

# CHAPTER 2—APPLICATION AND PERMITTING PROCEDURES

## *Table of Contents*

<b>2-01</b>	<b>COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS.....</b>	<b>3</b>
<b>2-01-01</b>	<b>Step 1: Conceptual Review.....</b>	<b>3</b>
<b>2-01-02</b>	<b>Step 2: Neighborhood Meetings.....</b>	<b>4</b>
<b>2-01-03</b>	<b>Step 3: Development Application Submittal .....</b>	<b>7</b>
<b>2-01-04</b>	<b>Step 4: Determination of Sufficiency.....</b>	<b>8</b>
<b>2-01-05</b>	<b>Step 5: Staff Report .....</b>	<b>8</b>
<b>2-01-06</b>	<b>Step 6: Notice.....</b>	<b>10</b>
<b>2-01-07</b>	<b>Step 7: Public Hearing.....</b>	<b>11</b>
<b>2-01-08</b>	<b>Step 8: Standards .....</b>	<b>14</b>
<b>2-01-09</b>	<b>Step 9: Conditions of Approval .....</b>	<b>14</b>
<b>2-01-10</b>	<b>Step 10: Amendments.....</b>	<b>14</b>
<b>2-02</b>	<b>SPECIFIC DEVELOPMENT REVIEW STEPS FOR DEVELOPMENT APPLICATIONS.....</b>	<b>16</b>
<b>2-02-01</b>	<b>Access and Right-of-Way Permit .....</b>	<b>19</b>
<b>2-02-02</b>	<b>Building Permit .....</b>	<b>21</b>
<b>2-02-03</b>	<b>Certificate of Designation.....</b>	<b>23</b>
<b>2-02-04</b>	<b>Conservation Plan Permit .....</b>	<b>36</b>
<b>2-02-05</b>	<b>Contractor Registration .....</b>	<b>38</b>
<b>2-02-06</b>	<b>Biosolids Application Permit (Domestic Sludge) .....</b>	<b>43</b>
<b>2-02-07</b>	<b>Floodplain Use Permit .....</b>	<b>46</b>
<b>2-02-08</b>	<b>Conditional Use Permit .....</b>	<b>48</b>
<b>2-02-09</b>	<b>Urban Renewal Plan.....</b>	<b>56</b>
<b>2-02-10</b>	<b>Planned Unit Development.....</b>	<b>62</b>
<b>2-02-11</b>	<b>Special Use Permit .....</b>	<b>74</b>
<b>2-02-12</b>	<b>Temporary Use Permit.....</b>	<b>79</b>
<b>2-02-13</b>	<b>Amendment to Text of the Standards and Regulations and/or Zoning Map (Rezoning) and/or Comprehensive Plan.....</b>	<b>82</b>

2-02-14	Exemption .....	86
2-02-15	Waiver from Subdivision Design Standards .....	89
2-02-16	Plat Correction; Replat of Lot, Easement or Building Envelope; Vacation of Recorded Plat, Right-of-Way or Easement; or Replat of Subdivision .....	92
2-02-17	Subdivision, Major.....	106
2-02-18	Subdivision, Minor.....	116
2-02-19	Appeal from Administrative Decision .....	122
2-02-20	Floodplain Use Permit Variance.....	125
2-02-21	Variance.....	129

## Chapter 2—APPLICATION AND PERMITTING PROCEDURES

### 2-01 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS

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

#### 2-01-01 STEP 1: CONCEPTUAL REVIEW

##### 2-01-01-01 PURPOSE

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

##### 2-01-01-02 APPLICABILITY

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

##### 2-01-01-03 CONCEPT PLAN SUBMITTAL

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

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

**2-01-01-04 STAFF REVIEW AND RECOMMENDATION**

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

**2-01-02 STEP 2: NEIGHBORHOOD MEETINGS**

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

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

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

**2-01-02-02 APPLICABILITY**

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

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

**2-01-02-03 NEIGHBORHOOD MEETING REQUIREMENTS\***

Amended by the BoCC on January 28, 2013

**2-01-02-03-01 LOCATION**

In order to provide surrounding property owners the best opportunity to attend, the neighborhood meeting should be held on the subject property

whenever possible. If this is not possible, the meeting should be held on the closest practical location to the subject site. The location of the required neighborhood meeting shall follow the guidelines listed below:

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

These geographic areas are defined below:

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

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

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

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

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

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

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

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

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

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

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

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

A written summary of the neighborhood meeting shall be prepared by the applicant. The written summary shall be included with the development application submittal and shall explain how any issues identified at the

