

**EXCERPTS FROM
WELD COUNTY CODE**

Sec. 23-2-230. - Duties of Board of County Commissioners.

A. The Board of County Commissioners shall:

1. Set a Board of County Commissioners public hearing, to take place not more than forty-five (45) days after receipt of the Planning Commission recommendation, or upon request of the applicant, for consideration of the proposed Special Review Permit.
2. Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Board of County Commissioners, a second notice may be published in a newspaper which is published in the area in which the Use by Special Review is proposed. The failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.
3. Give notice of the application for a Special Use Permit and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Board of County Commissioners in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.
4. Arrange for the Department of Planning Services to post a sign on the property under consideration for a Special Review Permit according to the requirements of Section 23-2-210 B.4 of this Article.

B. The Board of County Commissioners shall hold a public hearing to consider the application and to take final action thereon. In making a decision on the proposed Use by Special Review, the Board of County Commissioners shall consider the recommendation of the Planning Commission, and from the facts presented at the public hearing and the information contained in the official record which includes the Department of Planning Services case file, the Board of County Commissioners shall approve the request for the Special Review Permit only if it finds that the applicant has met the standards or conditions of this Subsection B and Sections 23-2-240 and 23-2-250 of this Division. The applicant has the burden of proof to show that the standards and conditions of this Subsection B and Sections 23-2-240 and 23-2-250 of this Division are met. The applicant shall demonstrate:

1. That the proposal is consistent with in Chapter 22 and any other applicable code provisions or ordinances in effect.
2. That the proposal is consistent with the intent of the district in which the USE is located.
3. That the USES which would be permitted will be compatible with the existing surrounding land USES.
- 4.

That the USES which would be permitted will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by Chapter 22 of this Code and any other applicable code provisions or ordinances in effect, or the adopted MASTER PLANS of affected municipalities.

5. That the application complies with Article V of this Chapter if the proposal is located within any Overlay District Area identified by maps officially adopted by the County.
 6. That if the USE is proposed to be located in the A (Agricultural) Zone District, the applicant has demonstrated a diligent effort has been made to conserve PRIME FARMLAND in the locational decision for the proposed use.
 7. That there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.
- C. Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the proposed USE upon the surrounding area, the Board of County Commissioners may condition the decision to approve the Special Review Permit upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the COUNTY to guarantee such implementation.
- D. Upon the Board of County Commissioners making its final decision, a resolution setting forth that decision will be drafted and signed. A record of such action and a copy of the resolution will be kept in the files of the Clerk to the Board.
- E. If the Special Review Permit is approved, the Board of County Commissioners shall arrange for the Department of Planning Services to record the Special Review Permit Plan map with the County Clerk and Recorder.

(Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2007-14)

Sec. 23-8-50. - Approval; effective date; amendments.

- A. A SITE SPECIFIC DEVELOPMENT PLAN shall be deemed approved upon the effective date of the Board of County Commissioners' final or conditional approval action. In the event amendments to a SITE SPECIFIC DEVELOPMENT PLAN are proposed and approved, the effective date of such amendments, for purposes of duration of a VESTED PROPERTY RIGHT, shall be the date of the approval of the original SITE SPECIFIC DEVELOPMENT PLAN, unless the Board of County Commissioners specifically finds to the contrary and incorporates such finding in its approval of the amendment.
- B. The Board of County Commissioners may approve a SITE SPECIFIC DEVELOPMENT PLAN upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. The conditional approval shall result in a VESTED PROPERTY RIGHT, although failure to abide by such terms and conditions will result in a forfeiture of VESTED PROPERTY RIGHTS.

Sec. 23-3-10. - Intent.

Agriculture in the COUNTY is considered a valuable resource which must be protected from adverse impacts resulting from uncontrolled and undirected business, industrial and residential land USES. The A (Agricultural) Zone District is established to maintain and promote agriculture as an essential feature of the COUNTY. The A (Agricultural) Zone District is intended to provide areas for the conduct of agricultural activities and activities related to agriculture and agricultural production without the interference of other, incompatible land USES. The A (Agricultural) Zone District is also intended to provide areas for the conduct of USES by Special Review which have been determined to be more intense or to have a potentially greater impact than USES Allowed by Right. The A (Agricultural) Zone District regulations are established to promote the health, safety and general welfare of the present and future residents of the COUNTY.

(Weld County Codification Ordinance 2000-1)

Sec. 23-3-20. - Uses allowed by right.

No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the A (Agricultural) Zone District except for one (1) or more of the following USES. Land in the A (Agricultural) Zone District is subject to the schedule of bulk requirements contained in Section 23-3-50 below. USES within the A (Agricultural) Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

- A. One (1) SINGLE-FAMILY DWELLING UNIT and AUXILIARY QUARTERS per LEGAL LOT.
- B. One (1) SINGLE-FAMILY DWELLING UNIT and AUXILIARY QUARTERS on a parcel of land created under the provisions of Chapter 24, Article VIII of this Code.
- C. FARMING, RANCHING and GARDENING.
- D. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock raised on the premises.
- E. TEMPORARY storage and sorting of, in transit, of crops, vegetables, plants, flowers and nursery stock not raised on the premises and not for sale on said premises.
- F. Repealed.

(Weld County Code Ordinance 2007-1)

- G. Grazing of LIVESTOCK.
- H. Feeding of LIVESTOCK within the limitations defined in Section 23-3-50 below and Section 23-4-710.
- I. OIL AND GAS PRODUCTION FACILITIES.
- J. PUBLIC parks and PUBLIC recreation facilities.
- K. PUBLIC SCHOOLS and PUBLIC SCHOOL extension classes.
- L. UTILITY SERVICE FACILITIES.
- M. Alcohol production which does not exceed ten thousand (10,000) gallons per year, provided that alcohol and by-products will be used primarily on the owner's or operator's land.
- N. TEMPORARY group assemblages (subject to Chapter 12, Article I, of this Code).
- O. Asphalt or concrete batch plant used temporarily and exclusively for an on-site construction project or the completion of a PUBLIC road improvements project. The six-month limitation for this TEMPORARY use may be extended in six-month increments at the discretion of the Director of Planning Services up to two (2) times, and thereafter by the Board of County Commissioners.
- P. MOBILE HOME subject to the additional requirements of Article IV, Division 3 of this Chapter.
- Q. Police and Fire Stations or Facilities.
- R. Borrow pits used TEMPORARILY and exclusively for the completion of a PUBLIC road improvement project. In addition, sand, soil and aggregate MINING, regardless of the use of the material, which qualifies for a single limited impact operation (a 110 permit) or is exempt from any permits from the Division of Minerals and Geology, generates no more than five thousand (5,000) cubic yards of material per year for off-site use and does not involve crushing, screening or other processing. An Improvements Agreement, as determined by the Department of Public Works, may be required prior to commencement of operations.
- S. MANUFACTURED HOME subject to the additional requirements of Section 23-4-700 of this Chapter.
- T. ANIMAL BOARDING and animal TRAINING FACILITIES where the maximum number of ANIMAL UNITS permitted in Section 23-3-50.D below is not exceeded.
- U. One (1) TELECOMMUNICATION ANTENNA TOWER and/or one (1) NONCOMMERCIAL TOWER subject to the provisions of Article IV, Division 10 of this Chapter.
- V. Disposal of BIOSOLIDS subject to the additional requirements of Chapter 14, Article VII of this Code.
- W. Disposal of DOMESTIC SEPTAGE subject to the additional requirements of Chapter 14, Article VI of this Code.
- X. TEMPORARY seasonal uses, including fruit and vegetable stands, and facilities for the sale of fireworks and Christmas trees, subject to the permit requirements of Article IV, Division 7 of this Chapter, except as allowed without a permit per Subsection 23-3-20.D.
- Y. GROUP HOME FACILITY.
- Z. FOSTER CARE HOME.
- AA. County Grader Shed, except in or adjacent to a platted subdivision or Townsite.
- BB. CARGO CONTAINERS used as a SINGLE-FAMILY DWELLING UNIT and AUXILIARY QUARTERS per LEGAL LOT.

(Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1; Weld County Code Ordinance 2002-9; Weld County Code Ordinance 2007-1; Weld County Code Ordinance 2007-14; Weld County Code Ordinance 2009-8; Weld County Code Ordinance 2010-6; Weld County Code Ordinance 2011-9; Weld County Code Ordinance 2012-4; Weld County Code Ordinance 2013-15)

Sec. 23-3-300. - Intent.

The purpose of the Industrial Zone Districts is to provide protective zones for the DEVELOPMENT and operation of industrial USES. The regulations contained herein have been established so as to provide a healthful operating environment for industry; to protect industry from the encroachment of COMMERCIAL and residential USES which may be adverse to the operation and expansion of such industry; to protect industries within the district from the adverse effect of other, incompatible industries; to reduce to a minimum the impact of industries on surrounding, nonindustrial land USES to prevent detrimental impacts which may negatively affect the future USE or DEVELOPMENT of ADJACENT properties or the general NEIGHBORHOOD as defined in Chapter 22 of this Code; and to promote the health, safety and general welfare of the present and future residents of the COUNTY.

(Weld County Codification Ordinance 2000-1)

Sec. 23-3-40. - Uses by special review.

The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the A (Agricultural) Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

- A. Mineral resource development facilities including:
 - 1. OIL AND GAS STORAGE FACILITIES.
 - 2. OIL AND GAS SUPPORT AND SERVICE.
 - 3. Open pit MINING and materials processing, subject to the provisions of Article IV, Division 4 of this Chapter.
 - 4. Asphalt and concrete batch plants.
 - 5. Coal gasification facilities.
 - 6. MINING or recovery of other mineral deposits located in the County, subject to the provisions of Article IV, Division 4 of this Chapter.
 - 7. TRANSLOADING.
- B. Agricultural Service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis, including:
 - 1. Sorting, grading and packing fruits and vegetables for the grower.
 - 2. Grain and/or feed elevators.
 - 3. Crop dusting or spraying operations facilities (includes hangars, landing trips, fertilizer storage facilities, insecticide storage facilities, fuel storage facilities and OFFICES ACCESSORY to the crop dusting or spraying operation).
 - 4. Farm equipment sales, repair and installation facilities.
 - 5. Veterinary clinics or hospitals.
 - 6. Grain and feed sales.
 - 7. Commercial grain storage and drying.
 - 8. Fertilizer storage, mixing, blending and sales.
 - 9. Seed production, processing, storage, mixing, blending and sales.
 - 10. ANIMAL BOARDING and animal TRAINING FACILITIES where the maximum number of ANIMAL UNITS permitted in Subsection 23-3-50.D below is exceeded and/or when the traffic that is generated by the boarding or training activity exceeds sixty (60) trips per day to and from the property.
 - 11. Alcohol production exceeding ten thousand (10,000) gallons per year or the sale or loan of alcohol occurring to any other person not involved in the alcohol production operation.
 - 12. Animal waste recycling or processing facilities.
 - 13. Custom meat processing.
 - 14. LIVESTOCK sale barns and facilities.
 - 15. Forage dehydration facilities.
 - 16. LIVESTOCK CONFINEMENT OPERATIONS.
 - 17. Rodeo Arenas, Commercial
 - 18. Roping Arenas, to include both indoor and outdoor arenas, commercial.
- C. Recreational facilities and USES including:
 - 1. Race tracks and race courses.
 - 2. DRIVE-IN THEATERS, subject to the provisions of [Section 23-4-410](#).
 - 3. Golf courses.
 - 4. Shooting ranges, subject to the provisions of [Section 23-4-370](#).
 - 5. Guest farms and hunting lodges.
 - 6. Fairgrounds.
 - 7. PUBLIC or commercial camping.
 - 8. COMMERCIAL RECREATIONAL FACILITIES.
- D. Public Utilities facility, including:
 - 1. Equipment storage or repair facilities, subject to the provisions of [Section 23-4-420](#).
 - 2. Storage tanks, subject to the provisions of [Section 23-4-420](#).
 - 3. MAJOR FACILITIES OF PUBLIC UTILITIES OR PUBLIC AGENCIES, subject to the provisions of [Section 23-4-420](#).
- E. PUBLIC and quasi-PUBLIC BUILDINGS including:
 - 1. CHURCHES.
 - 2. Private SCHOOLS.
 - 3. Administrative OFFICES or meeting halls for agricultural organizations.
 - 4. County Grader shed in or adjacent to a platted subdivision or Townsite.
- F. AIRPORTS and AIRSTRIPS.
- G. JUNKYARDS or salvage YARDS.
- H. KENNELS, subject to the additional requirements of [Section 23-4-400](#).
- I. Solid Waste Disposal sites and facilities, subject to the additional requirements of [Section 23-4-380](#).
- J. Keeping, raising or boarding of EXOTIC ANIMALS.
- K. One (1) or more microwave, radio, television or other communication transmission or relay tower over seventy (70) feet in height per LOT. Commercial towers subject to the provisions of [Section 23-4-800](#).
- L. TELECOMMUNICATION ANTENNA TOWERS which require a Use by Special Review Permit, subject to the provisions of Article IV, [Division 10](#) of this Chapter.
- M. One (1) SINGLE-FAMILY DWELLING UNIT per LOT other than those permitted under [Section 23-3-20.A](#) above.

- N. MULTI-FAMILY DWELLINGS for persons PRINCIPALLY employed at or engaged in FARMING, RANCHING or GARDENING.
- O. Expansion or extension of NONCONFORMING USES.
- P. HOME BUSINESS.
- Q. ACCESSORY BUILDINGS with GROSS FLOOR AREA larger than four percent (4%) of the total lot area, as detailed in [Section 23-3-30](#) above, per BUILDING on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions.
- R. CORRECTIONAL FACILITY.
- S. Any use permitted as a Use by Right, an ACCESSORY USE, or a Use by Special Review in the COMMERCIAL or industrial zone districts, provided that the property is not a Lot in an approved or recorded subdivision plat or lots parts of a map or plan filed prior to adoption of any regulations controlling subdivisions. PUD development proposals shall not be permitted to use the special review permit process to develop.
- T. CHILD CARE CENTER.
- U. BED AND BREAKFAST FACILITY.
- V. More than one (1) semi-trailer when used as a personal storage unit, on lots in an approved or recorded subdivision plat or LOTS which are part of a map or plan filed prior to the adoption of any regulations controlling subdivisions; and more than two (2) semi-trailers on agricultural parcels not in an approved or recorded subdivision plat of LOTS which are part of a map or plan filed prior to the adoption of any regulations controlling subdivisions in the A (Agricultural) Zone District.
- W. USES similar to the USES listed above as Uses by Special Review as long as the USE complies with the general intent of the A (Agricultural) Zone District.
- X. PROCESSING.
- Y. RESEARCH LABORATORY.
- Z. HEAVY MANUFACTURING, PROCESSING.
- AA. WIND TURBINE. Height stipulation of seventy (70) feet or less does not apply.
- BB. More than the number of cargo containers allowed as a use by right per legal lot or parcel.
- CC. Cemetery.
- DD. RESIDENTIAL THERAPEUTIC CENTER.
- EE. WIND GENERATORS requiring the issuance of a use by special review permit, as per [Chapter 23](#), Article II, Division 4 and [Chapter 23](#), Article IV, Division 6 of this Code.
- FF. BREWERY.
- GG. BREWPUB.
- HH. DISTILLERY.
- II. WINERY.
- JJ. NONCOMMERCIAL TOWERS greater than one hundred thirty (130) feet in height.

(Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1; Weld County Code Ordinance 2002-9; Weld County Code Ordinance 2003-10; Weld County Code Ordinance 2005-01; Weld County Code Ordinance 2006-2; Weld County Code Ordinance 2007-1; Weld County Code Ordinance 2007-14; Weld County Code Ordinance 2008-16; Weld County Code Ordinance 2009-8; Weld County Code Ordinance 2010-6; Weld County Code Ordinance 2011-9; Weld County Code Ordinance 2012-3; Weld County Code Ordinance 2012-4; Weld County Code Ordinance 2013-15)

Sec. 23-2-200. - Intent and applicability.

