

RESOLUTION

RE: APPROVE SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR15-0044, FOR ANY USE PERMITTED AS A USE BY RIGHT, ACCESSORY USE, OR USE BY SPECIAL REVIEW IN THE COMMERCIAL OR INDUSTRIAL ZONE DISTRICTS (PET MEMORIAL, EUTHANASIA, AND CREMATORY AND RV STORAGE) PROVIDED THAT THE PROPERTY IS NOT A LOT IN AN APPROVED OR RECORDED SUBDIVISION PLAT OR PART OF A MAP OR PLAN FILED PRIOR TO ADOPTION OF ANY REGULATIONS CONTROLLING SUBDIVISIONS AND ONE (1) SINGLE FAMILY DWELLING UNIT PER LOT OTHER THAN THOSE PERMITTED UNDER SECTION 23-3-20.A (SECOND SINGLE-FAMILY DWELLING UNIT) IN THE A (AGRICULTURAL) ZONE DISTRICT – SAGE BRUSH, LLC, C/O RANDY JACKSON

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners held a public hearing on the 13th day of January, 2016, at the hour of 10:00 a.m., in the Chambers of the Board, for the purpose of hearing the application of Sage Brush, LLC, c/o Randy Jackson, 3912 Bidens Gate Drive, Timnath, CO 80547, for a Site Specific Development Plan and Use by Special Review Permit, USR15-0044, for any Use Permitted as a Use By Right, Accessory Use, or Use By Special Review in the Commercial or Industrial Zone Districts (pet memorial, euthanasia, and crematory and RV storage) provided that the property is not a lot in an approved or recorded subdivision plat or part of a map or plan filed prior to adoption of any regulations controlling subdivisions and one (1) single-family dwelling unit per lot other than those permitted under Section 23-3-20.A (second single-family dwelling unit) in the A (Agricultural) Zone District, on the following described real estate, being more particularly described as follows:

Subdivision Exemption, SE-1053; being part of the
SW1/4 of Section 18, Township 5 North, Range 67
West of the 6th P.M., Weld County, Colorado

WHEREAS, at said hearing, the applicant was present and represented by Curtis Koldeway, Hauser Architects, 3780 East 15th Street, Suite 201, Loveland, CO 80538, and

WHEREAS, Section 23-2-230 of the Weld County Code provides standards for review of said Use by Special Review Permit, and

WHEREAS, the Board of County Commissioners heard all of the testimony and statements of those present, studied the request of the applicant and the recommendation of the Weld County Planning Commission and all of the exhibits and evidence presented in this matter and, having been fully informed, finds that this request shall be approved for the following reasons:

1. The submitted materials are in compliance with the application requirements of Section 23-2-260 of the Weld County Code.
2. It is the opinion of the Board of County Commissioners that the applicant has shown compliance with Section 23-2-230.B of the Weld County Code as follows:

2016-0083
PL2390

CC: ca, pl, hl, applicant 4/11

- A. Section 23-2-230.B.1. -- The proposed use is consistent with Chapter 22 and any other applicable code provisions or ordinance in effect.
- 1) Section 22-2-20.G (A.Goal 7) states: "*County land use regulations should protect the individual property owner's right to request a land use change.*" Section 22-2-20.G.2 (A.Policy 7.2) states: "*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.*" The application materials state that the RV storage will occur in five (5) 10,000-square-foot buildings. There will be no outdoor storage. There will be two (2) new homes built on the site. The existing residence on the site will be converted to an office and the other buildings will be demolished. Adequate parking is being proposed and a new six (6)-foot chain link fence around the RV storage buildings will be installed for security. New landscaping is proposed to screen the RV storage buildings from County Road (CR) 13. The existing trees will also be maintained on the site. The lighting on the site is proposed to be building mounted and downcast. The screening, downcast lighting, and landscaping will assist in mitigating the impacts of the facility on the adjacent properties. The subject site is in an area that can support this development and is compatible with the region.
- B. Section 23-2-230.B.2 -- The proposed use is consistent with the intent of the A (Agricultural) Zone District Sections 23-3-40.S. and 23-3-40.M., which allow a Site Specific Development Plan and Use by Special Review Permit for any Use Permitted as a Use By Right, Accessory Use, or Use By Special Review in the Commercial or Industrial Zone Districts (pet memorial, euthanasia, and crematory and RV storage) provided that the property is not a lot in an approved or recorded subdivision plat or part of a map or plan filed prior to adoption of any regulations controlling subdivisions and one (1) single-family dwelling unit per lot other than those permitted under Section 23-3-20.A (second single-family dwelling unit) in the A (Agricultural) Zone District.
- C. Section 23-2-230.B.3 -- The uses which will be permitted will be compatible with the existing surrounding land uses. The existing adjacent land uses include crops, rural residences, an asphalt batch plant, and the Union Pacific Railroad. The closest residence is south of the site on the adjacent parcel. There are five (5) USRs located within one (1) mile of this parcel. USR15-0027 is for an asphalt batch plant and is located northeast of the site. USR15-0028 is for a wedding venue and is located about one-half mile to the east of the site. SUP-154 is for a 2,850-head feed lot and is located southeast of the site. USR-818 is for a single family residence and is located about one (1) mile to the south of the site. USR-1041 is for a 12-inch gas line and is located north of the site along U.S. Highway 34. The Weld

