified by this section.

3-27-03 DEVELOPMENT APPLICATION AND REVIEW

A complete TOD sketch plan application shall be submitted with a TOD rezoning application. Final determination of the application of these standards and regulations shall be made by the Director of Community and Economic Development. The Director may refer the building permit site plan to the Planning Commission. If so referred, the decision of the Planning Commission shall constitute a final decision, subject to appeal to the Board of County Commissioners.

3-27-04 PERMITTED USES AND STRUCTURES

3-27-04-01 PERMITTED USES

The following uses are permitted in the TOD district with specific permits as indicated:

Table 3-26-A: Permitted Uses			
Use Type	Federal	Pecos Junction	Additional Standards
AGRICULTURAL			
All agricultural uses	--	--	
RESIDENTIAL	All residential uses are subject to Section 3-34-05-05 of the Flammable Gas Overlay		
Group home (developmentally disabled or elderly)	C	C [1]	
Group living facility with one to five persons	P	C [1]	
Group living facility in excess of 5 persons or with more than one registered sex offender	C	C [1]	
Live/work unit	P	C [1]	
Manufactured home park	--	--	
Mobile home park	--	--	
Multi-family dwelling, rowhouse/townhouse	P	C [1]	
Single-family detached dwelling	--	--	
Two-Family Dwelling	P	P	
Second-floor or higher residential	P	C [1]	
INSTITUTIONAL			
Funeral home/mortuary	P	P	
Funeral home/mortuary to include cremation	--	C	
Halfway house*	--	C	
Institutional Care	--	--	
Jails and Prisons	--	--	
Neighborhood Indoor Uses	P	P	
Outdoor Public Uses			
Garden plots	P	--	
Picnic areas	P	P	
Public areas for active recreational activities	C	--	
Places of Worship	C	C	
Public Service	C	C	
Universities	P	P	
COMMERCIAL			
Airports, Landing Strips, and Heliports	--	C	
Animal Hospitals	P	P	No outdoor kennels

Table 3-26-A: Permitted Uses

Use Type	Federal	Pecos Junction	Additional Standards
Automobile Service Stations	See below		
Car washes	--	C	
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	--	--	
Gas stations	C	C	
Bed and Breakfast Establishments	P	C [1]	
Campgrounds, Commercial	--	--	
Communication Towers, Commercial	C	C	
Commercial Retail, general	P	P	
Building supplies	--	P	Max. 25% of lot used for outdoor storage
Greenhouses (retail) and greenhouses with garden supplies	--	--	
Drive-In Establishments	--	--	
Golf Course/Driving Range, Commercial	--	--	
Heavy Retail and Heavy Services	--	P	Max. 25% of lot used for outdoor storage
Indoor Commercial Recreation/Entertainment	P	P	
Kennel, Commercial	P	P	No outdoor kennels
Lodging, Commercial	P	C [1]	
Massage Business	C	C	
Off-Premise Advertising Devices	--	--	
Office	P	P	
Outdoor Commercial Recreation	C	C	
Parking Lot, Commercial	C	C	Must be structured pursuant to Section 3-26-06-05-05-04
Racing Facilities	--	--	
Restaurants	P	P	No drive-up or drive-through service
Services	P	P	
Sexually Oriented Business	--	--	
Trade Schools	C	C	

Table 3-26-A: Permitted Uses			
Use Type	Federal	Pecos Junction	Additional Standards
INDUSTRIAL USES	Max. 25% of lot used for outdoor storage		
Business Park Uses	C	P	
Light Industry	--	C	
Auto towing and storage yards	--	--	
Recreational vehicle storage	--	--	
Trucking and general warehousing, including mini-storage	--	--	
Light Manufacturing or Processing	C	P	
Public utility storage yard	--	C	Only allowed as an accessory use to an approved Public Service use
Notes	[1] Residential uses may be permitted in the Pecos Junction station area through a conditional use permit when the area is determine to be environmentally mediated and safe for human habitation.		

3-27-05 SITE DEVELOPMENT AND USE MIX STANDARDS

3-27-05-01 DIMENSIONAL STANDARDS

Each site in the TOD district shall be subject to the minimum site development standards on the next page. Use or site development dimensions identified in Chapter 3 shall not be applicable in the TOD district. Specific performance standards contained in Chapter 4 shall apply unless otherwise modified by this section, as determined by the Community and Economic Development Director.

Table 3-26-B: Site Development Standards

	Two Family/ Duplex/ Townhome	Multiple-Family	Mixed-Use, Office, Comm.	Industrial (Pecos Junction only)
Lot Dimensions (min.)				
Lot area (sq. ft.)	Must meet density/FAR and setback requirements [1]			
Lot width (ft.)				
Site area/unit for duplex (sq. ft.)				
Density/FAR				
Minimum density, gross (du/acre)	12	18	--	--
FAR (min.) <i>described following this table</i>	--	--	0.75	0.50
Public Open Space (min. %) [2], [3]				
	20	20	10	10
Building Setback (ft.) [4]			See 3-26-06-05-03-03, Building Placement	
Fronting arterial or transit rail (max)	5	5	5	Max. 25
Fronting local or collector street (min/max)	5/10	5/10	5/10	
Fronting residential (min)	10	10	10	
Side or rear, adjacent to residential (min)	10	20	20	Not permitted adjacent to residential
Side or rear, interior to development (min) [5]	0	0	0	15
Height (ft., max.)				
Fronting arterial or transit rail	45	95	95	60
Fronting local or collector street	40	45	45	60
Fronting or adjacent to residential	35	35	35	60

Notes:

[1] Existing structures that are larger than these size limits may be rehabilitated or reconstructed provided that the gross square footage of the structure is not increased.

[2] This percentage may be reduced to zero for infill development as determined by the Community and Economic Development Director.

[3] On-site landscaping may be credited toward public open space requirements.

[4] All building setbacks shall comply with building code requirements. If there is conflict between the requirements of this section and the adopted building code, the terms of the building code shall supersede this section.

[5] "Interior to development" refers to multi-structure developments with interior lot lines.

Comment on Using FAR: FAR is a measurement of the bulk of the structure on the site. It is calculated by adding the area of each floor of the development and dividing this number by the total area of the lot. While FAR sets the basic parameters for the building, it allows the developer to make choices about the distribution of the building on the site. The FAR can be increased or decreased depending on the proposed uses, and can also be increased to promote a specific structure, such as for mixed use buildings to encourage mixed use development.

Figure 3-26-A below illustrates FAR. For an FAR of 0.5, the building could be built as a single story over 50% of the lot, two stories over 25% of the lot, four stories over 12.5% of the lot, or 5 stories over 10% of the lot. Similarly, a FAR of 0.75 would permit a single-story structure over 75% of the lot or two stories over 37.5% of the lot.

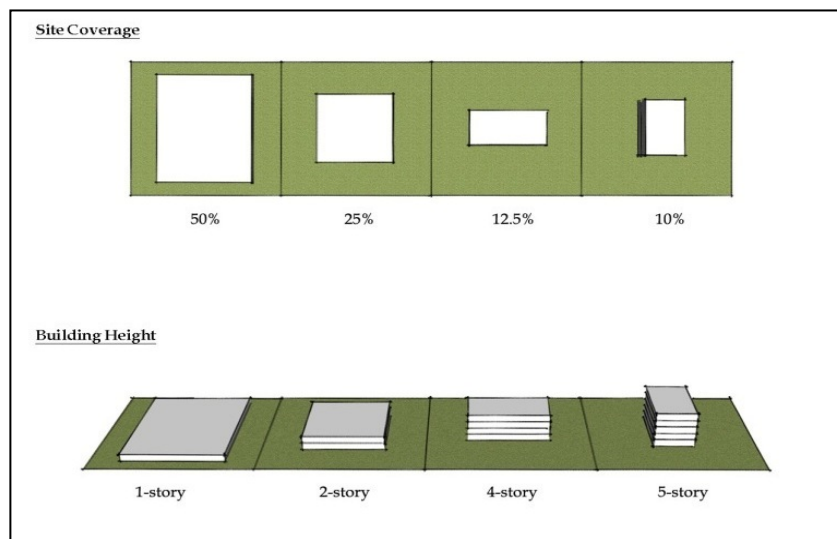


Figure 3-26-A: Illustration of FAR

Comment on Residential Density: The following photographs¹ provide illustrations of the residential densities potentially created by the TOD district. The images in Figure 3-26-B represent mixed-density residential development at approximately 10 -12 dwelling units/acre.

¹ Source: Visualizing Density by Julie Campoli and Alex S. MacLean, Lincoln Institute of Land Policy, 2007.



Figure 3-26-B: Mixed-density residential at approximately 12 dwelling units/acre

The images in Figure 3-26-C represent multiple family residential development at approximately 18 dwelling units/acre.



Figure 3-26-C: Multiple family residential development at approximately 18 dwelling units/acre

3-27-05-02 MIX OF USES

3-27-05-02-01 *MIX OF USES ENCOURAGED*

A diverse mix of commercial, employment, residential, and civic uses is encouraged within the TOD District to create a pedestrian and transit-supportive environment; however, the type and proportion of residential and non-residential uses will vary by station area, as well as the location, size, and surrounding development context of individual sites. Generally, larger sites located in areas where higher levels of activity are desirable should have a greater mix of uses than smaller sites. While a vertical mix of uses is

preferred where practicable, a horizontal mix of uses is permitted. Use mixes permitted in the Federal and Pecos Junction station areas are specified in the subsections below.

3-27-05-02-02 *FEDERAL STATION AREA*

The following use mix requirements are applicable in the Federal Station Area:

1. Single-use non-residential structures (excepting office) are only permitted on parcels or lots smaller than 20,000 sq. ft.
2. Non-residential developments (excepting office) on parcels or lots of 20,000 sq. ft. or larger are required to include residential uses with a minimum density of eight dwelling units per acre. This density may be reduced to no fewer than four dwelling units per acre where the Community and Economic Development Director finds that compliance with minimum development densities and other standards in this section is not feasible due to small lot size, configuration of the parcel, or other environmental constraints.



Figure 3-26-D: Illustration of sample 20,000 sq. ft. structure

3-27-05-02-03 *PECOS JUNCTION STATION AREA*

The appropriate mix of uses for development sites around the Pecos Junction Station Area shall be determined as part of the development plan review based on site constraints, environmental hazards, and availability of appropriate infrastructure. Residential uses may be permitted through a conditional use permit at such time as site and environmental conditions permit safe construction and habitation.

3-27-06 *DESIGN AND DEVELOPMENT STANDARDS*

3-27-06-01 *NEIGHBORHOOD CONNECTIVITY*

The following connectivity requirement shall apply in the TOD district.

3-27-06-01-01 *CIRCULATION PLAN REQUIRED*

1. TOD development plans shall include a district-wide circulation plan that addresses street connectivity, emergency and service

vehicle access, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future “cut-through” traffic is likely, and similar issues.

2. The Community and Economic Development Director may waive the requirement for a circulation plan on determining that a proposed development is expected to have no impact on circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

3-27-06-01-02 *STREETS AND VEHICULAR CIRCULATION*

3-27-06-01-02-01 *Grid Street Pattern*

1. Street and block patterns shall include a clear hierarchy of well-connected streets that distributes traffic over multiple streets and avoids traffic congestion on principal routes.
 2. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining neighborhoods.
 3. Within each development, the access and circulation system shall accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses.
 4. Local neighborhood street systems shall provide multiple direct connections to and between local destinations such as residential neighborhoods, parks, schools, and shopping.

3-27-06-01-02-02 *Mixed-Use and Non-Residential Block Pattern*

1. Blocks shall generally be square or rectangular, but may vary in shape to protect natural features or respond to site constraints.
2. To the maximum extent feasible, streets and access lanes shall be oriented to create block and lot configurations with their longest dimension along an east-west axis to facilitate the use of passive solar principles.
3. Block length shall not exceed 600 feet except that blocks up to 800 feet in length are permitted if a mid-block pedestrian connection is provided. This requirement may be waived for industrial development as approved by the Community and Economic Development Director.

4. Blocks shall be measured from curb to curb, regardless of whether the street is public or private.
5. New development and redevelopment shall establish a regular pattern of blocks to the extent feasible to avoid creating large “superblocks” that limit pedestrian, bicycle, and vehicular circulation.
6. On sites that exceed the 600-foot block length or where block consolidation is proposed as part of redevelopment (by right-of-way abandonment), pedestrian, bicycle, and vehicular circulation access to surrounding neighborhoods shall be maintained to the maximum extent feasible.

3-27-06-02 LANDSCAPING

The provisions of Section 4-16, *Landscaping*, apply to development within the TOD district except as provided otherwise in this section.

3-27-06-02-01 BUFFERING APPLICABILITY

The following bufferyard requirements shall be substituted for Section 4-16-18-01 when applied in the TOD district.

Table 3-26-C: Required Bufferyard											
Use of Subject Property											
Use of Adjacent Properties	Column 2↓	Row 3→	Two Family/Duplex /Townhome		Multi-Family		Mixed-Use		Commercial (stories)		Indust.
		Structure Type	Res.	Non-Res.	Res.	Non-Res.	Vert.	Horiz.	1-3	3+	--
	Single-Family	Res	None	B	A	B	C	C	C	D	D
		Non-Res	B	None	B	A	A	A	A	B	
	Multi-Family	Res	A	B	None	B	B	B	C	D	D
		Non-Res	B	None	A	None	A	A	A	B	
	Mixed-Use	Vert.	C	A	B	A	None	None	A	B	D
		Horiz.	C	A	B	A	None	None	None	A	
	Comm. (stories)	1-3	C	A	C	A	A	None	None	None	D
		3+	D	B	D	B	B	A	None	None	D
	Indust.	--	D	D	D	D	D	D	D	D	None

1. To use Table 3-26-C, an applicant identifies the use of his/her property in Row 3, across the top of the table, and then reads down Column 2 to identify the use of the adjacent property (ies). The box at the intersection of Column 2 and Row 3 identifies the buffering requirement for the applicant on that property line. For example, an applicant for a vertical mixed-use development that is adjacent to single-family residential will

need to meet the “C” buffering requirement.2. Different types of buffering may be required on different property lines. For example, where a vertical mixed-use structure is adjacent to residential uses on the north side and adjacent to another vertical mixed-use structure on the south side, a level “C” buffer shall be provided on the north side adjacent to the residential, while no buffer shall be required on the south side adjacent to the mixed-use.

2. Bufferyard classification requirements shall be as defined in Section 4-16-18-01.
3. Required bufferyards may be located within a required setback. Where the required bufferyard is larger than the setback in any dimension, the full size of the bufferyard shall be provided. Additional flexibility in the application of these bufferyard requirements is provided through Section 4-16-21.

3-27-06-02-02 *PARKING LOT LANDSCAPING*

3-27-06-02-02-01 *Applicability*

3-27-06-02-02-01-01 *New Parking Lots*

All new surface parking lots containing 10 or more off-street parking spaces shall provide both perimeter and interior landscaping that meets the standards of this section.

3-27-06-02-02-01-02 *Parking Lot Expansion*

Existing surface parking lots that are expanded, whether as required by these regulations or voluntarily, shall be required to meet the standards of this section.

3-27-06-02-02-01-03 *Exceptions*

These requirements shall not apply to parking structures. Applicable perimeter landscape and buffer requirements for parking structure shall be determined through the conditional use permit process.

Parking spaces directly abutting a public street right-of-way are not required to have interior landscaping where the abutting landscaping meets the requirements of the perimeter landscape setback (Figure 3-26-E). The remainder of the parking rows in the lot shall be landscaped pursuant to this section.

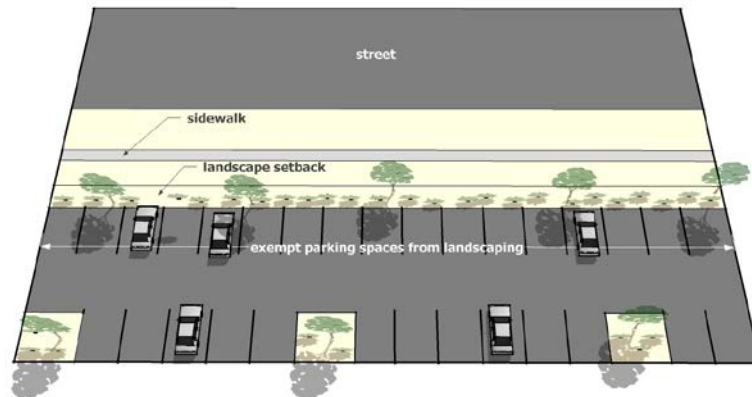


Fig. 3-26-E: Perimeter landscaping exception

3-27-06-02-02-02 *Interior Parking Area Landscaping*

3-27-06-02-02-02-01 *Required Landscape Area*

All surface parking lots shall incorporate the following interior landscaping:

1. Landscape islands of not less than 6 feet by 18 feet at the terminus of each row of parking that contain one tree and at least 50 percent vegetative cover other than turf grass;
2. Within the parking rows, one landscaped island of not less than 64 square feet for each 10 parking spaces or fraction thereof; and
3. A landscape median strip with a minimum width of six feet incorporated into the parking lot design to delineate the driveway entrance into the parking lot. One tree shall be planted for every 40 feet of median.

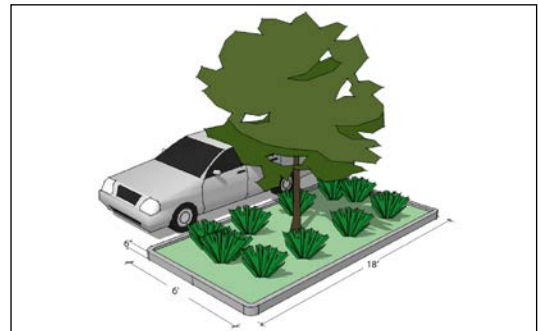


Fig. 3-26-F: Parking lot landscape terminus island

3-27-06-02-02-02-02 *Landscape Island Design*

1. Required landscape islands shall not be separated by more than 10 parking spaces. For purposes of determining tree spacing, parking spaces may be counted in any rational sequence.

2. Curbs used to protect landscape islands shall have 18 inch wide curb cuts at frequent intervals to allow stormwater infiltration.
3. No paving shall be permitted within four feet of the center of a tree.
4. No parking space shall be located farther than 60 feet from an interior parking lot island.

3-27-06-02-02-02-03

Landscape Island Planting Requirements and Tree Preservation

In order to preserve a protected tree on-site, the Community and Economic Development Director may authorize up to a five percent reduction in the required number of parking spaces, or a five percent reduction of certain parking space sizes, if the Community and Economic Development Director determines that reduction in the number or size of certain parking spaces will preserve a protected tree that would otherwise be removed to provide for required parking. Nothing in this section shall allow the Community and Economic Development Director the authority to reduce the entire required parking space size or number by more than five percent. This provision shall be enacted only in instances where a protected tree is to be preserved.

3-27-06-02-02-02-04

Sidewalks as Median Strips

A landscaped median strip within a parking lot that separates either parking rows or parking lots shall be allowed to count a sidewalk located within the median strip toward a part of the required off-street parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:

1. The sidewalk has a five-foot wide walking path and shall add two feet for vehicle overhang for each abutting parking stall.
2. The sidewalk runs the entire length of the divider strip.
3. The sidewalk is bordered on at least one side by landscaping, of which the sidewalk cannot account for more than 50 percent of the area of the median strip.

3-27-06-03 PARKING

TOD parking shall comply with the requirements of Section 4-12, Parking, Loading, and Curb Cut Requirements, except as specifically provided in this section.

3-27-06-03-01 *APPLICABILITY*

3-27-06-03-01-01 *New Development*

The requirements of this section shall apply to all new development where there is the construction of a new structure (excluding accessory structures) or establishment of a new land use.

3-27-06-03-01-02 *Small Use Exception*

Any individual non-residential use in a space that is 2,000 square feet or smaller shall be exempt from the minimum parking requirement of Table 3-26-D.

3-27-06-03-01-03 *On-Street Parking*

On-street parking located adjacent to the site on a public street may be used to meet up to 25 %of the minimum off-street parking requirements.

3-27-06-03-02 *REQUIRED PARKING*

The following off-street parking standards apply in the TOD district. Where this table does not specify a parking requirement or a use type is not specified in the table, the standards of Section 4-12-04-03, *Spaces Required*, apply.

Table 3-26-D: Off-Street Parking		
Use Type	Minimum Parking (spaces per sq. ft. GFA unless otherwise specified)	Maximum Parking (spaces per sq. ft. GFA unless otherwise specified)
Residential		
All residential	1 per unit	2 per unit
Office		
General office and financial services	1 per 400	1 per 300
Medical office	1 per 300	1 per 200
Institutional		
	See Section 4-12-04-03	
Commercial		
Commercial sales and services	1 per 500	1 per 400
Restaurant	1 per 4 persons of maximum occupancy capacity of customer service area(s)	
Industrial		Required Number of Spaces (per sq. ft.)
Accessory office or administrative area		1 per 500
Accessory indoor sales area		1 per 400

Table 3-26-D: Off-Street Parking

Use Type	Minimum Parking (spaces per sq. ft. GFA unless otherwise specified)	Maximum Parking (spaces per sq. ft. GFA unless otherwise specified)
Indoor storage, distribution, warehousing, assembly, vehicular service, or manufacturing area:	1-3,000 sq. ft. of floor area	1 per 400
	3,001-5,000 sq. ft. of floor area	1 per 500
	5,001-10,000 sq. ft. of floor area	1 per 750
	10,001 or more sq. ft. of floor area	1 per 1,250

NOTE: The total number of required spaces for all uses is cumulative based on the variety of different functions present in a single use.

3-27-06-03-03 *MAXIMUM PARKING SPACES ALLOWED*

3-27-06-03-03-01 *Applicability*

For any use with an identified maximum parking standard, off-street vehicle parking spaces shall not be provided in an amount that is more than that standard, unless mitigation is provided in the form of additional landscaping and pervious pavement construction or on-site stormwater mitigation pursuant to Subsection 3-26-06-03-03-05 below as approved by the Community and Economic Development Director.

3-27-06-03-03-02 *Establishing Maximum Parking Requirements*

Maximum parking standards for the TOD district are established in Table 3-26-D, *Off-Street Parking*. Where Table 3-26-D does not establish a maximum parking amount or where Section 4-12-04-03 is used to calculate required parking, the maximum amount of parking shall be established at 100% of the minimum required parking; i.e., the minimum required shall also be the maximum permitted.

3-27-06-03-03-03 *Maximum Parking Calculation Exceptions*

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:

1. ADA parking,
2. Vanpool and carpool parking,
3. Alternative fuel vehicle parking,
4. On-street parking adjacent to the lot or lots on which the parking located, and

5. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

Unless otherwise stated above, the maximum number of spaces that may be credited towards this maximum parking calculation exception shall not exceed 20 percent of the maximum parking requirement.

3-27-06-03-03-04 *Maximum Parking Waiver*

3-27-06-03-03-04-01 *Parking Demand Study*

Requests to exceed the maximum parking requirement shall be accompanied by a parking demand study demonstrating how the maximum number of parking spaces specified in Table 3-26-D is insufficient for the proposed development.

3-27-06-03-03-04-02 *Review Criteria*

A waiver to the maximum parking requirement may be allowed by the Community and Economic Development Director in situations that meet the following criteria:

1. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;
2. The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;
3. The request is the minimum necessary variation from the standards to accommodate the proposed development; or
4. If application of the maximum parking standard would result in fewer than six parking spaces, the development shall be allowed six parking spaces.

3-27-06-03-03-04-03 *Appeal*

The Community and Economic Development Director's determination on a maximum parking waiver application may be appealed to the Board of Adjustment.

3-27-06-03-03-05 *Design Requirements for Excess Parking*

Parking that is provided in excess of the maximum parking requirement shall be required to include increased internal landscaping and incorporate pervious pavement or stormwater mitigation as described below.

3-27-06-03-03-05-01 *Pervious Surfaces or On-Site Stormwater Mitigation*

Where parking spaces in excess of the maximum specified in Table 3-26-D are constructed, an area equal to the total area required for the number of spaces that exceed the maximum parking requirement shall be constructed of pervious surfaces or designed for on-site stormwater mitigation through low impact development techniques as approved by the Community and Economic Development Director. For example, if 500 square feet of additional space is provided for new parking, 500 square feet of pervious pavement or on-site stormwater mitigation shall be included in the total area of the parking lot.

3-27-06-03-03-05-02 *Additional Trees and Landscaping*

Applicants that request parking that exceeds the number of spaces required by Table 3-26-D shall provide additional parking lot trees and landscaping either in the parking lot or across the entire development site as follows:

▪ **3-26-06-03-03-05-02-01 *Trees***

1. Additional trees not otherwise required by these regulations shall be required to be planted or preserved on-site when parking for any use or mix of uses is provided in an amount that is greater than the maximum amount permitted.
2. The number of additional trees to be planted or preserved on-site is equal to one tree per two excess parking spaces provided.

▪ **3-26-06-03-03-05-02-02 *Landscaping***

1. As required by Table 3-26-E, additional landscaping shall be provided and distributed throughout the site. The additional landscaping shall be integrated with the parking lot and/or site design. For example, where 500 sq. ft. of surface area are added to a parking lot, 15 extra sq. ft. of landscaping area would be added to the landscaping required by Section 3-26-06-02-02, *Parking Lot Landscaping*.

Table 3-26-E: Additional Landscaping Requirement for Overparking	
Amount of Excess Parking Requested Over Maximum	Additional Landscaping
101 – 108 percent	3% of parking area
109 – 116 percent	5% of parking area
117 – 125 percent	10% of parking area

2. Where the provision of additional landscaping is restricted for infill and redevelopment projects due to site constraints, the

applicant may provide sidewalk amenities or streetscape features as determined by the Community and Economic Development Director. Acceptable amenities shall have a value equal to or greater than the price of the additional landscaping features required in Table 3-26-E and may include:

- a. Sidewalk planters between the parking area and building and/or parking area and the street;
- b. Public art including but not limited to sculptures, fountains, clocks, or murals; or
- c. Decorative fencing (such as wrought iron) around the perimeter of the parking area provided with seasonal plantings.

3-27-06-03-04 *ADJUSTMENTS AND ALTERNATIVES*

The minimum parking requirements listed in Table 3-26-D may be adjusted as follows:

3-27-06-03-04-01 *Sharing of Parking Spaces*

1. Where two land uses listed in separate use categories in Table 3-26-D share a parking lot, parking lots, or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 3-26-F, *Shared Parking*. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 3-26-F. For example, where a development includes both (a) institutional and (b) retail sales uses, the amount of parking required is the sum of the parking required for the two uses divided by 1.3.

Table 3-26-F: Shared Parking					
(Add the two parking requirements and divide by these factors)					
Property Use	Multi-Family	Institutional	Restaurants, Recreation, or Hotel	Retail Sales	Office or Commercial Services
Multi-family	-	1.1	1.1	1.2	1.3
Institutional	1.1	-	1.2	1.3	1.3
Restaurants, Recreation, or Hotel	1.1	1.2	-	1.3	1.7
Retail Sales	1.2	1.3	1.3	-	1.2
Office or Commercial Services	1.3	1.5	1.7	1.2	-

2. Shared parking shall be documented through a shared parking agreement approved by the county.

3-27-06-03-04-02 *Reduced Need Populations*

1. The required minimum number of off-street parking spaces may be reduced by 33 percent for any group living use or multi-family use in which occupancy of at least 80 percent of the units is restricted for use by those 60 years of age or older.
2. The required minimum number of off-street parking spaces may be reduced by 50 percent for any group living use or multi-family use in which occupancy of more than 80 percent of the units is restricted for use by those meeting the definition of “handicapped” individuals under the federal Fair Housing Act Amendments

3-27-06-03-04-03 *Proximity to Transit*

The Community and Economic Development Director may allow a reduction in parking spaces of up to 15 percent for multi-family dwelling developments or multi-family components of a mixed-use structure within the TOD district and located no more than one quarter (1/4) mile from the transit station provided:

1. The reduction is applied for in conjunction with a development plan review;
2. A parking analysis is submitted to the county in conjunction with the reduction request and development plan application; and
3. The reduction in the number of parking spaces shall not exceed 15 percent of the total number of parking spaces required for the proposed use.

3-27-06-03-05 *BICYCLE PARKING*

3-27-06-03-05-01 *Required Number of Spaces*

Indoor or outdoor bicycle parking shall be provided as follows:

Table 3-26-G: Bicycle Parking	
Use	Bicycle Parking Spaces [1]
Multiple-family	2 or 1 per 20 units
Group home	1 per 4 bedrooms
Office	2 or 1 per 40,000 sq. ft. (net area)
Commercial sales and service	2 or 1 per 5,000 sq. ft. (net area)
Community use (non-utility)	2 or 1 per 10,000 sq. ft. (net area)
Schools	2 per classroom
Notes: [1] Whichever measurement results in the higher number of spaces.	

3-27-06-03-05-02

Design and Location

1. Bicycle parking facilities shall include a rack or storage facility (e.g., locker) that enables bicycles to be secured. Where racks are used, they shall meet the following standards:
 - a. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;
 - b. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
 - c. The rack must be securely anchored.
2. Bicycle racks and storage facilities shall be accessible without moving another bicycle.
3. Bicycle racks and storage facilities shall be located in convenient, visible, well-lit areas with easy access and near main entrances of all commercial, residential, and institutional buildings. Such locations shall be clearly noted with signage.
4. The racks and storage facilities shall be located so they do not interfere with pedestrian traffic and shall be protected from potential damage by motor vehicles.
5. Bicycle parking shall not be within any required landscape area nor interfere with any pedestrian pathway.

3-27-06-04

MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS

The design standards in this subsection apply to all multi-family development.

3-27-06-04-01

SITE LAYOUT AND BUILDING ORIENTATION

3-27-06-04-01-01

Building Orientation

1. Individual buildings within a multi-family development shall be oriented to:
 - a. Common open space, such as interior courtyards or on-site natural areas or features;
 - b. Perimeter streets;
 - c. Other residential buildings; or



Fig. 3-26-G: Courtyard Orientation

- d. Through-access drives.
- 2. To the maximum extent practicable,² buildings shall be oriented or arranged in a manner to enclose common open spaces such as gardens, courtyards, recreation, or play areas, that shall contain a minimum of three of these features:
 - a. Seasonal planting areas;
 - b. Trees;
 - c. Pedestrian-scaled lighting;
 - d. Gazebos or other decorative shelters;
 - e. Seating;
 - f. Play structures for children; or
 - g. Natural features or areas, unless the county determines that for preservation reasons the buildings should avoid the feature or area.



Fig. 3-26-H: Perimeter
Street Orientation

3-27-06-04-01-02

Entrance Orientation

- 1. Primary entrances and façades shall not be oriented towards parking lots, garages, or carports.
- 2. All multi-family buildings shall comply with at least two of the following requirements:
 - a. At least one main building entry faces an adjacent public street;
 - b. A building entrance faces a courtyard or common open space that has a direct and visible connection to an adjacent public street;

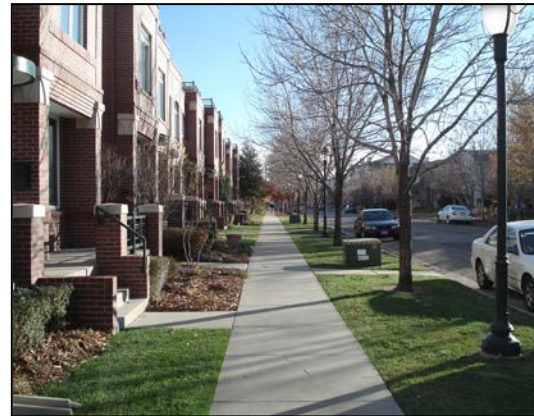


Fig. 3-26-I: Ground-floor unit entrances

² The following definition for “maximum extent practicable” will be added to the code definitions: “under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.”

- c. A building entry is connected to a public sidewalk by a system of interior walkways; or
 - d. The pedestrian entries to the site from the public right-of-way are emphasized with enhanced landscaping, special paving, gateways, arbors, or similar features.
3. All ground-floor units with frontage along the primary street shall have an entrance that faces the street. Multi-family buildings located with multiple street frontages shall provide entrances to the building along each local street frontage.
- a. Exterior entrances from a public sidewalk or common open space are permitted for dwelling units on the ground floor.
 - b. Exterior entrances shall be raised from the finished ground-floor level of the sidewalk a minimum of two feet.
4. Dwelling units above the ground floor shall have interior unit entrances, except that exterior stairs are permitted for access to upper-floor units only if they are oriented towards a central plaza not visible from any street.

3-27-06-04-01-03

Private Common Space

- 1. In addition to the public open space required in Table 3-26-B, developments with at least four units shall provide 400 square feet of private common open space for each multifamily dwelling unit. This space may be provided as an individual patio or deck with a minimum dimension of five feet.
- 2. In developments with at least twelve units, a minimum of 40 percent of the required private common space shall be usable for recreation, including uses such as swimming pools, fitness facility, sport courts, playgrounds with equipment, and/or community gardening.

3-27-06-04-02

BUILDING DESIGN

3-27-06-04-02-01

Four-Sided Design

All sides of a multi-family building shall display a similar level of quality and architectural detailing as on the front elevation when visible from:



Fig. 3-26-J: Four-sided design

1. Property occupied by or designated for single-family residential uses,
2. An existing public street right-of-way, or
3. Other public lands or spaces.

3-27-06-04-02-02 *Maximum Number of Attached Units*

The maximum number of attached units in a series such as townhomes is six.

3-27-06-04-02-03 *Single-Family Attached Dwelling Façades*

1. The attached single-family dwellings in any one row structure shall be required to have distinctly different façades. No attached single-family structure facade shall be repeated more than once every four structures on the same side of the street.



Fig. 3-26-K: Single-family attached building façade differentiation

2. The façades of single-family attached townhomes shall be punctuated by a change in texture or material, offset, or other architectural feature to differentiate individual units
3. Any building (excluding parking garages and other accessory buildings) viewed from a public right-of-way or public open space shall either face such right-of-way or open space, or shall have a façade facing such area in keeping with the character of the front façade, including the utilization of similar fenestration and materials.

3-27-06-04-02-04 *Building Mass and Articulation*

1. The elevations of all multi-family buildings shall be articulated through the incorporation of at least three or more of the following:
 - a. Balconies;
 - b. Bay or box windows;



Fig. 3-26-L: Multi-family building articulation

- c. Porches or covered entries;
 - d. Dormers or other variations in the roof plane;
 - e. Accent materials such as brick, stone, or stucco with banding highlights;
 - f. Shutters;
 - g. Variation in window sizes and shapes; or
 - h. Vertical elements that demarcate building modules.
2. The height of each multi-family building taller than 35 feet shall be stepped down from its highest roofline at least one full story for a depth of at least 15 feet on any end of the building located within 50 feet of an adjacent area zoned or used for single-family residential.

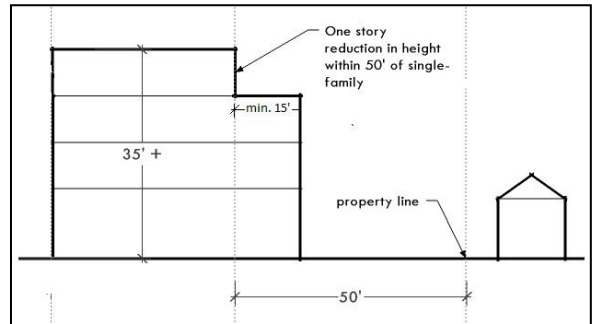


Fig. 3-26-M: Height transition adjacent to residential

3. Multi-family buildings shall provide concentrated unit access points. Access balconies and corridors running the length of the exterior of a building are prohibited.

3-27-06-04-02-05

Vertical Articulation

1. For all structures three stories or more in height, the base (first 20 feet) of a building shall be distinguished from the remainder of the building by providing a minimum of three of the design elements listed above in Subsection 3-26-06-04-02-04.
2. Multi-family buildings shall be designed to incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. Upper stories shall not appear heavier or demonstrate greater mass than the lower stories of the building.

3-27-06-04-02-06

Building Length

The maximum length of any multifamily building shall be 180 feet.

3-27-06-04-02-07 *Transparency*

At least 20 percent of all walls facing a public street shall contain windows or doorways.

3-27-06-04-02-08 *Materials*

All material shall be durable and long-lasting. The following materials are acceptable for multi-family residential construction:

1. Brick, concrete stucco, stone, stone facing, wood, glass in combination with metal, or similar, durable architectural materials as approved by the Planning Commission.
2. Vinyl siding, EIFS, or synthetic stucco may be approved by the Planning Commission on a case-by-case basis.

3-27-06-04-03 *PARKING LOCATION AND LAYOUT*

3-27-06-04-03-01 *Location and Layout*

1. To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from street frontage.
2. Parking areas and freestanding parking structures (detached garages or carports) shall not occupy more than 30 percent of each perimeter public street frontage of a multi-family development.
3. To the maximum extent practicable, freestanding parking structures that are visible from perimeter public streets shall be sited so that the narrow end of the parking structure is perpendicular to the perimeter street.



Fig. 3-26-N: Multi-family parking located behind primary structure

3-27-06-04-03-02 *Carports and Detached Garages*

1. Carports and common garages shall be limited to 60 feet in length.

2. Detached garages and carports shall incorporate compatible materials, scale, colors, architectural details, and roof slopes similar to those of the primary multi-family buildings.
3. Rear walls of detached garages over 40 feet in length that back onto the perimeter street shall be articulated or punctuated through the use of window openings or other similar techniques.

3-27-06-05 MIXED-USE/NON-RESIDENTIAL DESIGN STANDARDS

3-27-06-05-01 **APPLICABILITY**

The design standards in this section apply to all mixed-use, office, and commercial structures. Industrial development in the TOD district shall be subject to the following subsections of this section in addition to the provisions of Chapter 4:

1. 3-26-06-05-05-02, *Parking Location*;
2. 3-26-06-05-05-02, *Parking Lot Screening*;
3. 3-26-06-05-06, *Building Design*; and
4. 3-26-06-05-08, *Residential Compatibility Standards*.

3-27-06-05-02 **SITE LAYOUT AND BUILDING ORGANIZATION**

3-27-06-05-02-01 **Private Common Spaces**

3-27-06-05-02-01-01 **Required Private Common Spaces**

Mixed-use, commercial, and office development shall incorporate at least one on-site indoor or outdoor common space per building. Common space shall be visible and accessible and shall be located, where possible, along street frontages. Common spaces shall be connected, to the maximum extent practicable, to pedestrian areas, sidewalks, trails, or public open space in order to create functional pedestrian connectors.



Fig. 3-26-O: Private common space

3-27-06-05-02-01-02 *Features and Amenities*

The following features may be used to satisfy the private common space standard:

1. Patio or plaza with seating and landscaping;
2. Landscaped mini-parks or square;
3. Rooftop or community garden; or
4. Similar features as approved by the Community and Economic Development Director.

3-27-06-05-02-01-03 *Design*

Private common spaces shall be constructed of materials that are of a comparable quality and be of a compatible design as the building they are attached to or the public space in which they are placed.

3-27-06-05-02-01-04 *Quantity and Amount*

The quantity and amount of required private common spaces shall vary as follows:

1. For buildings 10,000 square feet or less – 1,000 square feet;
2. For buildings between 10,001 and 20,000 square feet – 2,000 square feet that may be divided into two 1,000 square foot spaces; and
3. For buildings over 20,000 square feet – an extra 1,000 square feet of common space per 10,000 square feet of building or portion thereof.

3-27-06-05-02-02 *Building Orientation*

3-27-06-05-02-02-01 *Individual Buildings*

In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured with at least one operable entrance and one or more transparent windows as approved by the Community and Economic Development Director.

3-27-06-05-02-02-02

Multi-Building Developments

1. Buildings shall be organized to promote a compact pattern of development, pedestrian-friendly spaces, streetscapes, areas of naturalized landscaping, and to screen parking areas.
2. Buildings shall be arranged and grouped so that their primary orientation complements one another and adjacent, existing development by:
 - a. Framing the corner of an adjacent street intersection or entry point to the development;
 - b. Framing and enclosing a pedestrian and/or vehicle road or access corridor within or adjacent to the development site;
 - c. Framing and enclosing on at least three sides parking areas, public spaces, or other site amenities;
 - d. Framing and/or enclosing outdoor dining or gathering spaces for pedestrians between buildings; or
 - e. Framing one or more areas of natural vegetation.



Fig. 3-26-P: Buildings arranged to create pedestrian-friendly spaces

3-27-06-05-02-02-03

Entrance Orientation

To the maximum extent feasible, the principal building entrance shall face:

1. An adjacent public street;
2. An adjacent public plaza; or
3. An adjacent primary public walkway.
4. In cases where the principal entrance does not face the principal street, the entrance shall be connected to the street and adjacent parking areas with a sidewalk(s).

3-27-06-05-02-03 *Weather Protection for Pedestrian Areas*

3-27-06-05-02-03-01 *Building Design*

1. Buildings shall be designed so that entries, steps, balconies, and pedestrian walkways or sidewalks are protected from precipitation shedding off roofs.
2. Sheltering roofs or building projections for protection from rain, wind, snow, and ice shall be provided in areas of pedestrian activity around public/institutional, commercial, and mixed-use buildings, including sheltered entranceways at major entrances and pedestrian-oriented façades along public sidewalks or walkways.
3. Building shall avoid roof designs, canopy structures, or other design features that would allow accumulated snow, ice, or rain or to fall or slide onto sidewalks or walkways. Roofs shall be designed to protect doorways, exterior stairs, balconies, garage entrances, bicycle parking, and pedestrian sidewalks and walkways from snow and ice. Where sloping rooflines incline toward such areas, protective features such as arcades, loggias, and dormers shall be used to protect pedestrians from falling snow. Such devices need not be continuous if foundation planning beds are located to set the walkway away from the building façades.

3-27-06-05-02-03-02 *Snow Storage*

Snow storage areas shall be separated from and shall not overlap or encroach upon pedestrian walkways or sidewalks.

3-27-06-05-02-03-03 *Sidewalk Design*

1. Pedestrian walkways shall be clearly defined through the use of consistent pavers and signage.
2. Pedestrian walkways shall be designed to minimize potential conflicts with snow management operations and ensure pedestrian safety by:
 - a. Limiting grade changes where possible; and
 - b. Using ramps instead of stairs where a change in grade is necessary.

3-27-06-05-03 **STREETSCAPE DESIGN AND CHARACTER**

3-27-06-05-03-01 **Public Sidewalks Required**

In order to create an environment that is supportive of transit and pedestrian mobility, public sidewalks shall be provided along both sides of all streets in the TOD district. Such sidewalks shall be at least 12 feet in width and no more than 16 feet in width, unless otherwise approved as part of the design review process. The 12-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided.

3-27-06-05-03-02 **Delineation of Sidewalk Area**

Sidewalks shall be organized into two distinct areas: a street tree/furniture area located adjacent to the curb, and a clear area.

3-27-06-05-03-02-01 **Street Tree/Furniture Area**

The street tree/furniture area shall have a minimum width of six feet (from face-of-curb)

and shall be continuous and located adjacent to the curb. The area shall be planted with street trees at an average spacing of 20 to 30 feet on center, based on the mature canopy width of the tree species selected. The area also is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements designed to county specifications and located in a manner that does not obstruct pedestrian access or motorist visibility. Maintenance of this area shall be the responsibility of the adjacent property owner or a management entity appointed by the adjacent property owner.



Fig. 3-26-Q: Delineation of Sidewalk Area

3-27-06-05-03-02-02 **Clear Area**

The clear area shall be a minimum width of six feet, shall be hardscaped, and shall be located adjacent to the street tree/furniture area. The clear

area shall be unobstructed by any permanent or nonpermanent element for a minimum width of six feet and a minimum height of eight feet. Additional sidewalk width located between the clear area and the building may be used for outdoor dining or seating areas.

3-27-06-05-03-02-03 ***Supplemental Zone***

A supplemental zone may be provided at the option of the applicant between the street-facing façade or a side-facing facade and the required clear area, to provide additional areas for outdoor dining, porches, terraces, landscape and water features, and plazas. A supplemental zone, if provided, may be a maximum of 20 feet deep and may extend up to 30 percent of the linear frontage of the development. The supplemental zone shall not provide any parking or vehicle circulation areas.