- A. Uses by Special Review are USES which have been determined to be more intense or to have a potentially greater impact than the Uses Allowed by Right in a particular zone district. Therefore, Uses by Special Review require additional consideration to ensure that they are established and operated in a manner that is compatible with existing and planned land USES in the NEIGHBORHOOD. The additional consideration or regulation of Uses by Special Review, and the application to a Use by Special Review of Performance, Design and Operations Standards listed both herein and for applicable USES from any zone district, are designed to protect and promote the health, safety, convenience and general welfare of the present and future residents of the COUNTY.
- B. The Board of County Commissioners may approve the establishment of a Use by Special Review by granting a Special Review Permit. All requests for Special Review Permit shall be reviewed by the Planning Commission. The Planning Commission recommendation shall be forwarded to and considered by the Board of County Commissioners except for the following conditions. Any DEVELOPMENT or USE which requires a Special Review Permit and which is initiated by a general purpose local government, State, United States government, special district or authority created under the provisions of the laws of the State, or any public utility whether publicly or privately owned, shall require review and approval by the Planning Commission only as set forth in Division 5 below.
- C. Any person filing an application for a Special Review Permit shall comply with the COUNTY procedures and regulations as set forth herein. Any expansion or enlargement of a Use by Special Review shall be treated as a new USE and shall require a new application under the provisions of this Division.
- D. Ordinary repairs and maintenance may be performed upon STRUCTURES associated with a Use by Special Review so long as such repairs and maintenance do not have the effect of expanding or enlarging the USE.
- E. Applications for Special Review Permits shall be completed as set forth in Section 23-2-260. The complete application and application fees shall be submitted to the Department of Planning Services.
- F. The applicant or owner shall submit an Improvements Agreement agreeing to construct the required improvements, as shown in the application, plans and other supporting documents. The agreement shall be made in conformance with the County policy on collateral for improvements. The agreement shall be approved by the Board prior to recording the final exhibit or plat, if applicable.
- G. An application for a Special Review Permit shall include the entire LEGAL LOT upon which the Special Review Permit will be located.
- H. The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as Conditions of Approval. The Mylar plat shall be recorded in the office of the County Clerk and Recorder by the Department of Planning Services. The plat shall be prepared in accordance with the requirements of Subsection 23-2-260.D of this Article. The Mylar plat and additional requirements shall be recorded within one hundred

twenty (120) days from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee. If a Use by Special Review (USR) plat has not been recorded within one hundred twenty (120) days from the date of the Board of County Commissioners Resolution, or within a date specified by the Board of County Commissioners, the Board may require the landowner to appear before it and present evidence substantiating that the Use by Special Review (USR) has not been abandoned and that the applicant possesses the willingness and ability to record the Use by Special Review (USR) plat. The Board of County Commissioners may extend the date for recording the plat. If the Board determines that conditions supporting the original approval of the Use by Special Review (USR) plat cannot be met, the Board may, after a public hearing, revoke the Use by Special Review (USR).

(Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1; Weld County Code Ordinance 2001-8; Weld County Code Ordinance 2007-14; Weld County Code Ordinance 2009-8; Weld County Code Ordinance 2010-6; Weld County Code Ordinance 2011-3; Weld County Code Ordinance 2012-3)

Sec. 23-2-210. - Duties of Department of Planning Services.

Any person wanting to apply for a Use by Special Review shall arrange for a preapplication conference with the Department of Planning Services.

- A. The Department of Planning Services shall be responsible for processing all applications for Special Review Permits in the unincorporated areas of the COUNTY. The Department shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below.
- B. Upon determination that the application submittal is complete, the Department of Planning Services shall:
 1. Refer the application to the following agencies, when applicable, for review and comment. The agencies named shall respond within twenty-eight (28) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-eight (28) days may be deemed to be a favorable response to the Planning Commission. The reviews and comments solicited by the COUNTY are intended to provide the COUNTY with information about the proposed Use by Special Review. The Planning Commission and Board of County Commissioners may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY. The authority for making the decision to approve or deny the request for a Special Review Permit rests with the Board of County Commissioners.
 - a. The planning commission or governing body of any town and county whose boundaries are within a three-mile radius of the parcel under consideration for a Use by Special Review Permit.
 - b. The planning commission or governing body of any city or town that has included the parcel in its MASTER PLANNING area or Intergovernmental Agreement.
 - c. Department of Public Health and Environment.
 - d. Department of Public Works to review the engineering aspects of the proposal.
 - e. County Extension office.
 - f. Colorado Department of Public Health and Environment.
 - g. Colorado Geological Survey.
 - h. Colorado Historical Society.
 - i. Colorado Department of Transportation.
 - j. Colorado State Division of Wildlife.
 - k. Colorado State Engineer, Division of Water Resources.
 - l. Colorado State Oil and Gas Conservation Commission.
 - m. Colorado Water Conservation Board.
 - n. U.S. Army Corps of Engineers.
 - o. U.S. Soil Conservation Service.
 - p. U.S. Forest Service.

- q. U.S. Bureau of Land Management.
 - r. Federal Aviation Administration.
 - s. Federal Communications Commission.
 - t. The appropriate fire district.
 - u. Any irrigation ditch company with facilities on or adjacent to the parcel under consideration.
 - v. Any other agencies or individuals whose review the Department of Planning Services, Planning Commission or Board of County Commissioners deems necessary.
2. Prepare staff comments for use by the Planning Commission addressing all aspects of the application, its conformance with Chapter 22 of this Code and any other applicable code provision or ordinance in effect, adopted master plans of affected municipalities, sound land use planning practices, comments received from agencies to which the proposal was referred and standards contained in this Chapter.
 3. Set a Planning Commission hearing date. The Board of County Commissioners public hearing may also be set and be given legal notice and posting, concurrent with setting of the Planning Commission hearing date and in accordance with Section 23-2-230.A. Otherwise, the Board of County Commissioners public hearing shall be set after the Planning Commission hearing.
 4. An applicant may conduct a Neighborhood Meeting with area landowners. Such meeting is not required, but may be suggested by the Planning Services staff to encourage communication between a land use applicant and the neighbors.
 5. Give notice of the application for a Special Review Permit and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first-class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.
 6. A sign shall be posted for the applicant on the property under consideration for a Use by Special Review permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing and evidenced with a photograph. The sign will include the following information:
 - a. Special Review Permit number.
 - b. Date, place and time of Public Hearing.
 - c. Location and phone number of the public office where additional information may be obtained.
 - d. Applicant's name.

- e. Size of parcel of land.
 - f. Type of request.
7. Arrange for legal notice of said hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Board of County Commissioners, a second notice may be published in a newspaper which is published in the area in which the Use by Special Review is proposed. Failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.

(Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1; Weld County Code Ordinance 2003-10; Weld County Code Ordinance 2007-14; Weld County Code Ordinance 2008-8)

Sec. 23-2-220. - Duties of Planning Commission.

- A. The Planning Commission shall hold a hearing to consider the application for the Special Review Permit. The public hearing may involve either the Special Review Permit application alone or may include the review of concurrent applications under the COUNTY's provisions for Overlay Districts Regulations in Article V of this Chapter. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested Special Review Permit. The Planning Commission shall approve the request for the Special Review Permit only if it finds that the applicant has met the standards or conditions of this Subsection A and Sections 23-2-240 and 23-2-250 of this Division. The applicant has the burden of proof to show that the standards and conditions of this Subsection A and Sections 23-2-240 and 23-2-250 are met. The applicant shall demonstrate:
1. That the proposal is consistent with Chapter 22 of this Code and any other applicable code provision or ordinance in effect.
 2. That the proposal is consistent with the intent of the district in which the USE is located.
 3. That the USES which would be permitted will be compatible with the existing surrounding land USES.
 4. That the USES which would be permitted will be compatible with future development of the surrounding area as permitted by the existing zoning and with the future development as projected by Chapter 22 of this Code or MASTER PLANS of affected municipalities.
 5. That the application complies with Article V of this Chapter if the proposal is located within the Overlay District Areas identified by maps officially adopted by the COUNTY.
 6. That if the USE is proposed to be located in the A (Agricultural) Zone District, the applicant has demonstrated a diligent effort has been made to conserve PRIME FARMLAND in the locational decision for the proposed USE.
 7. That there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.
- B. The Secretary of the Planning Commission shall forward the official recommendation of the Planning Commission and the information contained in the official record, which includes the Department of Planning Services case file, to the Clerk to the Board within ten (10) days after said recommendation has been made.
- C. If the Planning Commission recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, the ten-day period shall commence upon submission of the items by the applicant to the Department of Planning Services.

(Weld County Codification Ordinance 2000-1)

Sec. 23-2-240. - Design standards.

- A. An applicant for a Use by Special Review shall demonstrate compliance with the following design standards in the application and shall continue to meet these standards if approved for DEVELOPMENT.
1. Adequate water service in terms of quality, quantity and dependability is available to the site to serve the USES permitted.
 2. Adequate sewer service is available to the site to serve the USES permitted.
 3. If soil conditions on the site are such that they present moderate or severe limitations to the construction of STRUCTURES or facilities proposed for the site, the applicant has demonstrated how much limitations can and will be mitigated.
 4. Adequate fire protection measures are available on the site for the STRUCTURES and facilities permitted.
 5. USES shall comply with the following stormwater management standards:
 - a. Stormwater retention facilities shall be provided on site which are designed to retain the stormwater runoff from the fully developed site from a one-hundred-year storm or as otherwise required by the Department of Public Works. In the case of a LIVESTOCK CONFINEMENT OPERATION (L.C.O.), wastewater collection, conveyance and retention facilities shall be designed and constructed in accordance with the Confined Animal Feeding Operation Control Regulations (5 C.C.R. 1002-19).
 - b. The drainage facilities shall be designed to release the retained water at a quantity and rate not to exceed the quantity and rate of a five-year storm falling on the UNDEVELOPED site.
 6. All parking and vehicle storage shall be provided on the site; parking shall not be permitted within any public right-of-way. An adequate parking area shall be provided to meet the parking needs of employees, company vehicles, visitors and customers.
 7. The USE shall comply with all the SETBACK and OFFSET requirements of the zone district.
 8. The access shall be located and designed to be safe; ingress and egress shall not present a safety hazard to the traveling public or to the vehicle accessing the property. For USES generating high traffic volumes and large number of large, slow-accelerating vehicles, acceleration and deceleration lanes may be required to mitigate a potential traffic hazard.
 9. New accesses to public rights-of-way shall be constructed using the following as minimum standards:
 - a. Size of drainage structure - twelve (12) inches in diameter.
 - b. Length of drainage structure - twenty (20) feet.
 - c. Depth of cover over pipe - twelve (12) inches.
 - d. Width of access - fifteen (15) feet.
 - e. Maximum grade of access - fifteen percent (15%).
 - f. Flare radius - twenty (20) feet.
 - g. Depth of surfacing - four (4) inches.Standards exceeding these minimums may be required depending on the type and volume of

vehicles generated by the type of USE proposed.

10. Buffering or SCREENING of the proposed USE from ADJACENT properties may be required in order to make the determination that the proposed USE is compatible with the surrounding uses. Buffering or SCREENING may be accomplished through a combination of berming, landscaping and fencing.
 11. Uses by Special Review in the A (Agricultural) Zone District shall be located on the least prime soils on the property in question unless the applicant can demonstrate why such a location would be impractical or infeasible.
- B. If the Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY is approved, the Planning Commission shall arrange for the Department of Planning Services to record the appropriate Facilities Plan, Utility Line or Selected Route Map with the County Clerk and Recorder.

(Weld County Codification Ordinance 2000-1)

Sec. 23-2-250. - Operation standards.

An applicant for a Special Review Permit shall demonstrate conformance with the following operation standards in the Special Review Permit application to the extent that the standards affect location, layout and design of the Use by Special Review prior to construction and operation. Once operational, the operation of the USES permitted shall conform to these standards.

- A. The operation of the USES shall comply with the noise standards enumerated in Section 25-12-101, C.R.S.
- B. The operation of the USES shall comply with the air quality regulations promulgated by the Colorado Air Quality Control Commission.
- C. The operation of the USES shall comply with the water quality regulations promulgated by the Colorado Water Quality Control Commission.
- D. The USES shall comply with the following lighting standards:
 - 1. Sources of light, including light from high-temperature processes such as combustion or welding, shall be shielded so that light rays will not shine directly onto ADJACENT properties where such would cause a nuisance or interfere with the USE on the ADJACENT properties; and
 - 2. Neither direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on PUBLIC or private STREETS and no colored lights may be used which may be confused with or construed as traffic control devices.
- E. The USES shall not emit heat so as to raise the temperature of the air more than five degrees (5°) Fahrenheit at or beyond the LOT line.
- F. Property shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than twelve (12) inches. In no event shall the property owner allow the growth of NOXIOUS WEEDS.
- G. Any off-site and on-site improvements agreement shall be made in conformance with the County policy on collateral for improvements.

(Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2007-1)

Sec. 23-1-90. - Definitions.

For the purposes of this Chapter, certain terms or words used herein shall be interpreted as defined in this Section. The following specific words and phrases, when appearing in this Chapter in uppercase letters, shall have the meanings stated in this Section:

ACCESSORY BUILDING or USE: any BUILDING or USE which:

- a. Is subordinate in purpose, area or intensity to the principal BUILDING or USE served.
- b. Is normally associated with the principal BUILDING or USE.
- c. Contributes to the needs of the occupants, business enterprise or industrial operation within the principal BUILDING or USE served.
- d. Is located on the same LOT as the principal BUILDING or USE.

ADJACENT: When used to indicate land in the immediate vicinity of a LOT, means land which shares a boundary line with the LOT in question or which would share a boundary line were it not for the separation caused by a STREET or ALLEY.

ADULT BUSINESS, SERVICE or ENTERTAINMENT ESTABLISHMENT: Any business, service or entertainment establishment open to the public in which persons appear in a STATE OF NUDITY for the purpose of entertaining patrons at such establishment. This definition should not include any establishments offering such entertainment where those establishments hold a valid liquor license pursuant to the Colorado Liquor Code or Beer Code.

AIRPORT: Any locality, situated on water or land which is adapted for the landing and taking off of aircraft and which may provide facilities for shelter, supply and repair of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air. Includes all land, BUILDINGS, STRUCTURES or other improvements necessary or convenient in the establishment and operation of an AIRPORT.

AIRPORT (This definition applies only to AIRPORT when used in the A-P (Airport Overlay District): Greeley-Weld County Airport, located in Sections 2 and 3, T5N, and Sections 26 and 35, T6N, R65W of the 6th P.M., Weld County, Colorado.

AIRPORT ELEVATION: The established elevation of the highest point on the usable land area (four thousand six hundred ninety [4,690] feet above sea level).

AIRPORT HAZARD: Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT REFERENCE POINT: The point established as the geographic center of the AIRPORT landing area. The reference point at Greeley-Weld County AIRPORT is a point three thousand one hundred (3,100) feet west of the east line of Section 2, T5N, R68W of the 6th P.M., Weld County, Colorado, and two thousand two hundred fifty (2,250) feet south of the north line of said Section 2, which geographical coordinates are Latitude 40°26'8" north and Longitude 104°37'55" west.

AIRSTRIP: Any locality, situated on either water or land which is adapted for the landing and taking off of aircraft, operated by the owner or lessee of the land USED as an AIRSTRIP. An AIRSTRIP may be USED only for private aircraft owned or leased by the operator of the AIRSTRIP.

ANIMAL BOARDING: The maintaining of LIVESTOCK, other than those owned by the property owner and where any of the following are provided: shelter, care, confinement, feed and water.