County Department of Planning Services has received two letters objecting to this USR. The letters outline concerns with the aesthetics of the chain link fence and general compatibility with the area. The Development Standards for this proposal will assist in mitigating the impacts of the facility on the adjacent properties and ensure compatibility with surrounding land uses.

- D. Section 23-2-230.B.4 -- The uses which will 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 the Weld County Code and any other applicable code provisions or ordinances in effect, or the adopted Master Plans of affected municipalities. The site is located within the three (3) mile referral area of the City of Greeley and the Towns of Windsor and Johnstown. There were no concerns indicated in the referral responses of these municipalities.
- E. Section 23-2-230.B.5 -- The application complies with Chapter 23, Article V, of the Weld County Code. Building Permits issued on the lot will be required to adhere to the fee structure of the County-Wide Road Impact Fee, County Facility Fee and Drainage Impact Fee Programs.
- F. Section 23-2-230.B.6 -- The applicant has demonstrated a diligent effort to conserve prime agricultural land in the locational decision for the proposed use. The proposed facility is located on soils designated as "Prime (Irrigated)," per the 1979 Soil Conservation Service Important Farmlands of Weld County Map. The USR will take about seven (7)-acres of Prime (Irrigated) Farmland out of production; however, the property is too small to farm.
- G. Section 23-2-230.B.7 -- The Design Standards (Section 23-2-240, Weld County Code), Operation Standards (Section 23-2-250, Weld County Code), Conditions of Approval and Development Standards can ensure that there are adequate provisions for the protection of the health, safety, and welfare of the inhabitants of the neighborhood and County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the application of Sage Brush, LLC, c/o Randy Jackson, for a Site Specific Development Plan and Use by Special Review Permit, USR15-0044, for any Use Permitted as a Use By Right, Accessory Use, or Use By Special Review in the Commercial or Industrial Zone Districts (pet memorial, euthanasia, and crematory and RV storage) provided that the property is not a lot in an approved or recorded subdivision plat or part of a map or plan filed prior to adoption of any regulations controlling subdivisions and one (1) single-family dwelling unit per lot other than those permitted under Section 23-3-20.A (second single-family dwelling unit) in the A (Agricultural) Zone District, on the parcel of land described above be, and hereby is, granted subject to the following conditions:

1. Prior to recording the map:
 - A. A Final Drainage Report and Certification of Compliance stamped and signed by a Professional Engineer registered in the State of Colorado is required. Other items required include the outlet and spillway details, Maintenance Plan, and stamped Grading Plans.
 - B. The map shall be amended to delineate the following:
 - 1) All sheets of the map shall be labeled USR15-0044.
 - 2) The attached Development Standards.
 - 3) The map shall be prepared per Section 23-2-260.D of the Weld County Code.
 - 4) The applicant shall delineate the trash collection areas. Section 23-3-350.H of the Weld County Code addresses the issue of trash collection areas.
 - 5) All signs shall be shown on the map and shall adhere to Chapter 23, Article IV, Division 2 and Appendices 23-C, 23-D and 23-E of the Weld County Code.
 - 6) CR 13 is a paved road and is designated on the Weld County Road Classification Plan as an arterial road which requires 140 feet of right-of-way at full buildout. The applicant shall delineate the future and existing right-of-way. All setbacks shall be measured from the edge of future right-of-way. This road is maintained by Weld County.
 - 7) Show and label the approved accesses (AP#15-00405), removed accesses, and turning radii on the site plan.
 - 8) Show and label the approved tracking control on the site plan.
 - 9) Show and label the accepted drainage features and drainage flow arrows on the site plan. Water quality features or stormwater ponds should be labeled as "*Water Quality Feature/Stormwater Detention, No-Build or Storage Area,*" and shall include the calculated volume.
2. Upon completion of Condition of Approval #1 above, the applicant shall submit one (1) paper copy or one (1) electronic copy (.pdf) of the map for preliminary approval to the Weld County Department of Planning Services. Upon approval of the map the applicant shall submit a Mylar map along with all other documentation required as Conditions of Approval. The Mylar map shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The map shall be prepared in accordance with the requirements of Section 23-2-260.D

of the Weld County Code. The Mylar map and additional requirements shall be submitted 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.