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

**2-01-03 STEP 3: DEVELOPMENT APPLICATION SUBMITTAL**

**2-01-03-01 DEVELOPMENT APPLICATIONS**

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

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

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

**2-01-03-03 DEVELOPMENT APPLICATION CONTENTS**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

## **2-01-06 STEP 6: NOTICE**

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

### **2-01-06-01 WRITTEN NOTICE**

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

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

### **2-01-06-02 POSTED NOTICE**

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

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

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

**2-01-06-03 PUBLISHED NOTICE**

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

**2-01-07 STEP 7: PUBLIC HEARING**

**2-01-07-01 CONDUCT OF PUBLIC HEARING**

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

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

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

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

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

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

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

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

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

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

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

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

**2-01-07-02-01      *DECISION***

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

**2-01-07-02-02 FINDINGS**

All decisions shall include at least the following elements:

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

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

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

**2-01-07-03 RECORD OF PROCEEDINGS**

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

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

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

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

**2-01-08 STEP 8: STANDARDS**

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

**2-01-09 STEP 9: CONDITIONS OF APPROVAL**

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

**2-01-10 STEP 10: AMENDMENTS**

**2-01-10-01 MINOR AMENDMENTS**

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

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

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

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

**2-01-10-02 MAJOR AMENDMENTS**

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

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

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

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

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

The follow development application types are included:

### **1. General Construction and Development Permits and Registrations**

#### ***a. Access and Right-of-Way Permit***

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

#### ***b. Building Permit***

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

#### ***c. Conservation Plan Permit***

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

#### ***d. Contractor Registration***

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

#### ***e. Biosolids Application Permit***

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

#### ***f. Floodplain Use Permit***

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



***g. Stormwater Quality Permit* \*Adopted by the BOCC on June 27, 2011.**

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

**2. Zoning and Land Use Approvals**

***a. Conditional Use Permit***

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

***b. Planned Unit Development***

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

***c. Special Use Permit (Temporary Use Permit)***

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

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

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

***e. Certificate of Designation***

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

***f. Urban Renewal Plan***

**3. Subdivisions, Divisions of Land, and Platting Approvals**

***a. Condominium Map Review***

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

**b. Exemption**

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

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

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

**d. Rural Site Plan Review**

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

**e. Subdivisions, Major**

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

**f. Subdivisions, Minor**

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

**4. Variations and Appeals**

**a. Appeal**

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

**b. Floodplain Use Permit Variance**

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

**c. Variance, Major**

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

other special physical requirements contained in these standards and regulations.

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

### **2-02-01-01 PURPOSE**

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

### **2-02-01-02 APPLICABILITY**

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

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

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

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

### **2-02-01-04 ACCESS PERMIT REVIEW PROCEDURES**

An access or right-of-way permit may be approved by the Director of Public Works.

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

1. Conceptual Review: Optional.

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

**2-02-01-05 CRITERIA FOR APPROVAL**

The Director of Public Works in issuing an access or right-of-way permit shall find:

1. The access or right-of-way permit is consistent and complies with the requirements of these standards and regulations for the type of work to be performed.
2. The access or work to be performed will be of such a standard and condition to safely and adequately accommodate the type and volume of traffic currently using the access, including emergency and fire equipment and vehicles, plus any increase in traffic that may be added by the use accessing the road.

3. Adequate controls have been established to ensure compliance and safety during the course of work.
4. Adequate financial guarantees have been provided to ensure that any problems arising from the work to be performed can be reasonably remedied by the County, if necessary.

**2-02-01-06 LAPSE OF APPROVAL**

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

**2-02-01-07 EXTENSION OF APPROVAL**

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

**2-02-02 BUILDING PERMIT**

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

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

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

All building permits must be processed in accordance with this section. A building permit is the only authorization under which a structure may be constructed, moved, placed, or altered; a sign may be placed, altered, moved, constructed, or replaced; an oil well and appurtenant facilities may be placed, drilled, altered, moved, or constructed; land may be filled or excavated; temporary buildings may be placed; or utilities may be installed. All structures shall comply with the requirements of these standards and regulations even if the building permit requirement is waived by the Chief Building Official.

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

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

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

**2-02-02-04 BUILDING PERMIT REVIEW PROCEDURES**

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

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

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

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

The Director of Public Works in issuing a building permit shall find:

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

**2-02-02-06 LAPSE OF APPROVAL**

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

**2-02-02-07 EXTENSION OF APPROVAL**

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

**2-02-03 CERTIFICATE OF DESIGNATION****2-02-03-01 PURPOSE**

The purpose of this section is to detail the steps for obtaining a certificate of designation. Certificates of designation are required for those solid waste and hazardous waste disposal sites and/or processing facilities, which are presumptively incompatible with other land uses, authorized or permitted in a zone district and may have long-term ramifications to the use of surrounding lands. In addition to meeting applicable performance standards, certificates of designation may require the imposition of conditions in order to ensure the number of solid waste and hazardous waste disposal sites and/or processing facilities and their location, design, configuration, and operation are appropriate at a particular location.