3-27-06-05-03-03 ***Building Placement***

At least 70 percent of the building facade facing a public street shall be brought up to the clear area if provided. The county may reduce this to 50 percent façade placement at the sidewalk clear area where public amenities are provided as approved by the Community and Economic Development Director, including:



Fig. 3-26-R: Building set to sidewalk clear area

1. Public plazas or seating areas;
2. Tree wells and urban landscaping such as shrubs, live groundcover, planters, and hardscape (e.g., decorative fencing, arbors, patterned paving);
3. Street furnishings, including but not limited to waste receptacles, bicycle racks, drinking fountains, or shelters for persons using public transit.

3-27-06-05-03-04 ***Sidewalk Entries***

3-27-06-05-03-04-01 ***Spacing***

Sidewalk entries shall be provided to all buildings and individual units that front on the sidewalk.

3-27-06-05-03-04-02

Sidewalk Entry Hierarchy

Entrances into residential buildings in mixed-use areas are encouraged to follow a hierarchy of sizes and functions as follows:

1. ***Carriage way:*** A centrally located twelve-foot wide entrance at sidewalk level for visual and direct access to a private courtyard.
2. ***Secondary entry:*** A six-foot wide entrance with ornamental entrance gate and defined by a stoop with low cheek walls and planters at the sidewalk. Mailboxes, bike racks, and trash receptacles should be grouped around these secondary entries.
3. ***Other entries:*** Home office and retail storefront entries which are either at grade or stooped shall be sized to accommodate specific requirements of the individual space.

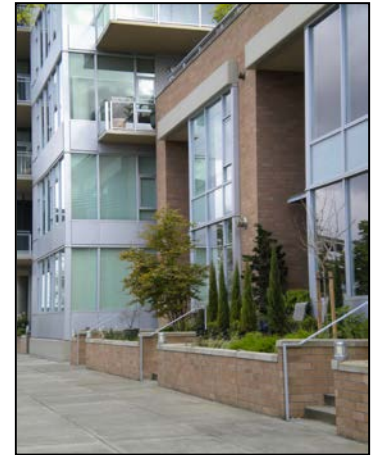


Fig. 3-26-S: Secondary entry

3-27-06-05-03-05

Utilities

Transformers, switchgear, and related utility service equipment shall not be located above-ground in pedestrian access easements. Building service panels are to be located on the inside of all buildings.

3-27-06-05-03-06

Paving

Paving is intended to highlight or accentuate special areas along the ground plane while at the same time complementing the design of adjacent building and streetscape elements.

3-27-06-05-03-07

Ground-Floor Uses

3-27-06-05-03-07-01

Intent

The incorporation of commercial uses such as retail shops and restaurants at the street level is strongly desired within the TOD district to promote a more



Fig. 3-26-T: Active street-level uses and outdoor gathering spaces

active environment for pedestrians and support residential and office uses located within the same building (on upper floors) or nearby.

3-27-06-05-03-07-02 *Standards*

03-26-06-05-03-07-02-01 *Location*

Commercial uses shall be concentrated adjacent to transit station areas, major public spaces, and in other areas where a high level of pedestrian activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to commercial space, such space shall be located along those facades adjacent to or most visible from transit corridors, primary street frontages, or major pedestrian walkways.

03-26-06-05-03-07-02-02 *Design and Use of Commercial Space*

Although the ground-floor commercial spaces may be used for residential units/office use, they should be designed for easy conversion to retail/commercial uses and shall be constructed to commercial standards. Where provided, ground-floor area for nonresidential uses shall be constructed to nonresidential construction standards to a depth from the front wall of a minimum of 30 feet. Leasing offices, fitness centers, and related accessory uses in residential developments may count toward meeting this requirement.

3-27-06-05-03-08 *Residential Uses*

Residential uses, where included, shall be incorporated within a mixed-use development to be visually and/or physically integrated with nonresidential uses. This shall be achieved by ensuring that residential uses meet at least two of the following:

1. Residential uses are vertically located above street-level commercial uses;
2. Residential uses are horizontally integrated into site development to provide a transition between the highest intensity uses within the center or development and the adjacent neighborhood; and
3. A pedestrian circulation system (i.e., sidewalks, crosswalks, trails, etc.) is provided that reduces conflict between pedestrian and vehicular movements and increases pedestrian activity between residential and nonresidential uses.

3-27-06-05-04 *PARKING DESIGN STANDARDS*

The purpose of parking area requirements is to ensure that the parking areas themselves are not the dominant feature of the TOD development.

3-27-06-05-04-01 *Allowable Parking*

On-street parking shall not be designated per individual business or occupancy but may count toward the minimum parking requirements for the entire structure along the adjacent frontage.

3-27-06-05-04-02 *Parking Location*

Unless specifically permitted in these standards, off-street parking is prohibited between the principal street and the corresponding street-facing facade line.

3-27-06-05-04-03 *Parking Lot Screening*

All surface parking lots adjacent to a public street shall be screened using one of the following methods below:

1. An informal hedge at least three feet in height at maturity consisting of a double row of shrubs planted three feet on-center in a triangular pattern; or
2. Berming of the grade to at least 2 ½ feet in height above the finish grade of the parking lot, and with slopes no greater than 2:1. Slopes shall be covered with shrubs spaced a maximum of three feet on center. Trees and flowering plants may be included in the berm plantings where the Community and Economic Development Director finds that long-term maintenance will be provided.

3-27-06-05-04-04 *Parking Structure Design*

The off-street parking required by mixed-use and non-residential development may be located in a parking structure. Such structure shall be subject to the following standards:

3-27-06-05-04-04-01 *Design*

1. Parking structures shall be constructed of materials of similar quality and shall be compatible in appearance with adjacent buildings and shall contain lighting sufficient for security as approved by the county.

2. Ground floor facades of parking structures not occupied by active public uses shall be articulated through the use of three or more of the following architectural features.
 - a. Windows or window-shaped openings with decorative mesh or similar features as approved by the Community and Economic Development Director;
 - b. Masonry columns;
 - c. Decorative wall insets or projections;
 - d. Awnings;
 - e. Changes in color or texture of materials;
 - f. Approved public art;
 - g. Integrated landscape planters; or
 - h. Other similar features approved by the Community and Economic Development Director.

3-27-06-05-04-04-02

Entry Design

Vehicle entries to off-street parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking structures shall have user vehicles access from a location that minimizes conflicts with pedestrian circulation.

3-27-06-05-04-04-03

Wrapping of Parking Structure

Where feasible, the ground floor of parking structures in mixed-use or non-residential districts shall be wrapped with active public uses along at least 60 percent of the ground-floor street frontage. Parking structures with ground floors that are not wrapped with active public uses on the sides facing a public street or open to public view shall not:

1. Abut street intersections or public/civic use areas,
2. Be adjacent to public squares, or



Fig.3-26-U: Parking structure wrapped with active uses

3. Occupy sites that are the terminus of a street vista.

3-27-06-05-05 BUILDING DESIGN

3-27-06-05-05-01 *Four-Sided Design*

1. All sides of a building shall be architecturally finished with equal levels of materials and detailing. Blank walls void of architectural details or other variation are prohibited.
2. Exceptions from the above standard may be granted for those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development and public spaces.
3. Corporate or franchise architecture is discouraged in favor of architecturally compatible designs. The Community and Economic Development Director may require photographic examples of the more minimized corporate architecture in the designs and completed structure by the same company in other communities.

3-27-06-05-05-02 *Consistent Architectural Theme*

1. The architectural design within a multi-building development of structures (including freestanding outparcel structures) shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures shall adjust their standard architectural model to be consistent with a development's architectural character.
2. All buildings in a single development, whether developed at a single time or in phases, shall share at least four architectural features in order to create continuity within the overall development. These features include, but are not limited to, the following:
 - a. Overhangs,
 - b. Canopies or porticos,
 - c. Recesses/projections,
 - d. Arcades,



Fig. 3-26-V: Franchise design
consistent with surrounding structures

- e. Raised corniced parapets over the entrance,
- f. Peaked roof forms,
- g. Arches,
- h. Outdoor patios,
- i. Tower elements (at strategic locations),
- j. Display windows,
- k. Integral planters that incorporate landscaped areas or seating areas, and
- l. Public art/sculptures.

3-27-06-05-05-03 *Building Materials and Colors*

3-27-06-05-05-03-01 *Mix of Materials*

- 1. No single building material shall cover more than 80 percent of the front building façade. Windows and doors shall not be counted as additional building materials.
- 2. Structures 20,000 square feet or less shall require a minimum of two distinct building materials on all facades to provide architectural detail and interest.
- 3. Structures over 20,000 square feet shall require a minimum of three distinct building materials on all facades to provide architectural detail and interest.

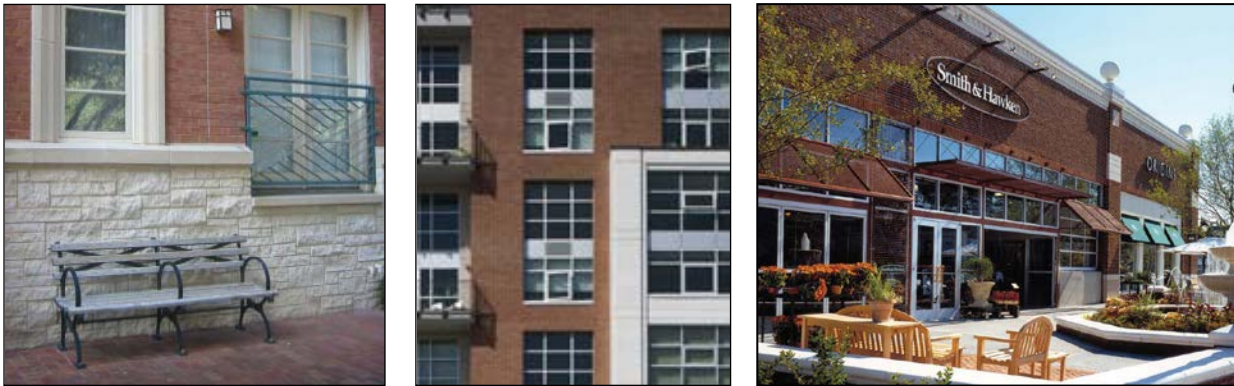


Fig. 3-26-W: Mix of building materials

3-27-06-05-05-03-02 *Prohibited Materials*

The following materials are prohibited as primary cladding or roofing materials:

- 1. Aluminum siding or cladding,

2. Plastic or vinyl siding,
3. Exposed aggregate, and
4. Wood shingles.

3-27-06-05-05-03-03 *Façade Colors*

1. Colors of paint, stains, and other finishes or materials shall complement each other.
2. Generally, no more than four colors per building are permitted.
3. Fluorescent colors are prohibited.
4. Primary colors are prohibited.
5. The use of stark white is discouraged.

3-27-06-05-05-03-04 *Transparency and Glazing*

1. At least 25 percent of all walls facing a public street shall contain windows or doorways.
2. Glazing shall be effectively clear, and shall not exceed 40 percent reflectance. Divided-light windows are encouraged. Materials that create noticeable glare or which restrict the ability of the public to view the inside of a structure from the outside are generally prohibited but may be allowed in limited locations in structures intended for financial or other uses with documentable safety concerns.
3. Energy conserving window films and coatings are permissible within these standards.

3-27-06-05-05-04 *Gateways*

1. Buildings located at entrances to a development demarcate a gateway that will create an overall identity, set the tone for the development, and mark arrival or entry.
2. At major entry points of a development with three or more buildings, buildings shall be organized along the street and at the intersection to create a gateway.
3. Architectural features shall be incorporated into the facades of buildings at major entry points to help emphasize arrival or entry points into the development. These features may include, but are not limited to:
 - a. Eaves,
 - b. Planters,

- c. Mounted signs,
- d. Pilasters,
- e. Tower elements,
- f. Water features, or
- g. Arcades.

3-27-06-05-06 BUILDING MASSING AND FORM

3-27-06-05-06-01 Vertical Articulation

Buildings greater than two stories or taller than 30 feet shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components as illustrated in Figure 3-26-X. The component described as the body must constitute a minimum of 50 percent of the total building height.



Fig. 3-26-X: Vertical articulation

3-27-06-05-06-02 Horizontal Articulation

Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller components. No individual component shall have a length of more than 60 feet. Components shall be distinguished from one another through two or more of the following:

1. Variations in roof form and parapet heights;
2. Pronounced recesses and projections;
3. Distinct changes in texture and color of wall surfaces;
4. Ground level arcades and second floor galleries/balconies;



Fig. 3-26-Y: Appropriate transition in building height and mass

5. Protected and recessed entries; and
6. Vertical accents or focal points.

3-27-06-05-06-03

Relationship to Surrounding Development

1. New developments that two stories or taller than adjacent existing development shall provide a development transition using an appropriate combination of the following techniques designed to achieve height and mass compatibility with the lower-scaled adjacent development:
2. Wrapping the ground floor with a building element or integrated architectural feature (e.g., pedestrian arcade) that is the same height as the adjacent structure; or
3. Graduating building height and mass in the form of building step-backs or other techniques so that new structures have a comparable scale with existing structures; or
4. Orienting porches, balconies, and other outdoor living spaces away from the shared property line to protect the privacy of adjacent residents where applicable.



3-27-06-05-06-04

Entrances and Pedestrian Areas

1. Primary entries and pedestrian frontages shall be clearly visible from the street and accentuated from the overall building facade by:
2. Differentiated roof, awning, or portico;
3. Covered walkways or arcades;
4. Projecting or recessed entries from the surrounding building facade;
5. Detailed doors and doorways with transoms, sidelights, trim details, and/or framing; and
6. Windows within doorways equivalent in size to 50 percent of door surface area.
7. Secondary entrances shall have minor architectural detailing that adds visual interest to that portion of the façade.



Fig. 3-26-Z Entrance design

3-27-06-05-06-05 *Roofs*

3-27-06-05-06-05-01 *Roofline Articulation*

Variations in roof lines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development.

3-27-06-05-06-05-02 *Flat Roofs*

Flat roofs shall include parapets that adhere to articulation requirements for the main face of the structure. The average height of the parapet shall not exceed 15 percent of the height of the supporting wall, unless rooftop equipment cannot be sufficiently screened. A three-dimensional cornice treatment is encouraged for parapets. Parapets shall look complete from all sides if visible at any distance from the ground.

3-27-06-05-06-05-03 *Roof Materials*

1. Asphalt shingles, industry-approved synthetic shingles, standing seam metal or tile roofs are allowed.
2. Wood shingles are prohibited. Corrugated metal, tar paper, and brightly-colored asphalt shingles may be permitted by the Community and Economic Development Director where they will not be visible from a roadway, public park, or residential district or use.

3-27-06-05-06-06 *Awnings, Canopies, Arcades, and Overhangs*

Structural awnings are encouraged at the ground level to enhance the articulation of the building and provide shade.

1. The material of awnings and canopies shall complement the building.
2. Awnings shall not be internally illuminated.
3. Canopies shall not exceed 40 linear feet without a break.
4. Awnings shall not extend more than five feet over the sidewalk, unless otherwise approved by the Community and Economic Development Director, up to a maximum of 10 feet, and are in keeping with the architectural style of the building.
5. Canopies shall respect the placement of street trees and lighting and shall not interfere with them.
6. All large canopies that require structural columns for support shall have a minimum six-foot masonry (or other approved material) finish measured from the finished grade. Materials used on columns and canopies shall be complementary to the building.

3-27-06-05-07 *RESIDENTIAL COMPATIBILITY STANDARDS*

3-27-06-05-07-01 *Applicability*

The residential compatibility standards in this subsection apply when nonresidential or mixed-use development is proposed adjacent to lots used by or zoned for detached or attached single-family structures in a residential district.

3-27-06-05-07-02 *Use Limitations*

Where these compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:

1. Public address/loudspeaker systems;
2. Outdoor storage; and
3. Uses providing delivery services via large tractor trailers (not including package delivery services).

3-27-06-05-07-03 *Off-Street Parking Location*

1. Off-street parking shall be established in one or more of the locations listed below. The locations are listed in priority order; the applicant shall select the highest feasible location from this list, and shall demonstrate why that application was selected over other alternative locations.
2. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
3. Adjacent to lot lines abutting nonresidential development;
4. Adjacent to lot lines abutting mixed-use development;
5. Behind the building;
6. In front of the building; or
7. Adjacent to lot lines abutting residential uses.
8. In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged. A cross-access easement shall be recorded.

3-27-06-05-07-04 *Relationship to Surrounding Uses*

1. Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses as required by Section 3-26-06-05-07-03, *Relationship to Surrounding Development*.



Fig. 3-26-AA: Gradual decrease in building height and mass towards adjacent residential uses

2. Horizontally integrated mixed-use developments shall locate nonresidential uses away from lots in adjacent residential areas.
3. Medium to high density housing shall be incorporated to the maximum extent feasible both within and around the development to facilitate connections between residential and non-residential uses.
4. Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses.

3-27-06-05-07-05

Facade Configuration

1. Service functions like refuse collection, incidental storage, and similar functions shall be integrated into the architecture of the building unless an alternate location places these functions farther from adjacent residential uses.
2. Windows shall be arranged to avoid direct lines-of-sight into abutting residential uses.
3. Multi-story structures with balconies, patios, or other public gathering spaces more than 24 feet above grade shall orient these features to avoid direct views into lots in low- and medium-density residential districts.

3-27-06-05-07-06

Landscaping/Screening

1. Screening shall not interfere with public sidewalks, vehicular cross-accessways, or improved pedestrian connections.
2. Any parking designated for trucks, recreational vehicles and other large vehicles shall be placed in a location which is not adjacent to either any street or to any residentially zoned property.

3-27-06-05-07-07

Operation

1. Nonresidential uses with outdoor components (e.g., outdoor dining, performance venues) located adjacent to lots in a residential district shall curtail outdoor activities by 10:00 pm.
2. Loading or unloading activities shall take place only between the hours of 7:00 am and 11:00 pm.
3. Alternate hours of activities may be approved through the conditional use permit process.

3-27-06-05-07-08

Sustainable Development Practices

To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:

1. Opportunities for the integration of renewable energy features in the design of buildings or sites, such as: solar, wind, geothermal, biomass, or low-impact hydro sources;
2. Energy-efficient materials, including recycled materials that meet the requirements of these regulations;
3. Materials that are produced from renewable resources;
4. Low-Impact Development (LID) stormwater management features;
5. A green roof, such as a vegetated roof, or a cool roof;
6. Materials and design meeting the U.S. Green Building Council's LEED-NC certification requirements; or
7. A greywater recycling system.



Fig. 3-26-BB: LID stormwater management feature

3-28 CONSERVATION DISTRICT (CO)

3-28-01 PURPOSE

The purpose of the Conservation District is to encourage the preservation of environmentally sensitive areas from development. These areas may be of exceptional agricultural or environmental value, or are hazardous to develop. Areas eligible for

designation include farm or ranch land, wildlife habitat, view corridors or important view areas, lands with historic or archeological value, contaminated areas, areas subject to flooding, or areas, if developed, that should be developed in an environmentally sensitive manner in order to provide an ample supply of open space, protect natural features and processes, provide active and passive recreational opportunities, conserve agricultural resources, protect and enhance important wildlife corridors, and generally sustain a high quality natural environment.

Lands developed in the Conservation District shall be developed in a manner to preserve critical natural areas including trees and other natural features of a site, conserve important agricultural lands, and protect public health and safety.

3-28-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Conservation District, subject to review and approval of a building permit.

3-28-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Conservation District as noted above:

1. Farming, No structures
2. Nurseries, No structures
3. Ranching, No structures
4. Traditional Farming, No structures

3-28-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Conservation District as noted above:

1. Outdoor Public Uses, No structures (Excluding Cemeteries) ***Adopted by the BoCC on December 13, 2010**

3-28-03 PERMITTED ACCESSORY USES

In association with a principal permitted use, the following accessory uses are permitted, subject to building permit review and approval:

1. Agricultural Uses, Accessory, No structures
2. Institutional Uses, Accessory, No structures

3-28-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Conservation District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-28-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in a Conservation District as noted above:

1. Farming, with structures
2. Nurseries, with structures
3. Ranching, with structures

3-28-04-02 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Conservation District as noted above:

1. Single Family Dwelling

3-28-04-03 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Conservation District as noted above:

1. Outdoor Public Uses, with structures
2. Public Service

3-28-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional institutional uses are permitted in a Conservation District as noted above:

1. Major Energy Facility

3-28-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Conservation District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Conservation District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-28-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section, or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-28-07 AREA AND HEIGHT STANDARDS

3-28-07-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Conservation District.

3-28-07-02 MINIMUM LOT WIDTH REQUIREMENTS

There are no minimum lot width requirements in a Conservation District.

3-28-07-03 LOT SETBACK AND DIMENSIONAL REQUIREMENTS

3-28-07-03-01 MINIMUM FRONT SETBACK

The minimum front setback for a structure in a Conservation District shall be thirty (30) feet.

3-28-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Conservation District shall be thirty (30) feet.

3-28-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Conservation District shall be twenty (20) feet.

3-28-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Conservation District shall be twenty (20) feet.

3-28-07-03-05 *MINIMUM ARTERIAL SETBACK*

The minimum setback for all structures in a Conservation District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from a collector or local road right-of-way shall be fifty (30) feet. Variations may be permitted if full right-of-way has already been acquired by the County for a section line.

3-28-07-04 *MAXIMUM HEIGHT*

The height of a structure in a Conservation District shall be established by Conditional Use Permit.

3-28-08 *RELATIONSHIP TO PERFORMANCE STANDARDS*

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in the Conservation District unless inconsistent with a provision contained in Section 3-26, in which case the specific standard or requirement contained in Section 3-26 shall apply.

3-29 **PUBLIC LANDS, PARKS, OPEN SPACE, AND FACILITIES DISTRICT (PL)**

3-29-01 **PURPOSE**

The purpose of the Public Lands, Parks, Open Space, and Facilities District is to protect established public lands and to provide an area in the County for location of parks, public open space, government buildings and facilities, schools and school grounds, quasi-public buildings and facilities, and related open space.

3-29-02 **PERMITTED PRINCIPAL USES**

The following uses are permitted uses in a Public Lands, Parks, Open Space, and Facilities District, subject to building permit review and approval.

3-29-02-01 **PERMITTED PRINCIPAL AGRICULTURAL USES**

The following principal agricultural uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Farming
2. Nurseries
3. Ranching
4. Traditional Farming

3-29-02-02 **PERMITTED PRINCIPAL INSTITUTIONAL USES**

The following principal institutional uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BoCC on December 13, 2010**
4. Public Services
5. Universities

3-29-03 PERMITTED ACCESSORY USES

In association with a principal permitted use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural Uses, Accessory
2. Institutional Uses, Accessory

3-29-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Public Lands, Parks, Open Space, and Facilities District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval:

3-29-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Halfway House ***Adopted by the BoCC on December 13, 2010**
2. Jails and Prisons

3-29-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Airports, Landing Strips and Heliports

3-29-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Public Lands, Parks, Open Space, and Facilities District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Public Lands, Parks, Open Space, and Facilities District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-29-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section, or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-29-07 AREA AND HEIGHT STANDARDS

3-29-07-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Public Lands, Parks, Open Space, and Facilities District.

3-29-07-02 MINIMUM LOT WIDTH REQUIREMENTS

There are no minimum lot width requirements in a Public Lands, Parks, Open Space, and Facilities District.

3-29-07-03 LOT SETBACK AND DIMENSIONAL REQUIREMENTS

3-29-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Public Lands, Parks, Open Space, and Facilities District shall be thirty (30) feet or the same as the minimum front setback requirement for the adjacent zone district, whichever is greater.

3-29-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Public Lands, Parks, Open Space, and Facilities District shall be thirty (30) feet or the same as the minimum side corner setback requirement for the adjacent zone district, whichever is greater.

3-29-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Public Lands, Parks, Open Space, and Facilities District shall be twenty (20) feet or the same as the minimum side setback requirement for the adjacent zone district, whichever is greater.

3-29-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Public Lands, Parks, Open Space, and Facilities District shall be twenty (20) feet or the same as the minimum rear setback requirement for the adjacent zone district, whichever is greater.

3-29-07-03-05 *MINIMUM ARTERIAL SETBACK*

The minimum setback for all structures in a Public Lands, Parks, Open Space, and Facilities District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. Variations may be permitted if full right-of-way has already been acquired by the County for section lines.

3-29-07-04 *MAXIMUM HEIGHT*

3-29-07-04-01 *PRINCIPAL STRUCTURE*

The maximum height of a principal structure in a Public Lands, Parks, Open Space, and Facilities District shall be thirty-five (35) feet or the same as the maximum height requirement for a principal structure in the adjacent zone district, whichever is less.

3-29-07-04-02 *ACCESSORY BUILDINGS*

The maximum height of accessory buildings in a Public Lands, Parks, Open Space, and Facilities District shall be twenty (20) feet or the same as the maximum height requirement for accessory buildings in the adjacent zone district, whichever is less.

3-29-08 *RELATIONSHIP TO PERFORMANCE STANDARDS*

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in the Public Lands, Parks, Open Space, and Facilities District unless inconsistent with a provision contained in Section 3-28, in which case the specific standard or requirement contained in Section 3-28 shall apply.

3-30 PLANNED UNIT DEVELOPMENT (P.U.D.)

3-30-01 GENERAL PROVISIONS

In accordance with the Planned Unit Development Act of 1972, the objective of a Planned Unit Development is to establish an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

The purpose and objective of a Planned Unit Development (P.U.D.) is to encourage the development of land as a single unit. A P.U.D. allows greater flexibility in the design of a development, more variety and diversification in the relationships between buildings, open spaces and uses, and conservation and retention of historical and natural topographic features while meeting the goals, policies and objectives of the comprehensive plan.

3-30-02 MINIMUM REQUIREMENTS

A P.U.D. is a form of a customized zone district. The P.U.D. Documents as approved by the Board of County Commissioners may waive or modify specifications, standards and requirements of the Adams County Standards and Regulations such as site area, density, setbacks, height restrictions, improvement standards and related requirements that would be otherwise applicable to a particular zone district or land use, if such waiver or modification furthers the objectives of these P.U.D. regulations.

3-30-02-01 MINIMUM SITE AREA

The minimum site area within a P.U.D. shall be one (1) acre.

3-30-02-02 PERMITTED PRINCIPAL, ACCESSORY, CONDITIONAL, SPECIAL AND PROHIBITED USES

All uses that are in general conformity with the Adams County Comprehensive Plan including, but not limited to the contemplated density or intensity of land use, and compatible with the site's physical and environmental characteristics may be allowed within the P.U.D. The proposed land uses shall be compatible or designed to mitigate externalities with the existing, allowed or conditional land uses adjacent to the proposed development. The P.U.D document for the specific

development shall establish the permitted uses. The uses shall be specifically defined and approved as part of the P.U.D.

3-30-02-03 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size shall be established by P.U.D.

3-30-02-04 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width shall be established by P.U.D.

3-30-02-05 MINIMUM SETBACKS

The minimum required setbacks shall be established by P.U.D.

3-30-02-06 MAXIMUM HEIGHT

The maximum height of structures shall be established by P.U.D.

3-30-03 GENERAL SITE DESIGN STANDARDS

The following general site design standards shall be met by all P.U.D.s.

3-30-03-01 SUPERIOR DESIGN

3-30-03-01-01 *USE OF FLEXIBILITY TO IMPROVE DESIGN*

Accomplish, by flexible and varied design, a planned development that is as good or better than one resulting from the traditional lot-by-lot development, with total net improvement to be gained by combinations and options of: placement, type and bulk of building structures, coordinated open space, recreation facilities, other public facilities (such as walkways), controlled circulation, conservation of natural features, decreased water and air pollution, aesthetic features, harmonious design and similar elements.

3-30-03-01-02 *REDUCE IMPACT TO PUBLIC INFRASTRUCTURE AND SERVICES*

Avoid an overburden on the present or planned projected capacity of public utilities, services and roads, as compared to one which would be required by lot-by-lot development of the underlying land use district.

3-30-03-01-03 *COMPATIBLE WITH ADJACENT USES*

The perimeter of the project shall be compatible or designed to mitigate externalities with the land use of adjacent properties. Compatibility includes, but is not limited to, size, scale, intensity of land use, off-site impacts, mass, and architectural design.

3-30-03-01-04 *SCREENING REQUIRED*

Improvements on the site shall be sight-screened with adequate landscaping so as to provide a compatible visual effect as seen from the adjoining properties.

3-30-03-02 *ROADS***3-30-03-02-01 *PUBLIC ROADS REQUIRED***

All roads shall be public roads and the configuration and design of such facilities shall be consistent with Adams County Road Construction Standards (Chapter 8). Private roads within the P.U.D. may be approved by the County only if the following criteria are met:

1. Physical limitations of the site preclude the possibility of future linkage with existing public roads or proposed public roads which are part of the County's adopted transportation plan;
2. The proposed road design, pedestrian access and layout represents a superior design which meets the objectives of the Adams County standards;
3. A direct and tangible public benefit will accrue from the proposed street design; and
4. The developer includes a maintenance agreement including, but not limited to snow removal and road repairs, which will be recorded against the property.

3-30-03-02-02 *CONNECTIONS TO OFF-SITE ROADS*

Connections to existing off-site roads abutting the subject property shall be required where practicable, except through critical areas and/or their buffers.

3-30-03-03 PEDESTRIAN AND BICYCLE AMENITIES**3-30-03-03-01 PEDESTRIAN AND BICYCLE ACCESS TO SITE**

Pedestrian and bicycle access onto the site shall be maximized in all proposed projects. This may be accommodated through the provision of on-site walkways, trails, paths or sidewalks, and bike lanes originating at the property boundary.

3-30-03-03-02 INTERNAL PEDESTRIAN AND BICYCLE CIRCULATION

Internal pedestrian and bicycle circulation shall be facilitated through appropriately sealed walkways, paths, trails or sidewalks, and bike lanes. Special emphasis shall be placed on providing pedestrian and bicycle access to proposed recreational and/or open space areas and/or transit facilities.

3-30-03-04 PARKING

All provisions for vehicle parking shall be in designated parking areas and shall meet the minimum parking criteria contained within the P.U.D.

3-30-03-05 OPEN SPACE**3-30-03-05-01 ACCEPTABLE OPEN SPACE**

No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

1. The location, size and character of the common open space is suitable for the planned unit development; and
2. The common open space is for preservation of natural flora and fauna, amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings provided.

3-30-03-05-02 IMPROVEMENT OF OPEN SPACE

Common open space will be suitably improved for its intended use, except for common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses authorized for the common open space.

3-30-03-05-03 *USE OF OPEN SPACE*

At least twenty-five percent (25%) of the minimum required open space shall be designated for active recreation purposes, and no more than fifty percent (50%) shall be so utilized, in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented.

3-30-03-05-04 *CONCENTRATION OF OPEN SPACE*

Where practical, open space shall be concentrated in large usable areas.

3-30-03-05-05 *CONTIGUITY OF OPEN SPACE*

Where possible, open space shall connect to adjacent off-site open space areas and designated greenways.

3-30-03-05-06 *PERCENTAGE OF OPEN SPACE REQUIRED*

A minimum of 30% Open Space shall be required in all P.U.D.s or as determined by the Board of County Commissioners.

3-30-03-05-07 *PRIORITIZATION OF OPEN SPACE TYPES*

The following list represents the relative desirability of different types of open space, and should be used as the basis for determining the optimum location for open space areas within a proposed P.U.D.

1. Critical areas including riparian areas and floodplain.
2. Pastures and farmland currently or traditionally used for agriculture.
3. Trails and greenways.
4. Significant stands of trees.
5. Mature vegetation on ridgelines.
6. Former solid and/or hazardous waste disposal sites.

3-30-03-05-08 *CALCULATION OF OPEN SPACE AREA*

The calculation of open space area shall include all common public or privately held open space areas, all provisions for the right-of-way for public roads and the easement width for private roads, storm water facilities, recreational areas, trails and greenways. Individual private residential or commercial lot areas shall not be included in the open space

calculation unless the open space areas located on private lots are subject to open space easements and restrictions.

3-30-03-05-09 *OWNERSHIP OF OPEN SPACE*

Land shown in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space acceptable to the County in providing for the continuing care of the space. No common open space may be put to a use not specified in the final P.U.D. unless the final P.U.D. is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved to the County, as well as the owners.
2. A public agency, which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed on it.

3-30-03-05-10 *MAINTENANCE OF OPEN SPACE*

A maintenance plan shall be submitted and approved as part of the P.U.D. process. The maintenance plan shall meet the landscape and open space maintenance requirements contained in Chapter 4.

3-30-03-06 *CLUSTER DEVELOPMENT AND TRANSFER OF DEVELOPMENT RIGHTS STANDARDS*

The following section outlines cluster development standards, designation of sending areas, designation of receiving areas, zoning requirements for receiving sites, and procedures for obtaining transferred development rights.

3-30-03-06-01 *CLUSTER DEVELOPMENT STANDARDS*

Clustering of lots may occur in areas designated as Agriculture or Residential Estate on the Future Land Use Map of the Comprehensive Plan. The following standards shall be adhered to in submittal of a cluster development as a P.U.D. application:

1. In order to be eligible for additional density from clustering, a property owner must apply for and receive approval for a Planned Unit Development (P.U.D.) on the parcel.
2. All provisions of Section 3-38 shall apply to a P.U.D.
3. Uses approved as part of the P.U.D. shall be limited to those uses consistent with the RE, A-1, or A-2 Zone Districts.
4. The maximum increase in the allowable number of residential units on a clustering site is 100.
5. The number of additional units allowed on a clustering site shall be calculated as follows:
 - a. The number of dwelling units permitted on a site shall not exceed one unit per 17.5 acres. For example, if a property consists of 350 acres, ten (10) dwelling units would be permitted in the A-3 Zone District. Clustering of lots would permit a maximum number of twenty (20) units on the site. The twenty (20) units would have a maximum lot size of five (5) acres, constituting a total development area of one hundred (100) acres. The remaining two-hundred-fifty (250) acres would be placed into a Conservation Easement.
 - b. The maximum lot size shall be limited to five (5) acres and the applicant shall endeavor to develop smaller lot sizes, not less than two-and-one-half (2.5) acres considering the requirements for a 300-year water supply.
 - c. All section line roads shall be constructed in accordance with the Adams County Transportation Plan.
 - d. All interior roads shall be constructed to County standards and paved, if required.
 - e. Additional development rights shall be granted upon approval of the Final Development Plan (P.U.D.) by the Board of County Commissioners upon conveyance of a Conservation Easement (in a form acceptable to the County) to the County or a land trust recognized by Great Outdoors Colorado as an independent third party and is certified by the National Land Trust Alliance. All conservation easements shall be granted in perpetuity.
 - f. The Conservation Easement, which defines the limitation on the development of the sending site, including the number of development rights severed from said parcel, shall be recorded in the real property records for the sending site at the Office of the Adams County Clerk and Recorder. The sending area shall also be included in the rezoning of the property to P.U.D.

3-30-03-06-02

DESIGNATION OF SENDING AREAS

The sending areas to be preserved and protected through the application of these regulations are shown on the attached Transfer of Development Rights Map in the Comprehensive Plan with one of the following designations.

1. Designated Sending Areas:

- a. Airport Influence Zone: Includes the noise overlay for Denver International Airport and the Airport Influence Zone surrounding the Front Range Airport;
- b. Important Farmlands: Includes farmlands of national or state importance and ranches and grazing lands of local or regional importance. The areas are based on geographic data from the 1999 Metro Vision Open Space Plan (DRCOG);
- c. Natural Resource Conservation Overlay: Includes mapped floodplains in the western area of the County and areas east of the Barr Lake Buffer Zone;
- d. Barr Lake/South Platte River: Includes the floodplain and important habitat area around the South Platte River as well as the Barr Lake Buffer Zone.

All sending areas are restricted to land west of Yellowjacket Mile Road (west of Range 61 West). The sending area ratios for transferring development rights shall be as follows:

2. Sending Area Ratios:

- a. Airport Influence Zone – 5:1
- b. Important Farmlands – 10:1
- c. Natural Resource Conservation Overlay – 15:1
- d. Barr Lake/South Platte River – 25:1

3-30-03-06-03

DESIGNATION OF RECEIVING AREAS

Receiving areas are shown on the Transfer of Development Rights Map in the Comprehensive Plan and include areas in townships 1561, 1563, 1565, 1567, 1729, 1731, 1813, and 1815 and are not within a designated sending area. The receiving areas are generally described as follows:

1. The southern three (3) miles of the County around Bennett and Strasburg excluding the Front Range Airport influence zone, the incorporated areas of Bennett, and the Natural Resource Conservation Overlay areas;
2. Areas east of the northern noise overlay zone for the Denver International Airport from 120th Avenue to 168th Avenue to Schumaker Mile Road., which excludes the floodplain area of Box Elder Creek;

3. Areas one-half (1/2) mile north and south of 144th Avenue from Schumaker Mile Road to Strasburg Mile Road;
4. Areas one-half (1/2) mile north and south of 88th Avenue from Highway 79 to Strasburg Mile Road;
5. Areas one-half (1/2) mile east and west of Highway 79 from 48th Avenue to 144th Avenue; and
6. Areas one-half (1/2) mile east and west of Strasburg Mile Road from 48th Avenue to 144th Avenue.

3-30-03-06-04

ZONING REQUIREMENTS FOR RECEIVING SITES

1. In order to be eligible for additional density from development rights, a property owner must apply for and receive approval for a Planned Unit Development (P.U.D.) on the parcel.
2. All provisions of Section 3-37 shall apply to a P.U.D.
3. Uses approved as part of the P.U.D. shall be limited to those uses consistent with the RE, A-1, or A-2 Zone Districts.
4. The maximum increase in the allowable number of residential units on a receiving site is 200.
5. Receiving areas shall be a minimum of 160 acres for inclusion in the P.U.D. However, receiving areas may be as small as 40 acres provided the site is contiguous to rural residential development at densities of one (1) unit per ten (10) acres or greater or part of an Overall Development Plan.

3-30-03-06-05

PROCEDURE FOR OBTAINING TRANSFERRED DEVELOPMENT RIGHTS

1. Development rights may be transferred to an approved sending site only after the applicant obtains a Final Development Plan (P.U.D.) approval by the Board of County Commissioners.
2. The potential number of development rights available for transfer from a sending site is one (1) development right for each thirty-five (35) acres, fractions of development rights cannot be transferred, and if the remainder portion of a sending site is less than thirty-five (35) acres, no units could be built on the site. For example, a fifty (50) acre sending site could only transfer one unit and a residential unit could not be built on the sending site because the remainder portion would only be fifteen (15) acres, less than the required thirty-five (35) acres. However, if the remnant conservation area meets or exceeds 35 acres and is split by more than one sending area designation, the applicable different ratios may be applied to the remnant parcel. For example, a fifty (50) acre sending site split into twenty-five (25) acres of Important Farmland (10:1) and twenty-five (25)

acres of Natural Resource Conservation Overlay (15:1) would receive a credit as follow:

Important Farmland: 25 acres/50 acres = 50% at 10:1 = 5 units

National Resource Conservation Overlay: 25 acres/50 acres = 50% at 15:1 = 7.5 units

Total Units = 12.5 (no rounding up permitted) for a total unit credit of 12.

3. Additional development rights shall be granted upon approval of the Final Development Plan (P.U.D.) by the Board of County Commissioners and upon conveyance of a Conservation Easement (in a form acceptable to the County) to the County or a land trust recognized by Great Outdoors Colorado as an independent third party and is certified by the National Land Trust Alliance. All conservation easements shall be granted in perpetuity.
4. The Conservation Easement, which defines the limitation on the development of the sending site, including the number of development rights severed from said parcel, shall be recorded in the real property records for the sending site at the Office of the Adams County Clerk and Recorder. The sending area shall also be included in the rezoning of the property to P.U.D.
5. Adams County shall not issue a building permit for a residential unit unless there are sufficient development rights attached to the property.

3-31 AVIATION (AV)

3-31-01 PURPOSE

This section is intended to provide for non-residential land uses associated with aviation operations while minimizing risks to public safety and hazards to aviation users including those employed at public aviation facilities.

3-31-02 BOUNDARIES

The boundaries of the Aviation District shall, at a minimum, encompass runways, clear zones, aprons, aviation related structures including terminals and hangars, and other aviation-related services and support facilities as depicted on the approved Airport Layout Plan. Minimum areas to be included within the Aviation District are illustrated in Figure 3-1. The size of the area may vary according to the type of aviation facility. The Board of County Commissioners, following a review and recommendation for action by the Planning Commission, establishes the official boundary of the Aviation District at the time the aviation facility is zoned. Changes in the size of the Aviation District are reviewed through the Zone Map Amendment process.

3-31-03 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Aviation District, subject to the plans, terms, and conditions of the Airport Layout Plan and subject to building permit review and approval:

1. Air cargo terminals and freight forwarding facilities
2. Air passenger terminal buildings, hangars, and air traffic control facilities
3. Aircraft sales, repair, service, storage
4. Aviation related manufacturing and distribution uses
5. Farming, no structures
6. Flight kitchens and related facilities
7. Ground transportation facilities such as taxi and bus terminals
8. Noise and weather monitoring devices, navigational aids
9. Outside storage of non-hazardous materials not to exceed 10% of the building area

10. Parking areas for employees and passengers
11. Public and quasi-governmental buildings, structures, and uses essential to the operations including fire stations, pump stations, water tanks, and public utility facilities
12. Ranching, no structures
13. Retail and personal service outlets catering to aviation passengers and employees
14. Runways, taxiways, take off and landing areas, aprons, clear zones, and; aircraft tie-down areas
15. Snack shops, restaurants, and lounges for airport clientele
16. Support facilities essential for aviation operations such as fuel storage, hangar use, and associated offices
17. Training schools relating to aircraft operations and service work
18. Underground fuel tanks
19. Traditional Farming, No structures

3-31-04 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this section; (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, or (3) permitted by the Airport Layout Plan established for the particular lot(s) in question, are prohibited.

3-31-05 AREA AND HEIGHT STANDARDS

3-31-05-01 MINIMUM LOT SIZE REQUIREMENTS

Established by the Airport Layout Plan.

3-31-05-02 SETBACK FOR STRUCTURES, RUNWAYS, TAXIWAYS, TAKE OFF AND LANDING AREAS

3-31-05-02-01 *SETBACK FROM PROPERTY LINES FOR AIRPORT RUNWAYS, TAXIWAYS, AND RELATED FACILITIES*

The setback for airport runways, taxiways, and related facilities in an Aviation District shall be seven hundred (700) feet from centerline of the runway or taxiway.

3-31-05-02-02 *SETBACK FOR HELICOPTER TAKE OFF AND LANDING AREAS*

The setback for helicopter take off and landing areas in an Aviation District shall be three hundred (300) feet.

3-31-05-02-03 *SETBACK TO NEAREST RESIDENTIAL USES AND STRUCTURES*

The setback from airport runways, taxiways, and related facilities to the nearest residential uses and structures in an Aviation District shall be seventeen hundred (1,700) feet from the centerline of the runway or taxiway. The setback from helicopter take off and landing areas to the nearest residential uses and structures in an Aviation District shall be thirteen hundred (1,300) feet from the take off and landing areas.

3-31-05-02-04 *MINIMUM FRONT SETBACK*

The minimum front setback for structures in an Aviation District shall be established by a P.U.D.

3-31-05-02-05 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for structures in an Aviation District shall be established by a P.U.D.

3-31-05-02-06 *MINIMUM SIDE SETBACK*

The minimum side setback for structures in an Aviation District shall be established by a P.U.D.

3-31-05-02-07 *MINIMUM REAR SETBACK*

The minimum rear setback for structures in an Aviation District shall be established by a P.U.D.

3-31-05-02-08 *MINIMUM ARTERIAL SETBACK*

The minimum setback for all structures in an Aviation District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet, or as otherwise established by a P.U.D. Variations may be permitted if full right-of-way has already been acquired by the County for section lines.