ANIMAL UNIT: A term and number used to establish an equivalency for various species of LIVESTOCK. The number of LIVESTOCK allowed by right is dependent upon bulk requirements of the A (Agricultural), A-1 (Concentrated Animal), E (Estate) or R-1 (Low-Density Residential) Zone District. LIVESTOCK in excess of the bulk requirements for the Agricultural Zone District shall require a Use by Special Review Permit for a LIVESTOCK CONFINEMENT OPERATION. In the A-1 Zone District, the applicant shall specify the maximum number of ANIMAL UNITS and species to be associated with the Livestock Confinement Operation. All Livestock Confinement Operations in the A-1 Zone District require a Site Plan Review and are subject to the Site Plan Review requirements outlined in Article II, Division 3, of this Code. All LIVESTOCK shall have the following ANIMAL UNIT equivalents and bulk requirements contained in Tables 23.1A, 23.1B, 23.1C and 23.1D below:

Table 23.1A
Animal Units in the A (Agricultural) Zone District

| | Animal Unit Equivalents | Number of Animals Equivalent to One Animal Unit | Maximum Number of Animals per Acre | Less Than 120 Gross Acres | Less than 320 Gross Acres, or a Minimum of ½ of a Quarter Section | Less than 640 Gross Acres, or a Minimum of ½ of a Section | 640 Gross Acres or Greater, or a Minimum of 1 Section |
|---------|----------------------------|--|--|------------------------------|---|--|--|
| Cattle | 1 | 1 | | 4 | 6 | 8 | 10 |
| Bison | 1 | 1 | | 4 | 6 | 8 | 10 |
| Mule | 1 | 1 | 4 | 6 | 8 | 10 | |
| Ostrich | 1 | 1 | 4 | 6 | 8 | 10 | |
| Elk | 1 | 1 | 4 | 6 | 8 | 10 | |
| Horse | 1 | 1 | 4 | 6 | 8 | 10 | |

| | | | | | | |
|---------|------|-----------|-----|-----|-----|-----|
| Yak | 1 | 1 | 4 | 6 | 8 | 10 |
| Camel | 1 | 1 | 4 | 6 | 8 | 10 |
| Swine | .2 | 5 | 20 | 30 | 40 | 50 |
| Sheep | .1 | 10 | 40 | 60 | 80 | 100 |
| Llama | .1 | 10 | 40 | 60 | 80 | 100 |
| Goat | .1 | 10 | 40 | 60 | 80 | 100 |
| Alpaca | .075 | <u>13</u> | 52 | 78 | 104 | 130 |
| Poultry | .02 | 50 | 200 | 300 | 400 | 500 |
| Rabbit | .02 | 50 | 200 | 300 | 400 | 500 |

Table 23.1B
Animal Units in the E (Estate) Zone District

| | Animal Unit Equivalents | Number of Animals Equivalent to One Animal Unit | Maximum Number Per Acre |
|---------|-------------------------|---|-------------------------|
| Cattle | 1 | 1 | 1 |
| Horse | 1 | 1 | 1 |
| Swine | 1 | 1 | 1 |
| Mule | 1 | 1 | 1 |
| Burro | 1 | 1 | 1 |
| Sheep | .5 | 2 | 2 |
| Goat | .5 | 2 | 2 |
| Llama | .1 | 10 | 10 |
| Alpaca | .075 | <u>13</u> | <u>13</u> |
| Poultry | .04 | 25 | 25 |
| Rabbit | .04 | 25 | 25 |

Table 23.1C
Animal Units in the R-1 (Low-Density Residential) Zone District

| | Animal Unit Equivalents | Number of Animals Equivalent to One Animal Unit | Maximum Number Per Lot |
|--------|-------------------------|---|------------------------|
| Cattle | 1 | 1 | 2 |
| Horse | 1 | 1 | 2 |
| Swine | 1 | 1 | 1 |
| Llama | .5 | 2 | 4 |
| Alpaca | .5 | 2 | 4 |
| Sheep | .2 | 5 | 10 |

| | | | |
|---------|-----|----|-----|
| Goat | .2 | 5 | 10 |
| Poultry | .02 | 50 | 100 |
| Rabbit | .02 | 50 | 100 |

Table 23.1D
Animal Units in the A-1 (Concentrated Animal) Zone District

| | Animal Unit Equivalents | Number of Animals Equivalent to 1 Animal Unit | Maximum Number of Animals per Acre | | |
|---------|-------------------------|---|--|---|---|
| | | | Less than 320 Gross Acres, or a Minimum of a Quarter Section | Less than 640 Gross Acres, or a Minimum of ½ of a Section | 640 Gross Acres or Greater, or a Minimum of 1 Section |
| Cattle | 1 | 1 | 6 | 8 | 10 |
| Bison | 1 | 1 | 6 | 8 | 10 |
| Mule | 1 | 1 | 6 | 8 | 10 |
| Ostrich | 1 | 1 | 6 | 8 | 10 |
| Elk | 1 | 1 | 6 | 8 | 10 |
| Horse | 1 | 1 | 6 | 8 | 10 |
| Swine | .2 | 5 | 30 | 40 | 50 |
| Sheep | .1 | 10 | 60 | 80 | 100 |
| Llama | .1 | 10 | 60 | 80 | 100 |
| Goat | .1 | 10 | 60 | 80 | 100 |
| Alpaca | .075 | 13 | 78 | 104 | 130 |
| Poultry | .02 | 50 | 300 | 400 | 500 |
| Rabbit | .02 | 50 | 300 | 400 | 500 |

Any combination of the above LIVESTOCK and their equivalents as a Use by Right shall not exceed the maximum of four (4) ANIMAL UNITS per acre in the A (Agricultural) Zone District on LOTS less than eighty (80) gross acres, not to exceed six (6) ANIMAL UNITS per acre on LOTS a minimum of one-half (½) of a Quarter Section and less than three hundred twenty (320) gross acres, not to exceed eight (8) ANIMAL UNITS per acre on LOTS a minimum of one-half (½) of a Section and less than six hundred forty (640) gross acres, and not to exceed ten (10) ANIMAL UNITS per acre on LOTS six hundred forty (640) gross acres or larger; in the A-1 (Concentrated Animal) Zone District, ANIMAL UNITS shall not exceed the maximum of six (6) ANIMAL UNITS per acre on LOTS a minimum of a Quarter Section and less than three hundred twenty (320) gross acres, not to exceed eight (8) ANIMAL UNITS per acre on LOTS a minimum of one-half (½) of a Section and less than six hundred forty (640) gross acres, and not to exceed ten (10) ANIMAL UNITS per acre on LOTS six hundred forty (640) gross acres or larger. In the E (Estate) Zone District, ANIMAL UNITS shall not exceed eight (8) ANIMAL UNITS per LOT. In the R-1 (Low-Density Residential) Zone District, ANIMAL UNITS shall not exceed two (2) ANIMAL UNITS per LOT. In determining the number of acres in a LOT for the purpose of calculating the number of ANIMAL UNITS allowed as a Use by Right, the total number of contiguously owned or controlled (for example, through lease, easement or dedication) acres shall be included. Such contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the State, the United States or an agency thereof, except County-owned open space, or a lake, reservoir, stream or other natural or artificial waterway.

APPEAL: The request for a review of the County's interpretation of any provision of this Chapter or a request for a VARIANCE, with the exception of appeals and variances pursuant to Article XI of [Chapter 23](#) of this Code.

AUXILIARY QUARTERS: One (1) or more interconnected rooms permanently attached to or located within a SINGLE-FAMILY DWELLING which are arranged, designed, used or intended for USE as a complete independent living facility for one (1) FAMILY. All AUXILIARY QUARTERS shall comply with the following requirements:

- a. The AUXILIARY QUARTERS may not be used on any basis as a rental.
- b. The USE is subordinate in purpose, area or intensity and the occupants contribute to the needs of the occupants of the SINGLE-FAMILY DWELLING served.
- c. The gross floor area of the SINGLE-FAMILY DWELLING shall be no less than one thousand six hundred (1,600) square feet in size.

- d. The minimum lot size shall be no less than two and one-half (2½) acres.
- e. The minimum GROSS FLOOR AREA of the AUXILIARY QUARTERS shall be no less than three hundred (300) square feet in size, and the maximum shall not exceed fifty percent (50%) in size of the GROSS FLOOR AREA of the SINGLE-FAMILY DWELLING, not to exceed one thousand (1,000) square feet in size.
- f. The AUXILIARY QUARTERS shall be attached by common roof and foundation.
- g. The AUXILIARY QUARTERS and the SINGLE-FAMILY DWELLING shall be connected by a party wall or shall not be separated by more than twice the width of the projected view of the shortest exterior wall of the AUXILIARY QUARTERS.

BASEMENT: Any floor level below the first story or main floor of a building. The BASEMENT is wholly or partially lower than the surface of the ground. For the purposes of this Chapter, any crawl space with six (6) feet or more between the floor and the ceiling shall be considered to be a BASEMENT.

BED AND BREAKFAST FACILITY: A facility in an owner-occupied DWELLING that offers TEMPORARY accommodation to lodging guests for a fee.

BIOSOLIDS: The accumulated treated residual product resulting from a domestic wastewater treatment works. BIOSOLIDS does not include grit or screenings from a wastewater treatment works, commercial or industrial sludges (regardless of whether the sludges are combined with domestic sewage), sludge generated during treatment of drinking water or domestic or industrial septage.

BREWERY: Any establishment licensed pursuant to the provisions of Title 12, Article 47, C.R.S., where malt liquors are manufactured, except brew pubs. Malt liquors include beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent (3.2 %) of alcohol by weight or four percent (4%) alcohol by volume.

BREW PUB: A retail establishment licensed pursuant to the provisions of Title 12, Article 47, C.R.S., that manufactures not more than one million eight hundred sixty thousand (1,860,000) gallons of malt liquor on its licensed premises or licensed alternating proprietor licensed premises, combined, each calendar year. Malt liquors include beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent (3.2 %) of alcohol by weight or four percent (4%) alcohol by volume.

BUILDING: Any STRUCTURE, excluding fences, erected for shelter or enclosure of persons, animals or personal property of any kind.

BUILDING ENVELOPE: The two-dimensional space within which a structure is permitted to be built on a lot. The bulk requirements for the specific zone districts addressed in this Code shall also be followed.

BUILDING HEIGHT: The vertical distance from mean natural grade at foundation to the highest point of the roof or appurtenances, not including church spires and residential chimneys.

BUILDING, PRINCIPAL: A BUILDING in which is conducted the main or primary USE of the LOT on which said BUILDING is located.

CAMPING: A recreational activity involving the spending of up to seven (7) consecutive nights in a tent, primitive STRUCTURE, travel trailer or RECREATIONAL VEHICLE at a campsite.

CAMPGROUND: An area used for TEMPORARY placement and occupancy of RECREATIONAL VEHICLES or camping tents.

CARGO CONTAINER: A receptacle with all of the following characteristics:

- a. Of a permanent character and accordingly strong enough to be suitable for repeated use, constructed of metal and being airtight and water-resistant.
- b. Specially designed to facilitate the carriage of goods, by one (1) or more modes of transport, one (1) of which shall be by vessels, without intermediate reloading.
- c. Fitted with devices permitting its ready handling, particularly its transfer from one (1) mode of transport to another.
- d. So designed to be easy to fill and empty.
- e. Having a cubic displacement of one thousand (1,000) cubic feet or more for a cargo container used solely for storage. Cargo containers used for DWELLINGS shall conform to the bulk requirements in each zone district.
- f. A railroad car of any type shall not be considered a CARGO CONTAINER.

CEMETERY: Land used for the burial of the dead and dedicated for memorial purposes, whereby plots are reserved and sold. Includes columbaria and mausoleums.

CHILD CARE CENTER: A facility, by whatever name known, which is maintained for the whole or part of a day for the care of more than eight (8) children under the age of sixteen (16) years and not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery SCHOOLS, kindergartens, preschools, play groups, day camps, summer camps and centers for developmentally disabled children and those facilities which give twenty-four-hour care for dependent and neglected children, and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a PUBLIC, private or parochial college or a private or parochial SCHOOL; except that the term shall not apply to any kindergarten maintained in connection with a PUBLIC, private or parochial elementary SCHOOL system of at least six (6) grades or to any preschool established pursuant to the provisions of Title 22, Article 28, C.R.S., which is maintained in connection with a public school system of at least six (6) grades so long as the school system is not also providing extended day services.

CHURCH: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Table 23-1D

| |
|-------------------------------|
| Land Use Process for Churches |
|-------------------------------|

| Zone | R-1 | R-2 | R-3 | R-4 | R-5 | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 | I-3 | E | PUD | A |
|-------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------|-----|
| Application | USR | USR | USR | USR | USR | SPR | SPR | SPR | USR | SPR | SPR | SPR | USR | USR/SPR | USR |

USR - Use by Special Review

SPR - Site Plan Review

CLUSTER: A residential development technique that concentrates individual lots on part of the site to allow the remaining land to be used for recreation, common open space and the preservation of environmentally sensitive features such as wildlife habitat, riparian zones and agricultural lands. If a CLUSTER development is proposed on agricultural lands, the land shall be currently used or capable of being used for agricultural production such as farming and ranching operations for the next forty (40) years. The intent of the A (Agricultural) Zone District as outlined in Chapters 22, 23, 24 and 27 of this Code, including Weld County's Right to Farm, shall be met. A CLUSTER development may be used in URBAN and NONURBAN AREAS.

COMMERCIAL: An activity where goods, products or services are bought, sold or transferred in ownership on a fee, contract or barter basis excluding those uses listed by right and accessory uses in the A (Agricultural) Zone District.

COMMERCIAL JUNKYARD: An open or enclosed area where any waste, JUNK or used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A COMMERCIAL JUNKYARD also includes the storage or keeping of DERELICT VEHICLES.

COMMERCIAL MINERAL DEPOSIT: A natural mineral deposit of limestone used for construction purposes, coal, sand, gravel and quarry aggregate, for which extraction by an EXTRACTOR is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, State or nation.

COMMERCIAL SCHOOL: A SCHOOL established to provide on-site training of business, trade, commercial, industrial, clerical, managerial or artistic skills, such as a beauty SCHOOL, ceramic store or driving SCHOOL. This definition applies to SCHOOLS that are owned and operated privately for profit and that do not typically offer a complete educational curriculum. This classification excludes establishments that provide training in an activity that is not otherwise generally permitted in the zone district. Incidental instructional services in conjunction with another primary use shall not be considered a COMMERCIAL SCHOOL.

COMMERCIAL VEHICLE: Any vehicle, other than an automobile, used or previously used to facilitate an activity where goods, products or services are bought, sold or transferred in ownership on a fee, contract or barter basis, excluding those uses listed by right and accessory uses in the A (Agricultural) Zone District. A COMMERCIAL VEHICLE shall include, but is not limited to, semi-tractors and trailers, dump trucks, construction equipment and tow trucks. A COMMERCIAL VEHICLE shall not be allowed to deteriorate to the condition of a DERELICT VEHICLE or be utilized as a storage unit, unless the use is allowed through the zone district.

COMMON OPEN SPACE: A parcel of land, an area of water or a combination of land and water, excluding STREETS, PARKING LOTS and rights-of-way within the site designated for a Planned Unit Development, designed and intended primarily for the USE or enjoyment of residents, occupants and owners of the Planned Unit Development.

COMPLETE APPLICATION: All necessary information required as part of the submittal criteria of a land use case, as defined in sections pertaining to the type of case being processed.

COMPREHENSIVE PLAN: The duly adopted Weld County Comprehensive Plan, [Chapter 22](#) of this Code.

CONSERVATION EASEMENT: An encumbrance upon an identified parcel of land stipulating the restriction on additional or future development. The easement restricts the development rights to the land, but the landowner still holds the title to the property, the right to restrict public access and the right to sell, give or transfer ownership of the property.