3. In accordance with Weld County Code Ordinance #2012-3, approved April 30, 2012, should the map not be recorded within the required one hundred twenty (120) days from the date of the Board of County Commissioners Resolution, a \$50.00 recording continuance charge shall added for each additional three (3) month period.
4. The Department of Planning Services respectfully requests a digital copy of this Use by Special Review, as appropriate. Acceptable CAD formats are .dwg, .dxf, and .dgn (Microstation); acceptable GIS formats are ArcView shapefiles or ArcGIS Personal GeoDataBase (MDB). The preferred format for Images is .tif (Group 4). (Group 6 is not acceptable). This digital file may be sent to maps@co.weld.co.us.
5. Prior to Construction:
 - A. The approved access and tracking control shall be constructed prior to on-site construction.
 - B. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required.
6. Prior to the issuance of any Certificate of Occupancy:
 - A. An On-site Wastewater Treatment System is required for the proposed facility and shall be installed according to the Weld County On-site Wastewater Treatment System Regulations. The septic system is required to be designed by a Colorado registered professional engineer, according to the Weld County On-site Wastewater Treatment System Regulations.
7. The Use by Special Review activity shall not occur, nor shall any building or electrical permits be issued on the property, until the Use by Special Review map is ready to be recorded in the office of the Weld County Clerk and Recorder or the applicant has been approved for an early release agreement.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 13th day of January, A.D., 2016.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST: *Arthur G. Meick*
Weld County Clerk to the Board

BY: *Rajaela W. Hartine*
Deputy Clerk to the Board

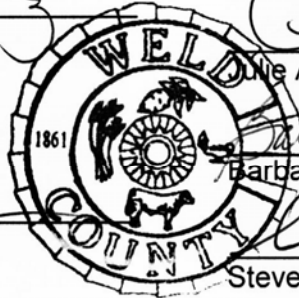
EXCUSED
Mike Freeman, Chair

S.P.C.
Sean P. Conway, Pro-Tem

Julie A. Cozad
Julie A. Cozad

APPROVED AS TO FORM:

[Signature]
County Attorney



Barbara Kirkmeyer
Barbara Kirkmeyer

Steve Moreno
Steve Moreno

Date of signature: 2/3

**SITE SPECIFIC DEVELOPMENT PLAN
USE BY SPECIAL REVIEW PERMIT
DEVELOPMENT STANDARDS
SAGE BRUSH, LLC, C/O RANDY JACKSON
USR15-0044**

1. The Site Specific Development Plan and Use by Special Review Permit, USR15-0044, is for any Use Permitted as a Use By Right, Accessory Use, or Use By Special Review in the Commercial or Industrial Zone Districts (pet memorial, euthanasia, and crematory and RV storage) provided that the property is not a lot in an approved or recorded subdivision plat or part of a map or plan filed prior to adoption of any regulations controlling subdivisions and one (1) single-family dwelling unit per lot other than those permitted under Section 23-3-20.A (second single-family dwelling unit) in the A (Agricultural) Zone District, subject to the Development Standards stated hereon.
2. Approval of this plan may create a vested property right pursuant to Section 23-8-10 of the Weld County Code.
3. The number of on-site employees shall be 11 full-time employees, as stated by the applicant.
4. The hours of operation will be: Pet Crematory, Monday through Friday, 9:00 a.m. to 5:00 p.m., and Saturday 9:00 a.m. to 3:00 p.m. Sundays and Holidays by appointment only. RV Storage, 24 hours a day / 7 days a week, as stated by the applicant.
5. The parking on the site shall be maintained.
6. The landscaping/screening on the site shall be maintained ensuring sight distance visibility at the railroad crossing.
7. All signs shall adhere to Chapter 23, Article IV, Division 2 and Appendices 23-C, 23-D and 23-E of the Weld County Code.
8. No derelict vehicles, as defined in Section 23-1-90 of the Weld County Code, shall be stored on the site.
9. No hazardous materials shall be stored on-site.
10. There shall be no storage of industrial and/or commercial vehicles, equipment and materials allowed on-site.
11. There will be no more than 15 chambers in the crematory building.
12. Should noxious weeds exist on the property or become established as a result of the proposed development, the applicant/landowner shall be responsible for controlling the noxious weeds, pursuant to Chapter 15, Articles I and II, of the Weld County Code.
13. The site shall be maintained to mitigate any impacts to the public road, including damages and/or off-site tracking.