3-31-05-02-09 *MAXIMUM HEIGHT*

The maximum height of structures in an Aviation District shall be one hundred (100) feet or as restricted by FAA requirements. Air Traffic Control Towers and Navigation Aids are subject to FAA requirements.

3-31-05-03 *GENERAL SITE DESIGN AND PERFORMANCE STANDARDS*

The following general site design and performance standards shall be met by all uses within an Aviation District.

3-31-05-03-01 *MANUFACTURING AND DISTRIBUTION FACILITIES*

No manufacturing or distribution operation shall:

1. Conduct an activity that involves the generation or storage of animal, vegetable, or other wastes, which attract insects, rodents, or birds, or otherwise create a hazard to aircraft operations.
2. Conduct an activity, which emits smoke, fly ash, dust, vapor, gases, or other forms of air pollution, which would interfere with the safe operation of aircraft, or may conflict with present or planned operations of the airport.
3. Conduct an activity, which involves water impoundments, solid waste disposal, or other uses, which attract birds or other animal species, which may present a hazard to aircraft operations.
4. Conduct an activity, which emits glaring light or employs highly reflective surfaces, which interfere with a pilot's ability to locate runways or landing pads.
5. Conduct an activity, which creates electronic interference with communications among aviators and ground control personnel.

3-31-05-03-02 *ACCESSORY STORAGE***3-31-05-03-02-01 *Enclosed***

Accessory storage shall be enclosed and concealed by a six (6) foot to eight (8) foot-closed fence to prevent views of the interior.

3-31-05-03-02-02 *Screening Materials*

Screen fencing shall be maintained in an attractive condition. Fencing material shall be approved in advance by the Director of Community and Economic Development.

3-31-05-03-02-03 *Height of Storage Materials*

Outside storage shall not exceed the height of the fence, except for operable vehicles, trailers, and other equipment designed to be towed or lifted as a single component.

3-31-05-03-03 *FENCING*

A perimeter fence sixty (60) inches or taller shall be erected to surround the Aviation District area.

**3-31-06 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Aviation District.

3-32 DENVER INTERNATIONAL AIRPORT (DIA)**3-32-01 PURPOSE**

This section is intended to provide for non-residential land uses associated with aviation operations, roadways, or passive uses while minimizing risks to public safety and hazards to aviation users including those employed at public aviation facilities. The uses and standards established and enforced in the DIA District are enumerated below and in Article IV of the Intergovernmental Agreement on the New Airport.

3-32-02 BOUNDARIES

The boundaries of the DIA District are limited to those areas described in Exhibit ‘A’ in Article IV entitled “Annexation and Land Acquisition”; A Part of the Adams County/Denver Intergovernmental Agreement on a new Airport signed and dated April 21, 1988.

3-32-03 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a DIA District, subject to building permit review and approval:

1. Easements to permit public rights-of-way for roads and trails
2. Farming, No structures
3. Installation, operation, or maintenance of aviation-related weather reporting equipment
4. Installation, operation, or maintenance of navigation or other aids used by aircraft for landing at or taking off from the New Airport
5. Installation, operation, or maintenance of noise monitoring equipment
6. Installation, operation, or maintenance of other equipment required by the FAA for the safe operation of the New Airport
7. Passive uses, including utilities
8. Ranching, No structures
9. Traditional Farming, No structures

3-32-04 GENERAL SITE DESIGN AND PERFORMANCE STANDARDS

The following general site design and performance standards shall be met by all uses within the DIA District.

3-32-04-01 ROAD AND TRAILS

No road or trail may be closer than twenty-seven hundred (2,700) feet from the end of any runway.

3-32-04-02 INTERFERENCE OF USE

Uses may not interfere with airport operations, nor interfere with aerial approaches.

3-33 AIRPORT HEIGHT OVERLAY (AHO)

3-33-01 PURPOSE

The Airport Height Overlay is intended to provide for protection of residential and non-residential land uses in areas which may be subjected to frequent overflights by aircraft flying low to the ground upon an approach to landing, upon takeoff, or operating in a traffic pattern at an aviation facility. Within this area, the hazards of natural and man-made objects may create severe hazards to aviation and must be regulated accordingly.

3-33-02 BOUNDARIES

The Airport Height Overlay area includes all land where the height of structures or natural features may obstruct or otherwise influence aviation activities. The extent of this area is determined by applying the standards and criteria listed in Title 14 of the Code of Federal Regulations, Subchapter E, F.A.R. Part 77 entitled “Objects Affecting Navigable Airspace”. Figure 3-2 illustrates how the geographic extent of the navigable airspace is determined. The geographic extent of the Airport Height Overlay for each aviation facility affecting Adams County is drawn to the nearest quarter-section of land lying outside the Airport Height Overlay as illustrated on the Adams County Zoning Map.

3-33-03 PERMITTED USES

All uses permitted by the underlying zone as permitted uses or conditional uses are permitted in the Airport Height Overlay unless specifically prohibited, subject to building permit review and approval.

3-33-04 GENERAL SITE DESIGN AND PERFORMANCE STANDARDS

The following general site design and performance standards shall be met by all uses within an Airport Height Overlay District.

3-33-04-01 PROPOSED DEVELOPMENT TO COMPLETE AERONAUTICAL STUDY

Applicants requesting zone changes, conditional uses, temporary and special uses, certificates of designation, site plans, site specific development plans, and building permits must complete an FAA aeronautical study on obstructions to determine if the proposed development could be a hazard to air navigation. If no

hazard is determined, the proposed development may proceed, pending compliance with other County requirements. If a hazard to air navigation is found to exist by the FAA, then:

1. The applicant may alter the proposal in a manner which does not present a hazard to air navigation and may proceed subject to compliance with other County requirements; or
2. If alternative designs or locations do not pose compelling reasons to allow the use or structure within the Airport Height Overlay District, the County will prepare Findings of Fact, to be entered in the application record by the Director of Community and Economic Development citing the reasons why the use is compatible with the intent of the Airport Height Overlay District. Factors to consider in these findings include the importance of services provided by the proposed facility to the community, and the compatibility of the proposed use with the airport layout plan, and the Adams County Comprehensive Plan. The Director of Community and Economic Development or Manager of the pertinent aviation facility shall be notified of the denial.

3-33-04-02 PROPOSED DEVELOPMENT TO DOCUMENT ELEVATIONS

Applicants for development shall fully document site elevations in relation to the F.A.R. Part 77 height restrictions. Documentation of site elevations shall consist of a topographic map of the site showing contours for every five (5) feet of elevation change to illustrate the elevation above mean sea level; the location and height of any proposed buildings or structures, as well as natural features that impinge upon the Part 77 surfaces; and the elevation of the aviation facility affecting the applicant's property.

3-33-04-03 LANDOWNERS TO INSTALL MARKERS

Landowners may be required to install, operate, and maintain, at the owner's expense, such markers and lights which may be necessary to indicate to flyers the presence of a hazard which affects the aviation facility. This marking and lighting requirement may also extend to objects of natural growth (trees, primarily) on site.

3-33-04-04 AIRPORT MANAGER GIVE OPPORTUNITY TO REVIEW APPLICATIONS

Applications for zone changes, conditional uses, temporary and special uses, certificates of designation, site plans, and site specific development plans will be forwarded to the director of the aviation facility(ies) for review and comment concerning the impact of the proposal on aviation operations.

3-33-04-05 EASEMENT REQUIRED TO OBTAIN BUILDING PERMIT

A signed and recorded aviation easement must be filed prior to issuance of a building permit.

**3-33-05 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Airport Height Overlay District unless inconsistent with a provision contained in Section 3-32, in which case the specific standard or requirement contained in Section 3-32 shall apply.

3-34 AIRPORT INFLUENCE ZONE (AIZ)

3-34-01 PURPOSE

The Airport Influence Zone Overlay District is intended to provide areas within the County suitable for the economical development and safe operation of air carrier and/or general aviation airports for public use without adversely affecting the activities upon surrounding properties.

The Airport Influence Zone is also intended to provide for notice and disclosure of the airport location to owners of residential and non-residential properties in areas which may be subjected to aircraft activities of such duration and frequency which would constitute a nuisance to residential and other uses.

3-34-02 BOUNDARIES

The Airport Influence Zone includes all land impacted by the location of the Front Range Airport and the noise created by low-flying aircraft. The general boundaries of the Airport Influence Zone are as follows: 80th Avenue on the north, Interstate 70 (County line) on the south, Harback Mile Road on the east, and Hayesmount Mile Road on the west.

The Airport Influence Zone also contains two Restriction Areas, which further restrict the land uses within the overlay zone district. The geographic extent of the Airport Influence Zone and the Restriction Areas are delineated on the official Adams County Zoning Map.

3-34-03 PERMITTED USES

All uses permitted by the underlying zone are permitted in the Airport Influence Zone unless specifically prohibited or restricted by Restriction Area One or Restriction Area Two, subject to building permit review and approval.

3-34-04 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in the underlying zone district; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-34-05 GENERAL SITE DESIGN AND PERFORMANCE STANDARDS

The following general site design and performance standards shall be met by all uses within an Airport Influence Zone Overlay District.

3-34-05-01 RESTRICTION AREA ONE

No structures designed for full or part-time occupation for residential, commercial, institutional, or industrial uses shall be permitted.

3-34-05-02 RESTRICTION AREA TWO

Prohibits the construction of residences, except existing residences may be occupied and new homes may be built on lots or parcels created prior to the adoption of the Airport Influence Zone, August 1, 1983 or on 35 acre parcels, which meet the requirements of the A-3 Zone District, regardless of creation date.

3-34-05-03 FEDERAL AVIATION ADMINISTRATION STANDARDS

All uses and building plans are subject to FAA Obstruction and Approach Zone Regulations (Part 77).

3-34-05-04 AFFIDAVIT REQUIRED TO OBTAIN SUBDIVISION OR BUILDING PERMIT

A signed “Aircraft Activity Covenant with Disclosure” must be filed prior to approval of a subdivision, if applicable, or the issuance of a building permit.

3-34-05-05 USES NOT TO INTERFERE WITH AVIATION

3-34-05-05-01 NO EMISSIONS

Uses must not produce steam, smoke, or otherwise pose a hazard to aviators.

3-34-05-05-02 NO GLARE

Uses must not emit glaring light or employ highly reflective surfaces which may impair the visibility of aviators, nor shall the use create interference with the electronic communication among aviators and ground control.

March 19, 2019

3-34-05-05-03 *NOT ATTRACTIVE TO WILDLIFE*

Uses must lack the potential of attracting birds and other wildlife species which may pose a hazard to flight operations.

**3-34-06 RELATIONSHIP TO DESIGN REQUIREMENTS AND
PERFORMANCE STANDARDS**

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Noise Overlay District unless inconsistent with a provision contained in Section 3-33, in which case the specific standard or requirement contained in Section 3-33 shall apply.

3-35 AIRPORT NOISE OVERLAY (ANO)**3-35-01 PURPOSE**

The Airport Noise Overlay is intended to provide for protection of residential and non-residential land uses in areas which may be subjected to noise levels of such duration and frequency which would constitute a nuisance to residential and other uses.

3-35-02 BOUNDARIES

The Airport Noise Overlay includes all land heavily impacted by the noise created by low-flying aircraft, and lying within the sixty (60) Ldn or greater noise contour area. The extent of this area is determined based upon the measurements of sound computed by the methods contained in Title 14 of the Code of Federal Regulations, Subchapter I, Federal Aviation Regulations (F.A.R., hereafter) Part 150, “Airport Noise Compatibility Planning”. These computations are based upon the fleet mix that forms the “worst case scenario” for the type and volume of aircraft activity proposed at full build-out of the facility. The geographic extent of the noise overlay for each aviation facility affecting Adams County is delineated on the official Adams County Zoning Map.

3-35-03 PERMITTED USES

All uses permitted by the underlying zone as permitted uses or conditional uses are permitted in the Airport Noise Overlay unless specifically prohibited, subject to building permit review and approval.

3-35-04 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in the underlying zone district; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited. In addition, the following uses are specifically prohibited in an Airport Noise Overlay Zone:

1. Neighborhood Indoor Uses
2. Institutional Care
3. Universities

3-35-05 GENERAL SITE DESIGN AND PERFORMANCE STANDARDS

The following general site design and performance standards shall be met by all uses within an Airport Noise Overlay District.

3-35-05-01 RESIDENTIAL USES**3-35-05-01-01 *NO NEW RESIDENTIAL ZONING***

No residential rezoning shall be considered or approved.

3-35-05-01-02 *EXISTING LOTS DEVELOPABLE*

One single family dwelling may be constructed per lot in existence at the effective date of these standards and regulations, or as may be created per Article 28, Title 30, Section 101 (10) of the Colorado Revised Statutes, as amended.

3-35-05-01-03 *EXISTING RESIDENTIAL USE NON-CONFORMING*

Existing residential uses may continue, but shall be limited by the non-conforming use provisions of these standards and regulations.

3-35-05-01-04 *APPROVED RESIDENTIAL USES*

Residential uses allowed in accordance with an approved Site Specific Development Plan, or building permit effective at the time airport construction commences may be allowed if the use conforms with the performance standards listed below

3-35-05-01-05 *NOISE REDUCTION REQUIRED*

All newly established residential uses must incorporate noise level reduction measures sufficient to achieve an interior noise level of 45 dB on the A-weighted scale. Assurance that these measures have been incorporated into the structure is illustrated by submission of noise reduction plans certified by a registered professional engineer at the time of application for a building permit, and implemented prior to issuance of a Certificate of Occupancy.

3-35-05-02 AFFIDAVIT REQUIRED TO OBTAIN BUILDING PERMIT

A signed “Aircraft Activity Covenant with Disclosure” must be filed prior to issuance of a building permit.

3-35-05-03 COMMERCIAL AND INDUSTRIAL USES TO INCORPORATE NOISE REDUCTION

The portions of the commercial or industrial structures devoted to office uses, or occupied by members of the public must incorporate noise level reduction measures sufficient to achieve an interior noise level of 45 dB on the A-weighted scale. The noise reduction measures cited above are described in Chapter 35 of the Appendix of the Uniform Building Code, and as adopted by Adams County. Assurance that these measures have been incorporated into the structure is illustrated by submission of noise reduction plans certified by a registered professional engineer at the time of application for a building permit, and implemented prior to issuance of a Certificate of Occupancy.

3-35-05-04 USES NOT TO INTERFERE WITH AVIATION**3-35-05-04-01 *NO EMISSIONS***

Uses must not produce steam, smoke, or otherwise pose a hazard to aviators.

3-35-05-04-02 *NO GLARE*

Uses must not emit glaring light or employ highly reflective surfaces which may impair the visibility of aviators, nor shall the use create interference with the electronic communication among aviators and ground control.

3-35-05-04-03 *NOT ATTRACTIVE TO WILDLIFE*

Uses must lack the potential of attracting birds and other wildlife species which may pose a hazard to flight operations.

3-35-06 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Noise Overlay District unless inconsistent with a provision contained in Section 3-33, in which case the specific standard or requirement contained in Section 3-33 shall apply.

3-36 FLAMMABLE GAS OVERLAY (FGO)**3-36-01 PURPOSE**

It is the purpose of the Flammable Gas Overlay District to establish reasonable and uniform limitations, safeguards, and controls over uses of land designated as and/or adjacent to an operating or former solid waste disposal site. Any building, excavation, construction, or other use proposed in this zone district shall require testing and/or mitigation related to flammable gas, as specified in this section, prior to obtaining a building permit and after receiving a certificate of occupancy. The requirements of this section are intended to assure the protection of life and property from such related hazards as flammable gas, gas migration, asphyxiation, and explosion.

3-36-02 LOCATION AND BOUNDARIES OF KNOWN FLAMMABLE GAS HAZARD AREA (SOLID WASTE DISPOSAL SITES)

Those areas identified in the report dated April 19, 1978 titled “Landfills in Which Methane Generation Has Been Documented”, prepared by Tri-County Health Department, as well as the surrounding property to within one thousand (1,000) feet are located within the Flammable Gas Overlay District. These areas are defined as:

1. Berkeley Village. The hazardous area is bounded by the Adams County line on the south and west, Clear Creek on the north, and the north-south line 500' east of the centerline of Tennyson Street. This area corresponds to No. 1 on the Zoning Restriction Map: Overlay Restriction Flammable Gas hereinafter called Zoning Restriction Map.
2. Adams County Landfill. The hazardous area is bounded beginning at the intersection of Federal Blvd. and the Denver Salt Lake Railroad Crossing tracks, thence 6375' east along the Denver Salt Lake Railroad tracks, thence north 1800', thence west 2250', thence south 1000', thence west 3350', thence north 200' to Clear Creek, thence west along Clear Creek to the centerline of Federal Blvd., thence south to the point of beginning. This area corresponds to No. 2 on the Zoning Restriction Map.
3. Adams County Landfill. The hazardous area is bounded beginning at Clear Creek 900' from the centerline of Federal Blvd., thence east along Clear Creek 3500', thence east 300', thence south 1700', thence west 3350', thence north 200' to the point of beginning. This area corresponds to No. 3 on the Zoning Restriction Map.
4. Property Improvements, Inc. The hazardous area is bounded by the area beginning at the point of intersection of West 62nd Avenue and Huron Street, thence north along Huron 2300', thence east 3300', thence south 3300',

thence west 2600' along West 60th Avenue, thence north 1000', thence west 700', to the point of beginning. This area corresponds to No. 4 on the Zoning Restriction Map.

5. Property Improvements, Inc. The hazardous area is bounded beginning at a point 900' east from the centerline of Pecos Street at Clear Creek, thence south 2300', thence east 250', thence south 650', thence east 1500', thence north 3350' along Huron Street, thence west 500' to Clear Creek, thence west 1400' along Clear Creek to the point of beginning. This area corresponds to No. 5 on the Zoning Restriction Map.
6. Landfill, Inc. The hazardous area is bounded beginning at a point at Clear Creek 150' west from the centerline of I-25, thence west along Clear Creek 4100', thence south 150', thence east 3300', thence south 650', thence east 300', thence north 2500' to the point of beginning. This area corresponds to No. 6 on the Zoning Restriction Map.
7. Western Paving. The hazardous area is bounded beginning at a point 900' east from the centerline of Pecos Street at Clear Creek, thence west along Clear Creek, thence south 1100', thence east 1750', thence north 2300' to the point of beginning. This area corresponds to No. 7 on the Zoning Restriction Map.
8. Fiore & Sons. The hazardous area is bounded by the area beginning at a point at the intersection of West 62nd Avenue and Huron, thence 700' east, thence 950' south, thence 1000' east on 60th Avenue, thence 1050' south, thence 2700' west, thence 1000' north, thence 1000' east, thence 950' north to the point of beginning. This area corresponds to No. 8 on the Zoning Restriction Map.
9. Property Improvements, Inc. The hazardous area is bounded by the area beginning at the intersection of the Brantner Ditch and East 144th Avenue, thence north 2300' along the Brantner Ditch, thence west 3000', thence south 2350', thence 1700' east to the Brantner Ditch, thence north 500' to the point of beginning. This area corresponds to No. 13 on the Zoning Restriction Map.
10. Eaton Industrial Subdivision. The hazardous area is bounded by the area beginning at a point 950' north of the intersection of 56th Avenue and Washington Street, thence 1250' east, thence 850' southeast, thence 950' south, thence 1750' southwest, thence 900' west of Washington Street, thence 1200' northwest, thence 1200' north of 56th Avenue, thence 1400' northeast to the point of beginning, excluding those areas within the City and County of Denver. This area corresponds to No. 15 on the Zoning Restriction Map.

3-36-03 UNKNOWN FLAMMABLE GAS HAZARD AREAS (SOLID WASTE DISPOSAL SITES)

The Flammable Gas Overlay District restrictions shall also apply to any site discovered to have been a solid waste disposal site or to any site which is located within one thousand (1,000) feet of a former solid waste disposal site.

3-36-04 REFERRALS OF PROPOSED CONSTRUCTION ON SOLID WASTE DISPOSAL SITE

Any proposal to construct or change the use of any lot which is or has been a solid waste disposal site shall be referred to the Community and Economic Development Department, the applicable fire district, Tri-County Health Department, and the Colorado Department of Public Health and Environment* for review and comment.

3-36-05 REVIEW RESPONSIBILITIES**3-36-05-01 TRI-COUNTY HEALTH DEPARTMENT**

Tri-County Health Department is primarily responsible for reviewing the plan for and the results of the flammable gas investigation for the site and reviewing the plans for flammable gas control systems and shall supply safety information related to construction on or within one thousand (1,000) feet of any solid waste disposal site.

3-36-05-02 APPLICABLE FIRE DISTRICT

The applicable fire district is primarily responsible for reviewing the building plans; reviewing the design, operation and maintenance plans for the flammable gas control system; and reviewing the emergency procedures for buildings constructed in the Flammable Gas Overlay District. All construction or excavation is subject to inspection by the applicable fire district.

3-36-05-03 COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

The Community and Economic Development Department is primarily responsible for reviewing the proposed land use. The Community and Economic Development Department shall review and keep for record a final copy of the engineering design, the plan for the flammable gas investigation and the plan for the flammable gas control system.

3-36-05-04 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT*

The Colorado Department of Public Health and Environment is primarily responsible for reviewing and approving the plans in accordance with their rules and regulations.

***Adopted by the BoCC on December 13, 2010**

3-36-05-05 COMMENTS CONCERNING DEVELOPMENT PROPOSALS

The Community and Economic Development Department, Tri-County Health Department the applicable fire district, and the Colorado Department of Public Health and Environment shall prepare and submit comments and recommendations to the Chief Building Official for review within 30 days following receipt of the request for review and comments.

No new residential zoning shall be considered or approved unless the property owner demonstrates, based on the criteria in Section 3-34-06-01, flammable gas is not present and the potential does not exist for the buildup of flammable gases to reach twenty (20) percent of the lower explosive limit in the soil surrounding the proposed building(s).

3-36-06 BUILDING PERMITS AND CONSTRUCTION ON OR WITHIN ONE THOUSAND (1,000) FEET OF A FORMER SOLID WASTE DISPOSAL SITE

The Chief Building Official shall issue a building permit for construction within a Flammable Gas Overlay District within the boundaries of or within one thousand (1,000) feet of a former solid waste disposal site only after receiving comments from the Community and Economic Development Department, Tri-County Health Department the applicable fire district, and the Colorado Department of Public Health and Environment after determining the property owner has met the specified safety criteria (Note: These standards are based on the 20% lower explosive limit (LEL) standard formulated by the National Institute of Occupational Safety and Health of the Bureau of Mines of the U.S. Department of the Interior):

3-36-06-01 SAFETY CRITERIA FOR BUILDING PERMITS

Property owners may meet safety criteria by doing either of the following:

1. Completing a flammable gas investigation demonstrating no flammable gas is present and there is no potential for flammable gas to reach 20% of the lower explosive limit in the soil surrounding the proposed building(s).

2. The owner shall receive prior approval of the flammable gas investigation plan from the Chief Building Official. The flammable gas investigation plan shall be done by, or under the direct supervision of, a registered professional engineer with experience in evaluation and control of subsurface gas. At a minimum, the plan shall include the following:
 - a) A description of representative soils at the site.
 - b) Monitoring for flammable gas to the depth of the fill material or to bedrock, whichever is more applicable, and a rationale for the number and location of proposed monitoring probes. Tri-County Health Department shall be given the opportunity to oversee installation of the probes, and probes shall remain undisturbed, intact and accessible for a minimum of three weeks to provide Tri-County Health Department the opportunity to conduct sampling for flammable gas.
 - c) A detailed description of the sampling methodology and data collection techniques to be utilized.
 - d) If any flammable gas is detected, a rationale for why there is no potential for flammable gas to reach 20% of the lower explosive limit in the soil surrounding proposed building(s).
3. Submitting building plans to include all necessary flammable gas control systems to protect against buildup of over 1% of flammable gas in the buildings. The building plans shall also include an automatic gas detection system to alert building occupants in the event of buildup of 1% of flammable gas in the structure. An operation and maintenance plan for the flammable gas control system, including emergency procedures, shall also be submitted with the building plan. The building plans and operation and maintenance plan for the flammable gas control system shall be prepared by a registered professional engineer with experience in the design of subsurface gas control systems.
 - a) The building plans for all buildings shall meet the following minimum standards, or propose an equivalent design which will prevent flammable gas migration into the building:
 - i. A geomembrane or equivalent system with low permeability to flammable gas shall be installed between the concrete floor slab of the building and the subgrade;
 - ii. A venting system to provide venting to the outside of the building. The system shall consist of a permeable layer of

- open graded material of clean aggregate with a minimum thickness of 12 inches;
- iii. A geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;
 - iv. Perforated venting pipes shall be constructed with the ability to be connected to an induced draft exhaust system;
 - v. Automatic methane gas sensors shall be installed inside the building to trigger an audible alarm when methane gas concentrations are detected.
 - vi. Unenclosed buildings are exempt from requirements i. through v. above. Enclosed rooms located within the unenclosed building shall comply with all of the above requirements.
- b) The operation and maintenance plan for the flammable gas control system shall address testing, maintenance and service procedures consistent with the manufacturer's current written specifications.
- c) All buildings which are required to have a flammable gas control system shall have established emergency procedures which shall be subject to the approval of the fire department. The emergency procedures shall include, but not be limited to, the following:
- i. Assignment of a responsible person as safety director to work with the fire department in the establishment, implementation and maintenance of an emergency plan.
 - ii. Conspicuous posting of the fire department's telephone number in areas designated by the fire department.
 - iii. Conspicuous posting of emergency plan procedures approved by the fire department.

3-36-06-02 SAFETY PRACTICES DURING CONSTRUCTION

If it has not been demonstrated flammable gas is not present, the following health and safety practices shall be followed:

1. A flammable gas indicator will be utilized at all times during trenching, excavation, drilling, or when working within ten (10) feet of an open excavation.
2. Before personnel are permitted to enter an open trench or excavation, the trench or excavation will be monitored to ensure flammable gas is not present in concentrations exceeding one (1) percent and oxygen is present at a minimum concentration of nineteen and one-half (19.5) percent. When in an excavation or trench, each work party will work no more than five (5) feet from a continuous flammable gas and oxygen monitor.
3. When trenching, excavating, or drilling deeper than two (2) feet into the fill, or in the presence of detectable concentrations of flammable gas, the soils will be wetted and the operating equipment will be provided with spark proof exhausts.
4. A dry chemical fire extinguisher, ABC rated, will be provided on all equipment used in the landfill.
5. Personnel within or near an open trench or drill hole will be fully clothed, and wear shoes with non-metallic soles, a hard hat and safety goggles or glasses.
6. Exhaust blowers will be used where trenches show a concentration of 1% flammable gas or a concentration of less than 19.5% oxygen.
7. Smoking will not be permitted in any area within one hundred (100) feet of the excavation.
8. Personnel will be kept upwind of any open trench unless the trench is continuously monitored.
9. All other applicable Safety and Health Regulations for Construction, as promulgated in 29 CFR by the Occupational Safety and Health Administration, shall be met. Applicable regulations include, but may not be

limited to, the confined space standard (Part 1926.21(b)(6)(i) and (ii) in Subpart C); gases, vapors, fumes, dusts and mists (Part 1926.55 in Part 1926 Subpart E); fire protection and prevention (Part 1926 Subpart F); and trenching and excavation (Part 1926 Subpart P).

10. Compliance with the Occupational Safety and Health Administration's confined space requirements for general industry, as promulgated in 29 CFR 1910.146 and Appendices A- F.

3-36-06-03 INSPECTION AND CERTIFICATION OF GAS CONTROL SYSTEM

The registered engineer who designed the flammable gas control system shall be responsible for supervising installation of the approved system. After completion of the work, the engineer shall certify in writing that all flammable gas control systems designed to mitigate hazardous concentrations of flammable gas have been installed in accordance with the approved plans and specifications. The written certification shall be submitted to the Chief Building Official.

3-36-06-04 POST CONSTRUCTION MAINTENANCE OF FLAMMABLE GAS CONTROL SYSTEMS

The property owner shall be responsible for maintenance of flammable gas control systems to include post-construction testing, calibration and service of automatic gas detection systems in buildings, consistent with the approved operation and maintenance plan. These activities shall be conducted on a schedule to be determined by the applicable fire district, but shall occur at least quarterly. System calibration and maintenance records shall be submitted to the fire district on a schedule determined by the district, but shall be submitted at least quarterly.

3-36-07 ADDITIONAL REMEDIAL MEASURES

In the event the concentration of flammable gas in any building located in the FGO reaches or exceeds 1%, the owner shall hire a qualified engineer to investigate, recommend and implement mitigation measures. Such measures shall

be subject to approval of the Chief Building Official and the fire department.

3-36-07-01 APPEAL OF FLAMMABLE GAS HAZARD BOUNDARIES

Boundaries of the Flammable Gas Overlay District may be appealed to the Board of Adjustment based on completion of a flammable gas investigation as specified in Section 3-33-06-01(1).

3-36-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Flammable Gas Overlay District unless inconsistent with a provision contained in Section 3-33 in which case the specific standard or requirement contained in Section 3-33 shall apply.

3-37 FLOOD CONTROL OVERLAY (FCO)

3-37-01 PURPOSE

The purpose of the Flood Control Overlay Zone District is to establish reasonable limitations and controls of land uses within the 100-year floodplain. The requirements of this section reduce flood hazards, protect the public health, safety, and general welfare, minimize flood losses, promote wise use of the floodplain, and protect the storage capacity and hydraulic character of the floodplain. The Flood Control Overlay Zone District is established with the following specific intentions:

1. Reduce flood-related hazards to life and property by restricting the use of land within flood prone areas.
2. Provide notice to floodplain occupants of the type and location of hazards by delineating areas subject to flooding and regulating the manner in which buildings and utilities are constructed.
3. Protect the public from financial burden by avoiding public expenditures on flood control and minimizing damage to property.
4. Protect the flood storage capacity of floodplains by regulating the filling and modification of the floodplain and watercourses.
5. Protect the natural hydraulic characteristics of watercourses by regulating the modification of watercourses and prohibiting encroachment into watercourses.

3-37-02 APPLICABILITY

The Flood Control Overlay Zone District applies to any land located within the 100-year (1% frequency) floodplain of a water course, to land located in an area of special flood hazard, and to land located in an area of shallow flooding.

3-37-03 BOUNDARIES

The Flood Control Overlay Zone District shall include all areas delineated on the maps and profiles for the 100-year floodplain limits for the watercourse within these studies as adopted by the Board of County Commissioners. The applicable reports are listed in Appendix B-16 and declared to be part of these standards and regulations.

3-37-03-01 LOCATION OF STUDIES

The flood hazard area delineation studies listed above are on file at the Adams County Department of Public Works.

3-37-03-02 FLOOD HAZARD DISTRICTS

The Flood Control Overlay Zone District has been divided into the floodway and flood storage area in some flood hazard area delineation studies. Where a floodway has been delineated by a flood hazard area delineation study, greater restrictions may be placed on development or uses proposed in the floodway.

3-37-03-03 CONFLICT BETWEEN STUDIES

Where conflicts between the Flood Insurance Study, Adams County, Colorado, and other studies approved by the Board of County Commissioners exist, the more restrictive data shall apply.

3-37-03-04 INTERPRETATION OF BOUNDARIES

If for any reason the location of any Flood Control Overlay Zone District boundary line is not readily determinable from the flood hazard area delineation studies, the location of the overlay district boundary line shall be determined by the Director of Community and Economic Development in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:

1. Where a Flood Control Overlay Zone District boundary line is located with reference to a fixture, monument, elevation, or natural feature, the location of such fixture, monument, elevation, or natural feature shall control.
2. In all other circumstances, the location of the Flood Control Overlay Zone District boundary line shall be determined by scaling from the district maps.

3-37-03-04-01 OBTAINING A BOUNDARY INTERPRETATION**3-37-03-04-01-01 *Boundary Interpretation Procedure***

Before a boundary interpretation may be provided by the Director of Community and Economic Development, a request for interpretation must be submitted to the Community and Economic Development Department. After the Director of Community and Economic Development receives the

request of interpretation, the Director of Community and Economic Development shall determine whether the request is complete, specific, clear and ready for review. If the Director of Community and Economic Development determines the request is not complete, a written notice shall be sent to the applicant specifying the deficiencies. The Director of Community and Economic Development shall take no further action on the request until the deficiencies are remedied.

After the request has been determined to be sufficient, the Director of Community and Economic Development shall review and evaluate the request in light of the terms and provisions of these standards and regulations and the flood hazard delineation study maps, and render a written interpretation. The Director of Community and Economic Development may consult the County Attorney and other departments before rendering an interpretation. The written interpretation shall be sent to the applicant by U.S. Mail.

3-37-03-04-01-02 *Contesting a Boundary Interpretation*

After receiving a written boundary interpretation from the Director of Community and Economic Development, a person may contest the location of the boundary. The person contesting shall submit an application, required fees, and supporting documentation demonstrating the correct Flood Control Overlay Zone District boundary and water surface profile. The documentation shall be certified by a registered professional engineer or land surveyor. After receiving a complete application and all supporting materials, the Director of Community and Economic Development may refer the application for review and comment to outside government agencies. The Director of Community and Economic Development shall have sixty (60) days from the date of receipt of a complete application to make a determination.

The Director of Community and Economic Development shall only allow a deviation from the boundary as mapped where the evidence clearly and conclusively establishes the mapped location is incorrect. In all cases, flood profiles and elevations shall control. Upon final determination, a written interpretation shall be sent to the applicant by U.S. Mail.

3-37-03-04-01-03 *Effect of Boundary Interpretation*

Interpretations not in writing shall have no force or effect. Written interpretations set no precedent and shall be limited to the property identified in the interpretation.

3-37-03-05 BASE FLOOD ELEVATION DETERMINATION

The base flood elevation shall be determined from the flood hazard area delineation studies. When base flood elevation data is not available from the flood hazard area delineation studies, the Director of Community and Economic Development may obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for determining if proposed new construction, substantial improvements, or other development complies with these standards and regulations.

3-37-03-06 AMENDMENTS AND REVISIONS TO FLOOD HAZARD BOUNDARY MAPS**3-37-03-06-01 FLOOD CONTROL OVERLAY MAP AMENDMENTS***

The boundaries of the Flood Control Overlay Zone District may be amended by resolution of the Board of County Commissioners. A Flood Control Overlay Zone District map amendment shall be processed as an amendment to the text of these Standards and Regulations (Section 3-35-03 Boundaries) in accordance with the provisions of Section 2-02-12-03-03.*

***Adopted by the BOCC June 27, 2011.**

Applications for amendment of the Flood Control Overlay Zone District shall be submitted by December 31 each year and shall be processed and scheduled for hearing before the Planning Commission in February of each year. Applications for map amendment shall be submitted with a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) issued by the Federal Emergency Management Agency (FEMA). Conditional Letters of Map Amendment (CLOMA) and Conditional Letters of Map Revision (CLOMR) will not be accepted as supporting documentation for a map amendment. Any LOMA or LOMR resulting from an application not reviewed by the Director of Community and Economic Development prior to submittal to FEMA shall be required to submit a copy of all documentation used to support the LOMA or LOMR application prior to consideration of a map amendment.

3-37-03-06-02 LETTERS OF MAP AMENDMENT AND REVISION

Individuals who own structures located in an area designated part of the Flood Control Overlay may request FEMA to remove the floodplain designation, and to waive the requirement to purchase flood insurance through a LOMA or LOMR. All requests for LOMAs or LOMRs shall be supported by sufficient technical or scientific data to demonstrate the structures are not subject to inundation by the base flood. A LOMA or LOMR may exempt a property owner from having to obtain flood insurance, but shall not change the Flood

Control Overlay Zone District boundary unless a Flood Control Overlay map* amendment is sought and obtained from Adams County. All applications for LOMA and LOMR shall be submitted to the Director of Community and Economic Development for review. After completing a review, the Director of Community and Economic Development shall submit the application to FEMA along with any comments. Requests for LOMA or LOMR shall be filed by the Director of Community and Economic Development to be accepted by FEMA. LOMA and LOMR cannot be issued for proposed structures.

***Adopted by the BoCC on June 27, 2011.**

3-37-03-06-03

CONDITIONAL LETTERS OF MAP AMENDMENT AND REVISION

If construction is proposed on land within the Flood Control Overlay, a CLOMA or CLOMR can be issued by FEMA provided the proposed structure meets the criteria for issuing a LOMA or LOMR on an existing structure. A CLOMA and CLOMR represent only comments on a proposed plan, and do not amend the Flood Insurance Rate Map, waive the insurance requirement, or change the Zoning Map. Individuals seeking a CLOMA or CLOMR from FEMA shall first file their request with the Director of Community and Economic Development. The Director of Community and Economic Development shall decide whether to endorse the request and file it with FEMA. Requests for CLOMA or CLOMR shall be endorsed and filed by the Director of Community and Economic Development to be accepted by FEMA. No work shall be performed after a CLOMA or CLOMR is issued by FEMA unless a floodplain use permit is obtained from the Director of Community and Economic Development. After construction of improvements proposed in a CLOMA or CLOMR, the applicant shall seek a LOMA or LOMR for the improvements. *.

* Work shall not commence on any improvements within the boundaries of the Flood Control Overlay that change any of the following prior to obtaining a CLOMR from FEMA:

1. Base flood elevation;
2. Floodway width; or
3. Floodplain width.

3-37-03-06-04

COUNTY-INITIATED MAP AMENDMENTS

Whenever FEMA publishes new flood insurance rate maps or new flood hazard boundary maps, the Director of Community and Economic Development may initiate a zone map amendment.

3-37-04 GENERAL ADMINISTRATION**3-37-04-01 RECORD KEEPING**

The Director of Community and Economic Development shall obtain and record the actual elevation (in relation to the National Geodetic Vertical Datum 1929 or North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures, verify and maintain floodproofing certifications, and maintain for public inspection all records pertaining to these Flood Control Overlay Zone District standards and regulations. All records of variances, appeals, boundary interpretations, map amendments and floodplain use permits shall also be maintained by the Director of Community and Economic Development.

3-37-04-02 REPORTING**3-37-04-02-01 *REPORTING WATERCOURSE ALTERATIONS***

Before approval of any watercourse alterations, major or minor development, the Director of Community and Economic Development, as appropriate, shall refer the case to the adjacent communities, the Urban Drainage and Flood Control District, the Colorado Water Conservation Board, and FEMA for their comments.

3-37-04-02-02 *REPORTING VARIANCES*

Variances to these standards and regulations shall be reported to FEMA annually by the Director of Community and Economic Development.

3-37-04-03 FLOODPLAIN ADMINISTRATOR

The Director of Community and Economic Development or his designee shall be responsible for administering the Flood Control Overlay Zone District.

3-37-05 DISCLAIMER OF LIABILITY

The degree of flood protection required by these standards and regulations is considered reasonable for the protection of life and property and is based on engineering and scientific methods of study. Larger floods may occur periodically or the flood height may be increased by man-made or natural causes. These standards and regulations do not imply areas outside the designated Flood Control Overlay Zone District or land use permitted within such district will be free from flooding or

flood damages. These standards and regulations shall not create liability on the part of Adams County, any officer or employee thereof, or FEMA for any flood damages resulting from reliance on these standards and regulations or any administrative decision lawfully made thereafter.

3-37-06 RELATIONSHIP TO OTHER REGULATIONS

The Flood Control Overlay Zone District standards and regulations supplement all land use restrictions associated with the underlying zone, which remain in full force and effect. Restrictions associated with the Flood Control Overlay Zone District apply to the use, performance, and design of property located within the district. In the case of conflicting requirements, the most restrictive provision shall apply.

3-37-07 GENERAL PROVISIONS

3-37-07-01 PERMIT REQUIRED

A floodplain use permit is required for any structure, facility, fill, development, storage or processing of materials or equipment, or change in the channel of a watercourse in the Flood Control Overlay Zone District. These uses may only be permitted if the use meets the requirements of these standards and regulations including all applicable performance standards.

3-37-07-02 PERMIT EXEMPTIONS

The following open and accessory uses shall be allowed within a Flood Control Overlay Zone District to the extent the use is allowed in the underlying zone district, do not require any structures, facilities, fill, storage of materials or equipment, or change in a channel of a watercourse, and meet the requirements of other County regulations. These uses are allowed without a floodplain use permit provided the use meets all other requirements and standards.

1. Agricultural uses not requiring structures, facilities, fill, storage or processing of materials, or change in the channel of a watercourse, such as general farming, pasture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Industrial-commercial uses not requiring structures, facilities, fill, storage or processing of materials, or change in the channel of a watercourse, such as loading areas, parking areas, airport landing strips, runways and taxiways, railroad rights-of-way (not including freight yards or switching, storage or industrial sidings).

3. Accessory residential uses, such as lawns, gardens, driveways, and play areas.
4. Public and private recreational uses not requiring structures, facilities, fill, storage or processing of materials, or change in the channel of a watercourse, such as parks, swimming pools, golf course, driving ranges, picnic grounds, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, and hunting, fishing and hiking areas.
5. Utility facilities such as: flowage areas, transmission lines, (not including support towers), pipelines, water monitoring devices, and roadways (which do not require fill and not including bridges).
6. Barbed wire and split rail fence. Other types of fences such as wooden privacy and other solid screen types are allowed only if necessary for safety or security reasons provided the fence is specially designed to minimize impeding the flow of flood waters, accumulation of debris or being subject to being easily moved during flood periods. The Developer shall obtain a building permit for all fences. Fence designs which meet the above criteria, such as certain “breakaway” fencing or fencing with slatted design allowing water to pass through will be allowed if properly certified by a registered professional engineer as meeting the identified performance standards. *All fences in the floodway shall require a floodplain use permit.**

3-37-07-03 CERTIFICATE OF OCCUPANCY REQUIRED FOR FLOOD CONTROL OVERLAY ZONE DISTRICT ACTIVITIES

A Certificate of Occupancy shall be applied for upon completion of any project construction or site preparation for which a floodplain use permit was granted, and the approved land use shall not commence until a Certificate of Occupancy is issued.

3-37-07-04 CERTIFICATION OF ENGINEER REQUIRED

The applicant shall submit a certification by a registered professional engineer indicating the finished fill and building floor elevations, floodproofing measures, or other flood protection factors were accomplished in compliance with the provisions of these standards and regulations. Only after the Director of Community and Economic Development has received such certification shall a Certificate of Occupancy be issued.

3-37-07-05 GENERAL PERFORMANCE STANDARDS**3-37-07-05-01 USE OF FLOOD CONTROL OVERLAY ZONE DISTRICT AS OPEN SPACE**

Development outside the urban developed areas of unincorporated Adams County shall maximize the use of Flood Control Overlay Zone District areas for open space and recreational/wildlife preservations uses, in accordance with policies of the Adams County Comprehensive Plan for use of Flood Control Overlay Zone District areas as open space corridors with minimal and no channelization of waterways allowed.

3-37-07-05-02 CHANNELIZATION IN URBANIZED AREAS*

In those existing urbanized areas with utilities, streets, and nonconforming structures, channelization to remove these areas from the Flood Control Overlay Zone District in accordance with a major drainageway plan adopted by the Board of County Commissioners shall be encouraged subject to the following provisions:.

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization projects that do not convey the entire base flood flow rate must evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a Colorado Registered Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable federal, state and County floodplain requirements and regulations.
6. Stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a Colorado Registered Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project. This requirement only applies on stream reaches with Base Flood Elevations established.

7. A CLOMR shall be obtained for all proposed channelization or other stream alteration activity that increases or decreases the established Base Flood Elevation in excess of 0.3 vertical feet in areas for which BFE have been established and without an established floodway.
8. A CLOMR shall be obtained for all proposed channelization or other stream alteration activity that increases the established BFE more than 0.00 vertical feet or decreases the established BFE in excess of 0.3 vertical feet
9. In areas without an established floodway, whenever channelization or other stream alteration activity is known or suspected to increase or decrease the established BFE in excess of 0.3 vertical feet, a LOMR showing such changes shall be obtained in order to accurately reflect the changes on FEMA's regulatory floodplain map for the stream reach.
10. In areas with an established floodway, whenever channelization or other stream alteration activity is known or suspected to increase the established BFE in excess of 0.00 vertical feet or decrease the established BFE in excess of 0.3 vertical feet, a LOMR showing such changes shall be obtained in order to accurately reflect the changes on FEMA's regulatory floodplain map for the stream reach.