CONSTRUCTION TRAILER: A MANUFACTURED STRUCTURE or COMMERCIAL VEHICLE used for other than a TEMPORARY time period for office use or the storage of construction-related plans, supplies, equipment and related items to be accessed exclusively by Construction personnel. CONSTRUCTION TRAILERS shall comply with requirements set forth in this Chapter, including required zoning SETBACKS and OFFSETS, and shall be installed in accordance with the requirements set forth in [Chapter 29](#) of this Code and adhere to the zoning permit requirements of [Section 23-4-190](#) of the Code. All CONSTRUCTION TRAILERS shall demonstrate that water and sewage disposal facilities are available.

CONTRACTOR'S SHOPS: Establishments engaged in installing and servicing such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation and service facilities or utilities.

CORRECTIONAL FACILITY: Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under twenty-four-hour supervision by professionals ("lock down"), except when on approved leave. If the USE otherwise complies with this definition, a CORRECTIONAL FACILITY may include, by way of illustration, a pre-parole facility, jail, prison or other place of incarceration.

COUNTY: The COUNTY of Weld, a home rule county in the State of Colorado.

DAIRY: An establishment for the primary production and subsequent sale or distribution of milk and/or milk products.

DERELICT MANUFACTURED (MOBILE) HOME: A MANUFACTURED (MOBILE) HOME that is partially or totally damaged by fire, earthquake, wind or other natural causes, or is in a state of general dilapidation, deterioration or decay resulting from improper lack of maintenance, vandalism or infestation with vermin or rodents. Any such DERELICT MANUFACTURED (MOBILE) HOME shall be returned to and maintained in the condition as originally established on site and as inspected by the Building Inspection Department, or it shall be removed from site.

DERELICT VEHICLE: A vehicle that is inoperable (unable to move under its own power); is partially or totally dismantled; has all or portions of its body work missing or is substantially damaged; does not have valid registration with the State, as required by Section 42-3-103, 42-3-138 or 42-12-102, C.R.S., and/or the number plate assigned to it is not permanently attached to the vehicle, as required by Section 42-3-123, C.R.S.; or is lacking proper equipment to the extent that it would be unsafe or illegal to USE on public road rights-of-way or otherwise not equipped with lamps and other equipment, as required in Sections 42-4-202 to 42-2-227, C.R.S. This definition shall not include implements of husbandry, farm tractors or vehicles customarily operated in a FARMING operation.

DEVELOPER: The legal or beneficial owner or owners of any of the land proposed to be included in a given DEVELOPMENT, or the authorized agent therefor, including the holder of an option or contract to purchase, or other individual having an enforceable legal interest in such land.

DEVELOPMENT: The placement, construction, erection, reconstruction, movement and/or alteration of BUILDINGS and/or other STRUCTURES, the placement of paved areas, drainage improvements or alterations on the historic flow of drainage patterns or amounts, and the placement of lighting and/or other appurtenances related to any and all USES.

DEVELOPMENT STANDARDS: A list of items that are compiled and approved by the COUNTY that governs the USE and/or operation of a Special Review Permit. The list is placed on the Special Review Permit Plan map prior to recording the map with the County Clerk and Recorder.

DISTILLERY: Any establishment licensed pursuant to the provisions of Title 12, Article 47, C.R.S., where spirituous liquors are manufactured. Spirituous liquors include any alcohol beverage obtained by distillation, mixed with water and other substances in solution and includes among other things brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing at least one-half of one percent (0.5 %) alcohol by volume and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor, except as provided in Sections 12-47-103(19) and (39), C.R.S., shall not be construed to be fermented malt or malt or vinous liquor but shall be construed to be spirituous liquor.

DOMESTIC SEPTAGE: Liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device or similar treatment works that receives only domestic sewage. DOMESTIC SEPTAGE does not include liquid or solid material removed from a septic tank, cesspool or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

DOUBLE FRONTAGE: A lot that fronts upon two (2) parallel streets, or a lot that fronts upon two (2) streets that do not intersect at the boundaries of the lot. A DOUBLE FRONTAGE LOT is often referred to as a Through Lot, as illustrated below.

DWELLING, MULTI-FAMILY: A BUILDING containing four (4) or more DWELLING UNITS other than MOBILE HOMES or MANUFACTURED HOMES arranged, designed and intended to be occupied by four (4) or more LIVING UNITS.

DWELLING, SINGLE-FAMILY (SINGLE-FAMILY DWELLING): A DWELLING UNIT or MANUFACTURED HOME other than a MOBILE HOME arranged, designed and intended to be occupied by not more than one (1) LIVING UNIT. The projected view of any exterior wall of a DWELLING UNIT or MANUFACTURED HOME shall not be less than twenty-four (24) feet.

DWELLING, THREE-FAMILY/TRIPLEX: A BUILDING containing three (3) DWELLING UNITS other than MOBILE HOMES or MANUFACTURED HOMES arranged, designed and intended to be occupied by not more than three (3) LIVING UNITS.

DWELLING, TWO-FAMILY/DUPLEX: A BUILDING containing two (2) DWELLING UNITS other than MOBILE HOMES or MANUFACTURED HOMES arranged, designed and intended to be occupied by not more than two (2) LIVING UNITS.

DWELLING UNIT: One (1) or more interconnected rooms which are arranged, designed, used or intended for USE as a complete independent living facility for one (1) LIVING UNIT. The term *DWELLING UNIT* does not include HOTELS, MOTELS, RECREATIONAL VEHICLES or other places or accommodations when used for transient occupancy.

ELECTRIC TRANSMISSION LINES: The system, including lines and support STRUCTURES, used to transmit electric energy in amounts of one hundred fifteen (115) kV and above.

ENCLOSED: An object or activity shall be ENCLOSED if all aspects of, or a USE, are surrounded on all sides of a BUILDING.

EXOTIC ANIMAL: Any vertebrate animal except fishes and amphibians that is not defined herein as *LIVESTOCK* or *HOUSEHOLD PET*.

EXTRACTOR: Any individual, partnership, association or corporation which extracts COMMERCIAL MINERAL DEPOSITS for USE in the business of selling such deposits or for use in another business owned by the extractor or any department or division of federal, state, county or municipal government which extracts such deposits.

FAMILY: An individual, or a group of two (2) or more individuals related by blood, marriage or adoption, living together. (See also *LIVING UNIT*.)

FARM, RANCH AND GARDEN BUILDINGS AND USES: Those BUILDINGS and STRUCTURES used to shelter or ENCLOSE LIVESTOCK, feed, flowers, field equipment, DAIRY operations or similar USES; and those USES of land devoted to raising of crops, poultry or LIVESTOCK.

FARMING: The cultivation of land, growing of crops, ranching and/or the raising of LIVESTOCK.

FARMLAND - U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICES: The availability of a consistent supply of clean water must exist in order to have prime FARMLAND. Prime FARMLAND is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and is also available for these USES (the land could be cropland, pastureland, rangeland, forest land or other land, but not urban build-up land or water). It has the soil quality, growing season and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable FARMING methods. In general, FARMLANDS have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, salt and sodium content and few or no rocks. Prime FARMLANDS are permeable to water and air. Prime FARMLANDS are not excessively erodible or saturated with water for a long period of time, and they either do not FLOOD frequently or are protected from flooding. (U.S. Department of Agriculture, Soil Conservation Services [Special Series 17], January 1980; additional supplements.)

FARMLAND - WELD COUNTY NONPRIME: NONPRIME FARMLAND is low capability land that is not considered important land for food production. It may be composed of poorer soils prone to erosion or may have topographical limitations such as slopes or gullies.

FARMLAND - WELD COUNTY PRIME: The availability of a consistent supply of quality water must exist in order to have PRIME FARMLANDS. PRIME and PRIME if irrigated lands fall into upper capability classes as defined by the Natural Resource Conservation Service and Colorado State University Cooperative Extension Service and should be protected equally if irrigation water is available and they are located within a reasonable distance of water delivery STRUCTURES.

FILL: As defined in Section 23-11-310 of this Code.

FISHING: A recreational activity that involves the act, occupation or sport of catching fish.

FLOOD: As defined in Section 23-11-310 of this Code.

FOSTER CARE HOME: A facility certified by the County or a child placement agency for child care in the residence of a person or family for the purpose of providing twenty-four-hour care for one (1) or more children under the age of twenty-one (21), who may or may not be related to the head of the household. Medical foster care homes, as defined by Section 26-2-102, C.R.S., are included in this definition.

FUNERAL HOME: A BUILDING or part thereof for funeral services, including but not limited to space and facilities for embalming, performance of autopsies, cremation, related storage and a chapel.

GEOLOGIC HAZARD: A geologic phenomenon which is so adverse to past, current or foreseeable construction or land USE as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to: unstable or potentially unstable slopes, seismic effects, radio activity and GROUND SUBSIDENCE.

GEOLOGIC HAZARD AREA: An area which contains or is directly affected by a GEOLOGIC HAZARD.

GROSS FLOOR AREA: The sum total of the floor area of each horizontal level of a BUILDING, including habitable penthouses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

GROUND SUBSIDENCE: A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, dissolution of underground minerals or underground mining.

GROUP HOME FACILITY: A DWELLING UNIT which is licensed by the State, and/or authorized or regulated by either the state or federal government or both, and which provides non-institutionalized housing for a group of persons living as a single housekeeping unit, as determined by reference to Sections 30-28-115, 31-23-301 and 31-23-303, C.R.S. A GROUP HOME FACILITY shall be for one (1) of the following groups:

- a. A group of no more than eight (8) handicapped persons living in a state-licensed group home or independent living center, as defined by Section 26-8.1-102, C.R.S.;
- b. A group of no more than eight (8) persons with developmental disabilities (see Sections 27-10.5-102 and 30-28-115, C.R.S.) living in a state-licensed group home or community residential home;
- c. A group of not more than eight (8) persons with a mental illness, as specified and limited by Section 30-28-115, C.R.S., living in a state-licensed group home; or
- d. A group of not more than eight (8) persons, sixty (60) years of age or older, who do not need nursing facilities.

Group homes that do not meet the conditions listed above, or which are proposed to be located within seven hundred fifty (750) feet of an existing GROUP HOME FACILITY or RESIDENTIAL THERAPEUTIC CENTER, shall be considered RESIDENTIAL THERAPEUTIC CENTERS for the purposes of this Code.

HAZARD AREA: Any area governed by the GEOLOGIC HAZARD Overlay District regulations where a natural or man-made condition presents a potentially significant harm to public health, safety, welfare or property.

HEAVY MANUFACTURING - PROCESSING: The manufacture of compounding process or raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic materials or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of the manufacturing process, i.e., Ethanol Plant.

HEIGHT (This definition applies only when used in the A-P AIRPORT Overlay District: For the purpose of determining the HEIGHT limits in all surfaces set forth in this Section and shown on the zoning map, the datum shall be MEAN SEA LEVEL elevation unless otherwise specified.

HOME BUSINESS: An incidental USE to the principal permitted USE for gainful employment of the FAMILY residing on the property, where:

- a. Such USE is conducted primarily within a DWELLING UNIT or ACCESSORY STRUCTURE and principally carried on by the FAMILY resident therein.
- b. Such USE is clearly incidental and secondary to the principal permitted USE and shall not change the character thereof.

A HOME BUSINESS shall not be interpreted to include the following: clinic, HOSPITAL, nursing home, animal hospital, HOTEL/MOTEL, RESTAURANT, mortuary or organized classes where more than six (6) persons meet together for instruction on a regular basis (does not include classes sponsored by a PUBLIC SCHOOL).

HOME OCCUPATION: An incidental use of a DWELLING UNIT for gainful employment of the resident therein, where:

- a. Whether a CLASS I or CLASS II, a HOME OCCUPATION may utilize up to fifty percent (50%) of a DWELLING UNIT and/or in ACCESSORY BUILDINGS with appropriate building permits.
- b. Such USE is clearly incidental and secondary to the USE of the dwelling for dwelling purposes and shall not change the character thereof.
- c. Hours of operation for public access shall be limited between 7:00 a.m. and 7:00 p.m.
- d. There is no exterior storage, display or sales of materials, goods, supplies or equipment related to the operation of such HOME OCCUPATION, nor of any highly explosive or combustible materials.
- e. Does not create any negative impacts to the public health, safety and general welfare of the adjacent property owners, such as little or no offensive noise, vibration, smoke, dust, odors, lighting, traffic congestion, trash accumulation, heat, glare or electrical interference, or other hazard or nuisance noticeable off the LOT.
- f. HOME OCCUPATIONS shall maintain compliance with Health, Building and all other applicable local, state and federal regulations.

Ordinarily, a HOME OCCUPATION shall not be interpreted to include the following: clinic, HOSPITAL, nursing home, animal hospital, HOTEL/MOTEL, RESTAURANT, mortuary, vehicle or boat repair (including painting) or organized classes where more than six (6) persons meet together for instruction on a regular basis (does not include classes sponsored by a PUBLIC SCHOOL).

HOME OCCUPATION - CLASS I: A HOME OCCUPATION - CLASS I shall be conducted solely by the inhabitants of the DWELLING UNIT and comply with all criteria called out in the HOME OCCUPATION definition above. The site shall not be accessible by the public. Signage: may consist of a maximum of one (1) nonilluminated sign no more than one (1) square foot in size which must be attached to the face of the DWELLING UNIT. Ordinarily, a HOME OCCUPATION - CLASS I shall include similar uses to home office (no customers), cake decoration and internet sales, etc. A day care home (eight [8] or fewer children under the age of sixteen [16]) shall be considered a CLASS I HOME OCCUPATION.

HOME OCCUPATION - CLASS II: A HOME OCCUPATION - CLASS II shall be conducted by the inhabitants of the DWELLING UNIT plus up to two (2) external employees and comply with all criteria called out in the HOME OCCUPATION definition above. Two (2) associated COMMERCIAL VEHICLES can be included under this application. There shall only be incidental sales of stocks, supplies or products conducted on the premises. Signage: may consist of a maximum of one (1) nonilluminated sign no more than nine (9) square feet in size which must be attached to the face of the DWELLING UNIT. Does not produce traffic volumes exceeding that produced by the DWELLING UNIT by more than sixteen (16) average daily trips, provided adequate off-street parking is provided. Please keep in mind that one (1) vehicle produces two (2) trips, one (1) when arriving and one (1) when leaving. Therefore, an average of only eight (8) cars can come to the property per day. Trips include those produced by the residents for any purpose related to conducting the business, the two (2) employees, clients, deliveries related to the business, etc. Ordinarily, a HOME OCCUPATION - CLASS II shall include uses similar to hair salon, welding shop, tax preparation with customers, etc., provided it meets the criteria set forth.

HOSPITAL: Any institution receiving inpatients and rendering medical, surgical, psychiatric or obstetrical care for humans, to include general HOSPITALS and specialized institutions.

HOTEL/MOTEL: A BUILDING or portion thereof or a group of BUILDINGS which provides sleeping accommodations for hire in separate units or rooms for transients on a daily, weekly or similar short-term basis. A HOTEL or MOTEL shall not be deemed to include any establishment which primarily provides residential living accommodations on a permanent basis.

HOUSEHOLD PETS: Any nonvenomous species of reptile and any domestic dog, domestic cat, rodent, primate or bird over the age of six (6) months; provided that members of the order *crocodilia* (e.g. crocodiles, alligators, etc.), large primates, including gorillas, orangutans, baboons, chimpanzees, members of the class *Aves*, order *falcons* (e.g. hawks, eagles, vultures, etc.); and animals defined as LIVESTOCK herein, shall not be considered to be HOUSEHOLD PETS for the purpose of this Chapter. (Note: See definitions of EXOTIC ANIMALS, LIVESTOCK and KENNEL.)

HUNTING: A recreational activity or sport of pursuing game.