14. There shall be no parking or staging of vehicles on public roads. On-site parking shall be utilized.
15. The historical flow patterns and runoff amounts will be maintained on the site.
16. Weld County is not responsible for the maintenance of on-site drainage related features.
17. All liquid and solid wastes (as defined in the Solid Wastes Disposal Sites and Facilities Act, Section 30-20-100.5, C.R.S.) shall be stored and removed for final disposal in a manner that protects against surface and groundwater contamination.
18. No permanent disposal of wastes shall be permitted at this site. This is not meant to include those wastes specifically excluded from the definition of a solid waste in the Solid Wastes Disposal Sites and Facilities Act, Section 30-20-100.5, C.R.S.
19. Waste materials shall be handled, stored, and disposed of in a manner that controls fugitive dust, fugitive particulate emissions, blowing debris, and other potential nuisance conditions. The applicant shall operate in accordance with Chapter 14, Article I, of the Weld County Code.
20. Fugitive dust should attempt to be confined on the property. Uses on the property should comply with the Colorado Air Quality Commission's Air Quality Regulations.
21. This facility shall adhere to the maximum permissible noise levels allowed in the Non-Specified Zone as delineated in Section 14-9-30 of the Weld County Code.
22. Adequate drinking, handwashing and toilet facilities shall be provided for employees and patrons of the facility, at all times. Any septic system located on the property must comply with all provisions of the Weld County Code, pertaining to On-site Wastewater Treatment Systems. A permanent adequate water supply shall be provided for drinking and sanitary purposes.
23. Sewage disposal for the facility shall be by septic system. Any septic system located on the property must comply with all provisions of the Weld County Code, pertaining to On-site Wastewater Treatment Systems.
24. In the event the existing septic system is utilized for business use, the septic system shall be reviewed by a Colorado registered professional engineer if the usage surpasses Septic Permit (SE-0400149) sizing limitations. The review shall consist of observation of the system and a technical review describing the system's ability to handle the proposed hydraulic load. The review shall be submitted to the Environmental Health Services Division of the Weld County Department of Public Health and Environment. In the event the system is found to be inadequately sized or constructed, the system shall be brought into compliance with current regulations.
25. The facility shall comply with the Air Pollution Emission Notice (APEN) permit requirements, as stipulated by the Air Pollution Control Division of the Colorado Department of Public Health and Environment.

26. The operation shall comply with all applicable rules and regulations of state and federal agencies and the Weld County Code.
27. Sources of light 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 in accordance with the plan. Neither the direct, nor reflected, light from any light source may create a traffic hazard to operators of motor vehicles on public or private streets. No colored lights may be used which may be confused with, or construed as, traffic control devices.
28. Building permits may be required, per Section 29-3-10 of the Weld County Code. Currently, the following have been adopted by Weld County: 2012 International Codes, 2006 International Energy Code, and 2014 National Electrical Code. A Building Permit Application must be completed and two (2) complete sets of engineered plans bearing the wet stamp of a Colorado registered architect or engineer must be submitted for review. A Geotechnical Engineering Report, performed by a Colorado registered engineer, shall be required or an Open Hole Inspection.
29. The property owner or operator shall be responsible for complying with the Design and Operation Standards of Chapter 23 of the Weld County Code.
30. Necessary personnel from the Weld County Departments of Planning Services, Public Works, and Public Health and Environment shall be granted access onto the property at any reasonable time in order to ensure the activities carried out on the property comply with the Conditions of Approval and Development Standards stated herein and all applicable Weld County regulations.
31. The Use by Special Review area shall be limited to the plans shown hereon and governed by the foregoing standards and all applicable Weld County regulations. Substantial changes from the plans or Development Standards, as shown or stated, shall require the approval of an amendment of the Permit by the Weld County Board of County Commissioners before such changes from the plans or Development Standards are permitted. Any other changes shall be filed in the office of the Department of Planning Services.
32. The property owner or operator shall be responsible for complying with all of the foregoing Development Standards. Noncompliance with any of the foregoing Development Standards may be reason for revocation of the Permit by the Board of County Commissioners.
33. **RIGHT TO EXTRACT MINERAL RESOURCES STATEMENT:** Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the state's commercial mineral deposits are essential to the state's economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state. Mineral resource

locations are widespread throughout the County and person moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.

34. The Weld County Right to Farm Statement, as it appears in Section 22-2-20.J.2 of the Weld County Code, shall be placed on the map and recognized at all times.

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