***Adopted by the BoCC on June 27, 2011.**

3-37-07-06 PERFORMANCE STANDARDS IN FLOODWAY

3-37-07-06-01 MAINTENANCE OF ALTERED WATERCOURSES

Watercourses may be realigned and reworked provided there is:

1. No decrease in the efficiency or the capacity of a channel or floodway of any river, stream, tributary, drainage ditch, or any other drainage facilities or systems.
2. No increase in the base flood elevation.

The Director of Community and Economic Development shall require maintenance to be provided within any altered or relocated portion of said watercourse so the resulting flood carrying capacity is not diminished over time.

A drainageway maintenance plan shall be submitted and approved as part of any floodplain use permit for the alteration of a watercourse. The maintenance plan shall meet the Adams County Engineering Design and Construction Standards and Specifications. The maintenance plan shall provide an enforcement mechanism for failure to maintain the watercourse to the

standards identified within the maintenance plan. The enforcement mechanism shall include penalties and reimbursement mechanisms to cover the costs of enforcement or maintenance for failure to maintain the watercourse. The enforcement mechanism shall be approved by the County Attorney prior to approval of the floodplain use permit.

3-37-07-06-02 *NO REDUCTION IN FLOODWAY EFFICIENCY OR CAPACITY*

No new construction, substantial improvement, fill, (including fill for roads and levees), deposit, obstruction, storage of materials, or other floodplain uses which acting alone or in combination with existing or future floodway uses, shall be permitted which decreases the efficiency or the capacity of a channel or floodway of any river, stream, tributary, drainage ditch, or any other drainage facilities or systems.

3-37-07-06-03 *NO INCREASE IN BASE FLOOD ELEVATION*

Encroachments within the floodway are prohibited, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating the cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not result in any increase in the base flood elevation.

3-37-07-06-04 *NO NEW STRUCTURES OR SUBSTANTIAL IMPROVEMENTS TO STRUCTURES*

No new structures or substantial improvements to an existing structure designed for human occupancy shall be allowed in the floodway.

3-37-07-06-05 *NO MANUFACTURED HOMES*

No manufactured homes (including such structures to be used for non-residential purposes) or any substantial improvement to a mobile home shall be allowed in the floodway.

3-37-07-07 *PERFORMANCE STANDARDS IN FLOOD STORAGE AREA AND FLOODWAY (FLOOD CONTROL OVERLAY)*

3-37-07-07-01 *FLOODPROOFING*

Any portion of a non-residential* structure located less than one (1) foot above the base flood elevation shall be floodproofed so that the structure is watertight with walls impermeable to the passage of water and structural

components, capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Floodproofing methods must be adequate to withstand the flood depths, pressures, velocities, uplift, and impact forces associated with the base flood as demonstrated by certification by a registered professional engineer. Possible floodproofing methods include: anchorage to resist flotation and lateral movement; installation of watertight doors bulkheads and shutters; reinforcement of walls to resist water pressures; use of paints, membranes or mortars to reduce seepage of water through walls; addition of mass or weight to structures to resist flotation; installation of pumps to lower water levels in structures; construction of water supply and waste treatment systems to prevent the entrance of flood waters; pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures; construction to resist rupture or collapse, caused by water pressure or floating debris; cutoff valves on sewer lines or the elimination of gravity flow basement drains.

The only method of floodproofing allowed for residential structures is the elevation of the lowest floor to one (1) foot or more above the base flood elevation.*

3-37-07-07-02 *ANCHORING REQUIRED*

All new construction and substantial improvements within the Flood Control Overlay shall be anchored to prevent flotation, collapse or lateral movement of the structure, and be capable of resisting the hydrostatic and hydrodynamic loads.

3-37-07-07-03 *CONSTRUCTION MATERIALS AND METHODS*

3-37-07-07-03-01 *Materials and Equipment Resistant to Flooding*

All new construction and substantial improvements within the Flood Control Overlay shall be constructed with materials and utility equipment resistant to flood damage.

3-37-07-07-03-02 *Mechanical Equipment and Service Facilities*

All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, which are designed and/or located

to prevent water from entering or accumulating within the components during conditions of flooding.

3-37-07-07-03-03 *Minimize Flood Damage*

All new construction and substantial improvements shall be constructed using methods and practices to minimize flood damage.

3-37-07-07-03-04 *Below-Grade Crawlspace Construction*

New construction and substantial improvement of any below-grade crawlspace shall:

- a. Have the interior grade elevation below base flood elevation, no lower than two (2) feet below the lowest adjacent grade;
- a. Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not to exceed four (4) feet at any point;
- b. Have an adequate drainage system to allow floodwaters to drain from the interior area of the crawlspace following a flood;
- c. Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;
- d. Be constructed with materials and utility equipment resistant to flood damage;
- e. Be constructed using methods and practices to minimize flood damage;
- f. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, which are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- g. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 2. The bottom of all openings shall be no higher than one (1) foot above grade; and

3. Openings must be equipped with screens, louvers, or other coverings or devices and shall permit the automatic entry and exit of floodwaters.

3-37-07-07-04 UTILITIES**3-37-07-07-04-01 Water Supply**

All new and replacement water supply systems within the Flood Control Overlay Zone District shall be designed to minimize or eliminate infiltration of flood waters into the system.

3-37-07-07-04-02 Sanitary Sewer

All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

3-37-07-07-04-03 Individual Sewage Disposal

Individual sewage disposal systems are prohibited within the Flood Control Overlay Zone District.

3-37-07-07-05 ROADS, ACCESS, AND PARKING LOT CONSTRUCTION

Private access drives and parking lots within a proposed development shall be built no lower than eighteen (18) inches above the base flood elevation. Public roads, bridges, and other access ways shall be built in accordance with the standards and regulations for storm drainage design.

3-37-07-07-06 FILLS AND DEPOSITS**3-37-07-07-06-01 Beneficial Purpose**

Fills or deposits of materials shall have some beneficial purpose and the amount shall not be greater than is necessary to achieve the intended purpose. The plans submitted by the owner shall show the final dimensions of the proposed fill or other material and the specific use to which the filled land will be put.

3-37-07-07-06-02 No Encroachment into Flow Areas

The fill or deposit of materials shall not encroach on any portion of a Flood Control Overlay Zone District which would have significant flow

during the base flood, and which for that reason would help convey the flood waters (any filling which potentially reduces the hydraulic capacity requires appropriate hydraulic studies and a review of the urban impact of such reduction).

3-37-07-07-06-03 *Not Restrict Flood Waters*

No fill shall restrict floodwaters from reaching the major watercourse in an area.

3-37-07-07-06-04 *Fill Protected by Rip-Rap*

The fill or other materials shall be protected against erosion by riprap, strong vegetative cover or bulkheading.

3-37-07-07-07 *STORAGE AND PROCESSING*

The storage or processing of materials which are buoyant, flammable, hazardous, explosive, or those materials defined as solid waste by the Colorado Health Department, or those materials in times of flooding could be injurious to human, animal, or plant life, shall be located at or above the base flood elevation.

3-37-07-07-08 *RESIDENTIAL STRUCTURES (EXCEPT MANUFACTURED HOMES)*

The lowest floor, including basement, of any new residential construction or substantial improvement to any residential structure shall be elevated at least one (1) foot above the base flood elevation. A registered professional engineer shall certify to the Director of Community and Economic Development the lowest floor of the structure will be elevated to the base flood elevation prior to issuance of a floodplain use permit.

3-37-07-07-09 *MANUFACTURED HOMES*

The following standards apply to all manufactured homes or those to be substantially improved on:

1. Sites located outside of a manufactured home park or subdivision.
2. Sites located in a new manufactured home park or subdivision.
3. Sites located in an expansion to an existing manufactured home park or subdivision.
4. Sites where a manufactured home has incurred substantial damage as the result of a flood.

3-37-07-07-09-01 *Elevation*

All manufactured homes shall be elevated on a permanent foundation with the lowest floor of the manufactured home elevated at least one (1) foot above the base flood elevation.

3-37-07-07-09-02 *Anchoring*

All manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties are provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations. Manufactured homes more than fifty (50) feet long shall require one (1) additional tie per side.
2. Frame ties shall be provided at each corner of the home with, at minimum, five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require, at minimum, four (4) ties per side.
3. All components of the anchoring system shall be capable of carrying a force of five thousand (5,000) pounds.

Any additions to the manufactured home shall be similarly anchored.

**3-37-07-07-10 *MANUFACTURED HOMES PLACED/REPLACED IN EXISTING
MANUFACTURED HOME PARKS OR MANUFACTURED HOME
SUBDIVISIONS DEVELOPED PRIOR TO MAY 1, 1990*****3-37-07-07-10-01 *Elevation***

All manufactured homes placed or replaced in a manufactured home park or subdivision developed prior to May 1, 1990 shall be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation or the manufactured home chassis shall be supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and are securely anchored to foundation to resist flotation, collapse, and lateral movement as certified by a registered professional engineer.

3-37-07-07-10-02 *Anchoring*

All manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties are provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations. Manufactured homes more than fifty (50) feet long shall require one (1) additional tie per side.
2. Frame ties shall be provided at each corner of the home with, at minimum, five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require, at minimum, four (4) ties per side.
3. All components of the anchoring system shall be capable of carrying a force of five thousand (5,000) pounds.

Any additions to the manufactured home shall be similarly anchored.

3-37-07-07-11 *NON-RESIDENTIAL STRUCTURES***3-37-07-07-11-01 *Critical Facilities****

The lowest floor, including basement for all new non-residential construction or substantial improvement of any non-residential structure shall be: (1) elevated at least two (2) feet above the base flood elevation; or (2) floodproofed so that all portions of the structure less than two (2) feet above the base flood elevation, including the attendant utility and sanitary facilities, are watertight. Walls shall be substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3-37-07-07-11-02 *Non-Critical Facilities**

The lowest floor, including basement for all new construction of non-critical facilities or substantial improvement to any non-critical facility shall be:

- (1) Elevated at least one (1) feet above the base flood elevation; or

- (2) Floodproofed to an elevation one (1) foot above the base flood elevation, including all attendant utility and sanitary facilities. Floodproofed exterior walls shall be substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Elevation to one (1) foot or more above the BFE is the only type of floodproofing allowed for residential structures.

A registered professional engineer shall certify to the Director of Community and Economic Development the design and methods of construction are in accordance with accepted standards of practice for meeting these standards prior to the issuance of a floodplain use permit.

3-37-07-07-12**EXTRACTION/EXCAVATION OF SAND AND GRAVEL****3-37-07-07-12-01 *No Reduction in Flood Storage Capacity***

Gravel mining or grading/hauling/excavating operations shall meet the specific performance standards and guidelines described in the "Technical Review Guidelines for Gravel Mining Activities Within or Adjacent to 100 Year Floodplains" prepared by Wright Water Engineers, Inc., for Urban Drainage and Flood Control District dated December 1987, or shall meet comparable standards as recommended by the Executive Director of Urban Drainage and Flood Control District for unique situations not anticipated within the "Technical Review Guidelines" referenced above, but which accomplish the same purpose (to protect rivers and streams from erosion and degradation which may result from such operations).

3-37-07-07-12-02 *No Encroachment into Flow Areas*

The storage or deposit of extracted materials, or site grading shall not encroach on any portion of a Flood Control Overlay Zone District which may have significant flow during the base flood, and which may subsequently help convey the flood waters (any filling that potentially reduces the hydraulic capacity requires appropriate hydraulic studies and a review of the urban impact of such reduction).

3-37-07-07-12-03 *Not Restrict Flood Waters*

No storage or deposit of extracted materials, or site grading shall restrict floodwaters from reaching the major watercourse in an area.

3-37-07-07-13 SUBDIVISIONS

All subdivision proposals shall be consistent with the need to minimize flood damage. For instance, all subdivisions approved for development shall have adequate land area within each lot for the type of development allowed by the underlying zone district as constrained by the requirements of the Flood Control Overlay Zone District. All subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. Base flood elevation data and floodplain delineation plans shall be provided for all subdivision proposals.

3-37-07-07-14 OTHER USES NOT IDENTIFIED

The Director of Community and Economic Development may require any structure, use, or activity being conducted within the Flood Control Overlay Zone District to comply with such conditions and restriction deemed necessary to protect the public health, safety and welfare provided they are consistent with these standards and regulations.

3-37-07-07-15 NONCONFORMING USES WITHIN THE FLOODWAY OR FLOOD STORAGE AREA (FLOOD OVERLAY DISTRICT)

The lawful use of an existing structure or premises not in conformity with the provisions of this section may be continued subject to the following provisions.

3-37-07-07-15-01 No Expansion of Nonconforming Uses

No such use shall be expanded or enlarged except in conformity with the provisions of these standards and regulations.

3-37-07-07-15-02 Change in Nonconforming Use Limited

Any substantial improvement to any nonconforming structure or use in the Flood Control Overlay Zone District shall require the structure or use be converted to a conforming use.

3-37-07-07-15-03 Discontinued Use

If a nonconforming use is discontinued for six (6) consecutive months, any future use of the structure and land shall conform to these regulations and standards.

3-37-07-07-15-04 *Public Nuisances*

Uses, or their accessory uses, in the Flood Control Overlay Zone District, which are public nuisances, shall not be permitted to continue as nonconforming uses.

3-37-07-07-15-05 *Floodproofing of Alterations, Additions or Repairs*

Any alteration, addition, or repair to any existing nonconforming structure in a Flood Control Overlay Zone District shall be protected, where applicable, by approved floodproofing measures. Substantial improvements shall be subject to additional restrictions as described in the standards for new construction and improvements in a Flood Control Overlay

3-38 MINERAL CONSERVATION OVERLAY (MCO)**3-38-01 PURPOSE**

The purpose of this district is to establish reasonable and uniform limitations, safeguards, and controls for the conservation and wise utilization of natural resources and for rehabilitation of excavated land. Land within this classification is designated as containing commercial mineral deposits in sufficient size parcels and in areas where extraction and rehabilitation can be undertaken while still protecting the health, safety, and welfare of the inhabitants of the area and the County. In cases where the location of the district or use abuts other zoning or use of land, structures, excavation, and rehabilitation may be restricted to be compatible with and protect the adjoining area.

3-38-02 MINERAL CONSERVATION AREA

Pursuant to state law, those areas identified with resource classification "1" on maps contained in Special Publications 5A and 5B "Atlas of Sand, Gravel, and Quarry Aggregate Resources, Colorado Front Range Counties" (1975) prepared by the Colorado Geological Survey are designated to be within the Mineral Conservation Overlay District.

3-38-03 AREAS EXEMPTED FROM THESE RESTRICTIONS**3-38-03-01 AREAS EXEMPTED BY THE DIRECTOR**

The Director of Community and Economic Development shall exempt lands meeting the following criteria from the restrictions of the Mineral Conservation Overlay District.

1. Any parcel of land intended for uses that were allowed in the underlying zone district prior to July 1, 1973.
2. Any parcels of land five (5) acres or less in size in existence as a separate parcel prior to July 1, 1973.
3. Any parcel of land in excess of five (5) acres where it can be demonstrated the mineral resource is not of commercial quality and quantity.

The Director of Community and Economic Development may require competent proof a lot meets these criteria, including a written opinion from the State Geological Survey, where deemed appropriate.

3-38-03-02 AREAS EXEMPTED BY THE BOARD OF ADJUSTMENT

The Board of Adjustment may exempt any lot from the restrictions of the Mineral Conservation Overlay District where a property owner can demonstrate the restriction would make it impossible to develop the land for any reasonable economic and compatible use in the area including gravel extraction.

3-38-04 RESTRICTION ON USES

For any land within the Mineral Conservation Overlay, no permanent structures or permanent uses may be allowed except:

1. Fences, not needed during excavation and rehabilitation, subject to the minimum requirements of the underlying zone district. For fencing requirements during excavation and rehabilitation see Section 3-37-06-12.
2. Structures within two hundred (200) feet of a public maintained and constructed road or an existing principal structure subject to the structures and use being in conformance with the requirements of the underlying zone district.
3. Non-permanent use of the land, provided such use is in conformance with the underlying zone district and would not prohibit the eventual extraction of commercial mineral deposits.

3-38-05 EXCAVATION AND REHABILITATION

The extraction of commercial mineral deposits with necessary accessory uses shall be allowed in all zone districts as a conditional use upon approval and in conformance with an approved excavation and rehabilitation plan.

3-38-06 OPERATION AND REHABILITATION STANDARDS FOR ALL MINING OPERATIONS

Mining and necessary accessory uses shall be subject to the restrictions contained in the approved excavation and reclamation plan. In addition, all mineral extraction operations shall comply with the following restrictions.

3-38-06-01 MINING PERMIT REQUIRED

All mining operations shall have a permit to excavate issued by the State of Colorado prior to beginning mineral extraction.

3-38-06-02 EXCAVATION SETBACK FROM ADJACENT PROPERTY

No excavation or deposit of overburden within twenty-five (25) feet of the boundary of adjacent property, easement, irrigation ditch or right-of-way is permitted unless written agreement of the owner(s) of such property, easement, irrigation ditch, or right-of-way is obtained by the mining operation.

3-38-06-03 EXCAVATION SETBACK FROM NEARBY RESIDENCE

No excavation within one-hundred-twenty-five (125) feet of any existing residence is permitted unless written agreement of the owners and occupants of such residence are obtained.

3-38-06-04 ROCK CRUSHERS SETBACK FROM NEARBY RESIDENCE

No excavation involving the use of rock crushers or other similar equipment shall take place within two-hundred-fifty (250) feet of a residence.

3-38-06-05 HAULING ROADS

Hauling roads within the premises shall be maintained in a reasonably dust free condition.

3-38-06-06 HOURS OF OPERATION

Mineral excavation, crushing, hauling, loading, sorting or similar operation shall only occur between the hours of 6:00 a.m. to 10:00 p.m. Shorter hours of operation may be imposed in urbanized areas, as part of conditional use approval.

3-38-06-07 TWO FEET OF WATER BEARING STRATA

All sand and gravel shall be excavated in such a manner as to have an average of two (2) feet of undisturbed sand and gravel to provide a water bearing strata, unless the reclamation plan provides for a permanent lake or a landfill.

3-38-06-08 CUT SLOPES

In no event shall a slope of less than 2:1 be left for dry pits, or a slope of 3:1 to a depth of ten (10) feet and 2:1 thereafter for a wet pit when operations are completed, except as provided herein.

3-38-06-09 HAULING ROUTE

The operator shall submit a route plan to the Director of Community and Economic Development and receive permission to use for haulage any public right-of-way not designated for such haulage by reason of load limit, dust, right-of-way or pavement width or other relevant factors. The Director of Community and Economic Development may place reasonable restrictions on such right-of-way use.

3-38-06-10 EXCAVATION PIT FLOOR

The floor of excavation pits whether wet or dry shall be left in a reasonably smooth condition.

3-38-06-11 FLOODING AND DRAINAGE

The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.

3-38-06-12 FENCING

Prior to starting excavation, the operator shall fence gravel pit operations with a "V" mesh or chain link fence to a height of seventy-two (72) inches topped with three strands of barbed wire canted to a forty-five (45) degree angle outward. Where the operation is adjacent to subdivided and/or developed commercial, residential, or industrial property (except I-3) a solid screen fence will be erected to prevent the visibility of the mining operation if deemed necessary by the Community and Economic Development Department. The operator may fence the entire area immediately, or fence only areas of excavation; however, no fence shall be removed until rehabilitation has been completed.

3-38-06-13 NOISE

All operations shall conform to noise, vibration, and other standards in the performance standards section of these standards and regulations.

3-38-06-14 RECLAMATION OF SPENT AREAS NEAR EXISTING DEVELOPMENT

Where the operation is adjacent to subdivided property and/or to developed commercial, residential or industrial (except I-3), once mining has been completed, said site is not to be used as an area to stockpile sand and gravel resources. The mining operator shall reclaim the area as soon as possible after mining has been completed to prevent soil erosion and nuisance conditions. In all

cases, reclamation shall occur no later than five (5) years after mining has been completed.

3-38-06-15 AIR EMISSIONS

All air emissions shall conform to standards established by the Colorado Department of Public Health and Environment.

3-38-06-16 WATER QUALITY

All water uses and discharges shall conform to standards established by the State Water Quality Control Commission and the water laws of the State of Colorado.

3-38-06-17 SLOPE STABILIZATION

All slopes shall be stabilized and land remaining in the natural water level must be revegetated in a manner compatible with the surrounding area, and subject to the approval of the Adams County Community and Economic Development Department.

3-38-06-18 REVEGETATION

The revegetation plan must meet the standards of the Colorado State University Extension Agency. After revegetation of an area, the area must be maintained for a period of three (3) years or until all vegetation is firmly established in the reclaimed area.

3-38-06-19 RECLAMATION TIME FRAME

A time limit for reclamation will be placed on each project. This time limit will be dependent upon the type of reclamation effort.

3-38-06-20 ANNUAL RECLAMATION REPORT

An annual report shall be submitted to the Community and Economic Development Department to ascertain whether the approved reclamation plan is progressing satisfactorily. This report shall be the same report as is submitted to the Land Reclamation Board.

3-38-07 APPEAL OF MINERAL CONSERVATION DISTRICT BOUNDARIES

The boundaries of the Mineral Conservation Overlay District may be appealed to the Board of Adjustment based on technical information

3-38-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Mineral Conservation Overlay District unless inconsistent with a provision contained in Section 3-37, in which case the specific standard or requirement contained in Section 3-37 shall apply.

3-39 NATURAL RESOURCES CONSERVATION OVERLAY (NRCO) DISTRICT**3-39-01 PURPOSE**

The purpose of the Natural Resources Conservation Overlay is to (1) provide for the protection of natural, wildlife, agricultural, and cultural resources, which are an essential component of the community's economic base and establish the character of the community; and (2) preserve and enhance the quality of life for County residents.

3-39-02 NRCO DISTRICT CREATED

There is hereby established a Natural Resources Overlay District, which, in areas where it applies, shall overlay all other base zone districts established by these standards and regulations. Included within the NRCO District are: (1) important wildlife areas; (2) designated floodplains and associated riparian areas; and (3) important reservoir sites to provide wetlands and other habitat areas.

3-39-03 NRCO DISTRICT MAP**3-39-03-01 GENERAL**

The general location of (1) important wildlife areas; (2) designated floodplains and associated riparian areas; and (3) important reservoir sites to provide wetlands and other habitat areas are identified on the Natural Resources Conservation Overlay (NRCO) District Map, which is incorporated herein by reference.

3-39-03-02 GENERAL NRCO DISTRICT MAP/SITE SPECIFIC REVIEW IS REQUIRED

The NRCO District Map is a general map, which identifies, on a general scale, the locations of those areas protected by the NRCO District. Its purpose is to place the landowner on notice the land may be within the NRCO District and to assist in the general administration of this Section. A site-specific Resources Review to determine whether land is included within the NRCO District is required, prior to review of the first development application for the land.

3-39-04 DEVELOPMENT EXEMPTIONS IN THE NRCO

In addition to all other standards required by these standards and regulations, all development within the NRCO shall comply with the standards of Section 3-38, unless exempted. Exemptions are as follows:

3-39-04-01 REMODELING OR EXPANSION OF EXISTING STRUCTURES

Remodeling or expansion of structures existing prior to the adoption date of these standards and regulations shall be exempt from the provisions of this subsection.

3-39-04-02 AGRICULTURAL OPERATIONS

Agricultural operations and uses shall be exempt.

3-39-05 STANDARDS

All development within the NRCO District shall comply with the following standards:

3-39-05-01 SITE CAPACITY

The maximum density of any use in any zone district is controlled by the maximum density set forth in the zone district. For lands located within the NRCO District, the density calculations are based on the net available land as determined by applying the Natural Resource Protection Factor to the protected resource area and subtracting the resulting land area from the total area of the property.

3-39-05-02 METHODOLOGY FOR CALCULATING NATURAL RESOURCE CONSERVATION AREA

All land area consisting of natural resources or natural features (i.e., floodplains, hydric soils, wetlands, riparian areas, lakes, and reservoirs) lying within a site proposed for development shall be measured. The total acreage of each resource type shall be multiplied by its respective natural resource protection factor to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. In conducting this calculation, if two (2) or more resources are present on the same area of land, only the most restrictive natural resource protection factor shall be used. For example, if floodplain and riparian area occupy the same space on a site, the resource protection standard would be 1.5, which represents the higher of the two standards.

3-39-05-02-01

NATURAL RESOURCE PROTECTION FACTORS

The following natural resource protection factors shall be used to calculate natural resource conservation areas as noted above:

1. 100-Year Floodplains: 1.0
2. Riparian Areas: 1.5
3. Wetlands: 2.0
4. Lakes/Reservoirs: 1.5
5. Hydric Soils: .7

ⁱ Adopted by the BOCC on December 16, 2014

ⁱⁱ Adopted by the BOCC on December 16, 2014

City and County of Broomfield – Draft Amendments to Chapter 17-54, Broomfield Municipal Code

8/5/2019 - DRAFT for Discussion and Comment; Additional Modifications Are Expected and Will Be Made During the Public Process

Chapter 17-54 - Oil and Gas Land Use Regulations^[1]

I. General Provisions

17-54-010 - Purpose.

This chapter is enacted to protect the public's health, safety, and welfare of all residents of the City and County of Broomfield ("City") and to safeguard the environment and wildlife resources. _____

Broomfield's Charter states that "With regard to oil and gas development near the City's populated areas and within the City's boundaries, such powers shall include but not be limited to plenary authority to regulate all aspects of oil and gas development, including land use and all necessary police powers. As such, Broomfield shall condition oil and gas development permits to require oil and gas development to only occur in a manner that does not adversely impact the health, safety, and welfare of Broomfield's residents in their workplaces, their homes, their schools, and public parks in order to protect the public's health, safety, and welfare and to safeguard the environment and wildlife resources."

As the oil and gas industry seeks to obtain approval to extract mineral resources in and around populated areas, it has begun encroaching on residential areas. Recent tragic accidents related to oil and gas development have highlighted the risks associated with this industrial activity, underlying the importance of prioritizing citizen health, welfare and safety.

Municipal governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction and to protect public health, safety, welfare and the environment. The City also has authority to regulate the siting and location of oil and gas facilities. These regulations are intended to be an exercise of the land use and siting authority of the city and the city's plenary authority to regulate all aspects of oil and gas development, including land use and all necessary police powers, as set forth in Broomfield Municipal Charter, Section 2.1.b, the Local Government Land Use Enabling Act, and the Air Pollution Prevention and Control Act. Nonetheless, local land use regulations that were in operational conflict with the Colorado Oil & Gas Conservation Act or Colorado Oil and Gas Conservation Commission regulations were determined to be pre-empted by the Colorado courts. In 2019, the Colorado General Assembly adopted SB19-181 ("SB-181") which clarified local authority and granted local governments authority to regulate the surface impacts of oil and gas development more stringently than the COGCC. SB-181 authorizes local governments to "regulate the surface impacts of oil and gas operations in a reasonable manner to . . . protect and minimize adverse impacts to public health, safety and welfare and the environment. . . ." "Minimize adverse impacts' means, to the extent necessary and reasonable, to protect . . . by avoiding adverse impacts . . . and minimizing and mitigating the extent and severity of those impacts that cannot be avoided." SB 181 also authorizes local governments to "impose fees on operators to cover reasonably foreseeable direct and indirect costs of permitting and regulation and the costs of any monitoring and inspection program necessary to address the impacts of development and to enforce local governmental requirements" and "to impose fines for leaks, spills, and emissions..."

In Colorado, the surface and mineral estates are separate and distinct interests in land and one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate from a consenting surface owner reasonably required to extract and develop their subsurface mineral rights. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner.

As such, the city shall condition oil and gas development permits to require oil and gas development to only occur in locations and a manner that does not adversely impact the health, safety and welfare of Broomfield's residents in their workplaces, their homes, their schools and public parks in order to protect the public's health, safety, and welfare and to safeguard the environment and wildlife resources. Nothing

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in this chapter shall be construed as giving the city authority to enforce state or federal laws, rules, or regulations. In order to implement these goals, it is declared to be the policy of the city to:

Anticipate and avoid or mitigate potential environmental impacts, including to soil, groundwater, and air, associated with oil and gas development, particularly in and around other land uses.

Anticipate and avoid or mitigate potential impacts to historical and cultural resources associated with oil and gas development, particularly in and around other land uses.

Work with operators to identify and locate alternative oil and gas locations from the perspective of protecting public health, safety, welfare, the environment, and wildlife.

Gather complete information to assist Broomfield in its analysis of proposed oil and gas development and proposed locations.

Continuously identify and require state of the art equipment, protocols, and technology to protect the public health, safety, and welfare.

Anticipate and mitigate, through risk analysis and management, potential risks associated with oil and gas facilities, processes and pipelines, including accidents and incidents, particularly in and around other land uses.

Maximize preparedness for emergency accidents and incidents related to oil and gas development through emergency preparedness and response planning.

Avoid or minimize community impacts including those related to traffic, noise, air pollution, light pollution, and visual impacts.

Require operators to have adequate site-specific financial insurance and bonding.

Monitor and inspect oil and gas facilities in all phases of development and operation for the protection of public health, safety, welfare, and the environment.

Use all available methods to enforce the provisions of these regulations.

17-54-020 - Definitions.

All terms used in this chapter that are defined in the Act or in the Commission regulations and are not otherwise defined in this section, are defined as provided in the Act or in such regulations as of the effective date of this chapter. All other words used in this chapter are given their usual customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not otherwise clearly indicated by the context, the following words and phrases used in this chapter, whether capitalized or not, have the following meanings:

- (A) *Act* means the Oil and Gas Conservation Act of the State of Colorado at section 34-60-101, et seq., C.R.S.
- (B) *Commission* or *COGCC* means the Colorado Oil and Gas Conservation Commission of the State of Colorado.
- (C) *Covered Process* means any process at an oil and gas facility.
- (D) *Crude Oil Transfer Line* means a piping system that is not regulated or subject to regulation by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to 49 C.F.R. § 195 Subpart A, and that transfers crude oil, crude oil emulsion or condensate from more than one well site or production facility to a production facility with permanent storage capacity greater than 25,000 barrels of crude oil or condensate or a PHMSA gathering system. 49 C.F.R. § 195 Subpart A, in existence as of the date of this regulation and not including later

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amendments, is available for public inspection during normal business hours from the Public Room Administrator at the office of the Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado 80203. Additionally, 49 C.F.R. § 195 Subpart A may be found at <https://www.phmsa.dot.gov>.

- (E) *Day* means a period of twenty-four consecutive hours.
- (F) *Director* means the Director of the Colorado Oil and Gas Conservation Commission of the State of Colorado or any member of the Director's staff authorized to represent the Director.
- (G) *Financial Assurance* shall mean a surety bond, cash collateral, certificate of deposit, letter of credit, sinking fund, escrow account, lien on property, security interest, guarantee, or other instrument or method in favor of and acceptable to the City. With regard to third party liability concerns related to public health, safety and welfare, the term encompasses general liability insurance, sudden and accidental pollution liability insurance and gradual pollution liability insurance.
- (H) *Off-Location Flowline* means a flowline transferring produced fluids (crude oil, natural gas, condensate, or produced water) from an oil and gas location to a production facility, injection facility, pit, or discharge point that is not on the same oil and gas location. This definition also includes flowlines connecting to gas compressors or gas plants.
- (I) *Pipeline* means an off-location flowline or crude oil transfer line
- (J) *Incident* means any event classified as a blowout, collision, explosion, fatality, fire, injury, Grade 1 gas leak, or spill greater than 5 barrels.
- (K) *Injection well* means any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage, or disposal of wastewater pursuant to authorizations granted by the Commission.
- (L) *Inherently safer systems* means feasible alternative equipment, processes, materials, lay-outs, and procedures meant to eliminate, minimize, or reduce the risk of a safety event, spill, release, or Grade 1 gas leak, by modifying a process rather than adding external layers of protection. Examples include, but are not limited to, substitution of materials with lower vapor pressure, lower flammability, or lower toxicity; isolation of hazardous processes; and use of processes which operate at lower temperatures and/or pressures.
- (M) *Inspector* means any person designated by the city and county manager, or designee thereof, who shall have the authority to inspect an oil and gas facility to determine compliance with this chapter and other applicable ordinances of the city.
- (N) *Oil and gas facility or facilities* means oil or gas well(s) and any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, crude oil transfer line, and other equipment directly associated with oil or gas well(s) or injection wells or used to process or handle fluids produced at oil or gas wells, including gas processing, compression, gathering, and treating facilities.
- (O) *Oil and gas location* means a definable area where an operator has disturbed or intends to disturb the land surface in order to locate an oil and gas facility.
- (P) *Oil or gas well* means any hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.
- (Q) *Operating plan* means a general description of a facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operating, source of services, infrastructure, and any other information related to regular functioning of such facility.
- (R) *Operator* means any person who exercises the right to control the conduct of an oil and gas facility.

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(S) *Owner* means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas produced therefrom either for such owner or others, including owners of a well capable of producing oil or gas, or both or who owns the oil and gas facility.

(T) *Reentering* means accessing an existing well bore for either the original or amended purpose, provided that such well has not been abandoned.

~~(U) Risk analysis means an analysis performed using (the 2016 ISO 17776 standard for the petroleum and natural gas industries?). The risk analysis shall identify enforceable mitigation measures that City will add to be included as conditions of approval on the to the oil and gas permit. and are enforceable by the City.~~

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~~(U)(V)~~ *Root cause* means prime reasons, such as failures of same management systems, that allow faulty design, inadequate training, or improper changes, which lead to an unsafe act or condition, and result in an incident. If root causes were removed, the particular incident would not have occurred.

~~(V)(W)~~ *Process hazard analysis* means a qualitative, semi-quantitative or quantitative analysis of a process, involving the identification of individual hazards of a process, determination of the mechanisms by which hazards could give rise to undesired events, and evaluation of the consequences of these events on health, property and the environment.

~~(W)(X)~~ *Water source* means water wells that are registered with the Colorado Division of Water Resources, including household, domestic, livestock, irrigation, municipal/public and commercial wells, permitted or adjudicated springs, and monitoring of wells for the purpose of monitoring water quality changes that are not associated with oil and gas activities.

17-54-030 – Inspections, Notifications and Reports.

(A) Inspections.

- (1) In recognition of the potential impacts associated with oil and gas facilities, all wells and accessory equipment and structures may be examined by the inspectors of the city at reasonable times to determine compliance with applicable provisions of this chapter, the International Fire Code, the International Building Code, and all other applicable standards in this title. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property after reasonable notification to the operator, which provides the operator an opportunity to be present. The city may use the information collected on the inspections to enforce the requirements of this chapter. The city may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Operator shall make available to city, upon request, all records required to be maintained by the following agencies: the Colorado Department of Public Health and Environment (CDPHE), including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by CDPHE; the Colorado Oil and Gas Conservation Commission (COGCC); the Colorado Public Utilities Commission (PUC) and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

(2) Notifications. Operators must provide the following notices to the City:

- a. Removal of any tank or other equipment at least ten (10) days prior to removal.
- b. Cutting and capping of abandoned well at least ten (10) days prior to cutting and capping.

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- c. Plugging and abandonment of well within 10 days of plugging and abandonment.
Notice must be accompanied by photograph of welded cap on well with API number of well.
- d. Any other notices required by these rules.

(3) Reports

- a. Operators shall submit all reports required by these rules electronically.

17-54-040 - Review required.

Within the _____ zoning districts, oil and gas facilities are allowed if approved as a use by special review, including in a PUD (planned unit development) district. When an applicant wishes to drill a well or construct a facility that has not been previously permitted under this chapter, it is unlawful for any person to perform any such activity, unless a use permitted by special review has first been approved by the city council pursuant to chapter 17-54-050, B.M.C. The reentering of any permitted or approved well for the purposes of deepening, recompleting, or reworking shall not require a subsequent approval under this chapter unless such work requires a new or modified permit from COGCC or the City. The City approval of an oil and gas well or facility does not relieve the operator from otherwise complying with all applicable regulatory requirements of the city, state, and federal governments.

Operators must submit an application for a use by special review permit each time an existing oil and gas well undergoes a substantial modification.

II. Use by Special Review

17-54-050 - Use by special review application requirements.

- (A) Pre-submittal materials submitted by operator to staff. Prior to the submission of an application for a use permitted by special review, the operator is required to submit operator name, parent companies or related companies, demonstration of financial capability of operator to comply with this ordinance, previous violations of any local, state or federal rule or law of the operator within the last 10 years, three proposed locations of the facility, number of wells and access points, size of well pad, amount and type of equipment, proposed pipeline routes, and any previous spacing unit approvals.
- (B) Pre-submittal meeting. Following the submission of pre-submittal materials, the operator is required to schedule a meeting with the city to review the proposed new well or facility. The goal of this meeting shall be for the city staff and the operator to review the proposed oil and gas facility in a manner that ensures compliance with these regulations and applicable state and federal regulations. The pre-submittal meeting shall also allow the operator and city staff to explore site-specific concerns associated with the proposed locations, discuss project impacts and potential mitigation methods, including field design and infrastructure construction to avoid or minimize impacts, to discuss coordination of field design with other existing or potential development and operators, to identify sampling and monitoring plans for air and water quality, and other elements as required by these rules.

(1) Alternative Site Analysis.

- a. At the pre-submittal meeting, operator shall identify three proposed locations for the oil and gas facility. For each location, operator shall identify distance of proposed facility to existing or platted residences, occupied buildings, parks, open space, schools, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells, and roadways

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- b. The operator shall consult with the city on the alternative site analysis prior to submittal of any spacing application or Form 2 or 2A to the COGCC. Operators are encouraged to schedule this meeting prior to entering into any surface use agreements.
 - c. City shall review all proposed locations in order to determine which location complies with the purpose of these rules as set forth in B.M.C. 74-54-010. If the City determines that none of the three proposed locations satisfies the purpose of these rules, Operator shall submit three new proposed locations. Alternatively, the City may suggest alternative location(s).
 - d. City shall prepare a report summarizing its findings with respect to proposed locations and recommending one or more proposed locations.
- (C) Notice of pre-application. The operator shall mail pre-application notices ninety days prior to submission of any use permitted by special review application to the City, spacing or density applications and prior to submittal of any Form 2 or 2A to the COGCC. Operator shall pay for the cost of mailing notices. Notice shall include number of wells, size of well pad, type and measurements of proposed major equipment or description of proposed facility if other than a well or well pad. Owners of record shall be ascertained according to the records of the Broomfield Assessor's Office. Notice shall be made as follows:
 - (1) To the city and to surface owners of the parcels of land on which the oil and gas facility is proposed to be located;
 - (2) To the surface owners of the parcels of land in the City and County of Broomfield within 2,640 feet of the parcel on which the oil and gas facility is proposed to be located;
- (D) Application submittal. All requests for a use permitted by special review shall be submitted in writing to the planning division and shall include an application fee of \$5,000.00 and a report that discusses the results of the alternative site analysis required by 17-54-050(B).
- (E) Neighborhood meeting. Following the submission of an application to the planning division, and before submitting an application to the City, operator will schedule and notice a neighborhood meeting. A neighborhood meeting shall be required on any oil and gas facilities, even on existing well pads, that require an application for a use permitted by special review. The operator shall notice, attend and conduct the neighborhood meeting. The public may submit comments on the application to the operator at the neighborhood meeting. Operator shall prepare a written summary of the neighborhood meeting, including a summary of any public comments received, and submit to staff.
- (F) Notification of application. The operator shall mail notice of the application no more than ten working days after an application has been submitted to the city. Operator shall pay for the cost of mailing notices. Notice shall include number of wells, size of well pad, type and measurements of proposed major equipment or description of proposed facility if other than a well or well pad. Owners of record shall be ascertained according to the records of the Broomfield Assessor's Office. Notice of the application shall include reference to the neighborhood meeting and be made as follows:
 - (1) Mailed notice.
 - a. To the surface owners of the parcels of land on which the oil and gas facility is proposed to be located;
 - b. To the surface owners of the parcels of land in the City and County of Broomfield within 2,640 feet of the parcel on which the oil and gas facility is proposed to be located;
 - (2) Posted notice. The real property proposed to be developed shall also be posted with a sign, giving notice to the general public of the proposed development. For parcels of land exceeding fifteen acres in size, two signs shall be posted. The size of the sign required to be posted shall be as established in the supplemental notice requirements of chapter 17-52 of

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the city's Land Use Code. Such signs shall be provided by the city and shall be posted on the subject property by the applicant in a manner and at a location or locations reasonably calculated by the city to afford the best notice to the public, which posting shall occur a minimum of ten calendar days prior to the neighborhood meeting. City shall post notice on its website and operator shall post notice on its website, if one exists.

- (G) Staff review. Following receipt of the operator's written summary of the neighborhood meeting, city staff shall review the application. An application may require review by outside agencies such as the U.S. Army Corps of Engineers, if the project impacts a floodplain, and may also be referred to any life-safety providers, adjacent jurisdictions, local public health department, and others as may be deemed appropriate by staff. The city may require that the application materials, including proposed locations, results of alternative site analysis, and requests for variances, be submitted to a technical consultant deemed by the city to be appropriate and necessary to complete the review. Costs associated with such review shall be paid by the operator. The applicant will be notified of any outstanding issues in connection with application materials upon completion of this review and will be required to address any issues or deficiencies in connection with the application materials. If necessary, a meeting will be held to discuss any issues that need to be resolved. If necessary, the applicant will then submit an amended application, plan or other submittals, as appropriate, to staff for verification that deficiencies have been addressed by the applicant. If revisions were necessary, staff shall review such revised application. Upon determination by staff that all issues have been resolved, staff will submit the application to the planning and zoning commission.
- (H) Staff recommendation. After completing its review, staff shall submit its written report and comments to the city council, along with the Alternative Site Analysis Report required by section 17-54-050(B). The recommendation shall either be a recommendation to approve, to approve with conditions, or to deny the request. If the recommendation is to approve with conditions, the recommendation shall set forth the conditions and those requirements as deemed necessary to protect the health, safety, and welfare of the community, then environment and wildlife.
- (I) Notice and hearing before the planning and zoning commission. Upon public notice as required by the B.M.C., the planning and zoning commission will hold a public hearing. Planning and zoning commission may decide to recommend to approve, to approve with conditions, or to deny the application. If the recommendation is to approve with conditions, the recommendation shall set forth the conditions and those requirements as deemed necessary to protect the health, safety, and welfare of the community, the environment and wildlife. If necessary, the applicant will then submit an amended application to staff to address any deficiencies identified by the planning and zoning commission.
- (J) City council. The city council shall consider staff and the planning and zoning commission's recommendations and the testimony and evidence of record at the public hearing and shall make a final decision of approval, or approval with conditions, or of denial. Factors to be considered are those specified in this chapter. The city council shall hold a public hearing prior to making its final decision. Notice shall be given in accordance with chapter 17-52.
- (K) Decision to be stated in official minutes. Any decision of the planning and zoning commission or city council on special reviews shall state in the official minutes the reasons for such decision.
- (L) Duration. All special review requests approved by city council after July 22, 2018, shall be valid for two years from the approval date. If the approved use is in operation or the approved well is in production by the end of the specified period, the approval shall remain valid so long as the use continues and the Operator is in compliance with this chapter. If the approved use is not in operation at the end of the specified period, or if it thereafter ceases, the approval shall be deemed void and of no further force and effect, and no permits shall be issued until and unless the special review request is reapproved by the city council.

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17-54-060 - Use by special review submittal materials.