INSTRUMENT RUNWAY: The East-West Runway, No. 9-27, equipped, or to be equipped, with a precision electronic navigation aid, landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions and described as follows: A tract of land in Sections 2 and 3, T5N, and Sections 35 and 26, T6N, R65W, of the 6th P.M., situated in Weld County, Colorado, or more particularly described as follows: Beginning at the intersection of State Highway 263, Darling Ranch Road, thence North 74°12' west a distance of six thousand two hundred (6,200) feet is the centerline of the INSTRUMENT RUNWAY, which extends fifty (50) feet on each side of said centerline.

JUNK: Scrap brass, iron, lead, tin, zinc; all other scrap metals and alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles, old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; DERELICT VEHICLES; used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

KENNEL: Any place other than a PET SHOP or veterinary clinic or HOSPITAL, where five (5) or more HOUSEHOLD PETS of one (1) species, or a total of eight (8) or more household pets of two (2) or more species, are kept or maintained. Property that is zoned A (Agricultural) and not part of a platted subdivision or unincorporated town and which is larger than ten (10) acres shall be permitted to keep or maintain the following without being considered a KENNEL: eight (8) HOUSEHOLD PETS of one (1) species, or sixteen (16) HOUSEHOLD PETS of two (2) or more species and, in addition, no more than thirty (30) birds, as long as the landowner or occupant holds a current Common Bird Breeder license issued by the Colorado Department of Agriculture Animal Industry Division and is in good standing with such Division.

LANDSCAPE: Includes any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or turf, and may include natural features such as rock, stone and bark, and architectural features including, but not limited to, fountains, reflecting pools, art works, screen walls, fences, STREET furniture, walks, decks and ornamental concrete or stonework.

LANDSCAPE MAINTENANCE: The regular irrigation, weeding, fertilization, mowing, trash cleanup and pruning of all LANDSCAPE, the treatment or repair of all diseased, insect-ridden, broken or vandalized LANDSCAPE, and the replacement of dead or irreparable LANDSCAPE in substantially similar kind.

LEGAL LOT: As used in this Chapter, the term *LEGAL LOT* shall refer to:

- a. Any parcel lawfully in existence at the time of adoption of the ordinance codified herein.
- b. Any parcel created subsequent to the adoption of the ordinance codified herein, which:
 - 1) Meets the minimum area and similar requirements specified by this Chapter and which was created in conformance with [Chapter 24](#) of this Code.
 - 2) For parcels in the A (Agricultural) Zone District, meets the minimum area and similar requirements specified by this Chapter or which was created in conformance with [Chapter 24](#) of this Code.
 - 3) For which a Use by Special Review has been approved in conformance with this Chapter and for which any required documents have been recorded with the County Clerk and Recorder.
 - 4) Be approved in conformance with [Section 23-3-40 L](#) of this Chapter.

LIVESTOCK: Cattle, bison, mules, burros, llamas, ostriches, elk, horses, swine, sheep, goats, poultry, yaks, camels and rabbits.

LIVESTOCK CONFINEMENT OPERATION (L.C.O.): A place of confinement for LIVESTOCK, corralled, penned or otherwise caused to remain in pens or corrals, where feeding is other than grazing, or where the capacity at any one (1) time is greater than permitted in the bulk requirements for the zoning district in which it is located. For example, an L.C.O. may include DAIRIES, feedlots and poultry and swine production facilities.

LIVING UNIT: One (1) FAMILY plus up to three (3) additional individuals whose place of residence is with the FAMILY in the DWELLING UNIT.

LOT: The basic DEVELOPMENT unit, an area with fixed boundaries, USED or intended to be USED by one (1) BUILDING and its ACCESSORY USES, STRUCTURES and/or BUILDINGS. A Lot shall not be divided by any public highway, STREET or ALLEY. A LOT must meet the requirements of the zoning district in which it is located and must have access to a PUBLIC STREET or an approved private STREET. The determination as to the property included in a LOT shall be made by the Department of Planning Services.

LOW GROUND SUBSIDENCE HAZARD AREA: areas in which the rate and magnitude of any surface displacement would be small enough to warrant repair of damage to existing STRUCTURES and application of adequate engineering design to future STRUCTURES so they can withstand small amounts of foundation displacement. These are areas below which all or essentially all pillars have been removed, allowing the possibility of relatively uniform and complete subsidence to have occurred. Problems in such areas should be reduced to post-subsidence compaction and related surface settling, and to small-scale effects of subsurface shifting resulting from any small residual or secondary voids.

MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCIES: Public Utilities or Public Agencies operating or constructing a mine, ELECTRIC TRANSMISSION LINES, domestic water storage facilities, POWER PLANTS, SUBSTATIONS of electrical utilities, wastewater treatment facilities, water treatment facilities, including extensions, expansions or enlargements thereof; STORAGE AREAS of utilities providing electricity, water, wastewater and natural gas or other petroleum derivatives, including extension, expansions or enlargements thereof; PIPELINES of utilities providing natural gas or other petroleum derivatives, including extensions, expansions or enlargements thereof; road, park or other public way, ground or space, public building or structure or public utility, whether publicly or privately owned.

MAJOR THOROUGHFARE: A road or STREET designed, constructed and used as an ARTERIAL STREET, EXPRESSWAY or FREEWAY, or as a frontage road serving an ARTERIAL STREET, EXPRESSWAY or FREEWAY.

MANUFACTURED HOME: A single-family dwelling which: is partially or entirely manufactured in a factory; is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; is installed on an engineered permanent foundation in compliance with ANSI A225.1-1987, Manufactured Home Installations, Appendix C; has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq., as amended. A MANUFACTURED (MOBILE) HOME shall not be allowed to deteriorate to the condition of a DERELICT MANUFACTURED (MOBILE) HOME.

MANUFACTURED STRUCTURE: Any factory-assembled STRUCTURE with or without service connections that is not a DWELLING.

MASTER PLAN: A document or series of documents prepared and adopted according to state law which sets forth policies for the future of a municipality.

MINING: The act of recovering mineral, sand, gravel, quarry, coal or other resources from the ground. MINING shall include, but not be limited to, recovery of the resources by processing on site (including "in-situ," solution, and other extractive methods), open pit excavation, wet or dry pit excavation and subterranean excavation.

MOBILE HOME: A transportable STRUCTURE which as originally built exceeds either eight (8) feet in width or thirty-two (32) feet in length, was originally built on a chassis and was originally designed to be used as a year-round DWELLING UNIT with or without a permanent foundation. A SINGLE-FAMILY DWELLING which is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq., as amended, but does not meet all of the other provisions of the definition of MANUFACTURED HOME, is considered to be a MOBILE HOME. A MOBILE HOME or MANUFACTURED HOME shall not be converted to any USE other than a SINGLE-FAMILY DWELLING and shall not be allowed to deteriorate to the condition of a DERELICT MOBILE HOME. A MOBILE HOME or manufactured home, converted or in its original condition, shall not be used as an AGRICULTURALLY EXEMPT BUILDING or as a TEMPORARY STRUCTURE for storage.

MOBILE HOME PAD: The concrete base, footing or blocking which is set on or in level soil to provide support for the placement of a MOBILE HOME. This base, footing or blocking may consist of separate concrete blocks or a single concrete slab as described in Subsections 29-2-120.A through E of this Code.

MOBILE HOME PARK: An area under single ownership or control designed primarily for the rental of portions of the area as spaces for occupied MOBILE HOMES.

MOBILE HOME SUBDIVISION: An area platted into LOTS according to adopted COUNTY standards and procedures and designed primarily for the sale of such LOTS to individuals as permanent sites for MOBILE HOMES.

MODERATE GROUND SUBSIDENCE HAZARD AREA: Areas subject to MODERATE SUBSIDENCE are defined by potential surface disruption of sufficient magnitude to damage STRUCTURES to such an extent as to render them unsafe or unusable. The rate of such disruption, however, is slow enough to allow time for recognition of the problem and safe, orderly abandonment of surface STRUCTURES. These areas are characterized by previous SUBSIDENCE over undermined areas where pillars were left. This condition produces the potential for further small-scale collapse and differential settlement.

NEIGHBORHOOD: When used in this Chapter in reference to a particular LOT, the word NEIGHBORHOOD is intended to describe in a general way the land area which is in the vicinity of the LOT in question and which will be affected to a greater extent than other land areas in the COUNTY by USES which exist on the LOT or are proposed for it. A NEIGHBORHOOD always includes LOTS which are ADJACENT to the LOT under consideration and, depending upon the land USE in question, may include more remote areas as well.

NIGHTCLUB, BAR, LOUNGE OR TAVERN: An establishment primarily intended to serve alcoholic beverages to customers on premises and licensed as such by the State and the County.

NONCOMMERCIAL JUNKYARD: An area where any waste, junk or used or secondhand materials are stored or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, building materials and bottles. A NONCOMMERCIAL JUNKYARD may also include the storage or keeping of DERELICT VEHICLES registered last or currently registered under the property owner and/or tenant's name. This definition does not include COMMERCIAL VEHICLES. If the Zone district allows, the NONCOMMERCIAL JUNKYARD shall be totally ENCLOSED within a BUILDING or STRUCTURE or visually SCREENED from all ADJACENT properties and public rights-of-way.

NONCOMMERCIAL TOWER: Any mast or pole taller than forty (40) feet and permanently attached to the property. The NONCOMMERCIAL TOWER may include over-the-air high definition television (HDTV) reception, short wave radio, citizens band radio, wireless internet, and cell phone range extension, for example.

NONCONFORMING USE OR STRUCTURE: A USE or STRUCTURE that does not conform to a provision or requirement of this Chapter, but was lawfully established prior to the time of its applicability.

NONINSTRUMENT RUNWAY: runways that are not equipped with electronic navigation equipment. The NONINSTRUMENT RUNWAYS are the crosswind RUNWAY (RUNWAY 17-25) and the parallel practice RUNWAY (RUNWAY 3-21).

NONURBAN SCALE DEVELOPMENT: Developments comprised of nine (9) or fewer residential lots, located in a nonurban area as defined in Chapter 22 of this Code, not adjacent to other PUDs, subdivisions, municipal boundaries or urban growth corridors. NONURBAN SCALE DEVELOPMENT shall also include land used or capable of being used for agricultural purposes and including development which combines clustered residential uses and agricultural uses in a manner that the agricultural lands are suitable for farming and ranching operations for the next forty (40) years. NONURBAN SCALE DEVELOPMENT on PUBLIC WATER and septic systems may have a minimum lot size of one (1) acre and an overall density of two and one-half (2½) acres per septic system. NONURBAN SCALE DEVELOPMENT proposing individual, private wells and septic systems shall have a minimum lot size of two and one-half (2½) acres per lot. This definition does not affect or apply to those Coordinated Planning Agreements between the County and municipalities which are in effect as of May 14, 2001.

NOXIOUS WEEDS: Includes one (1) or more annual, biennial or perennial plants which are causing or may cause damage or loss to a considerable portion of land or livestock in the COUNTY. Includes, but is not limited to, those species listed at Section 15-1-20 of this Code.

NUDE, STATE OF NUDITY: A person appears NUDE or in a STATE OF NUDITY when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breasts below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

OFFICE: A room, studio, suite or BUILDING in which a person transacts his or her business or carries on his or her stated occupation, including but not limited to accounting, correspondence, telephone answering, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives, professionals such as engineers, architects, planners, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents and doctors.

OFFSET: The horizontal distance between any BUILDING or STRUCTURE, as measured from the farthest projection of the BUILDING or STRUCTURE, except for window wells, air conditioners, gutters or downspouts, and a LOT line, other than a STREET right-of-way line.

OIL AND GAS PRODUCTION FACILITIES: Consist of the oil or gas well, pumps, heater treaters, separators, meters, compressors, TANK BATTERY and other equipment directly associated with the producing well, all of which must be connected and functional.

Table 23-1E

| Land Use Process for Siting Oil and Gas Production Facilities | | | | | | | | | | | | | | | | |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|
| Zone | R-1 | R-2 | R-3 | R-4 | R-5 | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 | I-3 | E | PUD | A | |
| Application | USR | USR | USR | USR | USR | USR | USR | USR | USR | USR | SPR | SPR | USR | * | UBR | |

USR - Use by Special Review

SPR - Site Plan Review

UBR - Use by Right

* - PUD - Callout by Zone District Requirements, unless specifically addressed in PUD application as a UBR

OIL AND GAS STORAGE FACILITY: One (1) or more tanks which receive and store oil or gas from sources other than direct from the oil and gas well.

OIL AND GAS SUPPORT AND SERVICE: Location and operation bases for businesses whose primary activity includes the following kinds of USES:

- a. Parking and maintenance of exploration, production or workover equipment.
- b. Equipment and storage yards for road and pipeline construction contractors, and production unit set-up and maintenance contractors.
- c. Parking and maintenance for tank and water service companies.
- d. Storage and rental yards for pipe and production equipment.
- e. Field OFFICES USED by production-related records and maintenance personnel.
- f. Disposal and recycling sites for production waste (except production water disposed through either SECONDARY RECOVERY or deep well disposal methods and the mode of transport to such injection wells is exclusively via pipeline from the source and no on-site storage occurs), except businesses whose activities are primarily manufacturing and fabricating or whose use is primarily for general company OFFICES used by other than company officials.
- g. Oil and gas processing facilities and related equipment, including, but not limited to, compressors associated with gas processing or which compress gas to enter a pipeline for transport to market.

OUTDOOR STORAGE: The outdoor placement or leaving of goods for future use, preservation or disposal, and associated with land USES such as the sales, rental, distribution or wholesale sale of products, supplies and/or equipment.

OVERLAY ZONING DISTRICT: A zoning district superimposed over the UNDERLYING ZONING DISTRICT which places further restrictions upon land USES. These restrictions are intended to protect the public health, safety and welfare from man-made and natural disasters such as airplane accidents, FLOODS and GEOLOGIC HAZARDS. DEVELOPMENTS within the OVERLAY ZONING DISTRICT shall conform to the requirements of both zones.

PARKING LOT: An area used for the purpose of TEMPORARY, daily or overnight storage of vehicles, which is not located in a dedicated public right-of-way, a travel lane, a service drive or any easement for PUBLIC ingress or egress.

PET SHOP: An establishment wherein the primary occupation is the retail sale or grooming of HOUSEHOLD PETS or the sale of pet supplies.

PIPELINE: Any PIPELINE and appurtenant facilities designed for, or capable of, transporting natural gas or other petroleum derivatives ten (10) inches in diameter or larger which creates a hoop stress of twenty percent (20%) or more at their specified minimum yield strength. PIPELINES regulated, licensed or permitted under federal regulations as interstate transmission lines shall be exempt from regulation under this Chapter.

POWER PLANT: Any electrical generating facility with an energy generation capacity of fifty (50) megawatts or more, and any facilities appurtenant thereto, or any expansion, extension or enlargement thereof increasing the existing design capacity by fifty (50) megawatts or more.

PRINCIPALLY EMPLOYED or PRINCIPALLY ENGAGED: This definition applies to an employee who is PRINCIPALLY EMPLOYED at or PRINCIPALLY ENGAGED in the employment activities occurring on the subject property. This subject property shall be under review for a Zoning Permit for a Mobile Home to be used as a TEMPORARY ACCESSORY Farm use, or for activities and USES as a Use by Special Review. The USE of the MOBILE HOME shall be substantiated by verification of employment necessary to the operation of the site where the MOBILE HOME is located. Such verification shall consist of tax records, employment agreements or other documentation as determined suitable by the Department of Planning Services. Such verification shall substantiate the need for the employee and on-site living quarters to the operation of the Agricultural Land USE.

PROCESSING: An activity associated with the transformation of materials or substances into new products, which may include blending of gases and liquids.

PUBLIC: When used as modifying a STRUCTURE, activity or purpose, means a STRUCTURE, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the STRUCTURE or facility available for the USE of all members of the PUBLIC without regard to membership status.

PUBLIC WATER AND PUBLIC SEWER: Transmission, storage, treatment, collection or distribution facilities which are constructed, operated or maintained by any group, organization, special district or municipality for the purpose of providing the members of the group, organization, special district or municipality with common water and sewer service facilities.