All applications for use permitted by special review are subject to review and approval by the city and city council pursuant to chapter 17-54-050, B.M.C. All applications for use permitted by special review shall include the following information which is subject to review and approval by city council:

- (A) The operator's and surface owner's names and addresses, and designation of agent, if applicable.
- (B) A list of all permits or approvals obtained or to be obtained from local, state, or federal agencies.
- (C) A detailed site plan for all facilities that includes submittal to the city of all documents required to be submitted with COGCC Form 2A, a depiction of all visible improvements within 500 feet of the proposed location, to include buildings/residences, public roads and trails, major above-ground utilities, railroads, mines, oil/gas/injection/water/plugged wells, etc. as required by COGCC Rule 303.d(3)C, and the site plan requirements of the B.M.C., as amended.
- (D) A summary of planned operations, including identified access points and operational timeline for posting to a local community information web-page.
- (E) A site plan for site preparation, mobilization and demobilization t:hat covers all phases of operation.
- (F) A plan for interim reclamation and revegetation of the well pad and final reclamation of the well pad.
- (G) The vicinity maps for a facility submitted with an application for a use permitted by special review shall be submitted on one or more plats or maps showing the following information:
 - (1) Location of all existing water bodies and watercourses, including direction of water flow. This information shall be submitted on USGS 7.5 minute series or assessor base maps which indicate topographic detail and show all existing water bodies and watercourses with a physically defined channel within a one-half mile radius of the proposed well or facility.
 - (2) Location of existing oil and gas wells or injection wells as reflected in COGCC records. This information shall be submitted on a map and shall include any and all wells within a 1,000-foot radius of the proposed location for the well.
 - (3) Location of drill site. The information to be submitted shall be on Commission Form 2 or include the information required to be submitted with a Form 2 and shall include the parcel tax identification number.
- (H) Project schedules for all phases, including site construction, flowlines and pipeline construction, drilling, completions (broken down into activity-based components), commissioning, operations, reclamation and abandonment.
- (I) Administrative fees.
- (J) Information demonstrating that the operator is capable of fulfilling and is likely to fulfill the obligations imposed by this section and the Oil and Gas Conservation Act, including:
 - (1) A certified list of all instances within the past ten years where the COGCC, other state or federal agency, city, or county found that the operator has not complied with applicable federal, state or local requirements with respect to drilling, operation, or decommissioning of a well or operation of oil and gas facility or pipeline. The list shall identify the date of the determination, the entity or agency making the determination, the nature of the non-compliance, and, if applicable, the final resolution of the issue and procedural or policy changes that were implemented to prevent future infractions and which adequately demonstrate effectiveness. If no such instances of non-compliance exist, the operator shall certify to that effect.
 - (2) A list of all near-misses and incidents within the past ten years that occurred at facilities owned or operated by operator, an operator's legacy companies, or a subsidiary of operator, including events involving contractors. Operator shall also list any root causes analysis

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conducted and corrective actions taken in response to the near-misses and incidents, including internal changes to corporate practices or procedures, such as modifications to safety management plans.

- (K) Protocol, subject to City approval, to conduct noise modeling for each facility for pre-construction and active drilling, hydraulic fracturing, flowback and operations. Noise modeling shall be conducted by third-party consultant approved by the City. Operator to pay for such modeling.
- (L) Noise impact mitigation plan that demonstrates compliance with the criteria in section 17-54-070.
- (M) A plan for light and dust mitigation that demonstrates compliance with the standards of chapter 9-36, B.M.C and with the criteria in section 17-54-070.
- (N) Protocol, subject to City approval, for air modeling plan to be conducted by third-party consultant approved by the City. Air modeling shall demonstrate that emissions from the proposed facilities meet the following:
- (1) EPA and state emission standards, including demonstrating compliance with 2017 Centers for Disease Control Agency and Toxic Substances and Disease Registry and USEPA Integrated Risk Information System ambient air quality guidelines or future more stringent guidelines for benzene, toluene, ethylbenzene, xylene, and other air toxics.
 - (2) Facility emissions inventories for all GHG emissions, criteria pollutants and hazardous emission standards and air quality impact studies for drilling, completions and operations based upon proposed equipment use, and operation phases, and any emissions reductions associated with plugging and abandonment.
- ~~(2)-e~~
- (O) Protocol subject to City approval, for air monitoring plan to be conducted by third-party Air monitoring plan shall describe how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and during all phases of development, including drilling, completion, production and operation. The plan shall include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), Carbon Monoxide (CO) and methane (CH4), carbon dioxide (CO2). Operator shall pay for the baseline and ongoing monitoring.
- (P) An air quality mitigation plan that demonstrates compliance with the following:
- (1) EPA, CDPHE and COGCC standards for emissions and odors. If these rules become more stringent in the future, the operator will update its air quality mitigation plan to comply with the revised guidelines as such regulations exist now or future, more stringent, regulations.
 - (2) Compliance with 2017 CDC Agency for Toxic Substances and Disease Registry and USEPA Integrated Risk Information System ambient air quality guidelines. If these guidelines become more stringent in the future with more restrictive guidelines for benzene, toluene, ethylbenzene and xylene (BTEX), and other air toxins, the operator will update its air quality mitigation plan to comply with the revised guidelines.
 - (3) An odor mitigation plan that demonstrates how operator will minimize odors from its operations and comply with Colorado Department of Public Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5,. The plan shall also provide a plan for timely responding to odor complaints from the community and for identifying and implementing additional odor control measures to control odors emanating from the oil and gas facility.
 - (4) The criteria in section 17-54-070.

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(Q) Electrification plan. A plan identifying all sources of electricity that will be brought to or used at the facility during all phases of development and operations.

(R) Emergency preparedness and response. Oil and gas operations shall avoid risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills. Oil and gas operations shall ensure that, in the event of an emergency, adequate practices and procedures are in place to protect public health and safety and repair damage caused by emergencies. Each applicant with a facility in the city is required to complete the Front Range Emergency Resource Co-op template~~city's detailed emergency preparedness and response plan template~~. In addition, each operator shall submit an emergency preparedness and response plan that shall be approved and signed off of by the city and North Metro Fire Rescue District (NMFRD) in order to be deemed complete and shall be updated on an annual basis, after an incident occurs or when changes are made to facility operations, personnel, or other content covered in the plans or as conditions change, and that demonstrates compliance with the following:

(1) The criteria in 17-54-070.

(2) Contains adequate provisions to ensure operator will cover all costs associated with ongoing training of employees and first responders, response and remediation, including any additional on-site and regional specialized equipment and supplies necessary to respond to any emergency incident at its facilities.

(3) Operator shall cooperate and train with Broomfield and NMFRD emergency responders as requested.

~~Operator shall participate in training, drills, and exercises and development of the after-action report development.~~

(4)

(5) Operator shall immediately notify Broomfield, surrounding communities, and any nearby schools of an emergency event and develop emergency protocols with the NMFRD, Broomfield's Department of Public Health and Environment, and the Broomfield Police Department.

(6) Operator shall provide to Broomfield safety and security protocols for the facility site.

(7) Operator shall provide a copy of any spill prevention, control, and countermeasures (SPCC) plan to Broomfield if required by USEPA rules and a copy of a listing of hazardous chemicals used on site if required by USEPA CERCLA Community Right to Know rules.

(8) Operator shall maintain onsite storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.

(9) Operator shall identify and provide 24-hour contact information for contractors and subcontractors

(10) Operator shall coordinate with the NMFRD regarding evacuation routes. Evacuation routes will include any schools that are within proximity to the oil and gas facility, based on guidance from the NMFRD.

(11) Fire hydrant exists within 1,000 feet from oil and gas facility. If no fire hydrant connected to the City's water system or alternative approved of by the City exists within 1,000 feet from facility, Operator shall install fire hydrant at its own cost, or reimburse the City for the cost of installing a fire hydrant.

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- (S) A weed control plan that demonstrates compliance ~~with Chapter: 8-08 of the B.M.C., or as otherwise directed by the City and~~ with the criteria in section 17-54-070. Weeds shall not be higher than 12 inches.
- (T) A traffic study and management plan. Operator shall submit a reasonable bond to cover any damage to public infrastructure during active drilling, completion and operation. Operator and subcontractors shall comply with Broomfield and other jurisdictions' requirements related to traffic restrictions. Operator shall conduct a baseline report of the conditions of the roads to be used by the operator and the remaining road life for the proposed truck routes. Haul and access roads must be designed per City and County standards. Operators must periodically train employees and subcontractors on traffic safety and traffic requirements. Prior to the start of construction, operator shall complete traffic study and provide detailed traffic plan to determine any operational changes and geometric modifications necessary for extraction activities. This will include, but is not limited to:
- (1) Detail of access locations for each facility including sight distance, turning radius of vehicles and a template indicating feasibility, turning volumes in and out of each site for an average day and what to expect during the peak hour.
 - (2) Estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles and trips per day.
 - (3) Anticipated truck traffic volumes will be converted to equivalent single axle loads and compared with existing volumes.
 - (4) Core drill or boring samples of city roads will be used to determine the adequacy of the existing roadway structure and determine if the roadway section is adequate for extraction activities.
 - (5) Truck routing map and truck turning radius templates will be used to determine if improvements are necessary at intersections along the route.
 - (6) Identification of the need for any additional traffic lanes.
 - (7) Restriction of Class 7 vehicles or above traffic to and from facilities to periods outside of peak am and pm traffic periods (generally 7-9 a.m. and 3-6 p.m. or in other specific instances as determined by the traffic engineer.).
 - (8) Require a traffic study to determine impacts to city streets
 - (9) Restriction of idling or parking on shoulders of roads.
 - (10) Periodic training of employees and subcontractors on traffic safety and traffic requirements.
- ~~(8)~~ -
- (U) Landscaping and visual mitigation plan. A preliminary visual mitigation plan in compliance with COGCC Rule 804, including but not limited to a list of the proposed colors for the Facilities, regardless of construction date, which are observable from any public highway, providing for paint that is uniform, noncontrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape and, a listing of the operations' equipment, ~~proposed fencing, and screening~~. Plan shall indicate the location of all outdoor lighting on the site and any structures and include cut sheets of all proposed fixtures. Operator shall provide photometric study approved by city prior to start of construction to indicate impact on surrounding properties and measure the lumens emitted from the facility outside of the walls.

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(V) Fencing and screening mitigation plan. A plan detailing how the Operator will screen or fence the proposed facility in order to mitigate visual impacts and protect wildlife.

~~(V)~~(W) Water supply plan that demonstrates compliance with the criteria in 17-54-070. Applicant shall submit estimated water supply requirements for all phases of operation of the oil and gas facility and usage for the proposed development including:

- (1) A demonstration that the available water supply is the least detrimental to the environment among the available sources and adequate to meet the needs of the development. Approval may be conditioned upon sufficient proof of adequate water supply.
- (2) A list of all available physical sources of water for the project, and if multiple sources are available, analysis of which source is least detrimental to the environment;
- (3) A description of the physical source of water that the applicant proposes to use to serve the oil and gas facility;
- (4) Water conservation measures, if any, that may be implemented within the oil and gas facility; and
- (5) An estimate of the amount of water that will be used at the site, where and how the water will be consumed, the amount of wastewater produced, and disposal plans for wastewater.
- (6) Use of city water is prohibited unless a variance is approved by City Council.

~~(W)~~(X) A water quality control plan that establishes that all facilities shall use most effective performance techniques and best management practices to minimize impacts to water quality, including plans for water quality testing, prevention of illicit or inadvertent discharges, and containment of pollutants as required by Broomfield code and state and federal laws and regulations. Water quality plan must demonstrate compliance with the criteria in section 17-54-070. Plan shall include details such as operator's plans for water quality testing, prevention of illicit or inadvertent discharges, stormwater discharge management, containment of pollutants, and spill notification and response as required by federal and state agencies. The owner or operator shall provide the city with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rule 317(B), 609, Rule 910, and any other applicable COGCC rules governing water quality protection. The owner or operator shall provide its plans concerning downhole construction details and installation practices, including casing and cementing design, and shall inform the city how the plans establish that the facility does not create significant degradation to surface waters or drinking water aquifers.

~~(X)~~(Y) Grading, drainage, and erosion control plan that demonstrates compliance with the criteria in section 17-54-070.

~~(Y)~~(Z) Stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices (BMPs), sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate any possible water quality impacts.

~~(Z)~~(AA) Risk analysis plan that demonstrates compliance with the criteria in section 17-54-070.

~~(AA)~~(BB) Abandoned wells plan that demonstrates compliance with the criteria in section 17-54-070.

~~(BB)~~(CC) Wetlands protection plan that demonstrates compliance with the criteria in section 17-54-070.

~~(CC)~~(DD) Hazardous materials management plan that identifies hazardous materials that will be used or stored at the facility or site, (including those disclosed through the "Frac Focus" process), the physical hazards they present, the quantity on hand (daily and maximum), the storage method and location, and any other pertinent information that is of value to employees exposed to the materials

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and/or first responders in the event of an accident or incident. Operator shall provide copies of all Safety Data Sheets to the City prior to each phase of operation.

~~(DD)~~(EE) Waste management plan that identifies waste types and associated hazards, the approximate quantities, storage method(s), transportation and management method(s), communication and training of employees, identification of individuals responsible for waste management by facility or site, spill and release prevention methods, emergency management strategies (including spill containment), and inspection types and frequencies. Operator shall recycle drilling, completion, flowback and produced fluids unless technically infeasible. Waste may be stored temporarily in tanks and shall be transported by pipelines and disposed of at licensed disposal or recycling sites. No disposal of wastewater within the city.

~~(EE)~~(FF) Historical and cultural resources plan that demonstrates compliance with the criteria in section 17-54-070. Operator to assess historical and cultural resources in and around the proposed oil and gas development and share such information and proposed mitigation measures with Broomfield for advance approval prior to start of site construction. If a significant surface or sub-surface archeological site is discovered during construction, the operator shall be responsible for immediately contacting the city to report the discovery. If any disturbance of a site deemed by the State Historic Preservation Office to be a historical or cultural resource occurs, the operator shall be responsible for mitigating the disturbance to the cultural or historical property through a data recovery plan in consultation with the city's historic landmark board and the State Historic Preservation Office.

~~(FF)~~(GG) Financial assurance. Operator shall provide any insurance disclosure documents required by COGCC and these rules.

~~(GG)~~(HH) Environmental assessment. Operator shall provide a third-party baseline environmental impact assessment of the proposed oil and gas facility, prior to any construction on the site that includes but is not limited to the following:

- (1) At least one on-site evaluation within one month of the submittal to the city.
- (2) A map and photographs of the site.
- (3) Identification and assessment of potential impacts to the environment and wildlife including wetlands; floodplain; ponds; creeks, streams and drainageways; migratory birds and raptors; ground nesting birds; prairie dogs; burrowing owls; state and federal threatened and endangered species for both flora and fauna; any other applicable wildlife issues including den sites for mammals, like coyotes and foxes; fish and other aquatic life; wildlife corridors; significant habitat; natural landmarks and prominent natural features such as distinctive rocks and land forms; vegetation including grasses, shrubs and trees; and visual or scenic resources.
- (4) Confirmation that the proposed project shall comply with the city's policies for prairie dog conservation and management.
- (5) Identification of proposed project design measures or other relevant mitigation measures to avoid unacceptable impacts or to reduce impacts to levels of insignificance.
- (6) Prior to construction, operator shall submit a 20-Day Environmental Clearance Letter confirming that any environmental and wildlife conditions identified in the environmental assessment have been mitigated and addressed.

(II) Cumulative impacts analysis, including GHG emissions, air impacts, traffic impacts, noise, odor, other?? wildlife and other environmental impacts.

~~(HH)~~(JJ) Additional information. If the city and county manager determines that the city needs additional information to determine whether the proposed oil and gas facility meets the criteria in chapter 17-54-070 B.M.C., the city and county manager may require the applicant to submit such information.

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17-54-070 - Use by special review approval criteria.

In considering an application for a use permitted by special review pursuant to chapter 17-54, B.M.C., the city council shall consider whether an applicant demonstrates the proposed facility will not adversely impact the health, safety and welfare of the City's residents in their workplaces, their homes, their schools and public parks in order to protect the public's health, safety, and welfare and to safeguard the environment and wildlife resources. The following requirements and standards shall be used to determine if an application for use by special review meets the requirements of this chapter and is approvable:

The site plans for a facility application comply with the requirements of section 17-54-050.

- (A) The vicinity maps for a facility application comply with the requirements of section 17-54-050.
- (B) The narrative for a facility application complies with the requirements of section 17-54-050.
- (C) All plans have been submitted in compliance with section 17-54-050 and 17-54-060.
- (D) The application complies with all applicable COGCC, AQCC, EPA, CDPHE, and local laws and regulations, including sections 17-54-030 through 17-54-90.
- (E) The application complies with all other site-specific requirements that are determined necessary by city council and are otherwise consistent with applicable law.
- (F) Noise. The facility shall prevent adverse impacts to public health, safety and welfare, and the environment, minimize noise and noise impacts to surrounding land uses.
- (G) Light and dust. The facility shall prevent adverse impacts to public health, safety and welfare, and the environment, minimize dust and light pollution.
- (H) Air quality. The construction and operation of any oil and gas facility shall avoid causing degradation to air quality. To prevent adverse impacts to public health, safety and welfare, and the environment, the installation and operation of any oil and gas facility shall eliminate, capture, or minimize all potentially harmful emissions, minimize dust associated with onsite activities and traffic, and demonstrate how the operator will prevent and mitigate gas leaks and air emissions.
- (I) Emergency preparedness and response. Oil and gas operations shall avoid risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills. Oil and gas operations shall ensure that, in the event of an emergency, adequate practices and procedures are in place to protect public health and safety and repair damage caused by emergencies.
- (J) A weed control plan that prevents adverse impacts to the environment, and avoids causing degradation to vegetation. Weeds shall not be over 12 inches high. Weed control plan must comply with B.M.C. Ch. 8-08.
- (K) Adequate water supply. Development applications for proposed oil and gas facilities shall demonstrate that the available water supply is the least detrimental to the environment among the available sources and adequate to meet the needs of the development.
- (L) Water quality. Oil and gas facilities shall prevent adverse impacts to public health, safety and welfare, and the environment avoid causing degradation to surface or ground waters within the city.
- (M) Grading, drainage, and erosion. To prevent adverse impacts to the environment, oil and gas facilities shall not cause significant erosion or sedimentation and shall be conducted in accord with the grading, drainage and erosion control plan.
- (N) Risk analysis that anticipates potential risks associated with oil and gas development, particularly in and around land uses, and maintains appropriate safety management plan and emergency response and preparedness plans in place.

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- (O) Abandoned wells plan that prevents adverse impacts to public health, safety and welfare, and the environment, minimizes risks associated with abandoned wells.
- (P) Wetlands protection. Oil and gas facilities shall prevent adverse impacts to the environment, avoid causing degradation to wetlands within City of Broomfield. Among other methods to achieve compliance with this standard, the proposed oil and gas facility shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts.
- (Q) Cultural and historic resources. Oil and gas facilities shall avoid causing degradation of cultural or historic or archaeological resources, sites eligible for city designation as an historical landmark, or sites in the National Historic Register. Operator shall have approval from the State Historic Preservation Office detailing required protection and mitigation measures to be implemented to preserve any historical or cultural resources potentially affected by the proposed facility, and to provide a copy of such approval to Broomfield, in consultation with the surface owner and subject to any confidentiality requirements.
- (R) Floodplains and floodways. Facilities and equipment are prohibited in floodways, as defined by the Federal Emergency Management Agency. Facilities and equipment shall not be located in the 100-year floodplain unless all alternate locations outside of the floodplain that allow for extraction or transportation of the resource are more detrimental to health, safety, welfare or the environment than the proposed location in the floodplain. All above-ground oil and gas facilities approved in a floodplain shall comply with the flood protection measures in B.M.C. section 17-40. Tanks in the 500-year floodplain also require flood protection measures.
- (S) Geologic hazard areas other than floodplains and floodways. Facilities and equipment shall not be located geologic hazard areas unless all alternate locations outside of the geologic hazard area that allow for extraction or transportation of the resource are more detrimental to health, safety, welfare or the environment than the proposed location in the geologic hazard area.
- (T) Land disturbance. The installation and operation of any oil and gas facility shall avoid causing degradation to the surface of the property used for the oil and gas facility. Considerations for application of this standard include, but are not limited to, the natural topography and existing vegetation, unnecessary or excessive site disturbance, and minimization of the amount of cut and fill.
- (U) Natural resources. The installation and operation of any oil and gas facility, pipeline, workover site, or oil and gas access road shall avoid causing degradation to the environment and wildlife including wetlands; floodplain; ponds; creeks, streams and drainageways; migratory birds and raptors; prairie dogs; burrowing owls; state and federal threatened and endangered species for both flora and fauna; any other applicable wildlife concerns including den sites for mammals, like coyotes and foxes; fish and other aquatic life; wildlife corridors; significant habitat; natural landmarks and prominent natural features such as distinctive rocks, outcroppings, and landforms; vegetation including grasses, shrubs, and trees; and visual or scenic resources as identified in the comprehensive plan, open space, parks, recreation and trails master plan, the site's environmental assessment or 20-Day Environmental Clearance Letter.
- (V) Odor. Oil and gas facilities shall control and minimize odors to prevent odors from oil and gas facilities from affecting the health and welfare of the public and to comply with Colorado Department of Public Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII. The operator shall notify the city and county manager no later than twenty-four hours after receiving an odor complaint.
- (W) Recreational activity. Oil and gas facilities shall avoid causing degradation to the quality and quantity of recreational activities in the city. Considerations for application of this standard include, but are not limited to, designated environmental resources, trails, and recreational uses, as identified in the comprehensive plan or identifiable on or near the site.

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- (X) Scenic attributes and character. Oil and gas facilities shall avoid causing degradation to the scenic attributes and character of the area.
- (Y) Surrounding buildings. Oil and gas facilities shall be sited and operated in a manner so that the facility is compatible with surrounding buildings. In applying this standard, separation from surrounding buildings shall be considered the most effective measure to ensure compatibility between proposed oil and gas facilities and existing buildings. Considerations for application of this standard may also include, but are not limited to, impacts on used or occupied structures; the natural topography and existing vegetation; the location of surrounding buildings, prevailing weather patterns, including wind directions; and hilltops, ridges, slopes, and silhouetting.
- (Z) Transportation, roads, and access. Oil and gas facilities shall be designed and implemented to avoid or minimize and mitigate impacts to physical infrastructure of the city transportation system, ensure public safety, and maintain quality of life for other users of the city transportation system, adjacent residents, and affected property owners. Where available, existing private roads shall be used to minimize land disturbance unless traffic safety, visual concerns, noise concerns, or other adverse surface impacts dictate otherwise. Operator shall fund infrastructure improvements required to support extraction activities and pay for significant degradation caused by operations and the resulting cost of repairs. Operator shall comply with hazardous materials regulations and obtain adequate insurance for exposure related to potential truck accidents.

17-54-080 - Final plans required for approval.

All use permitted by special review applications approved by the city council pursuant to 17-54-050 B.M.C., shall require compliance with the final plans listed below. Such final plans shall be approved by the city and county manager and city council prior to the commencement of drilling. Operator shall provide written notice to the city no less than thirty days prior to the commencement of construction, drilling, completion or any recompletion, re-drilling or plugging and abandonment of a well, for all approved facilities.

- (A) A response letter that outlines how the permit requirements have been met;
- (B) A list of all permits or approvals obtained or to be obtained from local, state, or federal agencies other than the COGCC;
- (C) Copies of all permits requested, including any exceptions;
- (D) A detailed site plan for all facilities that includes submittal to the city of all documents required to be submitted with COGCC Form 2A, a depiction of all visible improvements within 500 feet of the proposed location, to include buildings/residences, public roads and trails, major above-ground utilities, railroads, pipelines, mines, oil/gas/injection/water/plugged wells, etc. as required by COGCC Rule 303.d(3)C, and the site plan requirements of the Broomfield Municipal Code, as amended;
- (E) A summary of planned facilities, including identified access points and operational timeline for posting to a local community information web page;
- (F) A site plan for site preparation, mobilization, and demobilization;
- (G) A plan for interim reclamation and revegetation of the well pad and final reclamation of the well pad;
- (H) Vicinity maps for each facility, including maps that show the following information:
 - (1) The location of all existing water bodies and watercourses, including direction of water flow;
 - (2) The location for existing oil and gas wells or injection wells as reflected in COGCC records; and

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(3) The location of the drill site.

(I) Final project schedules for all phases, including site construction, pipeline construction, drilling, completions (broken down into activity-based components), commissioning, operations, reclamation, and abandonment;

(J) Information demonstrating the operator is capable of fulfilling and is likely to fulfill the obligations imposed by section 17-54-050 and the Oil and Gas Conservation Act;

~~(K)~~ (K) Information demonstrating the operator will comply with Chapter 17-40 B.M.C. and applicable FEMA requirements;

~~(L)~~ (L) Information demonstrating the operator will comply with Chapter 13-50 B.M.C.

~~(M)~~ (M) A final alternative site analysis;

~~(N)~~ (N) A final noise modeling protocol;

~~(O)~~ (O) Noise impact mitigation plan;

~~(P)~~ (P) A final plan for light and dust mitigation;

~~(Q)~~ (Q) A final traffic management plan and a reasonable bond to cover any damage to public infrastructure during active drilling and completion;

~~(R)~~ (R) A final detailed traffic plan that determines any operational changes and geometric modifications necessary for extraction activities;

~~(S)~~ (S) A final air quality mitigation plan that demonstrates compliance with the following:

(1) EPA, CDPHE, and COGCC standards for emissions and odors;

(2) 2017 CDC Agency for Toxic Substances and Disease Registry and USEPA Integrated Risk Information System ambient air quality guidelines; and

(3) The provisions of section 17-54-060;

~~(T)~~ (T) A final air modeling plan that demonstrates that emissions from the proposed facility meet the following:

(1) EPA and state emission standards;

(2) Facility emissions inventories and air quality impact studies for drilling, completions and operations based upon proposed equipment use, and operation phases, and any emissions reductions associated with plugging and abandonment; and

(3) Demonstration that the facility will not result in any increase of VOCs from operator's existing and planned development in the city;

~~(U)~~ (U) A final air monitoring plan that describes how the operator will conduct baseline and subsequent monitoring within 500 feet of a proposed facility;

~~(V)~~ (V) A final electrification plan;

~~(W)~~ (W) A final emergency preparedness and response plan;

~~(X)~~ (X) A final weed control plan;

~~(Y)~~ (Y) A final landscaping and visual mitigation plan;

~~(Z)~~ (Z) A final water quality plan;

~~(AA)~~ (AA) A final grading, drainage, and erosion control plan;

~~(BB)~~ (BB) A final stormwater management plan;

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- ~~(AA)~~~~(CC)~~ A final risk management plan;
- ~~(BB)~~~~(DD)~~ A final abandoned wells plan;
- ~~(CC)~~~~(EE)~~ A final wetlands protection plan;
- ~~(DD)~~~~(FF)~~ A final hazardous materials management plan
- ~~(EE)~~~~(GG)~~ A final waste management plan;
- ~~(FF)~~~~(HH)~~ A final assessment of historical and cultural resources in and around the proposed oil and gas development, including proposed mitigation measures;
- ~~(GG)~~~~(II)~~ A final water supply plan;
- ~~(HH)~~~~(JJ)~~ A twenty-day letter confirming that any environmental and wildlife conditions identified in the environmental assessment have been addressed; and
- ~~(II)~~~~(KK)~~ Additional information. If the city and county manager determines that the city needs additional information to determine whether the proposed oil and gas facility meets the criteria in chapter 17-54-070 B.M.C., the city and county manager may require the applicant to submit such information.

17-54-090. - Conditions of approval applicable to use by special review applications.

The following oil and gas facility operational requirements and mitigation measures are likely necessary to meet the approval criteria in section 17-54-070. Accordingly, unless the city council deems a condition unnecessary to establish compliance with this section, all of the following shall apply to all oil and gas facilities in the form of conditions of approval applicable to each use by special review permit:

- (A) Color. Facilities shall be painted in a uniform, non-reflective color that blends with the surrounding landscape.
- (B) Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.
- (C) Burning. No open burning of trash, debris or other flammable materials.
- (D) Chains. Traction chains shall be removed from heavy equipment on city streets.
- (E) Discharge valves. Discharge valves shall be secured, inaccessible to the public and located within the secondary containment area. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.
- (F) Dust suppression and fugitive dust. Dust associated with on-site activities and traffic on access roads shall be minimized throughout construction, drilling and operational activities such that there are no visible dust emissions from access roads or the site to the extent possible given wind conditions. No untreated produced water or other process fluids shall be used for dust suppression. The operator will avoid creating dust or dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water. ~~Material~~-Safety Data Sheets (MSDS) for any chemical-based dust suppressant shall be submitted to the city prior to use.
- (G) Emergency preparedness and response plan. The applicant shall implement the emergency preparedness and response plan approved by the city and county manager and city council. The plan shall be updated annually, or as conditions change, such as responsible field personnel and ownership.
- (H) Exhaust. All exhaust, including but not limited to, exhaust from all engines, motors, coolers and other equipment shall be vented up or in a direction away from the nearest occupied building.

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(I) Air quality.

- (1) Flares and combustion devices. Flaring shall be eliminated other than during emergencies or upset conditions. All flaring shall be reported to the city. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:
 - a. Any flaring that is done shall be done with a flare that has a manufacturer specification of 99% destruction removal efficiency or better.
 - b. The flare and/or combustor shall be fired with natural gas.
 - c. The flare and/or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.
 - d. The flare and or combustor shall be operated with a flame present at all times when emissions may be vented to it.
 - e. All combustion devices shall be equipped with an operating auto-igniter.
 - f. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm in the case that the pilot goes out.
 - g. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.
 - h. Any flare, auto ignition system, recorder, vapor recovery device or other equipment used to meet the hydrocarbon destruction or control efficiency requirement shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manuals.
- (2) ~~(2) —~~ Leak and detection and repair (LDAR). Operator shall develop and maintain a leak detection and repair program using ~~modern AQCC approved leak detection instrument monitoring methods technologies or alternative approved instrument monitoring methods for equipment used at the facility.~~ Inspections must occur at least semi-annually. More frequent inspections may be required based on the design, and size and location of the facility. If an infrared (IR) camera is used, operator shall retain an infrared image or video of all leaking components before and after repair. Such records shall be maintained for two years and shall be made available to the city upon request. Any leaks discovered by operator, including any verified leaks that are reported to the operator by a member of the public, shall be reported to the city immediately upon discovery. Operator shall repair leaks within 48 hours. If the city determines that the leak presents an imminent threat to persons or property, the operator may not operate the affected component, equipment or flowline segment until the operator has corrected the problem and the city agrees that the affected component, equipment or flowline segment no longer poses a hazard to persons or property. In the event of leaks that the city believes do not pose an imminent threat to persons or property ~~an imminent threat to persons or property~~, if more than forty-eight-hours repair time is needed after a leak is discovered, operator shall contact the city and county manager and provide an explanation of why more time is required. Continuous monitoring to detect leaks or measure hydrocarbon emissions and monitor meteorological data shall be required. City may require operator to install and operate its own continuous monitoring system or may require operator to reimburse the City for costs associated with conducting its own continuous monitoring. Any

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continuous monitoring system shall be able to alert the operator of increases in air contaminant concentrations. At least once per year, the operator shall notify the city five business days prior to an LDAR inspection of its facilities to provide the city the opportunity to observe the inspection.

- (3) Emission control regulations. To the extent used, all equipment shall comply with the following:
- a. Electrification from the power grid or from renewable sources of all permanent operation equipment that can be electrified.
 - b. Dry seals on centrifugal compressors.
 - c. Routing of emissions from rod-packing and other components on reciprocating compressors to vapor collection systems.
 - d. Emission controls of hydrocarbon emissions of 98% or better for centrifugal compressors and reciprocating compressors.
 - e. Best management practices during liquids unloading activities including the installation of artificial lift, automated plunger lifts and at least 90% emissions reductions when utilizing combustion to control any venting. If manual unloading is permitted, operator shall remain onsite during any manual unloading.
 - f. Reduction or elimination of emissions from oil and gas maintenance activities such as pigging or blowdowns. If any maintenance activity will involve the intentional venting of gas from a well tank, compressor, flowline or pipeline, beyond routine maintenance activity and pigging, the operator shall provide forty-eight hour advance written notice to the city of such proposed venting. Such notice shall identify the duration and nature of the venting event, a description as to why venting is necessary, a description of what vapors will likely be vented, what steps will be taken to limit the duration of venting, and what steps the operator proposes to undertake to minimize similar events in the future. If emergency venting is required, or if accidental venting occurs, the operator shall provide notice to the city of such event as soon as, but in no event longer than twenty-four hours from, the time of the event, with the information listed above and with an explanation as to the cause and how the event will be avoided in the future.
 - g. Telemetric control and monitoring systems, including surveillance monitors to detect when pilot lights on control devices are extinguished.
 - h. Operator agrees to participate in Natural Gas STAR program or other voluntary programs to encourage innovation in pollution control at facilities.
 - i. Proof of compliance with state-required dust control measures and imposition of an opacity requirement as tested using EPA Method 9.
 - j. Monitoring as needed to respond to emergency events such as process upsets or accidental releases.
 - k. ~~m.~~ Emission reduction measures to respond to air quality action day advisories posted by the Colorado Department of Public Health and Environment for the Front Range Area, including minimizing vehicle and engine idling; reducing truck traffic and worker traffic; delaying vehicle refueling; suspending or delaying use of fossil fuel powered ancillary equipment; ~~and~~ postponing construction activities; postponing maintenance activities. Within thirty days following the conclusion of each annual air quality action day season, operator shall submit a report to the city that details which measures it implemented during any action day advisories.

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- l. ~~n.~~ Shutdown protocols, approved by the city, with notification and inspection provisions to ensure safe shut-down and timely notification to local communities.
- ~~m. o.~~ Ongoing maintenance checks of all equipment to minimize the potential for gaseous or liquid leaks.
- ~~m. n.~~ Minimization of truck traffic to and from the site.
- ~~n.~~ Implementation of tankless production techniques.
- ~~o.~~ The use of desiccant gas processing dehydrators or other zero-emitting dehydrators.
- ~~p. o.~~ Hydrocarbon control of 99% or better for crude oil, condensate, and produced water tanks with uncontrolled actual emissions of VOCs greater than two TPY VOCs.
- ~~q. p.~~ No venting other than when necessary for safety.
- ~~r. q.~~ Reduction or elimination of emissions of associated gas from hybrid gas-oil wells (i.e. gas that is co-produced from a well that primarily produces oil), including prohibition of uncontrolled venting and limits on flaring.
- ~~s. r.~~ Consolidation of product treatment and storage facilities within a facility.
- ~~t. s.~~ Centralization of compression facilities within a facility.
- ~~u.~~ Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.
- ~~v.~~ Pipeline infrastructure for fresh water shall be constructed and placed into service prior to spudding for delivery of all fresh water to be used during the drilling, completion, production and operations phases.
- ~~w.~~ Pipeline infrastructure for produced water, natural gas, crude oil and condensate will be constructed and placed into service prior to the start of any fluid flow from any wellbore.
- ~~x. t.~~ EPA Reduced Emission Completions for oil wells. Daily logs documenting reduced emission completions provided to the city.
- ~~y. u.~~ EPA reduced emission completions for gas wells. Daily logs documenting reduced emission completions provided to the city.
- ~~z.~~ Closed loop, pitless drilling, completions and production systems without permanent on-site storage tanks for containment and/or recycling of all drilling, completion, flowback and produced fluids and any required venting routed to 98% effective emissions control devices.
- ~~v.~~
- ~~aa.~~ Plugging and abandoning existing wells as required by COGCC or by the City.
- ~~bb. w.~~ Use of other best management practices as they become available.
- ~~cc. x.~~ The use of no-bleed continuous and intermittent pneumatic devices. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop-system or process.
- ~~dd. y.~~ A root cause analysis for any Grade 1 gas leaks.
- ~~ee. z.~~ Automated tank gauging.
- ~~ff.~~ For operators with existing oil and gas facilities in Broomfield, demonstration that facility will not result in any increase of volatile organic compounds (VOCs) from operator's existing and planned development in the city. Operator may include anticipated reductions from plugging and abandoning existing wells located in city when modeling total VOCs from existing and future development and related activities.

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gg-aa. _____ Compliance with all CDPHE permits, if any, and compliance with all OSHA work practice requirements with respect to benzene.

(4) The following may be required based on the size, nature and location of the facility:

- a. Implementation of tankless production techniques.
- b. The use of desiccant gas processing dehydrators or other zero emitting dehydrators.
- c. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.
- d. Pipeline infrastructure for fresh water shall be constructed and placed into service prior to spudding for delivery of all fresh water to be used during the drilling, completion, production and operations phases.
- e. Pipeline infrastructure for produced water, natural gas, crude oil and condensate will be constructed and placed into service prior to the start of any fluid flow from any wellbore.

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(4)(5) Compliance. The operator shall submit annual reports to the city certifying (a) compliance with these air quality requirements and documenting any periods of material non-compliance, including the date and duration of each such deviation and a compliance plan and schedule to achieve compliance, and (b) that the equipment at the facility continues to operate within its design parameters, and if not, what steps will be taken to modify the equipment to enable the equipment to operate within its design parameters. The annual report shall contain a certification as to the truth, accuracy and completeness of the reports, signed by a responsible corporate official. The operator will also provide the city with a copy of any self-reporting submissions that operator provides to the CDPHE due to any incidence of non-compliance with any CDPHE air quality rules or regulations at the facility.

(J) Lighting. During all phases of development and operation, operator shall adhere to best management practices to minimize light escaping the facility including making all lighting downward-facing and fully shielding bulbs to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. In doing so, operator shall take topography and location of downhill structures into account in order to avoid shining light into downhill properties. If required by City, dDuring the drilling and completion phases operator shall install a minimum thirty-two-foot wall around well pads to reduce light escaping site.

(K) Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.

(L) Noise. The Operator shall control noise levels as follows.

(1) Operator must comply with Chapter 9-36, B.M.C.

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(1)(2) Beginning with construction and up to production, third-party consultant approved by the City must conduct continuous noise monitoring in 15 minute increments near well sites and maintain records for two (2) years

(2)(3) For db(A) scale noise, Operator will insure that the noise level from Operations subject to the light industrial zone noise standard under COGCC Regulations 802.b and 604.c.(2)(A) does not exceed sixty (60) db(A) and that the noise level from Operations subject to the industrial zone noise standard under COGCC Regulations 802.b and 604.c.(2)(A) is reduced

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at least five (5) db(A) below the maximum level permitted by those Regulations. For this purpose, the noise level shall be measured as set forth in COGCC Regulations 802.b and c, except no measurements shall be taken when traffic is passing the sound level meter, measurements must be taken by third-party consultant approved by the City, and Operator shall be present during all measurements. Operator shall notify City at least two (2) days prior to taking measurements. As set forth in COGCC Regulation 802.b, the noise levels shall be subject to increase for a period not to exceed fifteen (15) minutes in any one (1) hour period and reduction for periodic, impulsive or shrill noises.

(3)(4) For db(C) scale noise, Operator shall comply with the requirements of COGCC Regulation 802.

—To ensure the Operator controls noise to the allowable levels set forth above, one or more of the following may be required based on the size, location and nature of the facility. Where a well and well site do not comply with the required setback or other requirements of this chapter, or where the well and well site are in an area of particular noise sensitivity, additional noise mitigation will be required. An area of particular noise sensitivity includes, but is not limited to, the following: hospitals, dwelling units, nursing homes, hotels, churches, and designated wildlife preserves. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:

- a. Nature and proximity of adjacent development, location, and type;
- b. Prevailing weather patterns, including wind directions;
- c. Vegetative cover on or adjacent to the site; or
- d. Topography.

(5) (2) Based upon the specific site characteristics set forth above, nature of the proposed activity, its proximity to surrounding development, and type and intensity of the noise emitted, additional noise abatement measures will be required. The level of required mitigation may increase with the proximity of the well and well site to areas of particular noise sensitivity or the level of noise emitted by the well and well site. One or more of the following additional noise abatement measures may be required:

- a. Acoustically insulated housing or cover enclosing the motor or engine;
- b. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;
- c. Obtain all power from utility line power or renewable sources;
- d. Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions, electric drill rigs and tier 4 engines;
- d-e. Sound walls around well drilling and completion activities to mitigate noise impacts;
- e-f. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;
- f-g. Any abatement measures required by COGCC for high-density areas, if applicable.
- g-h. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.

(M) Reclamation. Operators will comply with the City's approved reclamation plan and the COGCC interim and final reclamation requirements. Seeding will take place when climate is conducive to seed

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germination. Final facility reclamation will ensure compatibility with neighboring land uses at the time of reclamation.

- (N) Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times during operations. No burning of debris permitted for any activity on facility, including, but not limited to, drilling, hydraulic fracturing, flowback, recompletion, redrilling or plugging and abandoning.
- (O) Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless surface owner agrees and city and county manager or his designee agrees to temporary equipment remaining on site for more than thirty days.
- (P) Pipelines.
- (1) Any newly constructed or substantially modified off-location oil and gas flow lines or crude oil transfer lines proposed as part of an applicant's oil and gas facility are subject to use by review under section 17-54-050.
 - (2) Off-location flow lines and crude oil transfer lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.
 - (3) Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
 - (4) Operator shall comply with Broomfield's Public/Private Improvement Permit and easement processes for all crude oil transfer lines and off-location flowlines installed in Broomfield owned property or rights-of-way.
 - (5) Flow lines and crude oil transfer lines shall be located a minimum of 150 feet away from general residential, commercial, and industrial buildings, as well as the high-water mark of any surface water body unless technically infeasible, in which case pipelines must be constructed in the next most protective location. This distance shall be measured from the nearest edge of the pipeline/flowline. Setbacks from sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
 - (6) Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues.
 - (7) Operator must make available to Inspector upon request all records required to be kept by COGCC
 - (8) Buried pipelines shall have a minimum of four feet cover.
 - (9) New pipelines shall be constructed no closer than 5 feet from property lines
 - (10) New pipelines shall be constructed in public rights of way, unless technically infeasible.

(Q) Gathering Lines

- (1) Gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.
- (2) Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
- (3) Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be

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determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.

- (4) Operator must make available to County upon request all records submitted to PHMSA or the PUC including those related to inspections, pressure testing, pipeline accidents and other safety incidents.

(R) Spills and releases. To minimize spills and releases from oil and gas facilities, the following measures will be required, as applicable based on the nature, size and location of the facility:

- (1) Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material. Inspection of all berms and containment devices at regular intervals, but not less than monthly. Maintenance of all berms and containment devices in good condition. A prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel.
- (2) Construction of containment berms using steel rings, designed and installed to prevent leakage and resist degradation from erosion or routine operation.
- (3) Construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment vessels and flowlines and is mechanically connected to the steel ring to prevent leakage.
- (4) For locations within 500 feet and upgradient of a surface water body, tertiary containment, such as an earthen berm, around oil and gas facilities.
- (5) A prohibition on more than two crude oil or condensate storage tanks within a single berm.
- (6) Notification to the city of all spills of a gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.
- (7) Operator shall keep a daily incident log that is to be submitted to the city monthly;
- (8) Prohibition of onsite storage of waste in excess of thirty days.
- (9) No permanent storage of drilling and completions chemicals. Drilling and completion chemicals shall be removed at most sixty days after completion.

(S) Temporary access roads. Operator will assure that temporary access roads are reclaimed and revegetated within sixty days of discontinued use. Erosion shall be controlled while they are in use.

(T) Water quality. To minimize impacts to surface and sub-surface water bodies from oil and gas facilities, the following measures will be required:

- (1) Chemicals dangerous to human health. To prevent harm to human health and odors, prohibitions on toxic, including orally toxic, chemical additives in hydraulic fracturing fluids including but not limited to, the following:
 - a. Benzene
 - b. Lead
 - c. Mercury
 - d. Arsenic
 - e. Cadmium
 - f. Chromium

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- g. Ethylbenzene
- h. Xylenes
- i. 1,3,5-trimethylbenzene
- j. 1,4-dioxane
- k. 1-butanol
- l. 2-butoxyethanol
- m. N,N-dimethylformamide
- n. 2-ethylhexanol
- o. 2-mercaptoethanol
- p. Benzene, 1, 1'-oxybis-, tetrapropylene derivatives, sulfonated, sodium salts
- q. Butyl glycidyl ether
- r. Polysorbate 80
- s. Quaternary ammonium compounds, dicoco alkyldimethyl, chlorides
- t. Bis hexamethylene triamine penta methylene phosphonic acid
- u. Diethylenetriamine penta
- v. FD&C blue no 1.
- w. Tetrakis (triethanolaminate) zirconium (IV) (TTZ)

- (2) Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one-quarter mile of the projected track of the borehole of a proposed well. This includes:
- a. Based upon examination of COGCC and other publicly available records, identification of all abandoned wells located within one-quarter mile of the projected track of the borehole of a proposed well.
 - b. Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account plugging and cementing procedures described in any recompletion or plugged and abandoned (P&A) report filed with the COGCC.
 - c. Notification of the city and county manager and COGCC of the results of the assessment of the plugging and cementing procedures.
 - d. Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.
 - e. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing
 - f. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one year and then every three years after production has commenced.

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- g. Provide the results of the soil gas survey to the city and county manager and the COGCC within three weeks of conducting the survey or advising the city and county manager that access to the abandoned wells could not be obtained from the surface owner.
 - h. If contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the city has given its approval for additional operations to continue.
- (3) Water source sampling and testing. Using records of the Colorado Division of Water Resources, the applicant will be required to identify and offer to sample all available water sources located within one-half mile of the projected track of the borehole of a proposed well and within one-half mile of the radius of the proposed well or facility. All sampling must be conducted by third-party consultant approved of by the City. The owner or operator shall provide all water source test results to the city and maintain records of such results. Sampling requirements include:
- a. Initial baseline samples and subsequent monitoring samples shall be collected from all available water sources within one-half mile of the projected track of the borehole of a proposed well and one-half mile radius of the facility or multi-facility.
 - b. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.
 - c. Post-stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:
 - 1. One sample within six months after completion;
 - 2. One sample between twelve and eighteen months after completion; and
 - 3. One sample between sixty and seventy-two months after completion.
 - d. For multi-well pads, collection shall occur annually during active drilling and completion.
 - e. Operator shall collect a sample from at least one up-gradient and two down-gradient water sources within a one-half mile radius of the facility. If no such water sources are available, operator shall collect samples from additional water sources within a radius of up to one mile from the facility until samples from a total of at least one up-gradient and two down-gradient water sources are collected. Operators should give priority to the selection of water sources closest to the facility.
 - f. An operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.
 - g. The operator shall make reasonable efforts to obtain the consent of the owner of the water source. If the operator is unable to locate and obtain permission from the surface owner of the Water Source, the operator shall advise the city and county manager that the applicant could not obtain access to the water source from the surface owner.
 - h. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.
 - i. Operator shall follow standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan.

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- j. Reporting the location of the water source using a GPS with sub-meter resolution.
- k. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.
- l. Test results. Provide copies of all test results described above to the city and county manager, the COGCC, and the water source owners within three months after collecting the samples.
- m. Subsequent sampling. If sampling shows water contamination, additional measures may be required including the following:
 - 1. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).
 - 2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
 - 3. Immediate notification to the city and county manager, the COGCC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
 - 4. Immediate notification to the city and county manager, the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes.
 - 5. Further water source sampling in response to complaints from water source owners.
 - 6. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the city and county manager, the COGCC and the water source owners.
- n. Qualified independent professional consultant. All abandoned well assessments and water source testing shall be conducted by the applicant or, if requested by a surface owner, by a qualified independent professional consultant approved by the city and county manager at the operator's expense.

Table 1. Water Quality Analytes

GENERAL WATER QUALITY	Alkalinity Conductivity & TDS Ph Dissolved Organic Carbon (or Total Organic Carbon)Bacteria Hydrogen Sulphide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium

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	Sulfate Nitrate + Nitrite as N (total)
METALS	Arsenic Barium Boron Chromium Copper Iron Lead Manganese Selenium Strontium
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon) Phosphorus

(4) Waste management. Conditions of approval that will ensure proper waste management including one or more of the following:

- a. All fluids shall be contained and there shall be no discharge of fluids.
- b. Land treatment of oil impacted or contaminated drill cuttings is prohibited.

(U) Weed control. Required at the facility until final reclamation and abandonment.

(V) Well abandonment or decommissioning.

- (1) The operator shall comply with any COGCC rules regarding well abandonment, decommission, or reclamation.
- (2) Upon plugging and reclaiming a well, the applicant shall provide the city with surveyed coordinates of the decommissioned or reclaimed well.
- (3) City inspector shall be onsite during plugging and abandoning.
- (4) The Operator shall properly drain and commission in accordance with City and COGCC rules and regulations all flowlines and crude oil transfer lines associated with each plugged and abandoned well, unless the applicable surface owner or surface use agreement requires

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measures to be taken that differ from COGCC rules and regulations, and shall remove all facilities related to the plugged and abandoned wells.

- (W) Regulations. An operator shall comply with all applicable state and federal laws and regulations, as such regulations exist now and with more stringent regulations adopted in the future.
- (X) Sight access and security. Site shall be properly secured, including, but not limited to, security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of drilling. Proposed fencing, barriers, and screening shall be included in visual mitigation plan.
- (Y) Flammable material. The area twenty-five feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's pre-application and application shall be reviewed by NMFRD.
- (Z) Mud tracking. Mud tracking on city streets shall be *de minimus*. Operator shall take all practical measures to prevent mud and operator shall clean up any mud tracked onto city streets from all construction and operations within a reasonable time not to exceed two hours..
- (AA) Trailers. A construction trailer is permitted during active drilling and completions only. No residential trailers will be allowed. Only equipment needed for project should be on site.
- (BB) Visual screening. Operator shall construct a thirty-two-foot wall to screen facility from view and provide noise and light mitigation with such walls to be colors that blend with the surrounding natural background.
- (CC) Wastewater injection wells are prohibited in Broomfield.
- (DD) Landscaping and berming plan approved by city that includes maintenance and irrigation requirements for planted vegetation throughout the duration of operations, including production. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep..
- (EE) Odor. Operator is required to take odor mitigation measures, including the following, as required by the City based on the nature, size and location of the facility:
- (1) Adding an odorant which is not a masking agent or adding chillers to the muds
 - (2) Enclosing shale shaker to contain fumes from exposed mud, where safe
 - (3) Wiping down the drill pipe each time the drilling operation "trips" out of the hole
 - (4) Increasing additive concentrations during peak hours
 - (5) Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances
 - ~~(5)~~(6) Using category IV drilling muds.
- (FF) Risk Analysis. Operator shall submit a site-specific detailed quantitative and qualitative risk management plan for pipelines and oil and gas facilities conducted in accordance with ISO ~~11776~~. Plan must identify risks, include qualitative and quantitative risk assessment, list methods of risk avoidance and control that implement techniques to prevent accidents and losses and reduce the impact or cost of an accident or loss after it occurs.
- (GG) Safety management plan and management system applicable to all covered processes at the facility. Safety management system shall provide for employees and systems to oversee implementation and periodic revision of plan. Plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes:

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- (1) Process safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;
- (2) Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;
- (3) Employee participation. Plan for ensuring employee participation in conduct and development of process hazards analysis and access to process hazards analysis;
- (4) Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;
- (5) Mechanical integrity. Written procedures designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;
- (6) Management of change. Written procedures to manage changes to covered processes, technologies, equipment and procedures;
- (7) Pre-startup reviews. Written procedures regarding pre-startup safety reviews;
- (8) Compliance audits. Written procedures requiring an audit every three years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;
- (9) Incident investigation. Written procedures requiring investigations of all near-misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.
- (10) Hot work. The facility shall ensure that all hot work complies with city and state fire prevention and protection requirements.
- (11) Contractors. Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;
- (12) Process hazard analysis. Process hazard analysis for each covered process;
- (13) Incident history. List of all incidents, including traffic incidents, that have occurred at the operator's facilities within the last ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;
- (14) Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and
- (15) Inherently safer systems analysis. Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if

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recommended by the investigation report or root cause analysis, and during the design of new processes, equipment or facilities.

Safety management plan is subject to review by the city and county manager and city council periodically, but at least every three years and after any incident. City may retain outside consultants to review SMP and may request modifications to safety management plan based on its review and public input.

(HH) Safety and accidents.

- (1) Incidents. Within a week for any safety incident, operator shall submit a report to the city including the following, to the extent available:
 - a. Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time.
 - b. City may require operator to conduct root cause analysis of any incidents.
- (2) Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a subsurface safety valve and shall be able to remotely shut in wells on demand. Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to City quarterly.

Financial assurance.

- (1) Operators engaged in drilling new wells shall maintain Gradual Pollution Liability insurance. Such policies shall include the City as an "Additional Insured" and "certificate holder" so that the City may be insured on a contingent basis and receive 30 days advance notice of cancellation.
 - (2) Operator must be required to file and maintain financial assurance of \$12 per linear foot of the aggregate wellbore of all wells within the County (active, inactive, injection, or producing but not including plugged wells), subject to a minimum amount of \$25,000.
- (II) Land disturbance and compatibility.** Conditions of approval that will reduce impacts to the site, residential development, natural resources, environmental resources, agricultural resources, floodways and floodplains, wetlands, and recreational activities, and will enhance compatibility with the surrounding area or scenic and rural character may be required, including, but not limited to, one or more of the following:
- (1) Reduction. A reduction of the number of wells on a single pad.
 - (2) Pad dimensions. Adjustment of pad dimensions to the minimum size necessary to accommodate operational needs while minimizing surface disturbance.
 - (3) Structures and surface equipment. Adjustment of structures and surface equipment to the minimal numbers and size necessary to satisfy operational needs.
 - (4) Shared infrastructure. Use of shared existing infrastructure by oil and gas operations, minimizing the installation of new facilities and avoiding additional disturbance to lands in a

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manner that reduces the introduction of significant new facility impacts to the environment, landowners and natural resources.

- (5) Vegetation. Maximization of the amount of natural screening available for the facility. Natural screening includes, but is not limited to, the use of existing vegetation as a background, the construction of the facility near screening stands of vegetation, or placement in valleys allowing topographic screening. Construction of the facility in a manner that minimizes the removal of and damage to existing trees and vegetation. If the facility requires clearing trees or vegetation, feathering and thinning of the edges of the cleared vegetation and mowing or brush-hogging of the vegetation while leaving root structure intact, instead of scraping the surface.
- (6) Equipment. Use of low profile tanks and less intrusive equipment.
- (7) Spills and leaks. A plan to monitor for fluid leaks or spills.
- (8) Operator shall identify and mitigate through location of facilities and berms potential environmental impacts to drainage ways in a form acceptable by the city.
- (9) Transportation. Conditions of approval that will ensure public safety for all modes of travel along travel routes to and from the site and maintain quality of life for other users of the city transportation system, adjacent residents, and affected property owners, including a requirement that the applicant use a particular route for some or all of the pad construction, drilling, and completion phases of the oil and gas facility; maintenance practices on the proposed route during pad construction, drilling, and completion designed and implement to adequately minimize impacts; and compliance with city transportation standards.

Operator shall review its operations every five years and retrofit with new beneficial technology if feasible in consultation with Broomfield.0

17-54-210 - Approval required.

Development of an oil and gas facility shall not commence until and unless any required permits from COGCC and a use by special review permit from the city has been approved.

IV. Variances

17-54-220 - Variances generally.

- (A) *Variance request.* In the use by special review permit an applicant may request a variance from any provision of this chapter. A request for a variance under this subsection may be included in the applicant's application and shall be processed, reviewed and granted, granted with conditions or denied in accordance with and as part of the use by special review permit . The variance provisions of chapter 16-36, B.M.C. shall not be applicable to a variance request under this chapter.
- (B) *Other variances grounds for variance.* A variance from the application of any provision of this chapter may be granted on the basis of one or more of the following grounds. A variance may be in the form of a waiver or modification, as applicable:

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- (1) There is no technology commercially available to conduct the proposed oil and gas operation in compliance with the provision and granting a variance from the operation of the provision will not have an adverse effect on the public health, safety, or welfare, or on the environment.
- (2) An alternative approach not contemplated by the provision is demonstrated to provide a level of protection of the public health, safety, and welfare, and of the environment, that would be at least equivalent to the applicable provision.
- (3) Application of the provision would create an undue or unnecessary hardship or would jeopardize public health, safety, welfare, the environment or wildlife because of unique physical circumstances or conditions existing on or near the site of the oil and gas facility.

V. Miscellaneous Provisions

17-54-230 - Transfer of permits or operator agreements.

Use by special review permits or operator agreements may be assigned to another operator only with the prior written consent of the city manager and upon a showing to the city that the new operator can and will comply with all conditions of the transferred use by special review permit or operator agreement and with all of the applicable provisions of this chapter. The existing operator shall assign the use by special review permit or operator agreement to the new operator on a form provided by the city and the new operator shall also sign the form agreeing to comply with all of the conditions of the permit and all applicable provisions of this chapter.

17-54-240 - Conflicting provisions; enforceability.

In the event of a conflict between the provisions of this chapter and any other provision of this title, the provisions of this chapter shall control.

17-54-250 - Unlawful acts.

Except as otherwise provided in this chapter, it is unlawful to construct, install, or cause to be constructed or installed, any oil and gas facility within the city unless approval has been granted by the city either by a use of special review permit or administrative approval by agreement. The unlawful drilling or redrilling of any well or the production therefrom is a violation of this chapter.

17-54-260 - Suspension or revocation of use by special review permit or operator agreement.

If the city believes the operator has violated a condition of the use by special review permit or operator agreement or that there are material changes in the approved oil and gas facility, the city may, for good cause temporarily suspend the use special review permit or operator agreement. Upon oral or written notification, the operator shall cease operations immediately. As a condition precedent to terminating the use by special review permit or operator agreement, the city shall provide written notice to operator specifying, in reasonable detail, the failure and the remedy required. The operator shall then have a period of forty-five days in which to remedy the failure, or if the failure is of a nature that cannot be remedied within that forty-five-day period, the operator shall have commenced to remedy the failure and will diligently complete the remedy. City authorization is required to re-start facilities that have been suspended under use by special review permit or operator agreement. If operator fails to remedy a material default in the manner set forth above, upon written notice, the city may terminate the use by special review permit or operator agreement and revoke any or all approvals for operations of the subject oil and gas facilities. Upon such revocation, operator shall cease operating such oil and gas facilities until it obtains approval for such wells under the then-applicable city code.

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17-54-270 - Penalty.

Subject to other applicable provisions of law, any person who constructs, installs, or uses, or who causes to be constructed, installed, or used, any oil, gas, or injection well, or facility in violation of any provision of this chapter or of the conditions and requirements of the oil and gas special use permit or administrative approval by agreement, may be punished as provided in chapter 1-12, B.M.C. Each day of such unlawful operation constitutes a separate violation.

17-54-280 - Civil action; enforcement.

In case of any violation of this chapter, including but not limited to (a) nonconformance with an operator agreement or special review permit, (b) nonconformance with plans submitted and approved by the city pursuant to this chapter, or (c) a building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is or is proposed to be used, in violation of any provision of this article or the conditions and requirements of the oil and gas special use permit or operator agreement, the city attorney, in addition to the other remedies provided by law, ordinance, or resolution, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use. The enforcement provisions of this chapter shall apply to all special review permits, memorandums of understandings or operator agreements, adopted pursuant to this chapter and all operator agreements adopted on or after August 1, 2013.

17-54-290 - False or inaccurate information.

The city manager may revoke approval of a facility if it is determined after an administrative hearing, held on at least ten days' notice to the applicant, that the applicant provided information or documentation upon which approval was based, which the applicant, its agents, servants, and employees, knew, or reasonably should have known, was materially false, misleading, deceptive, or inaccurate.

17-54-300 - Severability.

If any provision of this chapter is found by a court of competent jurisdiction to be invalid, the remaining provisions of this chapter will remain valid, it being the intent of the city council that the provisions of this chapter are severable.

17-54-310 - Prospective application.

Unless specifically provided otherwise, this chapter shall apply only to wells which are drilled in the city on and after the date this chapter is adopted. The reentering of a well in existence prior to the date of adoption of this chapter, for purposes of deepening, reCompleting or reworking, shall not require approval of a use permitted by special review as required by this chapter, unless such work requires a new or modified permit from COGCC.

17-54-320 - Abandonment and plugging of wells.

The approval of a use by special review or an administrative approval by agreement shall not relieve the operator from complying with all Commission rules with respect to abandonment and plugging of wells. The operator shall provide the city with Commission Form 4 at the time that it is filed with the Commission.

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17-54-330 - Application and facility fees.

When an application is submitted to the city for a use by special review or an administrative approval by agreement under this chapter, the applicant shall pay to the city a \$5,000.00 oil and gas application review fee for each facility. In addition, the applicant shall be required to pay either a use by special review fee and public notice and publication fees as required for a use by special review or a neighborhood meeting fee of \$100.00 for an operator agreement. These fees are in addition to any other fees charged by the city.

17-54-340 - Coordination with Air Quality Control Commission.

Pursuant to section 25-7-128(4), C.R.S., upon the issuance of any enforcement order or granting of any permit, the city shall transmit to the AQCC a copy of the order or permit. Pursuant to section 25-7-128(6), C.R.S., the city shall confer and coordinate its activities regarding efforts to control or abate air pollution consistent with that provision.

17-54-350 - Appeal of decisions.

Any appeal of a decision by the city council under this chapter, to the extent allowed by law, shall be filed in the district court of this county within thirty days of the final decision on any such matter.

17-54-360-Defense and Indemnity

Operator shall defend and indemnify the City, its employees, boards, agents and City Council (the "City entities") from and against all claims and liability against the City Entities arising out of or related to the operations of the Operator at any oil and gas facility and any action or inaction of the Operator at or in connection with any oil and gas facility, including but not limited to claims for bodily injury, death, property or other damage, remediation or other costs, or claims under any local, state, or federal environmental law. As used in this paragraph, the term "claim" means any claim filed in any judicial or administrative forum and any administrative proceeding or order. The defense and indemnity does not apply to a claim or liability that arises from the negligence or willful misconduct of the City Entities.

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10/28/2019 REVISIONS TO
10/8/2019 STUDY SESSION DRAFT OIL AND GAS REGULATIONS

10.12.2 GENERAL PROVISIONS

A. Title and Citation

These Regulations are entitled and may be cited as the "Regulations for Oil and Gas Operations."

B. Purpose

The purpose of these Regulations is to protect public health, safety, welfare and the environment by using the Town's police power to:

1. Regulate the surface impacts of oil and gas operations in a reasonable manner to address matters specified in C.R.S. § 29-20-104(1)(h) ~~et seq.~~ and to protect and minimize adverse impacts to public health, safety, welfare, and the environment.
2. ~~To~~ Implement such requirements that are necessary and reasonable to avoid adverse impacts from Oil and Gas Operations and to minimize and mitigate the extent and severity of those impacts that cannot be avoided.

C. Authority

This section is adopted pursuant to C.R.S. §§ 29-20-101 et seq, 31-15-401, and 34-60-101 et seq.

D. Oil and Gas Permit or Seismic Activity Notice Required

1. No person shall engage in, cause, allow, or conduct any Oil and Gas Operation prior to obtaining an Oil and Gas Permit following notice and public hearing under these Regulations unless the Operation falls within one of the exemptions in Section 10.12.1.F.
2. A Permit issued under these Regulations shall expire three (3) years from the date of its approval if the COGCC has not issued final approvals to drill for the Oil and Gas Operation covered by the Permit.
3. No person shall engage in seismic surveying and testing prior to obtaining a Seismic Activity Notice pursuant to Section 10.12.5 of these Regulations.

E. Applicability

1. Oil and Gas Operations existing at the effective date of these Regulations are subject to the requirements in Section 10.12.4 of these Regulations.
2. New or modified Oil and Gas Operations within the Town are subject to the Permit requirements of these Regulations. ~~These Regulations take the place of the existing special review use process. In the event that~~ any provisions ~~of these Regulations conflict~~s with any other applicable provision of the UDC, ~~this section~~ these Regulations shall control.
3. Oil and Gas Permits issued pursuant to these Regulations shall encompass within its authorization the right of the Operator, its agents, employees, subcontractors, independent contractors, or any other person to perform that work reasonably necessary to conduct the activities authorized by the Permit, subject to all other applicable Town regulations and requirements.
4. The issuance of a Permit under these Regulations shall satisfy the requirement of Section 34-60-106(f)(I)(A) of the Colorado Oil and Gas Conservation Act.

F. Exemption from these Regulations

1. Operator Agreement

An Operator Agreement with terms and conditions at least as stringent as these Regulations approved by the Town Board of Trustees may, by its terms, exempt the proposed Oil and Gas Operation from these Regulations.

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2. Continuation of Existing Operations

Oil and Gas Operations that are being conducted pursuant to approved permits as of the effective date of these Regulations or that are located within territory which thereafter is annexed to the Town may continue operating without the issuance of an Oil and Gas Permit under these Regulations, but shall comply with the requirements of Section 10.12.4 of these Regulations.

G. Severability

If any section, clause, provision, or portion of these Regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of these Regulations shall not be affected thereby and is hereby declared to be necessary for the public health, safety and welfare.

H. Definitions

Ambient Noise Level

The all encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal and existing level of environmental noise at a given location.

Building Unit

Building or structure designed for use as a place of residency by a person, a family, or families. The term includes manufactured, mobile, and modular homes, except to the extent that any such manufactured, mobile, or modular home is intended for temporary occupancy or for business purposes.

CDPHE

Colorado Department of Public Health and Environment.

Closed Loop Drilling Process or System

A closed loop mud drilling system typically consists of steel tanks for mud mixing and storage and the use of solids removal equipment which normally includes some combination of shale shakers, mud cleaners and centrifuges sitting on top of the mud tanks. This equipment separates drill cutting solids from the mud stream coming out of the wellbore while retaining the water or fluid portion to be reused to continue drilling the well bore. The solids are placed in containment, either a shallow lined pit or an above ground container, provided on location. The system differs from conventional drilling where a reserve pit is used to allow gravitational settling of the solids from the mud which can then be reused. A Closed Loop Drilling System does not include use of a Conventional Reserve Drilling Pit.

COGCC

Colorado Oil and Gas Conservation Commission.

Completion

- (1) An oil well shall be considered completed when the first new oil is produced through wellhead equipment into lease tanks from the ultimate producing interval after the production string has been run.
- (2) A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run.
- (3) A dry hole shall be considered completed when all provisions of plugging are complied with as set out in these rules.
- (4) Any well not previously defined as an oil or gas well, shall be considered completed

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ninety (90) days after reaching total depth.

(5) If approved by COGCC, a well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

db(A)

~~Refers to decibel and is a unit of sound measurement, measuring the loudness of a sound or the strength of signal, computed as the signal to noise ratio. With the dB(A) filter the sound level meter is less sensitive to very high and very low frequencies.~~

db(C)

~~Refers to decibel and is a unit of sound measurement, measuring the loudness of a sound or the strength of a signal, computed as the signal to noise ratio. The decibel C filter is practically linear over several octaves and is suitable for subjective measurements at very high sound pressure levels.~~

Decibel (dB)

A unit for measuring the intensity of a sound/noise and is equal to ten times the logarithm to the base ten of the ratio of the measured sound pressure squared to a reference pressure which is 20 micropascals.

Degradation

Lowering in grade or desirability; lessening in quality. The act or process of degrading.

Director

Community Development Director or the Director's representative.

Expansive Soils and Rocks

Any mineral, clay, rock or other type of geologic deposit having the property of absorbing water with an accompanying swelling to several times their original volume.

Exploration and Production Waste

Those wastes associated with Oil and Gas Operations to locate or remove oil or gas from the ground or to remove impurities from such substances and which are uniquely associated with and intrinsic to oil and gas exploration, development or production activities that are exempt from regulation under the Resource Conservation and Recovery Act (RCRA).

Flowlines

A segment of pipe transferring oil, gas, or condensate between a wellhead and processing equipment to the load point or point of delivery to a U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration or Colorado Public Utilities Commission regulated gathering line or a segment of pipe transferring produced water between a wellhead and the point of disposal, discharge, or loading. This definition of flowline does not include a gathering line. The different types of flowlines are:

1. **Wellhead Line** means a flowline that transfers well production fluids from an oil or gas well to process equipment (e.g., separator, production separator, tank, heater treater), not including pre-conditioning equipment such as sand traps and line heaters, which do not materially reduce line pressure.
2. **Production Piping** means a segment of pipe that transfers well production fluids from a wellhead line or production equipment to a gathering line or storage vessel and includes the following:
3. **Production Line** means a flowline connecting a separator to a meter, LACT, or gathering

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line;

4. **Dump Line** means a flowline that transfers produced water, crude oil, or condensate to a storage tank, pit, or process vessel and operates at or near atmospheric pressure at the flowline's outlet;
5. **Manifold Piping** means a flowline that transfers fluids into a piece of production facility equipment from lines that have been joined together to comingle fluids; and
6. **Process Piping** means all other piping that is integral to oil and gas exploration and production related to an individual piece or a set of production facility equipment pieces.
7. **Off-Location Flowline** means a flowline transferring produced fluids (crude oil, natural gas, condensate, or produced water) from an oil and gas location to a production facility, injection facility, pit, or discharge point that is not on the same oil and gas location. This definition also includes flowlines connecting to gas compressors or gas plants.

Gathering Line

A pipeline and equipment that transports gas from a production facility (ordinarily commencing downstream of the final production separator at the inlet flange of the custody transfer meter) to a natural gas processing plant or transmission line or main. The term "gathering line" includes valves, metering equipment, communication equipment, cathodic protection facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks, separators, or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmission lines, or main lines.

Geologic Hazard Area

An area which contains or is directly affected by a geologic hazard.

Geologic Hazards

A geologic phenomenon which is adverse to past, current, or foreseeable construction or land and which constitutes a hazard to public health and safety or property if not avoided. The term includes but is not limited to:

- a. Landslides, rock falls, mudflows, and unstable or potentially unstable slopes
- b. Seismic effects
- c. Radioactivity
- d. Areas of ground subsidence
- e. Expansive rocks or soils

Ground Subsidence

A process characterized by the downward displacement of surface material caused by natural phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by man-made phenomena such as underground mining.

Groundwater

Subsurface waters in a zone of saturation.

Hydraulic Fracturing or Hydraulic Fracturing Treatment

All stages of the treatment of a well by the application of hydraulic fracturing fluid under pressure that are expressly designed to initiate or propagate fractures in a target geologic formation to enhance production of oil and natural gas.

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Hydraulic Fracturing Fluid

The fluid, including the applicable base fluid and all hydraulic fracturing additives, used to perform a hydraulic fracturing treatment.

LACT ("Lease Automated Custody Transfer")

The transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage vessels or automated transfer facilities to pipelines or any other form of transportation.

Linear Feature

A road, gathering line, or pipeline that is necessary to cross a water body or connect or access a well or gathering line. A linear feature is not considered necessary simply because it is the most proximate or least expensive method for crossing a water body or connecting or accessing a well or gathering line.

LGD (Local Government Designee)

The office designated to receive, on behalf of the local government, copies of all documents required to be filed with the local governmental designee pursuant to COGCC Rules.

Mitigation

The following actions, in order of preference:

1. Avoiding adverse impacts: Aavoiding an adverse impact by not taking a certain action or parts of an action; or
2. Minimizing adverse impacts: Minimizing adverse impacts to protect public health, safety, and welfare and the environment, minimizing and mitigating the extent and severity of those impacts that cannot be avoided; or
3. Rectifying impacts: Repairing, rehabilitating, or restoring the impact area, facility or service; or
4. Reducing or eliminating impacts: —Reducing or eliminating the impact over time by preservation and maintenance operations; and
5. Other provisions for addressing impacts: replacing or providing equivalent biological, social, environmental and physical conditions, or a combination thereof.

Oil and Gas Operations

Exploration for oil or gas, including but not limited to conventional oil and gas and coalbed methane gas; the siting, drilling, redrilling, deepening, completion, recompletion, reworking, fracturing, refracturing, closure or abandonment, shutting-in oil or gas wells and returning wells to production; pumping stations; production facilities and operations including the installation of flow lines and gathering lines; accessory equipment; construction, site preparation, reclamation and related activities associated with the development of oil and gas resources, including their impacts on or construction of access roads and easements.

Operator Agreement

An agreement between the Town and an Operator describing how proposed Oil and Gas Operations are to be conducted within the municipal boundaries.

Operation(s)

Oil and Gas Operation(s).

Operator

The individual, company, trust, or foundation responsible for the exploration, development, and

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production of an oil or gas well or lease. Generally, it is the oil company by whom the drilling contractor is engaged.

Permit

Town of Erie Oil and Gas Permit issued pursuant to the provisions of this Chapter 12.

Pipelines

Flowlines and gathering lines for oil and gas wells.

Pit

Any natural or man-made depression in the ground used for oil or gas exploration or production purposes. A pit does not include steel, fiberglass, concrete or other similar vessels which do not release their contents to surrounding soils.

Pitless

Pitless with respect to drilling means there is no pit regardless of size or function. This includes conventional reserve drilling pits and drilling cutting pits, but does not include flare pits which may be utilized to contain necessary flaring during the drilling, completion, or up-set conditions

Production Facilities

All storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells, or injection wells.

Protected Use

A residence; occupied commercial or institutional building or school; or public park, fields or outside activity areas.

Regulation(s)

The Town of Erie Oil and Gas Regulations set forth in Chapter 12 of the UDC.

Reference Area

An area either (1) on a portion of the site that will not be disturbed by oil and gas operations, if that is the desired final reclamation; or (2) another location that is undisturbed by oil and gas operations and proximate and similar to a proposed oil and gas location in terms of vegetative potential and management, owned by a person who agrees to allow periodic access to it for the purpose of providing baseline information for reclamation standards, and intended to reflect the desired final reclamation.

Seismic Effects

Direct and indirect effects caused by a natural earthquake or a man-made phenomenon including but not limited to exploration and test drilling.

Shut-In Well

A well which is capable of production or injection by opening valves, activating existing equipment or supplying a power source.

Significant

Noteworthy.

Significantly Degrade

To lower in grade or desirability to a significant as opposed to trifling degree.

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Spill

The unauthorized, accidental or sudden discharge of chemicals, oil, petroleum product, exploration and production waste, or other hazardous substances.

Subsurface Facility

Flowlines and all other subsurface facilities of Oil and Gas Operations.

Temporarily Abandoned Well

A well that has all downhole completed intervals isolated with a plug set above the highest perforation such that the well cannot produce without removing a plug or a well which is incapable of production or injection without the addition of one or more pieces of wellhead or other equipment, including valves, tubing, rods, pumps, heater-treaters, separators, dehydrators, compressors, piping or tanks.

UDC

Town of Erie Unified Development Code.

VOC Emissions

Volatile organic compounds in oil and gas operations that have the potential to be released into the atmosphere and/or ground.

Water Body

Any surface waters which are contained in or flow in or through the Town, including: Coal Creek, Boulder Creek, Erie Lake, Erie Reuse Reservoir, Thomas Reservoir, Prince Lake #2, and any irrigation ditches.

Water Source

Water wells that are registered with Colorado Division of Water Resources, including household, domestic, livestock, irrigation, municipal/public, and commercial wells, permitted or adjudicated springs, or monitoring wells installed for the purpose of complying with groundwater baseline sampling and monitoring requirements under COGCC Rules 318A.e.(4), 608, or 609.

Well (Oil and Gas)

An oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

Wildlife Habitat

A natural or man-made environment that contains the elements of food, shelter, water, and space in a combination and quantity necessary to sustain one or more wildlife or plant species at stable population levels in historically-used habitats. Sensitive wildlife habitat areas include, but are not limited to, nesting, brood rearing areas, rookeries, leaks, migration corridors, calving and fawning grounds for big game.

10.12.3 PERMIT APPLICATION PROCESS FOR NEW OR MODIFIED OIL AND GAS OPERATIONS

A. Compliance with Zoning - Rezoning Application

No Oil and Gas Permit application will be scheduled for a hearing under these Regulations unless the property where the Operation will be located is zoned as Heavy Industrial (HI) under Section 10.7.5 of the UDC. Where rezoning is required, the Town will [work with the Applicant to](#) coordinate public notices and hearings for rezoning with the requirements of these Regulations. ~~to the extent practicable.~~

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B. Pre-Application Conference

1. Pre-Application Conference

Prior to submitting an application for an oil and gas permit, an applicant shall meet with the Director and the LGD to discuss the proposed Oil and Gas Operation. The purpose of the pre-application conference includes, without limitation:

- a. To discuss the location and nature of the proposed Oil and Gas Operations;
- b. To explain the application submittal requirements, the nature of materials that will be responsive to those requirements, and waivers of any materials that would not be necessary in determining whether the application complies with Town requirements;
- c. To discuss state terms and conditions imposed on the proposed Oil and Gas Operation;
- d. To identify site-specific concerns and issues that bear on the proposed Oil and Gas Operation;
- e. To discuss projected impacts and potential mitigation;
- f. To discuss the Town Oil and Gas Operations Standards that must be satisfied for Permit approval.

2. Pre-Application Materials

At or before the pre-application conference, the applicant shall provide the Director with information that is sufficient for determining the location and nature of the proposed Oil and Gas Operation, the degree of impacts associated with the Operation, and mitigation proposed to offset such impacts.

C. Permit Application Submittal

The applicant shall submit the Permit application materials to the Director. The Permit application materials are set forth in Section 10.12.2.E.

D. Permit Application Fee

The applicant is responsible for all costs of reviewing and processing the Permit application.

1. Fee Requirement

The Permit application shall be accompanied by the application fees set forth in Section 2-10-5 of the Municipal Code.

2. Payment of Additional Costs

Additional costs for reviewing and processing the Permit application include but are not limited to the costs of legal, consultant, and referral agency review of the Permit application, the pre-application conference, completeness determination, and all hearings and meetings on the Permit application. Such costs are in addition to the application fees paid pursuant to D.1 above and shall be billed to the applicant. All additional costs must be paid in full prior to final action by the Board of Trustees on the Permit application.

E. Permit Application Materials for Oil and Gas Operations

The applicant shall submit the application materials to the Community Development Department. The Director, in consultation with the LGD, may waive any part of the Permit application material requirements when the information would not be relevant to determining whether the proposed Oil and Gas Operation complies with the Oil and Gas Operations standards in Section 10.12.3.

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1. Application Form

Completed Land Use application form including the Operator's name and address and, if a type of entity, the name and address of the registered agent of the Operator; any other person that the Operator designates to receive notice, and a person designated by the Operator to serve as an on-site contact.

2. Financial Qualifications and Technical Expertise

Documentation of the applicant's financial qualifications and technical expertise and capability to construct and operate the proposed Oil and Gas Operation in compliance with all conditions of approval.

3. Insurance

Evidence of liability insurance covering both the Operator and the Town of Erie in the amount of \$2 million.

4. Summary of Proposed Oil and Gas Operation

Summary of proposed Oil and Gas Operation, including: a list of all proposed oil and gas facilities to be installed and estimated timeline; hours of operation; number of employees on site on a daily basis; types of vehicles and equipment.

5. Topographic Map

a. Location of Proposed Oil and Gas Operation

The location of the proposed Oil and Gas Operation including well pads, tanks, roads, pipelines and gathering systems, and related features on a United States Geological Survey quadrangle map or on a recorded plat if the proposed Oil and Gas Operation is within an approved subdivision, with the location highlighted so that it is easy to see.

b. Topography

Existing and proposed topography at intervals established by the Director as necessary to portray the direction and slope of the area affected by the proposed Oil and Gas Operation.

c. Transportation and Roads

All public and private roads that traverse and/or provide access to the proposed Oil and Gas Operation.

d. Easements

Easements recorded or historically used that provide access to or across, or other use of, the property.

e. Municipal and Subdivision Boundaries

Municipal or subdivision boundaries within one mile of the well pad, tanks, gathering lines, storage areas or any other ancillary feature of the proposed Oil and Gas Operation.

f. Other Operations

Location of other Oil and Gas Operations within one mile of the site.

g. Distances Between Well or Surface Equipment and Nearest Building Unit

Shortest distance between any proposed well or surface equipment on the well pad and the nearest exterior wall of an existing Building Unit.

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6. Current Aerial Photo

Current aerial photo that shows the location of the proposed Oil and Gas Operation and the shortest distance between any proposed well or surface equipment on the well pad and the nearest exterior wall of an existing Building Unit, displayed at the same scale as the topographic map to facilitate use as an overlay.

7. Site Preparation Plan

Site plan for site preparation, mobilization, and demobilization.

8. Property Rights, Permits and Other Approvals

- a. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the proposed development.
- b. List of all federal, state, and county permits and approvals that have been or will be required for the proposed development.
- c. Description of all mitigation and financial security required by federal, state, and local authorities; and copies of any draft or final environmental assessments or impact statements prepared for the proposed development.

9. Reports/Studies/Plans

The following reports, studies and plans shall be prepared to adequately portray the physical characteristics of the property.

a. Community Outreach Plan

A plan that describes how the Operator will conduct neighborhood meeting(s) and use other techniques to provide the public with information and listen to concerns about the Oil and Gas Operation.

ba. Cumulative Impact Analysis.

Documentation of the existing and approved Oil and Gas Operations within the Town of Erie; a description of the adverse impacts to public health, safety and the environment from the existing and approved Oil and Gas Operations; and an analysis of how whether the proposed Oil and Gas Operation will contribute to these adverse impacts. to public health, safety, welfare and the environment of the existing and approved Oil and Gas Operations. Where the proposed Oil and Gas Operation will exacerbate contribute to existing impacts, the analysis will include a cumulative impact mitigation plan is required.

cb. Alternative Site Analysis

An analysis of alternative sites from which the minerals can be accessed that includes for each site:

- i. Location;
- ii. Zoning;
- iii. Natural and manmade features;
- iv. Water source;
- v. Distance of proposed pad to residences, occupied buildings, parks and open space; water bodies; floodplains; and roadways.
- vi. Justification of a preferred alternative site and/or reason why a site is not proposed as a viable alternative.

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- vii. Materials submitted to the COGCC to satisfy the alternative location analysis requirement.

de. Geologic and Natural Hazards Assessment and Mitigation Plan

i. Geologic and Natural Hazards Report

A report detailing the natural and geological characteristics on-site, and within one (1) mile of the site, prepared by a registered engineer or geologist. The report shall include a geotechnical assessment of all geologic hazards that have the potential to affect the Oil and Gas Operation and which may be de-stabilized or exacerbated by the Oil and Gas Operation. The geotechnical assessment shall include, without limitation:

- (A) Determination if mining exists under the site;
- (B) Determination if void space is still present underground;
- (C) Determination if subsidence has taken place (from drill hole data and surface evidence);
- (D) Determination of how the subsidence hazard can affect proposed Oil and Gas Operation and whether the Oil and Gas Operation will exacerbate subsidence.;
- (E) Determination of areas where construction or other disturbance should not occur.
- (F) Identification of expansive soils or rocks.

ii. Geologic and Natural Hazard Mitigation Plan.

A plan for mitigating impacts to the proposed Oil and Gas Operation from geologic and natural hazards and impacts of the proposed Oil and Gas Operation on geologic and natural hazards. The plan shall demonstrate compliance with the standards in section 10.12.3.

ed. Air Quality ~~Survey~~ Modeling, Monitoring and Mitigation

i. Air Quality Modeling Plan

A plan for modeling to be conducted by a third-party consultant approved by the Town that provides for facility emissions inventories and air quality impact studies for drilling, completions and operations based upon proposed equipment use and operational phases, and any emissions reductions associated with plugging and abandonment.

ii. Ambient Air Quality Sampling Plan Air Quality Monitoring Plan

A monitoring plan that ~~includes~~ provides for:

- (A) Pre-construction baseline ambient air quality testing, completed by a consultant approved by the Town for 15-90 days for areas located within 500 feet of the well sites if approval from surrounding surface owners can be obtained.
- (B) Air quality monitoring program conducted by a consultant mutually agreed to by both the Operator and the Town and paid for by Operator. The program will require monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter

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(PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO) and methane (CH4).

- (C)** ~~Town may require Operator to conduct a~~ Additional monitoring as needed to respond to emergency events such as spills, process upsets, or accidental releases. Operator will provide access to the well sites to the Town's third-party inspector as needed to allow air sampling to occur.
- (D)** ~~Town may require Operator to conduct a~~ Additional monitoring as needed to respond to emergency events such as spills, process upsets, or accidental releases. Operator will provide access to the well sites to the Town's third-party inspector as needed to allow air sampling to occur.

iii. Air Quality ~~Impact Assessment and~~ Mitigation Plan

~~An assessment of air quality impacts of the proposed Oil and Gas Operation and a plan to maintain air quality, including a plan to minimize VOC emission in compliance with approval standards in Section 10.12.3. A plan that demonstrates compliance with the~~ Oil and Gas Operation standards in Section 10.12.3 and that includes:

- (A)** Compliance with EPA, CDPHE and COGCC standards for emissions and odors. If these standards become more stringent in the future, the Operator will update its air quality mitigation plan to comply with the more stringent standards.
- (B)** Compliance with 2017 CDC Agency for Toxic Substances and Disease Registry and US EPA Integrated Risk Information System ambient air quality guidelines. If these guidelines become more stringent in the future with more restrictive guidelines for benzene, toluene, ethylbenzene and xylene (BTEX), and other air toxins, the Operator will update its air quality mitigation plan to comply with the revised guidelines.

iv. Leak Detection and Repair Program

~~A hydrocarbon emissions~~ leak detection and repair program using modern leak detection technologies for equipment used in the Operation, such as infra-red cameras, for equipment used on the well site that demonstrates compliance with the requirements of the Oil and Gas Operation standards in 10.12.3. The ~~program~~ shall provide for:

- (A)** A minimum of monthly inspections with more frequent inspections based on the design and size of the facility. Notice provided to the LGD five (5) business days prior to an LDAR inspection of facilities to give the Town the opportunity to observe the inspection.
- (B)** Detailed recordkeeping of inspections for leaking components.
- (C)** If an infrared (IR) camera is used, retention of an infrared image or video of all leaking components before and after repair with records maintained for two years and available to the Town upon request.
- (D)** Immediately reporting to the LGD any leaks discovered by the Operator, including any leaks that are reported to Operator by a member of the public. Operator shall repair leaks within forty-eight hours. If the Town determines that the leak presents an imminent

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threat to persons or property, the Operator may not operate the affected component, equipment or flowline segment until the Operator has corrected the problem and the Town agrees that the affected component, equipment or flowline segment no longer poses a hazard to persons or property. In the event of leaks that the Town believes do not pose an immediate hazard to persons or property, if more than forty-eight-hours repair time is needed after a leak is discovered, Operator shall contact the LGD and provide an explanation of why more time is required.

(E) Continuous monitoring to detect leaks or measure hydrocarbon emissions and to monitor meteorological data. Any continuous monitoring system shall be able to alert the Operator of increases in air contaminant concentrations.