PUD (PLANNED UNIT DEVELOPMENT): A zoning district which includes an area of land, controlled by one (1) 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 may not correspond in lot size, bulk or type of USE, density, LOT coverage, open space or other restriction to the existing land use regulations. A PUD is created in accordance with [Chapter 27](#) of this Code.

QUALIFIED GROUND WATER SCIENTIST: A scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certifications, professional experience or completion of accredited university programs that enable that individual to make sound professional judgments regarding ground water monitoring, contaminant fate and transport, and corrective action.

RECREATIONAL FACILITIES: The following classes of recreational facilities have the following meanings:

- a. **PUBLIC RECREATIONAL FACILITIES:** PUBLIC parks, zoos, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation.
- b. **PRIVATE RECREATIONAL FACILITIES:** Includes golf courses, tennis courts, swimming pools, country clubs and RECREATIONAL FACILITIES for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them.
- c. **COMMERCIAL RECREATIONAL FACILITIES:** Includes bowling alleys, health spas, swimming pools, tennis courts, miniature golf facilities or lakes constructed specifically for the purpose of conducting a water skiing commercial enterprise, and operated on a commercial basis for USE by the paying public.
- d. **WATER SKIING:** An aquatic recreational activity that is typically associated with a body of water and a motorboat and personal water craft.

RECREATIONAL VEHICLE: A transportation STRUCTURE or self-propelled vehicle with or without flexible, removable or collapsible walls and partitions designed to be used as a dwelling for travel, recreation or vacation USES. The term **RECREATIONAL VEHICLE** shall include: motor home, camper bus and travel trailer, but shall not include pickup trucks with camper shells that do not extend above the cab of the truck. For the purpose of this Code, a RECREATIONAL VEHICLE shall be subject to all requirements and restrictions for MOBILE HOMES as provided in this Chapter when its placement is intended for nontransient residency. A RECREATIONAL VEHICLE shall not be used for TEMPORARY Storage, TEMPORARY ACCESSORY Farm USE, TEMPORARY ACCESSORY USE During a Medical Hardship, TEMPORARY ACCESSORY USE as an OFFICE, or as a Principal DWELLING UNIT.

REFERRAL: A portion of a complete application given to a referral agency for review of a case. The referral information may contain only portions or elements of the complete application.

REPAIR SERVICE ESTABLISHMENT: Any BUILDING wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers not exceeding four thousand (4,000) watts or five (5) horsepower, or any place wherein the primary occupation is interior decorating, including reupholstering, furniture repair and the making of draperies, slipcovers and similar articles.

RESEARCH LABORATORY: A facility for scientific research in technology-intensive fields. Examples include, but are not limited to, biotechnology,

pharmaceuticals, genetics, plastics, polymers, resins, coating fibers, films, heat transfer and radiation research facilities.

RESIDENTIAL THERAPEUTIC CENTER: A DWELLING UNIT which is not specifically designated as a GROUP HOME FACILITY and which provides a community living environment for individuals requiring custodial care, medical treatment or specialized social services. This definition includes any number of people who live together who lack the ability to live independently, or who have been ordered into the facility by a court of competent jurisdiction, and who require the support, supervision and care of adults who may not be related. The definition includes, but is not limited to, the following: specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS Virus. This definition does not include correctional facilities.

RESTAURANT: An establishment that furnishes, for compensation, food and drinks of any kind for consumption primarily therein. A TEMPORARY snack bar or refreshment stand at a public or nonprofit RECREATIONAL FACILITY and for the convenience of patrons of the facility shall not be deemed to be a RESTAURANT.

RESTAURANT, DRIVE-IN: An establishment that furnishes, for compensation, food and drink of any kind for consumption primarily off the premises or which delivers food and drink to customers in their vehicles.

REVERSE FRONTAGE: A through lot that is not accessible from one (1) of the parallel or nonintersecting streets upon which it fronts.

RUNWAY: The area of the AIRPORT constructed and used for landing, and taking off, of aircraft.

SALES TRAILER: A MANUFACTURED STRUCTURE used for an other than a TEMPORARY time period for the sale or purchase of lots or homes in a subdivision/development to be accessed by the general public. SALES TRAILERS shall comply with requirements set forth in this Chapter, including required zoning SETBACKS and OFFSETS, and shall be installed in accordance with the requirements set forth in Chapter 29 of this Code and adhere to the zoning permit requirements of Section 23-4-190 of the Code. All SALES TRAILERS shall demonstrate that water and sewage disposal facilities are available. The maximum number of SALES TRAILERS is limited to one (1) per subdivision/ development.

SCHOOL: Includes any one (1) or more of the following categories: a PUBLIC SCHOOL, community college, junior college, college or university; an independent or parochial SCHOOL which satisfies the compulsory SCHOOL attendance requirements appearing in the School Attendance Law of 1963, Title 22, Article 33, C.R.S.; or a COMMERCIAL SCHOOL, as defined herein.

SCREENED: Construction and maintenance of fences, earth berms or the USE of LANDSCAPING materials or other materials USED with the approval of the Department of Planning Services to lessen the noise, light, heat or visual impacts of a USE on surrounding uses. A SCREENING PLAN shall be submitted and approved by the Department of Planning Services.

SECONDARY RECOVERY: A technique of recovering additional crude from a mineralized zone by injecting steam, water and similar methods in an effort to force more of the crude to a production well.

SEMI-TRAILER: As defined in Section 42-1-102(89), C.R.S., means any wheeled vehicle, without motor power, that is designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon, or is carried by, such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways and roads.

SETBACK: The horizontal distance between any BUILDING or STRUCTURE, as measured from the farthest projection of the BUILDING or STRUCTURE, except for window wells, air conditioners, gutters or downspouts, and the established PUBLIC or private STREET right-of-way line. If the abutting PUBLIC STREET is designated to be upgraded to a higher classification as defined by the Transportation Plan necessitating additional right-of-way, then the SETBACK shall be measured from the future right-of-way line. The future right-of-way line (measured from the center of the road) is determined by dividing the needed right-of-way as defined below in half. The following is a list of the right-of-way needed for road designations as defined in the Transportation Plan. Road classifications and applicable right-of-way requirements are found in Article VII, Chapter 24 of this Code.

- a. Principal ARTERIAL (interstate) - three-hundred-foot right-of-way.
- b. Principal ARTERIAL (other) - one-hundred-fifty-foot right-of-way.
- c. Minor ARTERIAL - One-hundred-foot to one-hundred-fifty-foot right-of-way.
- d. County ARTERIAL - one-hundred-foot right-of-way.
- e. County COLLECTOR - eighty-foot right-of-way.
- f. County LOCAL - sixty-foot right-of-way.

SEVERE GROUND SUBSIDENCE HAZARD AREA: Zones labeled SEVERE are areas in which the effects of rapid subsidence, such as failure of BUILDING foundations, roadways, gas mains and similar frequently USED or potentially dangerous features, may endanger the lives of persons in the immediate vicinity. Such areas have been undermined and are characterized by the presence of pillars and physical evidence of void space, or by the absence of evidence of surface subsidence. The collapse of decomposed pillars could induce almost instantaneous subsidence or displacement with equally or almost equally rapid destruction of structures at the surface.

SEWAGE TREATMENT PLANT: A facility designed for the collection, removal, treatment and disposal of water-borne sewage generated within a given service area.

SHOOTING RANGE - INDOOR: A facility designed or used for shooting at targets with rifles, pistols or shotguns and which is completely enclosed within a building or structure.

SHOOTING RANGE - OUTDOOR: The use of land for archery and/or the discharging of firearms for the purpose of target practice, skeet or trap shooting or temporary competition, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

SIGN: Any object, device, display, structure or part thereof, situated outdoors or indoors, and used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means. A *SIGN* is any writing (including any combination of a letter, word or number), pictorial representation (including illustration, figures, design, colors, symbols or declaration), product, form (including shapes resembling any human, animal or product design that conveys a recognizable meaning, identity or distinction) or any part thereof, or is written, painted, projected upon, illuminated, printed, designed into, constructed or otherwise placed on or near a building, board, plate or upon any material object or device whatsoever, which by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to attract attention to the subject or to the premises upon which it is situated, or is used as a means of identification, advertisement or announcement.

SIGN, FLUSH WALL: Any sign attached to, painted on or erected against the wall of a building in such a manner that the sign face is parallel to the plane of the wall and is wholly supported by the wall. Banners, canvas or any other similar material may be used for this type of sign only if the material is securely attached directly to the building fascia or to a rigid sign structure in a manner which prevents the material from flapping, waving or otherwise moving.

SPECIAL FLOOD HAZARD AREA: As defined in Section 23-11-310 of this Code.

STORAGE AREA: Any facility, including appurtenant facilities, designed to store fifty million (50,000,000) cubic feet or more of natural gas or similar petroleum derivatives, or one hundred thousand (100,000) barrels or more of liquid petroleum derivatives.

STREET: A strip of land intended for vehicular USE and providing principal means of access to LOTS. For the purpose of this Chapter, *STREETS* shall be classified and defined as follows:

- a. **FREEWAY:** A major regional highway, including interstate highway, designed to carry very large volumes of vehicular traffic, with full control of access and all intersections grade-separated.
- b. **EXPRESSWAY:** Similar to a *FREEWAY*, except that all intersections need not be grade-separated.
- c. **ARTERIAL:** A *STREET* designed to carry high volumes of vehicular traffic over long distances in a direct manner.
- d. **COLLECTOR:** A *STREET* designed to collect or distribute vehicular traffic from one (1) or more individual residential or nonresidential areas to or from an *ARTERIAL*, *EXPRESSWAY* or *FREEWAY*.
- e. **LOCAL:** A *STREET* designed to carry vehicular traffic from one (1) or more lots to or from a *COLLECTOR*.
- f. **ALLEY:** A minor way which is used primarily for vehicular service access to the rear or side LOTS otherwise abutting on a *STREET*.
- g. **FRONTAGE ROAD:** A *STREET* parallel and *ADJACENT* to an *ARTERIAL*, *EXPRESSWAY* or *FREEWAY* which provides access to *ADJACENT* LOTS so that each *ADJACENT* LOT will not have direct access to the *ARTERIAL*, *EXPRESSWAY* or *FREEWAY*.

STRUCTURE: Anything that is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including poles, lines, cables or distribution facilities of public utilities.

STRUCTURE, TEMPORARY: Anything constructed in such a manner that it would commonly be expected to have relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

SUBSTATION: Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity which has an incoming or outgoing power line which is more than sixty-nine (69) kV.

SUITABLE SOIL: A soil which will effectively filter effluent by removal of organisms and suspended solids before the effluent reaches any highly permeable earth such as joints in bedrock, gravel or very coarse soils and which has percolation rates slower than five (5) minutes per inch and has a vertical thickness of at least five (5) feet beneath the plow line of the site and the top of the high groundwater table.

SUPERELEVATION: The raised portion of highway above the normal cross slope to prevent a vehicle from sliding outward, or counteracting all the centrifugal force of a vehicle traveling at an assumed speed.

TANK BATTERY: One (1) or more storage tanks which receive and store oil or gas directly from and as it is produced by a well.

TEMPORARY: Less than six (6) months.

THEATER: A *BUILDING* or *STRUCTURE* designed for *USES* such as the enactment of live performances and/or the showing of motion pictures.

THEATER, DRIVE-IN: An area and associated *STRUCTURES* used for the showing of motion pictures outdoors.

THRESHOLD: That imaginary line on the *RUNWAY* perpendicular to the *RUNWAY* centerline which marks the useful limit of the *RUNWAY*. The threshold of all *RUNWAYS* is the physical end of that particular *RUNWAY*, with the exception being *RUNWAY* 9-27 which has its displaced threshold eight hundred feet (800) feet west of the physical end.

TRAINING FACILITY: A facility in which domestic animals or *LIVESTOCK* not owned by the property owner are trained.

TRANSLOADING: A process of transferring a Commodity from one (1) mode of Transportation to another whose primary activity includes the following kinds of *USES*:

- a. Rail and truck transloading of commodities and materials, including, without limitation, those for the agricultural and oil and gas industries, and including but not limited to grains, petroleum products, sand, pipe and storage related to the same.

TRAVEL WAY: That portion of the roadway for movement of vehicles, exclusive of shoulders and auxiliary lanes.

UNDERLYING ZONING DISTRICT: The zone districts designated on the Official Zoning Map of Weld County. These zone districts regulate the height and bulk of *BUILDINGS* and the *USE* of land in the unincorporated areas of the County.

URBAN GROWTH CORRIDOR: An area delineated in an adopted County Comprehensive Plan (in accordance with the Goals, Policies and Guidelines), prepared pursuant to [Section 22-2-110](#), within which urban development is encouraged by delineation of the area, compatible future land use designations and implementing actions in a local comprehensive plan, and outside of which urban development is discouraged. An urban growth area usually defines the limit within which the full range of urban level services will be provided. The purpose is to promote projected urban development within and adjacent to existing urban areas so as to ensure efficient utilization of land resources and urban services to adequately support that urban growth.

URBAN SCALE DEVELOPMENT: DEVELOPMENTS exceeding nine (9) lots and/or located in close proximity to existing PUDs, subdivisions, municipal boundaries or urban growth corridors and boundaries. All URBAN SCALE DEVELOPMENTS shall pave the internal road systems of the DEVELOPMENTS. URBAN SCALE DEVELOPMENT requires support services such as central water, sewer systems, road networks, park and recreation facilities and programs, and storm drainage. This definition does not affect or apply to those Coordinated Planning Agreements between the County and municipalities which are in effect as of May 14, 2001.

USE: Any purpose for which a STRUCTURE or a tract of land may be designed, arranged, intended, maintained or occupied; also any activity, occupation, business or operation which is carried on in or on a STRUCTURE or on a tract of land.

UTILITY SERVICE FACILITY: Public utility mains, lines, SUBSTATIONS, gas regulator stations, PUBLIC lift or pumping stations for domestic water and sanitary sewer service, and accessory STRUCTURES where no PUBLIC office, repair or storage facilities are operated or maintained.

VEHICLE RENTAL ESTABLISHMENT: Any USE of property primarily for the rental of vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES, boats, farm machinery construction equipment and other heavy rolling stock; and whereon such vehicles are stored.

VEHICLE SALES ESTABLISHMENT: Any USE of property for the sale of vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES, MOBILE HOMES, boats, farm machinery, construction equipment and other heavy rolling stock.

VEHICLE SERVICE/REPAIR ESTABLISHMENT: Any USE of property whereon vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES, MOBILE HOMES, boats, farm machinery, construction equipment and other rolling stock are serviced and repaired, including body work, welding and painting.

WATERCOURSE: As defined in [Section 23-11-310](#) of this Code.

WHOLESALE TRADE ESTABLISHMENT: Any BUILDING wherein the primary occupation is the sale of merchandise for resale.

WIND GENERATOR: A generator specifically designed to convert the kinetic energy in wind into electric energy. A WIND GENERATOR may include a generator, tower and associated control or conversion electronics. The height of a wind tower is measured at the hub of the generator.

WIND TURBINE: A machine or machines that convert the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill"). The wind energy conversion system includes all parts of the system except for the tower and transmission equipment, excluding turbines for private use. Permitted through a USR in all districts. 1041 permit application is required only if of state-wide concern. A wind turbine or windmill generating 50V of energy or less, associated with a farm or ranch operation and less than seventy (70) feet in height is considered a private (noncommercial) machine and not subject to the USR application process.

WINERY: Any establishment licensed pursuant to the provisions of Title 12, Article 47, C.R.S., where vinous liquors are manufactured; except a vintner's restaurant licensed pursuant to Section 12-47-420, C.R.S. Vinous liquors include wine and fortified wines that contain not less than one-half of one percent (0.5%) and not more than twenty-one percent (21%) alcohol by volume and shall be construed to mean an alcohol beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

YARD: The area of a LOT, between a LOT LINE and the required SETBACK.

(Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1; Weld County Code Ordinance 2001-8; Weld County Code Ordinance 2002-9; Weld County Code Ordinance 2003-10; Weld County Code Ordinance 2004-5; Weld County Code Ordinance 2005-01; Weld County Code Ordinance 2006-2; Weld County Code Ordinance 2007-1; Weld County Code Ordinance 2007-14; Weld County Code Ordinance 2008-16; Weld County Code Ordinance 2009-8; Weld County Code Ordinance 2010-6; Weld County Code Ordinance 2011-3; Weld County Code Ordinance 2011-9; Weld County Code Ordinance 2012-1; Weld County Code Ordinance 2012-3; Weld County Code Ordinance 2012-4; Weld County Code Ordinance 2013-10; Weld County Code Ordinance 2013-15)

Sec. 22-1-120. - Comprehensive Plan guiding principles.

The following Guiding Principles are the foundation for land use policy in the County. All of the Goals and Policies that comprise the Weld County Comprehensive Plan are adopted with the intent that they are consistent with all of these six (6) Guiding Principles. While these Principles are not Goals or Policies in themselves, they provide the context and rationale for the Goals and Policies.

- A. Private Property Rights. One (1) of the basic principles upon which the United States was founded, which it continues to preserve, and Weld County upholds, is the right of citizens to own and utilize their property. Private property rights are not unlimited rights but, rather, rights balanced with the responsibility of protecting community health, safety and welfare. It is the goal of the Comprehensive Plan to promote opportunities for County citizens, while protecting private property rights.
- B. Respect for Our Agricultural Tradition. The County has an agricultural tradition, as reflected by its ranking as one (1) of the most economically productive agricultural producing counties in the nation. Land use changes are occurring, and agriculturally zoned land is being changed to residential, commercial and industrial development. As these new land uses evolve, it is important that the established agricultural businesses and associated infrastructures are allowed to continue to operate without adding excessive constraints. Individuals who move into these areas must realize that they will experience conditions and services unlike an urban setting and must be willing to accept this lifestyle. The Weld County Right to Farm Statement can be found as part of the Agriculture goals and policies and, as a part of this Plan, supports the importance of agriculture in the County.
- C. Fairness in the Land Use Change Procedure. The County has established various regulations for the process of land use change. This process must be fair and equitable to all parties in the following ways:
 1. It is a timely process.
 2. It is an open process to facilitate public information and input; however, land use changes are not approved or denied solely on the basis of public input.
 3. It provides open communication through the development review process to the applicant, neighbors and communities impacted by proposed changes.
 4. It maintains consistent requirements, coupled with flexibility, within the implementation criteria.
 5. It allows easy access to information about the process, so that affected parties may be adequately informed.
 6. It has an established appeal process.
 7. It allows for approval when all written criteria of the land use regulations are met.
- D. Recognition of the County's diversity. The County's nearly four-thousand-square-mile area is diverse geographically, demographically, culturally, socially and economically. Therefore, land use policies must be flexible to adapt to the specific location and circumstances of each proposed land use change. It is also important to weigh the cumulative impacts that specific land use changes will have.

- E. Regulations Addressing Land Use Changes. Land use regulations which address land use changes should be written so they protect the rights of private property owners and the public health, safety and welfare.
- F. Economic Growth. Land use policies have a significant impact on economic conditions in the County and should be structured to encourage economic prosperity and economic growth.

(Weld County Code Ordinance 2008-13)

Sec. 22-2-20. - Agriculture goals and policies.

A. A.Goal 1. Respect and encourage the continuation of agricultural land uses and agricultural operations for purposes which enhance the economic health and sustainability of agriculture.

1. A.Policy 1.1. Establish and maintain an agricultural land use designation to promote the County's agricultural industry and sustain viable agricultural opportunities for the future.
2. A.Policy 1.2. Support the development of creative policies for landowners to voluntarily conserve agricultural land.
 - a. *Recommended Strategy A.1.2.a. Examine opportunities to provide preservation techniques and incentives for voluntary conservation.*
3. A.Policy 1.3. Encourage management practices which sustain practical agricultural productivity when irrigated lands are converted to nonirrigated agricultural uses through water transfers, dry-ups or land-idling programs.
 - a. *Recommended Strategy A.1.3.a. Explore incentives or programs to ensure that weeds are properly managed on dried-up properties.*
4. A.Policy 1.4. Recognize the changing dynamics of agricultural land uses, their locations and the size and scope of operations when developing land use regulations.
5. A.Policy 1.5. Support and entice agriculturally related businesses and processing facilities.

B. A.Goal 2. Continue the commitment to viable agriculture in Weld County through mitigated protection of established (and potentially expanding) agricultural uses from other proposed new uses that would hinder the operations of the agricultural enterprises.

1. A.Policy 2.1. Adjacent lands owned or leased by an agricultural operation should be used in determining allowable animal unit densities.
2. A.Policy 2.2. Allow commercial and industrial uses, which are directly related to or dependent upon agriculture, to locate within agricultural areas when the impact to surrounding properties is minimal or mitigated and where adequate services and infrastructure are currently available or reasonably obtainable. These commercial and industrial uses should be encouraged to locate in areas that minimize the removal of agricultural land from production.
 - a. *Recommended Strategy A.2.2.a. Establish land use regulations which minimize burdensome restrictions placed on the land use changes.*
 - b. *Recommended Strategy A.2.2.b. Facilitate a timely determination in the approval process for agriculturally related enterprises.*
3. A.Policy 2.3. Encourage development of agriculture and agriculturally related businesses and industries in underdeveloped areas where existing resources can support a higher level of economic activity. Agricultural businesses and industries include those related to ranching, confined animal production, farming, greenhouse industries, landscape production and agri-tainment or agri-tourism uses.

C. A.Goal 3. County land use regulations recognize and respect the rights afforded by the State Constitution and associated statutes of individually decreed water rights. Water rights are considered real property and should be protected as any other private property right.

1. A.Policy 3.1. Land use regulations and policies should encourage water rights to voluntarily

remain and be put to beneficial use in the County.

2. A.Policy 3.2. Land use regulations should not interfere with the transfer of water rights and/or their associated uses.
3. A.Policy 3.3. Land use regulations should consider the traditional and future operational viability of water-delivery infrastructure when applications for proposed land use changes are considered.
4. A.Policy 3.4. Land use regulations should attempt to limit increased exposure of liability to water-delivery entities when land use changes are considered.

D. A.Goal 4. Promote a quality environment which is free of derelict vehicles, refuse, litter and other unsightly materials.

1. A.Policy 4.1. Property owners should demonstrate responsibility of ownership by minimizing safety and health hazards resulting from, but not limited to, unsafe or dangerous structures and noncommercial junkyards.
 - a. *Recommended Strategy A.4.1.a. Develop programs for cleanup of abandoned property, junk and weeds.*

E. A.Goal 5. Provide for the minimum buildable lot size of parcels in the agricultural areas created without County approval to be in conformance with state statutes.

1. A.Policy 5.1. Recognize that viable agricultural operations can function on small acreages.
 - a. *Recommended Strategy A.5.1.a. Review County regulations and consider creating a minimum lot size standard of thirty-five (35) acres in agricultural areas.*

F. A.Goal 6. Provide mechanisms for the division of land in agricultural areas to support the continuation of agricultural production.

1. A.Policy 6.1. Support the continuation of division of lands in agricultural areas that are exempt from subdivision regulations.
 - a. *Recommended Strategy A.6.1.a. Consider road reservation/dedication and road access location requirements for land use changes that are exempt from the subdivision process, as applicable, and in accordance with the Weld County Transportation Master Plan.*
2. A.Policy 6.2. Support opportunities, such as but not limited to hobby farming and home businesses, to supplement family income and reduce living expenses for farm families and others who prefer a rural lifestyle.
3. A.Policy 6.3. Encourage multi-generational, caretaker, guest and accessory quarters.
 - a. *Recommended Strategy A.6.3.a. Develop land use regulations that allow for auxiliary housing, without an attachment or square footage requirement, on agricultural lands that are suitable for those uses. This would include those units that are now considered nonconforming. Regulations could address compatibility and impacts associated with such housing.*
4. A.Policy 6.4. Encourage agri-tourism.
 - a. *Recommended Strategy A.6.4.a. Review land use regulations to ensure that they are consistent with this Policy and that they support agri-tourism. Explore other regulatory and nonregulatory options that promote and enable rural tourism events and sites.*

G. A.Goal 7. County land use regulations should protect the individual property owner's right to request a land use change.

- 1.

A.Policy 7.1. County land use regulations should support commercial and industrial uses that are directly related to, or dependent upon, agriculture, to locate within the agricultural areas, when the impact to surrounding properties is minimal, or can be mitigated, and where adequate services are currently available or reasonably obtainable.

a. Recommended Strategy A.7.1.a. Review the zoning regulations to ensure that they are consistent with this Policy.

2. A.Policy 7.2. Conversion of agricultural land to nonurban residential, commercial and industrial uses should be accommodated when the subject site is in an area that can support such development, and should attempt to be compatible with the region.

a. Recommended Strategy A.7.2.a. Review land use regulations for small home-based businesses that are not uses allowed by right in the Agricultural Zone District, and which are located in rural subdivisions.

3. A.Policy 7.3. Conversion of agricultural land to urban residential, commercial and industrial uses should be considered when the subject site is located inside an Intergovernmental Agreement area, Urban Growth Boundary area, Regional Urbanization Area or Urban Development Nodes, or where adequate services are currently available or reasonably obtainable. A municipality's adopted comprehensive plan should be considered, but should not determine the appropriateness of such conversion.

H. A.Goal 8. Ensure that adequate services and facilities are currently available or reasonably obtainable to accommodate the requested new land use change for more intensive development.

1. A.Policy 8.1. The land use applicants should demonstrate that adequate sanitary sewage and water systems are available for the intensity of the development.

2. A.Policy 8.2. The land use applicants are responsible for contacting and determining the status of a water well through the State Division of Water Resources and should be aware that ownership of a parcel of land with a well does not guarantee the use of the well.

3. A.Policy 8.3. The land use applicants should demonstrate that the roadway facilities associated with the proposed development are adequate in width, classification and structural capacity to serve the proposed land use change.

4. A.Policy 8.4. The land use applicants should demonstrate that drainage providing stormwater management for the proposed land use change is adequate for the type and style of development and meets the requirements of county, state and federal rules and regulations.

5. A.Policy 8.5. The land use applicants should demonstrate that public service providers, such as but not limited to schools, emergency services and fire protection, are informed of the proposed development and are given adequate opportunity to comment on the proposal.

I. A.Goal 9. Reduce potential conflicts between varying land uses in the conversion of traditional agricultural lands to other land uses.

1. A.Policy 9.1. Employ consistency and fairness in the application of the principles of this Comprehensive Plan to help reduce conflicts between the residents, the County, the municipalities and the varying land uses.

2. A.Policy 9.2. Consider the individuality of the characteristics and the compatibility of the region of the County that each proposed land use change affects, while avoiding requirements that do not fit the land use for that specific region.

3. A.Policy 9.3. Consider mitigation techniques to address incompatibility issues. Encourage techniques and incentives, such as but not limited to clustered development and building envelopes, to minimize impacts on surrounding agricultural land.
4. A.Policy 9.4. Consider conservation of natural site features such as topography, vegetation and water courses, in conjunction with the conversion of land uses.
 - a. *Recommended Strategy A.9.4.a. Provide land owners with information about voluntary techniques to preserve significant agricultural lands, historic sites and wildlife habitats.*
5. A.Policy 9.5. Applications for a change of land use in the agricultural areas should be reviewed in accordance with all potential impacts to surrounding properties and referral agencies. Encourage applicants to communicate with those affected by the proposed land use change through the referral process.
6. A.Policy 9.6. Municipalities should be encouraged to include all private property owners, business owners and residents outside of their municipal boundaries in any growth management discussions and decisions that affect the future land use of such private property owners' land.
 - a. *Recommended Strategy A.9.6.a. Collaborate with municipalities to notify unincorporated property owners of municipal land use policies that may affect the future land uses of private property owners' land.*
7. A.Policy 9.7. Protect privately owned open space. Privately owned agricultural lands provide relatively open landscapes. Unlike urban open space areas, public access to these lands is not allowed. These lands are not guaranteed to remain traditional agricultural lands, but can be converted by the individual land owner to other uses through the appropriate land use processes.
 - a. *Recommended Strategy A.9.7.a. Explore strategies for educating the public about protecting privately owned open space.*

J. A.Goal 10. The County recognizes the right to farm.

1. A.Policy 10.1. Distribute informational handouts and make available electronic sources of information pertaining to what should be expected of living in agricultural areas, for use by rural homeowners, landowners and residents.
2. A.Policy 10.2. In order to validate this recognition of a right to farm, the statement listed below should be incorporated into all land use plats and Homeowners' Association (HOA) documents.

Weld County Right to Farm Statement

Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high-speed traffic, sand burs, puncture vines, territorial farm dogs and livestock and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood.

(Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 23-2-330. - Duties of Department of Planning Services.

- A. Any person wanting to apply for a Use by Special Review shall arrange for a preapplication conference with the Department of Planning Services. The Department of Planning Services shall be responsible for processing all applications for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY in the unincorporated area of the County. The Department shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below.
- B. Upon determination that a submitted application is complete, the staff of the Department of Planning Services shall:
 1. Refer the application to the following agencies, when deemed applicable by the Department of Planning Services, for review and comment. The agencies named shall respond within twenty-eight (28) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-eight (28) days may be deemed to be a favorable response to the proposal. Such agencies may request and be granted additional time for review of such proposals upon approval by the Director of Planning Services. The reviews and comments solicited by the COUNTY are intended to provide the COUNTY with information on the proposal. The Planning Commission may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY. The authority for making the decision to approve or deny the proposal rests with the Planning Commission.
 - a. The planning commission of any town or county whose boundaries are within three (3) miles of the proposed site or if the proposed site is located within any town's comprehensive planning area.
 - b. Department of Public Health and Environment.
 - c. Department of Public Works.
 - d. Colorado Geological Survey.
 - e. Colorado Department of Transportation.
 - f. U.S. Forest Service.
 - g. Any irrigation ditch company with facilities within or ADJACENT to the site under consideration.
 - h. Utility companies with underground lines which might be affected by the DEVELOPMENT.
 - i. Special service districts which may provide service to the DEVELOPMENT.
 - j. State Engineer, Division of Water Resources.
 - k. Natural Resource Conservation Service.
 - l. Any other agencies or individuals whose review the Department of Planning Services deems necessary.
 2. Prepare staff comments and recommendations for presentation at the Planning Commission hearing, addressing all aspects of the application, its conformance with this Chapter and Chapter 22 of this Code and comments received from referral agencies.

3. Set a Planning Commission hearing date.
4. An applicant may conduct a Neighborhood Meeting with area landowners. Such meeting is not required, but may be suggested by the Planning Services staff to encourage communication between a land use applicant and the neighbors.
5. Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Board of County Commissioners, a second notice may be published in a newspaper which is published in the area in which the Major Facility is proposed. Failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.
6. Give notice of application for a Special Review Permit and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. For transmission line or pipeline projects, notice of application shall be given for surface property owners for five hundred (500) feet on either side of the centerline of the proposed preferred alignment, and to interest holders (excluding mineral interests) in any real property proposed to be physically disturbed or crossed by the activity or development which is the subject of the application. Such notification shall be mailed, first-class, no less than ten (10) days before the scheduled public hearing. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list, or the Department of Planning Services in sending such notice, shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification. In addition, applicants for an electric TRANSMISSION LINE or PIPELINE which is more than one (1) mile in length shall advertise the hearing at least once in the newspaper designated by the Board of County Commissioners for publication of notices a minimum of ten (10) days prior to the hearing date. The advertisement shall contain a map displaying the proposed preferred and alternative routes along with a description of the hearing time, date and location.
7. Applicants for an electric TRANSMISSION LINE or gas PIPELINE which is more than one (1) mile in length shall advertise the hearing at least once in the newspaper designated by the Board of County Commissioners for publication of notices a minimum of ten (10) days prior to the hearing date. The advertisement shall contain a map displaying the proposed alternative routes, along with a description of the hearing time, date and location.
8. Refer the application to the following agencies, when deemed applicable by the Department of Planning Services, for review and comment. The agencies named shall respond within twenty-eight (28) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-eight (28) days may be deemed to be a favorable response to the proposal. Such agencies may request and be granted additional time for review of such proposals upon approval by the Director of Planning Services. The reviews and comments solicited by the COUNTY are intended to provide the COUNTY with information on the proposal. The Planning Commission may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and

comments submitted by a referral agency are recommendations to the COUNTY. The authority and responsibility for making the decision to approve or deny the proposal rests with the officials of the COUNTY.