(F) Monthly LDAR report provided to LGD, organized by facility detailing the inspection results, any associated repairs, and any outstanding leaks. Operator will also provide a copy of all reports submitted to the AQCC, including monthly downtime reports and semi-annual control equipment status reports for production facilities located within Town limits. The Town will make this information available on its website, or may provide a link for such information from Town's website to Operator's website.

v. Odor Management Plan

A plan to minimize and mitigate the emission of detectable odors by the Oil and Gas Operation and to ensure that the Operation will not create a public nuisance as set forth in Section 5-1-6.H of the Municipal Code. The plan shall demonstrate compliance with the Oil and Gas standards in Section 10.12.3. and provide for a timely response to odor complaints from the community and for identifying and implementing additional odor control measures necessary to control odors emanating from the Operation.

fe. Electrification Plan

A plan identifying all sources of electricity that will be supplied and used during all phases of development including drilling, completions, and operations.

gf. Dust Suppression Plan

A plan that demonstrates compliance with the requirements for dust suppression in 10.12.5.J.

hg. Water Quality Impact Assessment, Monitoring and Mitigation Plan

An assessment and plan that includes:

i. Identification of All Surface and Subsurface Water Bodies

An inventory and location of all water bodies, as well as domestic and commercial water wells within one mile of the proposed Oil and Gas Operation.

ii. Identification of Intakes

Identification of intake(s) for public drinking water supply.

iii. Water Quality Monitoring and Mitigation Plan

For surface and groundwater, a plan that establishes a baseline and a process for monitoring changes to water quality and the aquatic

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environment to demonstrate the effectiveness of mitigation. The plan shall demonstrate compliance with the Oil and Gas Operation standards in Section 10.12.3 and include:

- (A) Key stream segments, other water bodies, and groundwater to be monitored.
- (B) Locations for and frequency of sampling and monitoring to establish baseline of existing conditions prior to the proposed Oil and Gas Operation including existing water quality, aquatic life and macro-invertebrates, and groundwater data.
- (C) Key indicators of water quality and stream health, and threshold levels that will be monitored to detect changes in water quality and health of the aquatic environment.
- (D) Locations for and frequency of sampling and monitoring for key indicators of water quality and stream health, including but not limited to constituents regulated by the Colorado Water Quality Control Commission, and constituents associated with the proposed Oil and Gas Operation.
- (E) Locations for and frequency of sampling and monitoring to measure effectiveness of water quality mitigation during the life of the proposed Oil and Gas Operation.
- (F) Mitigation steps that will be implemented to avoid degradation of water bodies if monitoring of key indicators reveals degradation.

ih. Stormwater Management Plan

A site-specific stormwater plan to minimize impacts to surface waters from erosion, sediment, and other sources of nonpoint pollution and that demonstrates compliance with the Oil and Gas Operation standards in Section 10.12.3. The stormwater management plan required by CDPHE may be provided to establish compliance with this provision.

ii. Water Supply Plan

A plan prepared by a certified professional engineer that demonstrates compliance with the applicable Oil and Gas Operation standards in Section 10.12.3 and includes:

- i. Description of the physical source of the water that the Operator proposes to use to serve each phase of the Operation
- ii. List of all available physical sources of water other than Erie municipal water for the Operation, and if multiple sources are available, analysis to determine which source is least detrimental to the environment;
- iii. ~~Estimated amount of water needed for all phases~~ Estimated amount of water needed for each phase of the ~~Oil and Gas~~ Operation;
- iv. ~~Proof that the source of water supply is physically and legally available and dependable for each phase of the Operation;~~
- v. Description of how water will be delivered to the site for each phase of the Operation;
- vi. ~~Description of water conservation efficiency methods; measures to reduce amount of water used by the Oil and Gas Operation; and~~

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~~vi. An estimate of the amount of water that will be used at the site, where and how the water will be consumed~~

~~vii. the amount of waste water produced, and disposal plans for waste water.~~

kj. Spill Release Response and Reporting Plan

A plan that demonstrates compliance with the Oil and Gas Operation standards in Section 10.12.3 and includes:

- i. Location of storage areas for equipment, fuel, lubricants, chemicals and waste during both construction and operation of the proposed use.
- ii. Measures, procedures, and protocols for spill prevention, storage and containment.
- iii. An electronic monitoring program to aide in discovery of spills and releases.
- iv. Measures, procedures, and protocols for clean-up and description of the financial security for these provisions.
- v. Measures, procedures, and protocols for reporting spills and storage to Town, county, state and federal officials in compliance with the Oil and Gas Operation standards in Section 10.12.3.
- vi. Provisions establishing that the Town, or its designee, may undertake prevention, control, countermeasure, containment, and clean-up measures if the permittee fails to comply with its obligations under the *Spill Release and Reporting Plan* and that the permittee will pay all costs incurred by the Town for any such measures.
- vii. Maintenance of material safety data sheets (MSDS).
- viii. Baseline assessment of conditions of the soils within the area covered by the Spill Release Response and Reporting Plan.
- ix. Plan for monitoring conditions of the soil for the duration of Oil and Gas Operations and for post-Operation sampling of the soil.

lk. Waste Water and Waste Management Plan

A plan that identifies the amount of waste water produced by the Oil and Gas Operation, and disposal plans for waste water that demonstrates compliance with the Oil and Gas Operation standards in Section 10.12.3.

ml. Chemicals and Hydraulic Fracturing Fluids Disposal and Reporting Plan

A plan for disposal and reporting of chemicals and hydraulic fracturing fluids, that includes:

- i. Material safety data sheets (MSDS) for the chemicals used in the proposed Oil and Gas Operation.
- ii. Chemical Abstract Service Registry Numbers for every chemical used in the proposed Oil and Gas Operation, if available, other than those protected as Trade Secrets.
- iii. Provision for reporting to the Town the chemicals, other than those protected as a Trade Secret, that will be stored and used during any hydraulic fracturing event along with the maximum quantity that will be present on-site at any one time.

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nn. Emergency Response Plan

A plan that addresses events such as explosions, fires, gas or water pipeline leaks or ruptures, leaks from well casings and pits, tank leaks or ruptures, hydrogen sulfide or other toxic gas emissions, transportation of hazardous material and vehicle accidents or spills. The plan must include proof of adequate personnel, supplies, and funding to immediately implement the emergency response plan at all times during construction and operations.

on. Noise Mitigation and Monitoring Plan

~~A plan that ensures compliance with the noise mitigation requirements set forth in Section 10.12.3. The plan will provide for continuous monitoring from four (4) sides of the facility at least 350 feet from the sound wall where possible, provided that approval from surrounding surface owners can be obtained. The plan should identify site-specific noise mitigation techniques to attenuate noise, and source-based noise mitigation.~~

i. Ambient Noise Baseline Survey

An ambient noise survey for each well site at baseline and during drilling, hydraulic fracturing, flowback and operations prepared by a qualified consultant approved by the Town.

ii. Noise Management Plan

A plan detailing how each phase of the Operation will comply with the maximum permissible noise levels in Section 10.12.3. The plan shall:

(A) Identify Oil and Gas Operation sources of noise by phase;

(B) Document the ambient noise level prior to construction of any wellhead, compressor or compression facility; and

(C) Detail how noise impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to:

(1) Nature and proximity of adjacent development;

(2) Seasonal and prevailing weather patterns, including wind directions;

(3) Vegetative cover on and adjacent to the site; and

(4) Topography.

pe. Lighting Study

A plan that demonstrates compliance with the Oil and Gas Operation standards in Section 10.12.3.

qp. Operations Plan

A plan including the method and schedule for drilling, completion, transporting, production and post-operation, and a description of future Oil and Gas Operations.

rq. Vegetation and Weed Management Plan

A written description of the species, character and density of existing vegetation on the site, a summary of the potential impacts to vegetation as a result of the proposed Oil and Gas Operation, and proposed mitigation to address these impacts. The plan shall include any COGCC required interim and final reclamation procedures.

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sf. Reclamation Plan

A plan for interim reclamation and revegetation of the site and final reclamation of the site in compliance with the Oil and Gas Operation standards in Section 10.12.3. The plan shall include the locations of any proposed Reference Areas to be used as guides for interim and final reclamation.

ts. Grading, Drainage, and Erosion Control Plan

A plan that identifies existing (dashed lines) and proposed (solid lines) contours, at two-foot intervals, and the methods for controlling and minimizing erosion during construction and operational phases of the proposed Oil and Gas Operation.

ut. Traffic Management and Access

i. Traffic Impact Study

A study prepared by a certified traffic engineer that includes at a minimum:

(A) Existing Conditions

Description of the baseline condition of road segments to be affected by the Oil and Gas Operation, including the existing physical condition, trips generated by vehicle type on the average and at peak times, and the existing level of service.

(B) Proposed Conditions

For each phase of the Operation, a description of average and peak time site trip generation and load impact for each affected road segment by vehicle type.

(C) Future Conditions

Description of by vehicle type of the total future traffic projected for the roads that will be affected by the Oil and Gas Operation.

(D) Evaluation

Assessment of impacts to the level of service and physical condition of each affected road segment for each phase of the Operation, need; and

(E) Mitigation

For each phase of the Operation, proposed mitigation, including road improvements and repairs, funding, traffic signals, and other measures to ensure that the physical condition and the level of service for each affected road segment is not degraded during any phase of the Operation.

ii. Traffic Management Plan

A plan describing traffic delays, road closures, frequent turns and stopping, and similar impacts to traffic movement and safety; and showing the estimated number of round-trip vehicle trips per day for each type of vehicle by phases (i.e. drilling, completions, production), proposed access routes to and from the site, haul roads, and measures to mitigate adverse impacts to traffic patterns and safety caused by for each phase of the Operationthe proposed operation.

iii. Access Road Plan

A plan sufficient to demonstrate compliance with the Oil and Gas

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Operation standards [for access roads](#) in Section 10.12.3.

vu. Flowline Management Plan

A plan that includes:

- i. A copy of COGCC approved continuous monitoring program providing for pressure data monitoring 24 hours a day 7 days a week and a provision for reporting results to the LGD; or description of COGCC Rule [1104.e](#) pressure testing practices and provision for reporting results to the LGD.
- ii. A map at a scale designated by the Town showing the location, including GPS location, of all existing and proposed flowlines and other subsurface facilities associated with the Oil and Gas Operation. For each existing and proposed flowline or other subsurface facility, the map shall denote its size and the maximum pressure at which it is or will be operated; its depth from the surface; and, if existing, whether it was constructed or installed before October 31, 2017 and whether it is in use, abandoned, or shut-in.
- iii. Description of the measures planned to minimize land disturbance and impacts to vegetation.

wv. Wildlife and Wildlife Habitat Assessment

An assessment of existing wildlife and wildlife habitat, ~~that includes: an evaluation of the impacts of the proposed Oil and Gas Operation on wildlife and wildlife habitat, and proposed mitigation to address these impacts~~

- ~~i. Analysis of existing wildlife and wildlife habitat;~~
- ~~ii. Map indicating the location of habitat in relationship to the Oil and Gas Operation; and~~
- ~~iii. Description of the impacts and net effect of the Operation on wildlife and wildlife habitat and proposed mitigation.~~

xw. Cultural, Historical, and Archeological Survey

A survey that includes:

- i. Assessment of cultural, historical and archaeological resources in and around the site of the proposed Oil and Gas Operation, and proposed mitigation measures.
- ii. Approval from the State Historic Preservation Office regarding any historical or cultural resources potentially affected by the Oil and Gas Operation. Operator Shall provide a copy of such approval to the Director, in consultation with the surface owner and subject to any confidentiality requirements.

yx. Public Services and Facilities Impact Assessment

A description of existing levels, demand for, adequacy of, and the operational costs of public services affected by the proposed Oil and Gas Operation; a description of the increase in demand on those services and a plan for mitigating the impacts to public services and facilities.

zy. Additional Information

Additional information that the Director deems is necessary to evaluate whether the application complies with the Oil and Gas Operation standards in Section 10.2.3.

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F. Determination of Completeness

1. Application Is Not Complete

If the Director determines that the application is not complete, the Director shall inform the applicant in writing of the deficiencies and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within thirty (30) calendar days after the notice that the application is incomplete, the application shall be considered withdrawn unless the applicant requests more time to ensure that the materials are as complete as possible.

2. Application Is Complete

If the Director determines that the application is complete, the Director shall date the application and notify the applicant in writing.

3. Completeness Is Not a Determination of Compliance

A determination that an application is complete shall not constitute a determination that it complies with the Oil and Gas Operation standards in Section 10.2.3.

G. Permit Review and Decision

1. Referral of Application

a. Technical and Legal Consultants and State, Local and Federal Agencies

The Director may send a copy of the complete application to technical and legal consultants retained by the Town, and any local, state or federal agency that may have expertise or an interest in impacts that may be associated with the proposed Oil and Gas Operation.

b. Colorado Geological Survey

The Director shall send a copy of the complete application to the Colorado Geological Survey for recommendations if the Oil and Gas Operation is proposed to be located in a designated geologic hazard area.

c. Cost of Consultant and Referral Agency Reviews

The applicant shall be responsible for the costs of all consultant and referral agency reviews.

2. Neighborhood Meeting

Neighborhood meeting(s) shall be held in accordance with the approved Community Outreach Plan.

The applicant will convene a neighborhood meeting as soon as the application is deemed complete at a location mutually agreed to by the applicant and the Director. The purpose of a neighborhood meeting is to provide an informal opportunity to inform the residents and landowners of the surrounding neighborhood(s) of the details of the proposed Oil and Gas Operation, how the applicant intends to meet the standards contained in these Regulations, and to receive public comment and encourage dialogue at an early time in the review process.

a. Notice of Neighborhood Meeting

i. Mailed Notice

Fifteen (15) days prior to the neighborhood meeting, the applicant shall mail notice of the neighborhood meeting to those properties located within 1000 feet of the site of the proposed Oil and Gas Operation. The notice shall include the location and description of the proposed Oil and Gas

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~~Operation, contact information for the Operator, and the date, time and location of the neighborhood meeting.~~

~~ii. Posted Notice~~

~~— Ten (10) days prior to the neighborhood meeting, the applicant shall post a sign at the site of the proposed Oil and Gas Operation giving notice to the general public of the proposed Operation, the date, time and location of the neighborhood meeting, and contact information for the Operator. The Town will provide the signs for posting. The applicant is responsible for filling out the signs. For parcels of land exceeding ten (10) acres in size, two (2) signs shall be posted. Such signs shall be posted on the subject property in a manner and at a location or locations reasonably calculated by the Town to afford the best notice to the public.~~

~~iii. List of Property Owners~~

~~— The list of property owners shall be compiled by the applicant using the most current list of property owners on file with the County Assessor. The applicant is responsible for the accuracy of lists of property owners to whom written notice is provided.~~

~~iv. Notification~~

~~The applicant shall submit a notarized affidavit to the Town stating that the public notice requirement has been met.~~

~~b. Attendance at Neighborhood Meeting~~

~~The applicant or applicant's representative shall attend the neighborhood meeting. The applicant shall be responsible for scheduling the meeting, coordinating the meeting, and for retaining an independent facilitator if needed. The Town will assist the applicant on the logistics of convening the meeting.~~

~~c. Summary of Neighborhood Meeting~~

~~The applicant shall prepare a written draft summary of the neighborhood meeting. The written summary shall be provided to the Director who will post a final version of the summary on the Town's website.~~

3. Public Hearing and Recommendation by Planning Commission ~~Hearing and Recommendation~~

a. Public notice

i. Published Notice

Not less than fifteen (15) calendar days prior to the date of the public hearing, the Director shall publish a notice of public hearing on the Permit application. The notice shall be published once in a newspaper having general circulation in the area. The notice shall include the information in subsection 3.a.iv, below. The applicant shall be responsible for the cost of publication.

ii. Written Notice of Planning Commission Hearing to Property Owners and Occupants

Not less than fifteen (15) calendar days prior to the date of the public hearing, the Director shall mail written notice of the public hearing to the owners and occupants of property described in subsection 3.a.v, below. The applicant shall provide a stamped and addressed envelope for each party to be notified.

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iii. Posted Notice

Fifteen (15) days prior to the public hearing, the applicant shall post a sign at the site of the proposed Oil and Gas Operation giving notice to the general public of the Planning Commission hearing. The Town will provide the signs for posting. The applicant is responsible for filling out the signs, posting the signs, checking on the signs to make sure they remain in place, and to remove the signs within two days after the final decision on the Permit application. For parcels of land exceeding ten (10) acres in size, two (2) signs shall be posted. Such signs shall be posted on the subject property in a manner and at a location or locations reasonably calculated by the Town to afford the best notice to the public. Prior to the hearing the applicant shall submit to the Director a notarized affidavit on a form provided by the Town, stating that the posting requirements for the hearing notice have been met.

iv. Notice

The notice of public hearing shall include:

- (A) Date, time, and place of the hearing;
- (B) Description of the property involved in the application by street address or by legal description and nearest cross street;
- (C) Description of the purpose of the hearing and that interested parties can come to the meeting and speak on the matter;
- (D) Information on how to obtain additional information on the proposed Oil and Gas Operation and to comment on the proposed Operation; and
- (E) Contact information for the Operator, including phone number and office hours.

v. Extent of Notice

The list of property owners to be notified shall include the following persons and shall be compiled by the applicant using the most current record of property owners on file with the County Assessor.

- (A) Owners of record and occupants of property within one (1) mile of the site of the proposed Oil and Gas Operation and any homeowners associations representing owners in the area.
- (B) The LGD of municipalities and counties within one (1) mile of the site of the proposed Oil and Gas Operation.
- (C) The Director of the Colorado Oil and Gas Conservation Commission.
- (D) Additional persons or geographic areas that the Director may designate.

vi. Validity of Notice

The applicant is responsible for the accuracy of the list of property owners and occupants to whom written notice is provided. If the applicant makes reasonable good faith efforts to accomplish the notice responsibilities identified above, then the failure of any property owner or occupant to receive notice shall not affect the validity of the decision.

b. Application Review and Staff Report

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i. Director Review and Staff Report

The Director shall prepare a report in consultation with the LGD and other appropriate staff members and consultants, taking into account the application, written comments from the public, issues raised by referral agencies and consultants, terms and conditions imposed by state agencies, probability of compliance with the Oil and Gas Operation standards, and any other available information on the record.

ii. Distribution of Staff Report

No less than seven (7) calendar days prior to the date of the public hearing, the Director shall submit the staff report to the applicant and to the Planning Commission. A copy of the staff report shall also be available for public review prior to the hearing.

c. Planning Commission Hearing and Recommendations

The Planning Commission shall consider the Oil and Gas Permit application at a public hearing following proper public notice. The role of the Planning Commission is to formulate a recommendation for the Board of Trustees.

i. Recommend Approval of Permit Application

If the proposed Oil and Gas Operation satisfies all the Oil and Gas Operation standards, the Planning Commission may recommend that the Permit application be approved.

ii. Recommend Denial or Conditional Approval of Permit Application

If the proposed Oil and Gas Operation fails to satisfy one or more Oil and Gas Operation standards, the Planning Commission shall recommend that the Permit application be denied; or the Planning Commission may recommend approval with conditions determined necessary for compliance with the Oil and Gas Operation standards.

4. Public Hearing and Decision by Board of Trustees

a. Public Notice

i. Published Notice

Not less than fifteen (15) calendar days prior to the date of the public hearing, the Director shall publish a notice of public hearing on the Permit application. The notice shall be published once in a newspaper having general circulation in the area. The notice shall include the information in subsection 4.a.iv, below. The applicant shall be responsible for the cost of publication.

ii. Written Notice of Board of Trustees' Hearing to Property Owners and Occupants

Not less than fifteen (15) calendar days prior to the date of the public hearing, the Director shall mail written notice of the public hearing to the owners and occupants of property described in subsection 4.a.v., below. The applicant shall provide a stamped and addressed envelope for each party to be notified.

iii. Posted Notice

Fifteen (15) days prior to the public hearing, the applicant shall post a sign at the site of the proposed Oil and Gas Operation giving notice to the general public of the Board of Trustees hearing. The Town will provide the

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signs for posting. The applicant is responsible for filling out the signs, posting the signs, checking on the signs to make sure they remain in place, and to remove the signs within two days after the final decision on the Permit application. For parcels of land exceeding ten (10) acres in size, two (2) signs shall be posted. Such signs shall be posted on the subject property in a manner and at a location or locations reasonably calculated by the Town to afford the best notice to the public. Prior to the hearing the applicant shall submit to the Director a notarized affidavit on a form provided by the Town, stating that the posting requirements for the hearing notice have been met..

iv. Notice of Hearing

The notice of public hearing shall include:

- (A) Date, time, and place of the hearing;
- (B) Description of the property involved in the application by street address or by legal description and nearest cross street;
- (C) Description of the purpose of the hearing and that interested parties can come to the meeting and speak on the matter;
- (D) Information on how to obtain additional information on the proposed Oil and Gas Operation and to comment on the proposed Operation; and
- (E) Contact information for the Operator, including phone number and office hours.

v. Extent of Notice

The list of property owners to be notified shall include the following persons and shall be compiled by the applicant using the most current record of property owners on file with the County Assessor.

- (A) Owners of record and occupants of property within one (1) mile of the site of the proposed Oil and Gas Operation and any homeowners associations representing owners in the area.
- (B) The LGD of municipalities and counties within one (1) mile of the site of the proposed Oil and Gas Operation.
- (C) The Director of the Colorado Oil and Gas Conservation Commission.
- (D) Additional persons or geographic areas that the Director may designate.

vi. Validity of Notice

The applicant is responsible for the accuracy of the list of property owners and occupants to whom written notice is provided. If the applicant makes reasonable good faith efforts to accomplish the notice responsibilities identified above, then the failure of any property owner or occupant to receive notice shall not affect the validity of the decision.

b. Application Review and Staff Report

i. Director Review and Staff Report

The Director, in consultation with the LGD and other staff members and consultants, shall prepare a report taking into account the application,

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Planning Commission recommendation, review comments, issues raised by referral agencies and consultants, terms and conditions imposed by state agencies, probability of compliance with the Oil and Gas Operation standards, and any other available information on the record.

ii. Distribution of Staff Report

No less than seven (7) calendar days prior to the date of the public hearing, the Director shall submit the staff report to the applicant and to the Board of Trustees. A copy of the staff report shall also be available for public review prior to the hearing.

c. Permit Decision by Board of Trustees

The Board of Trustees shall approve, approve with conditions, or deny the Permit application ~~as follows.~~ based on all the evidence on the record.

i. Approval of Permit Application

If the proposed Oil and Gas Operation satisfies all the Oil and Gas Operation standards, the Board of Trustees may approve the Permit.

ii. Denial or Conditional Approval of Permit Application

If the proposed Oil and Gas Operation fails to satisfy one or more Oil and Gas Operation standards, the Board of Trustees shall deny the Permit; or the Board of Trustees may approve the Permit with conditions determined to be necessary for compliance with the Oil and Gas Operation standards.

d. Documentation of Trustees Decision. The Board of Trustees decision shall be documented in writing and contain the following:

i. Description of Project

Brief discussion of the proposed Oil and Gas Operation;

ii. Issues

Description of issues raised by the Planning Commission, affected property owners, referral agencies and consultants;

iii. Conditions Imposed by the State

Description of terms, conditions and requirements imposed on proposed Oil and Gas Operation by state agencies;

iv. Impacts and Mitigation

Description of impacts of the proposed Oil and Gas Operation, proposed mitigation, and whether each approval standard has been satisfied; and

v. Conditions of Approval

Conditions of approval, if any, necessary to ensure compliance with approval standards.

vi. Basis for Denial

If the Trustees determine that the permit application must be denied, a statement explaining the standards that the application failed to satisfy.

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10.12.4 OIL AND GAS OPERATIONS STANDARDS

The following standards are the minimum standards that will apply to all proposed Oil and Gas Operations, and shall be in addition to any additional state or federal standards that may apply. In the event of a conflict between these standards and another applicable standard, the more stringent standard shall apply.

A. Expertise and Financial Capability

The applicant has the necessary expertise and financial capability to complete and operate the proposed Oil and Gas Development in compliance with the requirements and conditions of these Regulations.

B. Property Rights and Easements

The applicant will obtain all property rights and easements necessary for the Oil and Gas Operation prior to site disturbance.

C. Location Standards

1. The Operation is located within a zone district that allows heavy industrial uses.
2. The Operation is located at the site from which the minerals can be accessed with the least adverse impact to public health, safety, welfare and the environment in compliance with all applicable standards in this Section 10.12.3.
3. Any type of well pad and above-ground production facility shall be located at least 1000 feet from occupied buildings, or a proposed building that has applied for a building permit that requires a certificate of occupancy pursuant to the UDC. Measurement shall be taken from disturbed area of the production facility to the nearest wall or corner of any such buildings. The Town may decide that a different setback is more appropriate based on the Alternative Site Analysis.
4. Any type of well pad and above-ground production facility shall be located at least ~~1000~~ 2000 feet from the boundary line of platted residential lots or parks, sports fields and playgrounds, or other outside activity areas and any occupied structure. Measurement shall be taken from the edge of the disturbed area to the boundary line. ~~from the disturbed area of the production facility to the boundary line of the platted residential lots or any outdoor activity area~~. The Town may decide that a different setback is more appropriate based on the Alternative Site Analysis.
5. The Operation shall be at least 500 feet from any surface water body.
6. The Operation shall be at least 500 feet from any domestic or commercial water wells or irrigation wells.
7. The Operation is not located within a floodway district as defined in Section 10.2.7.C.4 of the UDC.

D. Minimal Site Disturbance

The Oil and Gas Operation shall be located and constructed in a manner so that there is no unnecessary or excessive site disturbance and that minimizes the amount of cut and fill:

1. Multi-well drill pads and consolidated facilities shall be used to minimize surface disturbance.
2. Pad dimensions shall be the minimum size necessary to accommodate operational needs while minimizing surface disturbance.
3. Structures and surface equipment shall be the minimum size necessary to satisfy present and future operational needs.

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4. The Operation shall be located in a manner to minimize impacts on surrounding uses, and achieve compatibility with the natural topography and existing vegetation.

E. Geologic and Natural Hazards

1. The Oil and Gas Operation shall not be subject to risk from natural or geologic hazards.
2. The Oil and Gas Operation shall not initiate or intensify natural or geologic hazards.
3. For Oil and Gas Operations located in an area where geologic and natural hazards occur, the Oil and Gas Operation shall be conducted in compliance with the recommendations of the Colorado Geological Survey.

F. Air Quality

Oil and Gas Operations shall not degrade air quality and shall prevent adverse impacts to public health, safety and welfare, and the environment. Evidence of compliance with this standard includes the following measures:

1. Minimization of Emissions

To minimize emissions, the Operator shall:

- a. Use closed loop, pitless drilling, completions and production systems without permanent on-site storage tanks for containment and/or recycling of all drilling, completion, flowback and produced fluids.
- b. Use ~~Tier 2 and liquefied natural gas dual fuel hydraulic fracturing pumps. When Tier 4 fracturing pumps become technologically feasible, and readily available using Liberty Quiet Fleet or comparable technology, then Operator will begin using such Tier 4 fracturing pumps. Operator will use and Tier 4 diesel and natural gas co-fired Tier 2 or Tier 3 engines and natural gas fired spark ignition engines.~~
- c. Utilize pipelines for all transportation of gas and fluids from production facilities whenever available.
 - i. Pipeline infrastructure for fresh water shall be constructed and placed into service prior to spudding for delivery of all fresh water to be used during the drilling, completion, production and operations phases.
 - ii. Pipeline infrastructure for produced water, natural gas, crude oil and condensate will be constructed and placed into service prior to the start of any fluid flow from any wellbore.
- d. Demonstrate hydrocarbon destruction or control efficiency by using an enclosed combustion device that complies with a design destruction efficiency of 98% or better.
- e. Reduce emissions of the natural gas byproduct associated with oil and gas well production. Emission reduction includes prohibiting uncontrolled venting in compliance with AQCC Regulation 7 Section XII.C.1.
- f. Implement best management practices during liquids unloading (i.e., maintenance activities to remove liquids from existing wells that are inhibiting production), including at least 95% emissions reduction when utilizing combustion and the installation of artificial lift or unloading through the separator where feasible.
- g. Implement "tankless" production techniques.
- h. Obtain All equipment with engines or motors that can be electrified will be electrified from the power grid or from renewable sources. electrification from the power grid or from renewable sources for all permanent equipment that can be electrified. All equipment that is not electrically operated ~~should~~ shall use quiet

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design mufflers (also referred to as hospital grade or dual dissipative) or equivalent; or acoustically insulated housing or covers to enclose the motor or engine.

- i. Install, calibrate, operate, and maintain any flare, auto ignition system, recorder, vapor recovery device or other equipment used to meet the hydrocarbon destruction or control efficiency requirement in accordance with the manufacturer's recommendations, instructions, and operating manuals.
- j. Use telemetric control and monitoring systems, including surveillance monitors to detect when pilot lights on control devices are extinguished.
- k. Use zero emission desiccant gas processing dehydrators.
- l. ~~Reduce or eliminate~~ Reduce or eliminate emissions from oil and gas pipeline maintenance activities such as pigging or blowdowns.
 - i. If any maintenance activity will involve the intentional venting of gas from a well tank, compressor or pipelineflowline, beyond routine pipeline maintenance activity and pigging, the Operator shall provide forty-eight (48) hour advance written notice ~~of the proposed venting~~ to the LGD of such proposed venting. Such notice ~~will~~ shall identify the duration and nature of the venting event, a description as to why venting is necessary, a description of what vapors will likely be vented, what steps will be taken to limit the duration of venting, and what steps the operator proposes to undertake to minimize similar events in the future.
 - ii. If emergency venting is required, or if accidental venting occurs, Operator shall provide notice to LGD of such event as soon as possible, but in no event ~~no~~ longer than twenty-four (24) hours from the time of the event, with the information listed above and with an explanation as to the cause and how the event will be avoided in the future.
- m. Participate in Natural Gas STAR program or other voluntary programs to encourage innovation in pollution control at the well pad site.
- n. Centralize compression facilities within a well site.
- o. Vent exhaust from all stationary engines, motors, chillers and other mechanized equipment up or in a direction away from the closest occupied structures to such equipment.
- p. Use a pressure-suitable separator and/or vapor recovery unit (VRU) when appropriate.
- q. Construct flowline infrastructure prior to beginning production.
- r. Use dry seals on centrifugal compressors.
- s. Route emissions from rod-packing and other components on reciprocating compressors to vapor collection systems.
- t. Control hydrocarbon emissions of 98% or better for centrifugal compressors and reciprocating compressors.
- u. Use emission reduction measures to respond to air quality action day advisories posted by the Colorado Department of Public Health and Environment for the Front Range Area. Emission reduction measures will be implemented for the duration of an Air Quality Action Day advisory and may will ~~include measures such as:~~
 - i. Minimize vehicle and engine idling;
 - ii. Reduce truck traffic and worker traffic;

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- iii. Delay vehicle refueling;
- iv. Suspend or delay use of fossil fuel powered ancillary equipment; and
- v. Postpone construction activities
- vi. Within thirty days following the conclusion of each annual air quality action day season, Operator shall submit a report to the LGD that details which measures it implemented during any action day advisories.
- v. Establish shutdown protocols, approved by the Town, with notification and inspection provisions to ensure safe shut-down and timely notification to affected neighborhoods.
- w. Conduct ongoing maintenance checks of all equipment to minimize the potential for gaseous or liquid leaks.
- x. Minimize truck traffic to and from the site.
- y. Use desiccant gas processing dehydrators or other zero emitting dehydrators.
- z. Hydrocarbon control of 98% or better for crude oil, condensate, and produced water tanks with uncontrolled actual emissions of VOCs greater than two TPY VOCs.
- aa.. Consolidate product treatment and storage facilities within a well pad site.
- bb. Centralize compression facilities within a well pad site.
- cc. Use pressure-suitable separator and vapor recovery unit (VRU) where applicable.
- dd. Use EPA Reduced Emission Completions for wells. Daily logs documenting reduced emission completions provided to the LGD.
- ee. Use no-bleed continuous and intermittent pneumatic devices. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop-system or process.
- ff. Conduct root cause analysis for any Grade 1 gas leaks.
- gg. Use automated tank gauging.
- hh. For Operators with existing Oil and Gas Operations in the Town of Erie, demonstrate that the Operation will not result in any increase of volatile organic compounds (VOCs) from Operator's existing and planned Operations in the Town. Operator may include anticipated reductions from plugging and abandoning existing wells located in Town when modeling total VOCs from existing and future Operations and related activities.
- ii. Comply with all OSHA work practice requirements with respect to benzene.
- jj. Construct flowline infrastructure prior to beginning production.
- kk. Use other best management practices to control emissions as they become available.

2. Flares and Combustion Devices.

Flaring shall be eliminated other than during emergencies or upset conditions and all flaring shall be reported to the LGD. If flaring is required, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:

- a. Flaring shall be done with a flare that has a manufacturer specification of 98% destruction removal efficiency or better

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- b. Flare and/or combustor shall be fired with natural gas.
- c. Flare and/or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation.
 - i. No visible emissions of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22.
 - ii. Visible emissions do not include radiant energy or water vapor.
- d. Flare and/or combustor shall be operated with a flame present at all times when emissions may be vented to it.
- e. All combustion devices shall be equipped with an operating auto-igniter.
- f. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm in the case that the pilot goes out.
- g. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.
- h. Flare, auto ignition system, recorder, vapor recovery device or other equipment used to meet the hydrocarbon destruction or control efficiency requirement shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manuals.

3. Leak Detection and Repair (LDAR)

- a. Operations shall be conducted in conformance with the Leak Detection and Repair Plan.
- b. If the Town determines that the leak presents an immediate hazard to persons or property, the Operator may not operate the affected component, equipment or flowline segment until the Operator has corrected the problem and the Town agrees that the affected component, equipment or flowline segment no longer poses a hazard to persons or property. In the event of leaks that the Town believes do not pose an immediate hazard to persons or property, if more than forty-eight-hours repair time is needed after a leak is discovered, Operator shall contact the LGD and provide an explanation of why more time is required. Continuous monitoring to detect leaks or measure hydrocarbon emissions and monitor meteorological data shall be required. Any continuous monitoring system shall be able to alert the Operator of increases in air contaminant concentrations. Operator shall provide detailed recordkeeping of the inspections for leaking components.
 - a. The Applicant shall develop and maintain a leak detection and repair program approved by the LGD using CDPHE approved instrument monitoring methods (AIMM), for equipment used on the well site. Inspection frequency will be determined by the LGD based on site-specific factors. Operators must repair any leaks as quickly as practicable
 - b. Operator shall provide to the LGD a monthly LDAR report organized by facility detailing the inspection results, any associated repairs, and any outstanding leaks. Operator will also provide a copy of all reports submitted to the AQCC, including monthly downtime reports and semi-annual control equipment status reports for production facilities located within Town limits. The Town will make this information

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~~available on its website, or may provide a link for such information from Town's website to Operator's website.~~

4. Well Completion

For each well completion operation with hydraulic fracturing, the Operator shall control emissions by the following procedures.

- a. For the duration of flowback, route the recovered liquids into one or more storage vessels or re-inject the recovered liquids into the well or another well, and route the recovered gas into a gas flowline or collection system, re-inject the recovered gas into the well or another well, use the recovered gas as an onsite fuel source, or use the recovered gas for another useful purpose that a purchased fuel or raw material would serve, with no direct release to the atmosphere.
- b. If compliance with paragraph 4.a above is infeasible, the Operator must capture and direct flowback emissions to a completion combustion device equipped with a reliable continuous ignition source over the duration of flowback, except in conditions that may result in a fire hazard or explosion, or where high heat emissions from a completion combustion device may negatively impact waterways or nearby structures. Non-flammable gas may be vented temporarily until flammable gas is encountered where capture or combustion is not feasible.

5. Compliance

- a. Operator will submit annual reports to the LGD certifying
 - (A) Compliance with these air quality requirements and documenting any periods of material non-compliance, including the date and duration of each such deviation and a compliance plan and schedule to achieve compliance, and
 - (B) Equipment at the well sites continues to operate within its design parameters, and if not, what steps will be taken to modify the equipment to enable the equipment to operate within its design parameters.
- b. The annual report shall contain a certification as to the truth, accuracy and completeness of the reports, signed by a responsible corporate official. The Operator will also provide the LGD with a copy of any self-reporting submissions that operator provides to the CDPHE due to any incidence of non-compliance with any CDPHE air quality rules or regulations.

G. Odor Management

1. Use of D-822 is prohibited unless its use is required by COGCC. In comments on the Form 2A the LGD shall request that the COGCC only approve mud types that are water base and low odor type fluids.
2. The operator shall notify the LGD no later than 24-hours after receiving an odor complaint.
3. Operator shall conduct drive-by inspections through neighborhoods at various times to hear, smell and see what is going on during each phase of Operations.
4. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air.
5. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
6. Filtration systems or additives to minimize odors from drilling and fracturing fluids may be

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used except that operators shall not mask odors by using masking fragrances.

7. Drill cuttings shall be covered to prevent odor while being transported by truck.

H. Dust Suppression

1. Dust associated with on-site activities and traffic on access roads shall be minimized throughout construction, drilling and operational activities such that there are no visible dust emissions from access roads or the site to the extent practical given wind conditions.
2. Untreated produced water and process fluids will not be used for dust suppression.
3. Operator shall not conduct dust suppression activities within 300 feet of surface water unless the dust suppressant is water.
4. Safety data sheets shall be submitted for any chemical based suppressant.

I. Water Quality

The Oil and Gas Operation shall not cause significant degradation of water quality of affected water bodies and water wells. The Operator shall implement the required Water Quality Monitoring and Mitigation Plan to achieve the standard.

1. Determination of Significant Degradation of Water Quality

Determination of whether the Operation will cause significant degradation to water quality may include, but is not limited to the following considerations:

- a. Applicable narrative and numeric water quality standards.
- b. Changes in point and nonpoint source pollution loads.
- c. Increase in erosion and sediment loads.
- d. Changes in stream channel or shoreline stability.
- e. Changes in stormwater runoff flows.
- f. Changes in quality of ground water.
- g. Certification. The Operator shall submit annual reports to the LGD certifying compliance with water quality standards, documenting any non-compliance, including its date and duration. A compliance plan is required for all instances of non-compliance.

2. Water Wells

The Oil and Gas Operation shall not cause water quality or water pressure of any public or private water wells to go below pre-project levels. The Operator shall submit monthly reports to the LGD certifying that the Operation has not caused water quality or pressure of public and private wells to go below pre-project levels, or documenting non-compliance, including the date and duration. A compliance plan is required for all instances of non-compliance.

3. Water Source Sampling and Testing

Using records of the Colorado Division of Water Resources, Operator shall identify and sample all documented water sources located within one-half (1/2) mile of the projected track of the borehole of a proposed well and within one-half (1/2) mile of the radius of the proposed well pad site. All sampling must be conducted by third-party consultant approved of by the Town. The Operator shall provide all water source test results to the LGD and maintain records of such results. Requirements for sampling include:

- a. Collection of initial baseline samples and subsequent monitoring samples from all available water sources within one-half (1/2) mile of the well pad site.

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- b. Initial collection and testing of baseline samples from available water sources shall occur within twelve (12) months prior to the commencement of drilling a well, or within twelve (12) months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve (12) months.
- c. Collection and testing of post-stimulation samples from available water sources within the following time frames:
 - i. One sample within six (6) months after completion;
 - ii. One sample between twelve (12) and eighteen (18) months after completion; and
 - iii. One sample between sixty (60) and seventy-two (72) months after completion.
- d. For multi-well pads, monthly collection and testing during active drilling and completion.
- e. Collection of samples from at least one (1) up-gradient and two (2) down-gradient water sources within a one-half (1/2) mile radius of the well pad site. If no such water sources are available, Operator shall collect samples from additional water sources within a radius of up to one mile from the well pad site until samples from a total of at least one (1) up-gradient and two (2) downgradient water sources are collected. Operator shall give priority to the selection of water sources closest to the well pad site.
- f. Operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve (12) months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.
- g. Operator shall make reasonable efforts to obtain the consent of the owner of the water source. If the Operator is unable to locate and obtain permission from the surface owner of the water source, the Operator shall advise the LGD that the applicant could not obtain access to the water source from the surface owner.
- h. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.
- i. Use of standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan.
- j. Reporting the location of the water source using a GPS with sub-meter resolution.
- k. Reporting damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence discovered through field observations.
- l. Providing copies of all test results described above to the LGD, the COGCC, and the water source owners within three (3) months after collecting the samples.
- m. Additional measures to be required If sampling shows water contamination, including:
 - i. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).

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- ii. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
 - iii. Immediate notification to the LGD, the COGCC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
 - iv. Immediate notification to the LGD, the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes.
 - v. Further water source sampling in response to complaints from water source owners.
 - vi. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the LGD, the COGCC and the water source owners.
- n. All abandoned well assessments and water source testing shall be conducted by the Operator or if requested by a surface owner, by a qualified independent professional consultant approved by the Town at the Operator's expense.

Table 1. Water Quality Analytes	
GENERAL WATER QUALITY	Alkalinity Conductivity & TDS Ph Dissolved Organic Carbon (or Total Organic Carbon)Bacteria Hydrogen Sulphide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate Nitrate + Nitrite as N (total)
METALS	Arsenic Barium Boron Chromium Copper Iron Lead Manganese Selenium Strontium
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as Benzene, Toluene, Ethylbenzene, Xylenes

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Table 1. Water Quality Analytes	
	Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon) Phosphorus

J. Groundwater Baseline Sampling and Monitoring, Greater Wattenberg Area Wells

Operator shall provide the LGD with copies of the results of tests performed by Operator on Greater Wattenberg Area wells within the Town limits under COGCC Rule 318A.f,

K. Stormwater

1. Operation shall be conducted in conformance with the Stormwater Management Plan.
2. Best Management Practices (BMPs) shall be maintained in effective operating condition and any additional BMPs recommended by a stormwater inspector must be implemented by the Operator as soon as possible.
3. Results of stormwater inspections required by CDPHE-WQCD shall be provided to the LGD.
4. Final stabilization measures must be implemented as soon as construction activities cease.
5. Once the well pad or production facility has reached final stabilization as defined by CDPHE, the well pad or production facility must develop and implement a post construction stormwater program as defined by COGCC Rule 1002.f.

L. Water Supply

1. The ~~available~~ water supply is the least detrimental to the environment among the available sources and adequate to meet the needs of the Oil and Gas Operation.
2. The water supply is legally and physically available, dependable, and sustainable. Reuse and recycling will be implemented.
3. The Operation shall not use water from the Town's municipal water supply unless approved by the Board of Trustees.
4. The Operation shall be conducted in conformance with the Water Supply Plan.

M. Spill Release Response and Reporting

The Operator shall demonstrate the ability to control and contain all spills and releases of exploration and production waste, including produced fluids, immediately upon discovery in conformance with the Spill Release Response and Reporting Plan.

1. Spills and releases shall be contained, investigated, and cleaned up as soon as possible or immediately in emergency situations.
2. All employees performing spill clean-up shall be qualified in accordance with applicable state and federal requirements.
3. Copies of Form 19 Spill Release Report (both initial and Supplemental Report) and Form 23 Loss of Well Control Report shall be submitted to the LGD at the same time they are submitted to the COGCC, including the topographic map showing location of the spill and any information relating to initial mitigation, site investigation, and remediation that accompany the report.
4. Spills and releases outside of containment which exceed one barrel of Exploration and

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Production Waste or produced fluids shall be reported to the LGD within 24 hours.

5. Spills and releases of any size which impact or threaten to impact any waters of the state, residences or occupied structures, livestock, or public byways shall be verbally reported to the LGD within twenty-four (24) hours, with a follow-up written notice within 48 hours.
6. Spills and releases of any size which impact or threaten to impact any water supply area shall be verbally reported to the Colorado Environmental Spill Reporting Hotline at 1-877-518-5608, and to the LGD immediately after discovery.
7. Spills and releases that impact or threaten to impact a water supply intake shall be reported immediately to the LGD, and to the owner of the intake if the Town is not the owner of the intake.
8. Spills, chemical spills and releases shall be reported in compliance with applicable state and federal laws. Applicant will provide the LGD with a copy of any self-reporting submissions that applicant provides to any agency.

N. Use of Steel-Rim Berms

The Oil and Gas Operation shall use steel rim berms or some other state of the art technology that has the capacity to contain 150% of the largest storage tank.

O. Vehicle and Equipment Fueling and Maintenance

Routine field maintenance of vehicles or mobile machinery shall not be performed within five hundred (500) feet of any water body. All fueling must occur over impervious material.

P. Fuel Storage Areas

The Oil and Gas Operation includes measures to contain fuel in fuel storage areas to prevent release to any water body. Inventory management or leak detection plans may be required.

Q. Waste Water Management

Operation will be conducted in conformance with the Waste Water Management Plan.

1. All fluids will be contained and there will be no discharge of fluids.
2. Waste will be stored in tanks, transported by tanker trucks and/or pipelines, and disposed of at licensed disposal or recycling sites.
3. Land treatment of oil impacted or contaminated drill cuttings within the Town limits is prohibited.
4. Disposal of waste water within the Town limits is prohibited.

R. Use of Underground Waste Water Injection Wells Prohibited

Class II underground waste water injection wells within the Town limits are prohibited.

S. Disposal of Hydraulic Fracturing Fluid

The Operator shall demonstrate the ability to and shall dispose of all hydraulic fracturing fluids in accordance with the Chemicals and Hydraulic Fracturing Fluids Disposal and Reporting Plan..

T. Hazardous Materials

1. The Oil and Gas Operation includes measures to contain all hazardous materials in storage areas to prevent release to any water body. Inventory management and leak detection systems are required.
2. Full disclosure, consistent with COGCC requirements, including material safety data sheets of all hazardous materials that will be transported on any public or private roadway within the Town for the Oil and Gas Operation, shall be provided to the LGD. This information will

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be treated as confidential and will be shared with other emergency response personnel only on an as needed basis.

3. Flammable Material. The area twenty-five (25) feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code.

U. Chemical Disclosure and Storage

Prior to bringing hydraulic fracturing chemicals onto the property, the Operator shall make available to the Town, in table format, the name, Chemical Abstracts Service (CAS) number, storage, containment and disposal method for such chemicals to be used on the well site, which the Town may make available to the public as public records. Fracturing chemicals shall be uploaded onto the FracFocus website within sixty (60) days of the completion of fracturing operations. The Operator shall not permanently store fracturing chemicals, flowback from hydraulic fracturing, or produced water in the Town limits. Operator shall remove all hydraulic fracturing chemicals at a well site within thirty (30) days following the completing of hydraulic fracturing at that well site.

The following chemicals will not be added to the hydraulic fracturing fluids used at the well sites:

Ingredient Name	CAS#
Benzene	71-43-2
Lead	7439-92-1
Mercury	7439-97-6
Arsenic	740-38-2
Cadmium	7440-43-9
Chromium	7440-47-3
Ethyl benzene	100-41-4
Xylenesf	1330-20-7
1,3,5-trimethylbenzene	108-67-8
1,4-dioxane	123-91-1
1-butanol	71-36-3
2-butoxyethanol	111-76-2
N,N -dimethylfonnamide	68-12-2
2-ethylhexanol	104-76-7
2-mercaptoethanol	60-24-2
benzene, 1, 1'-oxybis-, tetrapropylene derivatives,sulfonated, sodium salts (BOTS)	119345-04-9
butyl glycidyl ether	8/6/2426
polysorbate 80	9005-65-6
quatemary ammonium compounds, dicoco alkylidimethyl, chlorides (QAC)	61789-77-3
bis hexamethylene triamine penta methylene phosphonic acid (BMPA)	35657-77-3
diethylenetriamine penta (methylene-phosphonic acid)(DMPA)	15827-60-8
FD&C blue no. 1	3844-45-9
Tetrakis(triethanolaminato) zirconium(IV) (TTZ)	101033-44-7

V. Emergency Response

The Oil and Gas Operation shall be conducted in accordance with the Emergency Response Plan.

W. Noise

~~Noise levels shall be controlled as follows.~~

- ~~1. For db(A) scale noise, the noise level from Operations subject to the light industrial zone noise standard under COGCC Regulations 802.b and 604.c.(2)(A) does not exceed sixty (60) db(A) and the noise level from Operations subject to the industrial zone noise standard under COGCC Regulations 802.b and 604.c.(2)(A) is reduced at least five (5) db(A) below~~

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~~the maximum level permitted by those regulations. The noise level will be measured as set forth in COGCC Regulations 802.b & c, except no measurements will be taken when traffic is passing the sound level meter. Operator will be present during all measurements. As set forth in the COGCC Regulation 802.b, the noise levels will be subject to increase for a period not to exceed fifteen (15) minutes in any one (1) hour period and reduction for periodic, impulsive or shrill noises.~~

- ~~2. For db(C) scale noise, Operator will comply with the requirements of COGC Rule 802.~~
- ~~3. Use of sound controlled fracking equipment, including quiet fleets that reduce the noise of the pumps and motors associated with hydraulic fracturing.~~
- ~~4. Noise modeling for each well site during all phases of operation including pre-construction. Noise modeling shall be conducted by third-party consultant approved by the Town. The Operator is responsible for the cost of such modeling. Results of the modeling shall be submitted to the LGD.~~
- ~~5. Continuous monitoring from four (4) sides of the facility at least 350 feet from the sound wall where possible, provided that approval from surrounding surface owners can be obtained.~~
1. No well shall be drilled, re-drilled, or any equipment operated in such a manner so as to create any noise which causes exterior noise level¹ that:
 - a. Exceeds the ambient noise level by more than five (5) decibels during daytime hours and more than three (3) decibels during nighttime hours;
 - b. Exceeds the ambient noise level by more than ten decibels over the daytime average ambient noise level during fracturing operations during daytime hours. No fracturing shall be allowed during nighttime hours except for flowback operations related to fracturing as provided in subsection 1.c. below;
 - c. Exceeds the ambient noise level by more than three (3) decibels during flowback operations during nighttime hours;
 - d. Creates pure tones where one-third octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by five (5) dB for center frequencies of 500 Hertz and above, and by eight (8) dB for center frequencies between 160 and 400 Hertz, and by fifteen (15) dB for center frequencies less than or equal to 125 Hertz; or
 - e. Creates low-frequency outdoor noise levels that exceed the following dB levels:

<u>16 Hz octave band</u>	<u>65 dB</u>
<u>31.5 Hz octave band</u>	<u>65 dB</u>
<u>64 Hz octave band</u>	<u>65 dB</u>

2. The Operator shall establish and report to the LGD a continuous 72 hour pre-drilling ambient noise level prior to the issuance of a Permit. The 72-hour time span shall include at least one 24-hour reading during either a Saturday or Sunday. The Operator shall use the prior established ambient noise level for the installation of any new noise generation equipment unless the Operator can demonstrate that the increase in the ambient noise level is not associated with drilling and production activities located either on-site or off-site.

¹ Measured at the protected use's property line or from the closest exterior point of the protected use structure or inside the protected use structure if access to the property is granted.

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3. Adjustments to the noise standards as set forth above in subsection 1.a, 1.b and 1.c. of this section may be permitted intermittently in accordance with the following:

<u>Permitted Increase (dBA)</u>	<u>Duration of Increase (minutes)*</u>
<u>10</u>	<u>5</u>
<u>15</u>	<u>1</u>
<u>20</u>	<u>Less than 1</u>
<u>* Cumulative minutes during any one hour</u>	

4. All workover operations shall be restricted to daytime hours.
5. The exterior noise level generated by the drilling, redrilling or other operations of all wells located within 600 feet of a protected use shall be continuously monitored, to ensure compliance. The cost of such monitoring shall be borne by the Operator. If a complaint is received by either the Operator or the Town the operator shall, within 24 hours of notice of the complaint, continuously monitor for a 72-hour period the exterior noise level generated by the drilling, redrilling or other operations to ensure compliance. At the request of the Town, the Operator shall monitor the exterior noise level at the source of the complaint.
6. Acoustical blankets, sound walls, mufflers or other alternative methods as approved by the Town may be used to ensure compliance. All soundproofing shall comply with accepted industry standards and be subject to approval by the fire district.
7. The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's Standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
8. The Operator shall verify compliance with the requirements of this Section 10.12.3.W and the Noise Management Plan after the installation of the noise-generating equipment.
9. If the Operator is in compliance with the approved Noise Management Plan and a violation still occurs, the Operator shall be notified of noncompliance and given 24 hours to correct the violation from an identified source before a notice of violation and enforcement measures under Section 10.12.5 are triggered. Additional extensions of the 24-hour period may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the operator.

X. Vibration

1. No vibration shall be transmitted thru the ground that is discernible without the aid of instruments measured at five hundred (500) feet from the abutting residential or commercial development.
2. No vibration shall exceed 0.002g peak at up to fifty (50) cps frequency measured at five hundred (500) feet from the abutting residential or commercial development. Vibrations recurring at higher than 50 cps frequency or a periodic vibrator shall not induce accelerations exceeding 0.001g.
3. Single impulse period vibrations occurring at an average interval greater than five (5) minutes shall not induce accelerations exceeding .01g.
4. Operator shall conduct continuous seismic monitoring during fracking operations.
 - a. Seismic events greater than 2.0 on Richter scale shall be reported to LGD and to COGCC.
 - b. If a seismic event occurs, the Town may stop operations immediately and Operator

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can only resume work once the Town is satisfied with the actions taken to reduce the likelihood of further seismicity.

- c. Operations shall be immediately suspended for any seismic event measuring 4.0 or above on the Richter scale. Operator may only resume work once the Town is satisfied with the actions taken to reduce the likelihood of further seismicity.

Y. Visual Quality

The Oil and Gas Operation shall not cause significant degradation to the scenic attributes and character of the Town.

1. Facilities shall be painted in a uniform, non-contrasting, non-reflective color, to blend with the surrounding landscape and with colors that match the land rather than the sky. The color should be slightly darker than the surrounding landscape.
2. The Oil and Gas Operation shall be buffered from sensitive visual areas by providing landscaping along the perimeter of the site between the surface equipment and the sensitive visual area.
3. The Oil and Gas Operation shall be constructed in a manner to minimize the removal of and damage to existing trees and vegetation. If the Operation requires clearing trees or vegetation, the edges of the cleared vegetation should be feathered and thinned and the vegetation should be mowed or brushhogged while leaving root structure intact, instead of scraping the surface.
4. The Oil and Gas Operation shall be sited away from prominent natural features and visual, scenic and environmental resources such as distinctive rock and land forms, rivers and streams, and distinctive vegetative patterns.
5. ~~To the maximum extent practicable, t~~The Oil and Gas Operation shall use low profile tanks or less visually intrusive equipment.

Z. General Operations and Maintenance Requirements

1. The Operator shall at all times keep the well sites, roads, rights-of-way, facility locations, and other Oil and Gas Operation areas safe and in good order, free of noxious weeds, litter and debris.
 - a. The Operator shall be responsible for ongoing weed control at all locations disturbed by the Operation and along access roads during construction and operation, until abandonment and final reclamation is completed.
 - b. The Operator shall utilize vehicle tracking control practices to control potential sediment discharges from unpaved surfaces. Such practices may include road and pad design and maintenance to minimize rutting and tracking, controlling site access, street sweeping or scraping, tracking pads, and wash racks. Traction chains from heavy equipment shall be removed before entering a public roadway.
2. The Operator shall dispose of all water, unused equipment, litter, sewage, waste, chemicals and debris from the site at an approved disposal site.
 - a. All equipment used for drilling, re-drilling and maintenance shall be removed from the well pad site within thirty (30) days after completion of the work, unless otherwise agreed to by the surface owner. Permanent storage of equipment on well pad sites shall not be allowed.
 - b. Materials and trash shall not be buried on-site.
 - c. Trash burning is prohibited.
3. The Operator shall promptly reclaim and reseed all disturbed sites in conformance with the reclamation plan.

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4. All mechanized equipment associated with the Operation shall be anchored to minimize transmission of vibrations through the ground.
5. Open-ended discharge valves on all storage tanks, pipelines and other containers shall be secured where the Operation site is unattended or is accessible to the general public. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.
6. Above ground oil and gas well facilities shall be fenced with wrought iron fencing or Ameristar Impasse or Stronghold fencing or approved equivalent, as determined by the Director. The fencing color shall be bronze unless the Director approves black fencing. Black fencing will only be approved by the Director if fencing or site furnishings in the adjacent developments have approved black elements.
7. The Operator will install down cast lighting or some other form of lighting that mitigates light pollution and spill-over onto adjacent properties; provided, however, that Operator may still use lighting that is necessary for public and occupational safety.
8. The Town shall have access to the well pads to conduct inspections. Town personnel will be equipped with all appropriate personal protection equipment (PPE) and will comply with the Operator's customary safety rules and shall be accompanied by an Operator's representative.

AA. Grading, Drainage, and Erosion Control

The Oil and Gas Operation shall be conducted in accordance with the Grading, Drainage, and Erosion Control Plan.

BB. Use of Existing Roads

Unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise, existing roads on or near the site of the Oil and Gas Operation shall be used in order to minimize land disturbance.

CC. Transportation, Roads, and Access Standards

1. Compliance with Town Standards

All public roads shall be constructed and maintained in compliance with Town standards as necessary to accommodate the traffic and equipment related to Oil and Gas Operations and emergency vehicles.

2. Access to Public Roads

- a. Access points to public roads shall be located, improved and maintained to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.
- b. Access roads shall be improved a minimum distance of 200 feet on the access road from the point of connection to a public road. The access road shall be improved as a hard surface (concrete or asphalt) for the first 100 feet from the public road and then improved as a crushed surface (concrete or asphalt) for 100 feet past the hard surface in the appropriate depth to support the weight load requirements of the vehicles accessing the well and production facilities.
- c. If an access road intersects with a pedestrian trail or walk, the Operator shall pave the access road as a hard surface (concrete or asphalt) a distance of 100 feet either side of the trail or walk and if necessary, replace the trail or walk to address the weight load requirements of the vehicles accessing the well and production facilities.
- d. Temporary access roads associated with the Oil and Gas Operation shall be

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reclaimed and revegetated to the original state within sixty (60) days after discontinued use of the temporary access roads.

3. Implementation of Traffic Management Plan

The Operator shall implement the approved Traffic Management Plan.

4. Road Repairs

- a. The Operator shall arrange for a qualified outside consultant to perform a road impact study for all public roads that are used to access the Oil and Gas Operation. The consultant shall conduct the first part of the study prior to operations and the second part of the study after the Operator completes all drilling and hydraulic fracturing. The Operator and the Town shall use these studies to determine the extent of any damage accruing to the road during the study period. The Operator shall either promptly pay the Town to repair such damage or arrange for and pay the cost of such repairs itself, whichever the Town prefers.
- b. The Operator shall maintain financial assurance to secure its road repair obligations. The amount of such financial assurance shall equal the Town's annual road maintenance budget as of the date of permit approval multiplied by the percentage yielded by dividing the total number of Town road miles as of the date of permit approval into the number of such road miles that the Operator will use to access the Oil and Gas Operation. The Operator shall select the form of such financial assurance and shall maintain such assurance.
- c. If the projected use of public roads as a result of the Oil and Gas Operation will result in a need for an increase in roadway maintenance, the Operator shall enter into an agreement with the Town whereby the Operator provides for private maintenance or reimburses the Town for such increased costs and/or provides a bond or other financial assurance in an amount acceptable to the Town to cover the costs of mitigating impacts to public roads.

DD. Flowlines and Pipelines.

Operator shall comply with the requirements for flowlines set forth in COGCC Rules 1101 through 1105, which address: registration, construction standards, design, installation, reclamation, inspection, maintenance, repair, operation, and integrity management of flowlines; pressure testing; leak protection, detection, and monitoring; and data sharing with local government.

EE. Floodplain, Wetlands and Riparian Areas

The Oil and Gas Operation shall not have a significant adverse effect on the floodplain and shall not significantly degrade wetlands and riparian areas. Oil and Gas Operations conducted within the Floodplain Overlay District shall comply with Section 10.2.7.C of the UDC.

FF. Natural Resource Areas

The Oil and Gas Operation shall not cause significant degradation of natural landmarks, rare plant species, riparian corridors, or other sensitive areas.

GG. Wildlife

The Oil and Gas Operation shall not cause significant degradation of wildlife or wildlife habitat.

HH. Historical and Cultural Resources

The Oil and Gas Operation shall not cause significant degradation to resources of historic, cultural, paleontological, or archeological importance.

II. Public Services and Facilities

The Oil and Gas Operation shall not have a significant adverse effect on the capability of the Town

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to provide municipal services or the capacity of the service delivery systems.

JJ. Compliance with Plans

Operation will comply with all plans submitted under Section 10.12.2.E.8.

KK. Financial Guarantee

The Operator will provide evidence of financial guarantee in a form acceptable to the Town to ensure that the Oil and Gas Operation will comply with these Regulations and all conditions of approval imposed by the Board of Trustees. The final amount of such financial guarantee shall be calculated by the Town following final approval of the permit application. The financial guarantee may be increased at any time if the LGD determines that the amount of the guarantee is no longer sufficient.

LL. Benefits Outweigh Adverse Impacts. The overall benefits to the Town of the Oil and Gas Operation outweigh any adverse impacts that may be caused by the proposed Operation.

10.12.5 EXISTING OIL AND GAS OPERATIONS

A. Registration of Existing Oil and Gas Operations

Oil and Gas Operations existing at the effective date of these Regulations, including wells that are out of production and wells that are temporarily abandoned or abandoned, must be registered with the Town within thirty (30) days of the effective date of these Regulations.

1. Submit Registration Materials

Operator shall submit the registration materials described in subsection A.2, below, and all applicable fees² to the LGD.

2. Registration Materials

The following materials are required for registration of Oil and Gas Operations:

- a. Completed Oil and Gas Operation Registration form.³
- b. Copy of maps and flowline records submitted to COGCC.
- c. Copy of the Emergency Response Plan.
- d. Copy of current SPCC Plan.
- e. Emissions record from previous calendar year.
- f. Copy of most recent Operator's Monthly Report of Operations submitted to COGCC.
- g. For shut-in wells:
 - i. A map at a scale designated by the Town showing the location, including GPS location, of each shut-in well and denoting the age; size, and the maximum pressure at which it is operated; and its depth from the surface.
 - ii. Copy of the most recent mechanical integrity test report submitted to COGCC for each shut-in well.
- h. For abandoned and temporarily abandoned wells:

² REVIEW NOTE: in determining the fee for registration of Oil and Gas Operations the Town should consider both the cost of review and the potential cost of inspections by the Town staff or outside consultant hired by the Town.

³ REVIEW NOTE: Form provided by the Town and shall include the following information: contact information for Operator, location information, brief site history, location status (PR, SI, TA), equipment list, quantity of oil and produced water on-site, AIRS ID and Permit Numbers.

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- i. A map at a scale designated by the Town showing the location, including GPS location, of abandoned and temporarily abandoned wells.
- ii. Copy of the most recent mechanical integrity test report submitted to COGCC for each temporarily abandoned well.
- iii. Copy of Form 6 Notice of Intent to Abandon submitted to COGCC.
- iv. Quarterly inspections of temporarily abandoned and shut-in wells for surface impacts.

B. Decommissioned and Abandoned Oil and Gas Well Assessment and Monitoring Prior to and Following Fracturing

Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, Operator shall conduct assessment and monitoring of oil and gas wells that are plugged and decommissioned or removed from use or dry and removed from use (abandoned wells) within one-quarter (1/4) mile of the projected track of the borehole of a proposed well. Operator shall obtain permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty (30) days from receiving notice, the applicant shall not be required to test the abandoned well.

1. Assessment shall include:
 - a. Based upon examination of COGCC and other publicly available records, identification of all abandoned wells located within one-quarter (1/4) mile of the projected track of the borehole of a proposed well.
 - b. Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account plugging and cementing procedures described in any recompletion or plugged and abandoned report filed with the COGCC.
 - c. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing
 - d. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one (1) year and then every three (3) years after production has commenced.
2. Operator shall notify the LGD and COGCC of the results of the assessment of the plugging and cementing procedures.
3. Results of the soil gas survey shall be provided to the LGD and the COGCC within three (3) weeks of conducting the survey or advising the LGD that access to the abandoned wells could not be obtained from the surface owner.
4. If contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the Town has given its approval for additional operations to continue.
5. Operator shall conduct Bradenhead monitoring. Operator shall equip the bradenhead access to the annulus between the production and surface casing, as well as any intermediate casing, with a fitting to allow safe and convenient determinations of pressure and fluid flow. Valves used for annular pressure monitoring shall remain exposed and not buried to allow for visual inspection. The Operator shall take bradenhead pressure readings on a monthly basis and report those readings to the LGD. Such readings shall include the date, time, and pressure of each reading, and the type of fluid reported.

10.12.5 SEISMIC SURVEYING AND TESTING

A. Seismic Surveying and Testing Activity Notice Required

A Seismic Surveying and Testing Activity Notice shall be filed with the LGD no less than forty-five (45) calendar days prior to beginning seismic surveying and testing activities. The Town may retain, at the Operator's cost, outside consultants to review the application.

B. Seismic Surveying and Testing Activity Notice Materials

The Notice shall include the following:

1. The name, address, and telephone number of the Operator.
- 2.. The name, address, and telephone number of the seismic contractor who will be present at and responsible for conducting the seismic surveying and testing activities.
3. If the surface land comprising the seismic surveying and testing area is owned by a person other than the Operator, the name and address of the owner of record of the surface land and a description of the basis upon which the person proposing exploration activities claims the right to enter the proposed exploration area.
4. Seismic Surveying and Testing Plan

A plan that includes:

a. Description of Proposed Seismic Survey and Testing Area.

- i. Map of the proposed seismic survey and testing area.
- ii. A narrative description of the proposed seismic survey and testing area including surface topography, geology, drainage, surface water, and other physical features; vegetative cover; wildlife habitats and habitats of endangered or threatened species; and recreational, historical and archaeological resources located within the seismic survey and testing area or affected by the activities.

b. Description of Proposed Seismic Survey and Testing Activity

- i. Narrative description of the proposed seismic survey and testing activity;
- ii. Commencement date and duration of surveying and testing.
- iii. List of all property owners and occupants affected.
- iv. List of streets that will be affected;
- v. Description of how the proposed seismic surveying and testing activities will meet the conditions and requirements in Section 10.12.5.F.
- vi. Narrative description of methods to be used for reclamation of the area upon completion of the seismic surveying and testing activities.

D. Activity Notice Review and Decision by LGD

Within five (5) working days after the Activity Notice is deemed complete by the LGD, the LGD shall determine whether the Activity Notice shows that the conduct of the seismic surveying and testing can be conducted in accordance with the conditions and requirements in Section 10.12.5.F.

1. Approval of Activity Notice

If the Activity Notice shows that the seismic surveying and testing will be conducted in accordance with the conditions and requirements in Section 10.12.5.F, the LGD shall provide the seismic contractor with a written order approving the conduct of the seismic surveying and testing.

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2. Denial or Conditional Approval of Activity Notice

If the Activity Notice shows that the seismic surveying and testing cannot be conducted in accordance with the conditions and requirements in Section 10.12.5.f., the LGD shall prohibit the seismic surveying and testing; or the LGD may approve the Activity Notice with conditions determined to be necessary for the testing and surveying to be conducted in compliance with Section 10.12.5.F.

E. Public Notice

1. Written Notice

Not less than fifteen (15) days ahead of the date the Seismic Surveying and Testing activities will begin, the Operator shall deliver the approved Activity Notice to the property owners and occupants, and other parties required in this section E.2.

2. Parties to Receive Notice

The list of parties to be notified shall include the following and shall be compiled by the Operator using the most current records on file with the County Assessor.

- a. Affected homeowners' associations, neighborhood associations, and school districts within one (1) mile of the seismic surveying and testing area.
- b. Affected owners of record and occupants of property within one (1) mile of the seismic surveying and testing area.
- c. The LGD of municipalities and counties within one (1) mile of the seismic surveying and testing area.
- d. Additional persons or geographic areas that the LGD may designate.

3. Validity of Notice

The Operator is responsible for the accuracy of the list of property owners and occupants and other parties to whom written notice is provided. If the Operator makes reasonable good faith efforts to accomplish the notice responsibilities identified above, then the failure of any property owner or occupant to receive notice shall not affect the validity of the public notice.

F. Operational Requirements and Conditions

1. Seismic contractor shall submit a Peak Particle Velocity (PPV) summary to the LGD after the first week of testing and a PPV summary at the end of testing. Contractor may be required to submit additional summaries through the duration of the testing as requested by the LGD.
2. PPVs are not to exceed 0.35 in/sec.
3. Seismic testing shall be conducted only during the hours of 7 a.m. to 6 p.m. Monday-Friday, and 9 a.m. to 6 p.m. on Saturday. Testing is not allowed on Sundays or Town holidays. These hours may be further restricted by the Town to accommodate special events.
4. Gross weight of each vibe truck shall not exceed gross weight of 18,000 lb. on street right-of-way.
5. Lane closures on residential streets are limited to 7 a.m.-4 p.m. Monday-Friday and 9 a.m. - 6 p.m. on Saturdays.
6. Contractor will work around, other construction activity, and may need to adjust location of receivers and/or equipment to accommodate businesses.

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7. The Seismic Surveying and Testing will satisfy the noise requirements in Section 10.12.3.W.
8. Contractor will maintain Americans with Disabilities Act (ADA) compliant pathways and is will resolve potential trip hazards from seismic hardware, lines/cables, etc.
9. With the exception of seismic recording hardware and cables, no surveying or testing equipment may be stored in Town right-of-way without the permission from the Director of Public Works.
10. Mud and/or debris associated with surveying and testing will be removed daily.
11. Contractor is responsible for any damages caused by seismic surveying and testing.
12. All traffic control must be in compliance with the latest version of the Uniform Traffic Control Devices and the Town of Erie Municipal Code.
13. Contractor shall comply with all other Town permit requirements and is responsible for keeping permits current and in testing vehicles at all times.

10.12.6 ENFORCEMENT AND PENALTIES

A. Oil and Gas Operations in Violation of These Regulations

1. Any person engaging in a development of Oil and Gas Operations who does not comply with these Regulations, or who acts outside the jurisdiction of the Oil and Gas Permit may be enjoined by the Town from engaging in such development and may be subject to such other criminal or civil liability as may be prescribed by law.
2. If the Town determines at any time that there are material changes in the construction or operation of the Oil and Gas Operation from that approved by the Town, the Permit shall be immediately suspended and a hearing shall be held to determine whether new conditions are necessary to ensure compliance with the Permit or these Regulations, or if the Permit should be revoked.

B. Permit Suspension or Revocation

1. Suspension

The Board of Trustees may temporarily suspend the Permit for a period of thirty (30) days for any violation of the Permit or these Regulations. Prior to any permit suspension, the Board of Trustees shall provide the Permittee with written notice of the violation. The Permittee will have a minimum of fifteen (15) days to correct the violation. If the violation is not corrected, the Permit shall be temporarily suspended for thirty (30) days.

2. Revocation

The Board of Trustees may, following notice and hearing, revoke a Permit granted pursuant to these Regulations if any of the activities conducted by the Permittee violates the conditions of the Permit or these Regulations. No less than thirty (30) days prior to the revocation hearing, the Board of Trustees shall provide written notice to the Permittee setting forth the violation and the time and date for the revocation hearing. Public notice of the revocation hearing shall be published in a newspaper of general circulation not less than thirty (30) days prior to the hearing. Following the hearing, the Board of Trustees may revoke the Permit or may specify a time by which action shall be taken to correct any violations for the Permit to be retained.

C. Transfer of Permits.

A Permit may be transferred only with the written consent of the Board of Trustees. The Board of Trustees must ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the Permit and these Regulations; that

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such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

D. Inspection

The Town may enter and inspect any property subject to these Regulations at reasonable hours for the purpose of determining whether the development is in violation of the provisions of these Regulations. The Town shall personnel shall be equipped with appropriate personal protection equipment. The Town will attempt to provide reasonable notice of inspections but reserves the right to conduct spot inspections.

E. Judicial Review

Any action seeking judicial review of a final decision of the Board of Trustees shall be initiated within thirty (30) days after the decision is made, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

TOWN OF WINDSOR

ORDINANCE NO. 2020-[[#]]

AN ORDINANCE REGULATING THE LOCATION OF SUBDIVISION LOTS, PERMANENT STRUCTURES AND THE DEDICATION OF PUBLIC RIGHT-OF-WAY IN RELATION TO THE LOCATION OF PLUGGED AND ABANDONED OIL AND GAS WELLS WITHIN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor is a home rule municipality with all powers conferred under Colorado law; and

WHEREAS, the Town has land use authority over oil and gas operations pursuant to Section 29-20-104, C.R.S; and

WHEREAS, the Town has the specific authority to regulate the surface impacts of oil and gas operations in a reasonable manner to protect and minimize adverse impacts to public health, safety, and welfare and the environment; and

WHEREAS, the Town is located within an area of significant oil and gas exploration, in which both active and inactive oil and gas well sites are found; and

WHEREAS, the Town is experiencing unprecedented residential growth, leading to the demand for the approval of more subdivisions and multiple-family site plans; and

WHEREAS, the demands of development are bringing subdivision development into closer proximity to oil and gas wells that have been plugged and abandoned; and

WHEREAS, Colorado Oil and Gas Conservation Commission staff have made suggestions for establishing buffers around plugged and abandoned oil and gas wells; and

WHEREAS, the Windsor-Severance Fire Rescue District has made suggestions for creating buffers around plugged and abandoned oil and gas wells; and

WHEREAS, the Town Board has concluded that the establishment of buffers surrounding plugged and abandoned oil and gas wells is necessary to protect and minimize adverse impacts to public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Chapter 11, Article I of the *Windsor Municipal Code* is hereby amended by the addition of the following new Section 11-1-40:

Sec. 11-1-40. Dedication of Easements and Right-of-Way; Plugged and Abandoned Oil and Gas Wells.

- (1) Subject to the exception set forth in sub-section (4) below, the Town shall not accept the dedication of any easement or right-of-way for any public purpose, any portion which lies within [distance in text] [(distance in Arabic)] feet of a plugged and abandoned oil and gas well.
- (2) For purposes of this Section, *plugged and abandoned oil and gas well* shall mean any well bore:
 - (a) Used for the exploration or extraction of subterranean hydrocarbons, and
 - (b) Plugged as generally described in 2 Colorado Code of Regulations 404-1:319 as in effect on January 1, 2020.
- (3) The foregoing definition of *plugged and abandoned oil and gas well* shall be liberally construed to assure the protection of the public health, safety and welfare. The failure to observe each and every requirement of 2 Colorado Code of Regulations 401-1:319 shall not disqualify the applicability of *plugged and abandoned oil and gas well* as used in this Section.
- (4) Notwithstanding the foregoing, the Town may accept the dedication of storm drainage easements within the [distance in text] [(distance in Arabic)] buffer established in sub-section (1) above, subject to conditions, limitations and requirements determined solely to the Town's discretion.

Section 2. Chapter 16, Article XI of the *Windsor Municipal Code* shall be amended by the addition of a new Section 16-11-110, which shall read as follows:

Sec. 16-11-110. Plugged and Abandoned Oil and Gas Wells; Subdivision Platting

- (1) No platted subdivision lot or tract shall be configured to permit the erection of a permanent structure within [distance in text] [(distance in Arabic)] feet of any plugged and abandoned oil and gas well.
- (2) Any plugged and abandoned oil and gas well located within a subdivision plat shall be platted within a tract specifically identified as ineligible for building construction of any kind.
- (3) For purposes of this Section, *plugged and abandoned oil and gas well* shall mean any dry or abandoned oil and gas well, seismic, core, or other exploratory hole:
 - (a) Used for the exploration or extraction of subterranean hydrocarbons, and

(b) Treated generally in accordance with 2 Colorado Code of Regulations 404-1:319 in effect on January 1, 2020.

(4) The foregoing definition of *plugged and abandoned oil and gas well* shall be liberally construed to assure the protection of the public health, safety and welfare. The failure to observe each and every requirement of 2 Colorado Code of Regulations 401-1:319 shall not disqualify the liberal applicability of *plugged and abandoned oil and gas well* as used in this Section.

Section 3. Chapter 16, Article XI of the *Windsor Municipal Code* shall be amended by the addition of a new Section 16-11-120, which shall read as follows:

Sec. 16-11-120. Plugged and Abandoned Oil and Gas Wells; New Permanent Structures in Proximity.

- (1) No permanent structure shall be erected within [distance in text] [(distance in Arabic)] feet of any plugged and abandoned oil and gas well.
- (2) For purposes of this Section, plugged and abandoned oil and gas well shall mean any dry or abandoned oil and gas well, seismic, core, or other exploratory hole:
 - (a) Used for the exploration or extraction of subterranean hydrocarbons, and
 - (b) Treated generally in accordance with 2 Colorado Code of Regulations 404-1:319 in effect on January 1, 2020.
- (3) The foregoing definition of plugged and abandoned oil and gas well shall be liberally construed to assure the protection of the public health, safety and welfare. The failure to observe each and every requirement of 2 Colorado Code of Regulations 401-1:319 shall not disqualify the liberal applicability of plugged and abandoned oil and gas well as used in this Section.

Introduced, passed on first reading and ordered published this [date].

TOWN OF WINDSOR, COLORADO

Kristie Melendez, Mayor

ATTEST:

Krystal Eucker, Town Clerk

[Seal]

Introduced, passed on second reading and ordered published this [date].

TOWN OF WINDSOR, COLORADO

Kristie Melendez, Mayor

ATTEST:

Krystal Eucker, Town Clerk

[Seal]

DRAFT

Broomfield discovers leak in old, capped and buried oil and gas well in new neighborhood COGCC says well will be replugged

Posted: 6:00 PM, Nov 15, 2019

Updated: 12:47 PM, Nov 16, 2019

By: [Russell Haythorn](#)





BROOMFIELD, Colo. -- Neighbors in a new Broomfield subdivision are feeling under siege after the city discovered a plugged and abandoned oil well is leaking.

There's now a drill rig parked in the middle of the newly paved Grahams Peak Way in the Anthem Highlands neighborhood.

The Colorado Oil and Gas Conservation Committee (COGCC) says tests show elevated concentrations of methane and other compounds in the soil.

So, they are digging up the well site and re-plugging the well which was first cut, capped and buried in 2003.

"It's disconcerting to say the least," said homeowner Becky McLeod.

New homes are going up all around the site — and new homeowners question the transparency of the developers.

"I live about two blocks away from a plugged and abandoned well, and there was no disclosure to us when we purchased," said homeowner Laurie Anderson, who is also a newly elected city councilwoman in Broomfield. "And it wasn't until we as residents said – 'Hey, wait - what's going on in our community?'"

"Who wants one of those in their neighborhood?" McLeod said.

COGCC officials says it has about a week of work left on the site in order to get the well re-plugged safely.

"We didn't want to tear up the whole neighborhood," said Mike Hickey, program engineer for orphaned wells for the COGCC. "So, we went down with straight walls as far as we could."

Hickey said there is no immediate danger.

"I wouldn't have those humans in there if I thought there was an explosion danger," Hickey said of his crew working on the site on Friday. "We'd be doing things very differently."

Despite that, neighbors say the issue goes much deeper than this one well.

"These wells are dotted throughout Broomfield and other communities," Anderson said. "And you can see there's major construction going on here. This entire road is going to be homes."

Hickey said it's a very safe process.

"Yes," Hickey said. "I believe that. These are 1,000-year plugs. These things have to be permanent."

But, whether homeowners believe that is a different question — and many don't.

“There’s no way to guarantee it won’t leak again,” Anderson said.

“It’s always just one step forward, two steps back,” McLeod said. “We haven’t had very many wins against the oil and gas industry. Anything could happen at any time.”

<https://www.thedenverchannel.com/news/local-news/broomfield-discovers-leak-in-old-capped-and-buried-oil-and-gas-well-in-new-neighborhood>

Excavation begins for Broomfield's methane-leaking well



The Colorado Oil & Gas Conservation Commission is overlooking the cleanup of a an abandoned well site.

By [JENNIFER RIOS](mailto:jrios@prairiemountainmedia.com) | jrios@prairiemountainmedia.com | Broomfield Enterprise

PUBLISHED: October 17, 2019 at 11:41 am | UPDATED: November 1, 2019 at 1:37 pm

Work has begun on a plugged and abandoned Broomfield well that showed methane leaks and was moved to the top of the Colorado Oil and Gas Conservation Commission's Orphan Well Program.

The methane readings were discovered as a result of Broomfield's soil and gas testing program, which was implemented in May. The Davis 43-6 well site, which consists of several wells, is under the surface of Graham Peak Way. The area is east of Lowell Boulevard and between Indian Peak and Preble Creek parkways.

COGCC crews removed part of the pavement to access the well last week. This week they continue to excavate to locate and repair the well casing.

The oil and gas commission said public safety is not impacted as the concentrations are about 18 feet below ground and there are no conduits to allow the methane to travel, Broomfield officials said. In an "abundance of caution" Broomfield will continue to withhold building permits in the area.

COGCC officials said oil and gas operations in the area — including drilling, fracking and completions — will not impact or influence the area around the plugged and abandoned well. Broomfield officials said they asked specifically about the Livingston Pad, which is south of Northwest Parkway, west of Lowell Boulevard and northwest of Sheridan Parkway.

On Sept. 30, Broomfield held a meeting with commissioners, representatives from the Colorado Public Utilities Commission and North Metro Fire Rescue District and members of the public to discuss the subsurface methane readings. A representative from ERO, a soil gas testing contractor hired by the city, was also there to answer questions.

A geochemist working with the COGCC reviewed testing results and determined the methane emissions were not associated with coal mines in the area, but are consistent with results associated with oil and gas production. This was communicated at a meeting Oct. 16 with COGCC officials, said Broomfield Director of Strategic Initiatives Tami Yellico.

Broomfield staff, including public works, oil and gas inspectors and police, will be on site during every phase of remediation, Yellico said.

On Oct. 17, a logistics meeting was held with public works, North Metro Fire, Broomfield's Oil and Gas Division inspector and representatives from the COGCC to discuss logistics associated with street cutting and exposing the pipe as well as a review of safety protocols.

The oil and gas commission requested information on identifying and labeling public utility mains that are underground on Oct. 17, which was completed the following Monday afternoon.

Work includes cutting a hole in the street, exposing the well pipe and other infrastructure and sliding a pipe around casing, then cementing between the casing and pipe to seal any leaks. Broomfield expects this process will take at least two weeks from the time pipe is exposed.

While repairs are being made, COGCC will do soil gas testing in the area, Yellico said.

Broomfield has made UL combustible gas detectors available for residents within 500 feet of the well site. The UL measurement is a symbol used by the International System of Units to represent a microliter. As of mid-October, seven have been requested and five have been delivered. The other two will be delivered by Friday.

The fire district will continue to provide individual house inspections, by appointment, for those residents that remained concerned.

Residents interested in inspections can call at 303-452-9910 to sign up. Currently, the testing will focus on homes in the following areas: ● Grahams Peak Way ● Spanish Peak Way, south of Mount Powell Drive ● Mount Powell Drive located from Spanish Peak Way, west to the end of the street

Residents within 500 feet of the well can also request a UL combustible gas detector by calling (303) 438-6382 or email ealbrecht@broomfield.org.

<https://www.broomfieldenterprise.com/2019/10/17/state-prioritizes-broomfield-well-in-orphan-well-program/>

Abandoned oil and gas well in Broomfield leaking methane

POSTED 9:35 PM, OCTOBER 14, 2019, BY [MATT MAURO](#), UPDATED AT 10:19PM, OCTOBER 14, 2019

BROOMFIELD, Colo. -- An abandoned oil and gas well in Broomfield is leaking methane.

The well is located [here](#), off Graham Peak Way in the Anthem Highlands neighborhood.

Random testing shows it started leaking methane in May.

The city and county of Broomfield first alerted people who live nearby a few months later.

"It does concern me," said Judy Kelly, who lives about 1,200 feet from the well, "because we know what's happened before."

Kelly is talking about the home explosion in Firestone in 2017 that killed two people. The cause of the blast was methane that ignited.

In that case, the methane came from an active well and was airborne.

In the current case in Broomfield, the well is inactive and the methane is staying in the soil, for now.

Just last week, the City and County of Broomfield posted [this notice online](#) that read, in part, "The COGCC reconfirmed Oct. 11 that there is not an immediate risk to the residents in this area from methane associated with this situation."

The Colorado Oil and Gas Conservation Commission confirms the well is now part of its [orphaned well program](#) to be remediated. And the well is a priority.

<https://kdvr.com/2019/10/14/abandoned-oil-and-gas-well-in-broomfield-leaking-methane/>

Firestone ‘deeply disappointed’ in NTSB report on explosion, hundreds of new photos released

POSTED 6:20 PM, NOVEMBER 1, 2019, BY [LORI JANE GLIHA](#)

FIRESTONE, Colo. -- The Firestone town manager says his community is “deeply disappointed” in [a recent investigative report](#) issued by the National Transportation Safety Board in which the NTSB says local authorities contributed to [a deadly home explosion](#) in 2017.

“The Town believes the reference to local authorities is a non-sequitur that only distracts from what should be a focus on learning and applying important lessons,” A.J. Krieger, the town manager, wrote in an email to the FOX31 Problem Solvers.

The NTSB report found improperly abandoned oil and gas pipelines that were likely severed during the home’s construction led to the blast that killed two men and badly burned one woman. The ignition of fugitive natural gas that had migrated from a nearby well through a pipeline was the probable cause, the NTSB report found.

“Contributing to the accident was the approval by local authorities to allow occupied structures to be built on land adjacent to or previously part of oil and gas production fields without complete documentation from the operator,” the report said.

On Friday, a spokesperson for NTSB confirmed “local authorities” referred to the Town of Firestone, “which approved land development plans made by St-Firestone, LLC, the land developer of the neighborhood involved.”

Krieger said the town is already moving forward with changes to its land development code, which, he said, will include enhanced requirements for oil and gas regulations.

“These more stringent regulations will not just focus on siting and pre-development activities, but also on the post-production life cycle and inspections,” he said. “We believe the best path forward requires combining updated regulations with ongoing inspections. The Firestone Board of Trustees is committed to the safety and security of its residents as their highest priority.”

Meanwhile, the FOX31 Problem Solvers obtained hundreds of new photographs that were part of the Frederick-Firestone Fire Protection District’s investigation into the deadly explosion that killed Mark Martinez and his brother-in-law, Joey Martinez.

The images were never released due to the ongoing federal investigation.

They show blackened appliances, including the charred water heater believed to be the one installed by Martinez and Irwin just prior to the explosion.

Newly released investigative files showed investigators proposed four hypotheses for the cause of the blast, including weather, the possibility that a human started it, that it was the result of domestic natural gas, or that it was caused by non-odorized production natural gas from an oil and gas well near the residence.

However, the fire report shows investigators found a “possible leak” associated with a pipeline just three days into their investigation and that “explosive levels of gas were still being detected in the ground,” near the home more than a week after the blast.

<https://kdvr.com/2019/11/01/firestone-deeply-disappointed-in-ntsb-report-on-explosion-hundreds-of-new-photos-released/>



MEMORANDUM

Date: January 20, 2020
To: Mayor and Town Board
Via: Shane Hale, Town Manager
From:
Re:
Item #: 3.

ATTACHMENTS:

- ▢ Future Meetings Agenda



FUTURE TOWN BOARD MEETINGS

January 27, 2020 6:00 p.m.	Town Board Work Session Air Quality Discussion Continued
January 27, 2020 7:00 p.m.	Town Board Regular Meeting
February 3, 2020 6:00 p.m.	Town Board Work Session Investment Process Overview Entertainment District Review
February 10, 2020 5:30 p.m.	Town Board Work Session - Board/Manager/Attorney Monthly Meeting Youth Access to Nicotine Presentation with Larimer County Health and Environment Blue-Green Algae High School Presentation
February 10, 2020 7:00 p.m.	Town Board Regular Meeting
February 17, 2020 6:00 p.m.	Town Board Work Session – CANCELLED due to President's Day
February 24, 2020 6:00 p.m.	Town Board Work Session Transportation Master Plan
February 24, 2020 7:00 p.m.	Town Board Regular Meeting
March 2, 2020 6:00 p.m.	Town Board Work Session Parks, Recreation and Culture Strategic Plan Draft Presentation
March 9, 2020 5:30 p.m.	Town Board Work Session - Board/Manager/Attorney Monthly Meeting
March 9, 2020 7:00 p.m.	Town Board Regular Meeting Kern Board
March 16, 2020 6:00 p.m.	Town Board Work Session
March 23, 2020 6:00 p.m.	Town Board Work Session
March 23, 2020 7:00 p.m.	Town Board Regular Meeting

Additional Events

January 22, 2020	BizWest Economic Forecast, Double Tree by Hilton, 919 7 th Street, Greeley, CO 11:00 a.m. – 1:30 p.m. – attending: Bennett, Sislowksi, Melendez
February 27, 2020	1 st Quarter Joint Regional Elected Officials Meeting, Windsor Public Works, 922 N. 15 th Street, Windsor, CO – attending: Rennemeyer, Jones, Wilson, Melendez
March 17, 2019	Candidate Forum hosted by the League of Women Voters, CRC, 250 11 th Street, Windsor, CO – attending:
May 5, 2020	Elected Official Training with Sam Light from CIRSA – Work Session
June 15, 2020	Joint Meeting with Town of Windsor, Town of Severance, Fire District and School District

Future Work Session Topics

- Land Use Code Update meeting with Planning Commission (next code section in series) – Planning
- Economic development/retail needs at 60,000 population
- Parks and Recreation Strategic Plan