- a. The planning commission of any town or county whose boundaries are within three (3) miles of the proposed site or if the proposed site is located within any town's comprehensive planning area.
 - b. Department of Public Health and Environment.
 - c. Department of Public Works.
 - d. Colorado Geological Survey.
 - e. Colorado Department of Transportation.
 - f. U.S. Forest Service.
 - g. Any irrigation ditch company with facilities within or ADJACENT to the site under consideration.
 - h. Utility companies with underground lines which might be affected by the DEVELOPMENT.
 - i. Special service districts which may provide service to the DEVELOPMENT.
 - j. State Engineer, Division of Water Resources.
 - k. Natural Resource Conservation Service.
 - l. Any other agencies or individuals whose review the Department of Planning Services deems necessary.
9. Prepare staff comments and recommendations for presentation at the Planning Commission hearing, addressing all aspects of the application, its conformance with this Chapter and Chapter 22 of this Code and comments received from referral agencies.

(Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2003-10; Weld County Code Ordinance 2007-14; Weld County Code Ordinance 2008-8; Weld County Code Ordinance 2011-3)

Sec. 23-2-20. - Duties of Department of Planning Services.

- A. Any person wanting to apply for a Change of Zone shall arrange for a preapplication conference with the Department of Planning Services. The Department of Planning Services shall be responsible for processing all applications for Change of Zone in the unincorporated areas of the COUNTY. The Department shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below.
- B. Upon determination that the application submittal is complete, the Department of Planning Services shall:
1. Refer the application to the following agencies, when applicable, for review and comment. The agencies named shall respond within twenty-eight (28) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-eight (28) days may be deemed to be a favorable response to the Planning Commission. The reviews and comments solicited by the County are intended to provide the COUNTY with information about the proposed Change of Zone. The Planning Commission and Board of County Commissioners may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY. The authority for making the decision to approve or deny the request for Change of Zone rests with the Board of County Commissioners.
 - a. The planning commission or governing body of any town and county whose boundaries are within a three-mile radius of the parcel under consideration for a Change of Zone.
 - b. The planning commission or governing body of any city or town that has included the parcel in its MASTER PLAN area or Intergovernmental Agreement.
 - c. Department of Public Health and Environment.
 - d. Department of Public Works to review the engineering aspects of the proposal.
 - e. Colorado Department of Public Health and Environment.
 - f. Colorado Geological Survey.
 - g. Colorado Historical Society.
 - h. Colorado Department of Transportation.
 - i. Colorado Water Conservation Board.
 - j. U.S. Army Corps of Engineers.
 - k. U.S. Soil Conservation Service.
 - l. U.S. Forest Service.
 - m. U.S. Bureau of Land Management.
 - n. Any irrigation ditch company with facilities on or ADJACENT to the parcel under consideration.
 - o. Any other agencies or individuals whose review the Department of Planning Services, Planning Commission or Board of County Commissioners deems necessary.
 - 2.

Prepare staff comments for use by the Planning Commission addressing all aspects of the application, its conformance with Chapter 22 of this Code and the Comprehensive Plan or MASTER PLAN of affected municipalities, Intergovernmental Agreements, sound land USE planning practices, comments received from agencies to which the proposal was referred and standards contained in this Chapter.

3. Set a Planning Commission hearing date. The Board of County Commissioners public hearing may also be set and be given legal notice and posting, concurrent with setting of the Planning Commission hearing date and in accordance with Section 23-2-40.A. Otherwise, the Board of County Commissioners public hearing shall be set after the Planning Commission hearing.
4. An applicant may conduct a Neighborhood Meeting with area landowners. Such meeting is not required, but may be suggested by the Planning Services staff to encourage communication between a land use applicant and the neighbors.
5. Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Board of County Commissioners, a second notice may be published in a newspaper which is published in the area in which the rezoning is proposed. Failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.
6. Give notice of the proposed Change of Zone and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first-class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.
7. A sign shall be posted for the applicant on the property under consideration for a rezoning. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing and evidenced with a photograph. The sign will include the following information.
 - a. Rezoning request number.
 - b. Date, place and time of public hearing.
 - c. Location and phone number of the public office where additional information may be obtained.
 - d. Applicant's name.
 - e. Size of the parcel of land.
 - f. Type of rezoning request.

C.

An electronic version of the Official Weld County Zoning Map, which includes all of the rezoning approvals made since the last adoption of the map by the Board of County Commissioners, shall be maintained. The map shall be available for public inspection with the Department of Planning Services and online.

- D. Submit to the County Clerk and Recorder the rezoning plat as required in Subsection 23-2-50.D for recording.

(Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1; Weld County Code Ordinance 2003-10; Weld County Code Ordinance 2007-14; Weld County Code Ordinance 2008-8)

Sec. 23-2-30. - Duties of Planning Commission.

- A. The Planning Commission shall hold a hearing to consider the application for the Change of Zone. The public hearing may involve either the rezoning application alone or may include the review of concurrent applications under the County's regulations concerning uses by special review, overlay districts or subdivisions. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested change. The Planning Commission shall recommend approval of the request for the Change of Zone only if it finds that the applicant has met the standards or conditions of this Subsection A and Section 23-2-50. The applicant has the burden of proof to show that the standards and conditions of this Subsection A and Section 23-2-50 are met. The applicant shall demonstrate:
1. That the proposal is consistent with Chapter 22 of this Code; if not, then that the zoning of the property under consideration is faulty, or that changing conditions in the area warrant a Change of Zone.
 2. That the USES which would be allowed on the subject property by granting the Change of Zone will be compatible with the surrounding land USES.
 3. That adequate water and sewer service can be made available to the site to serve the USES permitted within the proposed zone district.
 4. That STREET or highway facilities providing access to the property are adequate in size to meet the requirements of the proposed zone district. In the event that the STREET or highway facilities are not properly sized and are planned to be properly sized in the future, in conformance with the Thoroughfare Plan or in conformance with the MASTER PLANS of affected municipalities, the applicant may either wait to secure the rezoning until the improvements are made by the appropriate unit of government or the applicant may express a willingness to upgrade the STREET or highway facilities at his or her own expense in order to expedite approval of the requested Change of Zone. In the latter event, it will be necessary for the applicant to either construct the necessary improvements before the building permits are issued, or submit suitable performance guarantees to the County to ensure construction of the required STREET or highway facility improvements.
 5. That, in those instances where the following characteristics are applicable to the rezoning request, the applicant has demonstrated compliance with the applicable standards:
 - a. If the proposed Change of Zone is located within any Overlay District identified by maps officially adopted by the COUNTY, that the applicant has demonstrated compliance with the COUNTY regulations concerning Overlay Districts. Compliance may be demonstrated in a previous public hearing or in the hearing concerning the rezoning application.
 - b. That the proposed rezoning will not permit the USE of any area known to contain a COMMERCIAL MINERAL DEPOSIT in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property.
 - c.

If soil conditions on the site are such that they present moderate or severe limitations to the construction of STRUCTURES or facilities proposed for the site, that such limitations can be overcome and that the limitations will be addressed by the applicant and/or the applicant's successors or assigns prior to the DEVELOPMENT of the property.

- B. The Secretary of the Planning Commission shall forward the official recommendation of the Planning Commission and the information contained in the official record, which includes the Department of Planning Services case file, to the Board of County Commissioners within ten (10) days after said recommendation has been made.
- C. If the Planning Commission recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, the ten-day period shall commence upon submission of the items by the applicant to the Department of Planning Services.

(Weld County Codification Ordinance 2000-1)

Sec. 22-2-80. - Industrial development Goals and Policies.

A. I.Goal 1. Promote the location of industrial uses within municipalities, County Urban Growth Boundary areas, Intergovernmental Agreement urban growth areas, growth management areas as defined in municipalities' comprehensive plans, the Regional Urbanization Areas, Urban Development Nodes, along railroad infrastructure or where adequate services are currently available or reasonably obtainable.

1. I.Policy 1.1. Ensure that adequate industrial levels of services and facilities are currently available or reasonably obtainable to serve the industrial development or district.
2. I.Policy 1.2. Encourage new industrial development within existing industrial areas.
3. I.Policy 1.3. Encourage industrial development by improving major transportation corridors.
 - a. *Recommended Strategy I.1.3.a. Identify these corridors in a Transportation Master Plan.*

B. I.Goal 2. Encourage appropriate industrial development to annex into a municipality if the new or expanding industrial development is adjacent to the municipality's corporate limits.

1. I.Policy 2.1. Municipalities may have comprehensive plans that include lands in unincorporated areas of the County. Applicants are encouraged to discuss their land use plans with those affected municipalities.
 - a. *Recommended Strategy I.2.1.a. Pursue Intergovernmental Agreements between municipalities and the County.*

C. I.Goal 3. Consider how transportation infrastructure is affected by the impacts of new or expanding industrial developments.

1. I.Policy 3.1. Support transportation systems within and into industrial developments that address a full range of mobility needs, and which effectively provide connectivity in a cost effective, efficient and comprehensive manner.
2. I.Policy 3.2 The land use applicant should demonstrate that the roadway facilities associated with the proposed industrial development are adequate in width, classification and structural capacity to serve the development proposal.
 - a. *Recommended Strategy I.3.2.a. Coordinate transportation plans between Weld County, other counties, municipalities and other jurisdictions.*
 - b. *Recommended Strategy I.3.2.b. Establish road reservation/dedication standards for industrial developments that are in accordance with the Weld County Transportation Master Plan.*

D. I.Goal 4. All new industrial development should pay its own way.

1. I.Policy 4.1. New development should pay for the additional costs associated with those services directly impacted by the new industrial development.
2. I.Policy 4.2. Cooperation or consolidation of urban services among counties, municipalities, special districts and companies should be encouraged, when appropriate, to avoid duplication and overlapping costs and to establish a satisfactory level of quality, quantity and dependability of those services.
3. I.Policy 4.3. The applicant has the option to provide a cost/benefit evaluation. This evaluation may be considered for potential economic incentives.
 - a. *Recommended Strategy I.4.3.a. Develop criteria for considering if and when incentives are*

appropriate.

E. I.Goal 5. New industrial uses or expansion of existing industrial uses should meet existing federal, state and local policies and legislation.

1. I.Policy 5.1. Industrial uses should be evaluated using criteria, including but not limited to the effect the industry would have on air and water quality, natural drainage ways, soil properties and natural patterns and suitability of the land.
 - a. *Recommended Strategy I.5.1.a. Review the zoning regulations to ensure that they are consistent with this Policy.*
2. I.Policy 5.2. Development improvements should minimize permanent visual scarring from grading, road cuts and other site disturbances. Require stabilization and landscaping of final land forms, and that runoff be controlled at historic levels.

F. I.Goal 6. Minimize the incompatibilities that occur between industrial uses and surrounding properties.

1. I.Policy 6.1. Consider the compatibility with surrounding land uses and natural site features.
 - a. *Recommended Strategy I.6.1.a. Establish development standards for such issues as use, building height, scale, density, traffic, dust and noise.*
 - b. *Recommended Strategy I.6.1.b. Consider identifying industrial sub-areas and corresponding design guidelines after notification to the relevant landowners.*
2. I.Policy 6.2. Support the use of visual and sound barrier landscaping to screen open storage areas from residential uses or public roads.
3. I.Policy 6.3. Encourage informational neighborhood meetings for proposed industrial uses that do not require a public hearing.
 - a. *Recommended Strategy I.6.3.a. Develop options for neighborhood meeting processes.*
4. I.Policy 6.4. Ensure that industrial properties are free of derelict vehicles, refuse, litter and other unsightly materials.
 - a. *Recommended Strategy I.6.4.a. Develop programs for cleanup of derelict property, junk and weeds.*

G. I.Goal 7. Recognize the importance of railroad infrastructure to some industrial uses.

1. I.Policy 7.1. Support the continued and expanded use of existing railroad infrastructure for industrial uses.
2. I.Policy 7.2. Communicate with landowners along railroads concerning the significance of railroads to some industrial uses.
3. I.Policy 7.3 Maintain development standards along heavy railroad lines.
 - a. *Recommended Strategy I.7.3.a. Review existing regulations and consider development standards for industrial uses along heavy railroad.*
4. I.Policy 7.4 Develop design guidelines along heavy railroad lines.
 - a. *Recommended Strategy I.7.4.a. Define heavy railroad in the Weld County Code.*

(Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-1-100. - Definition and purpose of Comprehensive Plan.

The Comprehensive Plan, contained in this Chapter, is the document intended to fulfill the master plan requirement pursuant to state law (Section 30-28-106(1), C.R.S.) and, in part, to set land use policy pursuant to the Home Rule Charter. The Comprehensive Plan is intended to be used for the general purpose of guiding and accomplishing the coordinated, adjusted and harmonious development of the County. The Plan includes all geographic areas of the County and establishes policy guidelines for existing and future land use decisions. The Comprehensive Plan was originally developed in 1974 and revised in 1987, 1995 and 2002, as outlined in the History of Amendments.

(Weld County Code Ordinance 2008-13)

Sec. 23-1-40. - Purpose and intent.

- A. The purpose of this Chapter is to provide a unified regulatory system for land USE in the County. This Chapter is designed to promote the health, safety, convenience, morals, order and welfare of the present and future inhabitants of the COUNTY. The present and future inhabitants of the COUNTY will be benefited through:
1. Lessening congestion in the STREETS or roads or reducing the waste caused by excessive amounts of roads.
 2. Securing safety from fire, FLOOD waters and other dangers.
 3. Providing adequate light and air.
 4. Classification of land USES and distribution of land DEVELOPMENT and utilization.
 5. Protecting the tax base of the COUNTY.
 6. Securing economy in governmental expenditures.
 7. Fostering the COUNTY'S agricultural, business, MINING and other economic bases.
 8. Protecting both urban and nonurban DEVELOPMENT.
 9. Conserving the value of property.
 10. Encouraging the most appropriate USE of land.
- B. This Chapter is further intended to protect the public health, safety and welfare by:
1. Regulating activities and DEVELOPMENT in hazardous areas.
 2. Protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species.
 3. Preserving areas of historical and archaeological importance.
 4. Regulating, with respect to the establishment of, roads on public lands administered by the federal government; this authority includes authority to prohibit, set conditions for or require a permit for the establishment of any road authorized under the general right-of-way granted to the public by 43 U.S.C. 932 (R.S. 2447) but does not include authority to prohibit, set conditions for or require a permit for the establishment of any road authorized for mining claim purposes by 30 U.S.C. 21 et seq., or under any specific permit or lease granted by the federal government.
 5. Regulating the location of activities and DEVELOPMENTS which may result in significant changes in population density.
 6. Providing for phased DEVELOPMENT of PUBLIC services and facilities.
 7. Regulating the USE of land on the basis of the impact of land USE changes on the community or surrounding areas.
 8. Otherwise planning for and regulating the USE of land so as to provide planned and orderly USE of land and protection of the environment in a manner consistent with constitutional rights.