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

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

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

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

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

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



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

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

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

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Planning and Development determines the development proposal could have significant neighborhood impacts. A neighborhood meeting may be required prior to accepting an application for a certificate of designation at either or both stages of the review process including the initial application and upon submittal of the operations plan and technical report following review and approval, denial, or approval with conditions of the initial application.
3. Development Application Submittal: In the case of a certificate of designation, there shall be two (2) submittals. The first submittal shall be to determine preliminary findings of fact regarding use compatibility and siting impact issues. Following the determination of findings of fact regarding land use compatibility and siting impact issues, a second set of submittals shall be made to allow the review of the operations plan and technical report and approval or disapproval of the certificate of designation.
  - a. All items or documents required for a certificate of designation as described in the development application submittal requirements shall be submitted to the Director of Planning and Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda for the first submittal.

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

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

- a. That due to the nature of the proposed operation, issues related to land use compatibility and siting impact cannot be separated from the information required in the operations plan and technical report; or
  - b. That due to the nature of the proposed operation, the operation plan and technical report is minor in nature and no public purpose would be served by separating the two (2) components of the request.
8. Standards: Applicable. At the first hearing concerning a certificate of designation, the Planning Commission shall conduct a preliminary fact finding and consider all relevant evidence regarding land use compatibility and site impacts concerning the application. This hearing shall include, but not be limited to, information of the impact on the surrounding land uses, access and traffic impact, conformance with requirements of these standards and regulations, and conformance with policies of the Adams County Comprehensive Plan. At such hearing, the Planning Commission

shall forward a recommendation in the form of recommended findings of fact to the Board of County Commissioners as to whether or not the proposed land use is in accordance with the criteria. The Board of County Commissioners shall then conduct a preliminary fact finding public hearing and consider all relevant evidence regarding land use compatibility and site impacts concerning the application. If the Board of County Commissioners finds the proposed land use is not in accordance with the criteria, it shall make a finding of fact, and such findings may be the basis of a denial at future hearings should the applicant wish to proceed with the remainder of the permitting process.

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

9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a certificate of designation may attach any conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses or protect the environment. The Board of County Commissioners in approving a certificate of designation may impose any additional requirements or conditions it deems necessary to meet the purpose and intent of these regulations, which may include, but are not limited to, the following:
  - a. A requirement to ensure the facility development proceeds in accordance with a specific site plan and/or development schedule;
  - b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-site improvements as are reasonably required by or related to the effect of the facility; or
  - c. A requirement to ensure design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site vehicular circulation; alternative access or site and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors, and other pollutants; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting;

restrictions concerning the building bulk, height, setback, location, and external appearance; stipulations concerning adequate storm drainage or utilities; and limits on the duration of the certificate of designation.

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

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

(1) State Review of Type of Change:

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

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

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

(2) County Review of Type of Change:

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

(a) Minor:

A minor change from the permit (including approved plans) is one, which will have no discernible impact or will have limited impact on neighboring properties, the

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

Another type of minor change is a change necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(b) Major:

A major change from the permit (including approved plans) is one which has been determined to potentially have a significant impact on neighboring properties, the general public, or those intended to occupy or use the waste disposal site and facility. Changes which have been determined to be a “significant change” under State regulations shall fall into this category. They would include, but are not limited to, change in ownership of the facility, extension of the certificate’s duration, changes in the site plan which reduce or change the character of approved buffering, reduction in quantity or

quality of monitoring (unless such change is mandated by regulatory requirements), or change in a specific condition, standard, or requirement of the Board of County Commissioners' approval which would change the character of the facility or substantially increase the intensity of use. A change which allows additional elements in the wastestream which are prohibited by the permit, requires a change in the operations plan or the approved reclamation plan, or allows a waste which is not a common variation in the type and quantity of the waste managed under the facility permit, is a major change. These items are listed as illustrations and are not intended to be all-inclusive.

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

If the State recommends:

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

(b) Disapproval of a significant change:

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

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

(d) Disapproval of a non-significant change: If the Colorado Department of Health recommends disapproval of the requested non-substantial change, the request shall be denied.

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

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

(a) If the Colorado Department of Health recommends approval of a non-significant change, and the change is a minor change as

determined by the Director of Planning and Development, then the Director may approve the request with conditions determined necessary to assure the intent of these Regulations is met. If the Director of Planning and Development denies the request, the applicant may apply for a change in accordance with the procedure for a major change.

- (b) If the Colorado Department of Health recommends approval of a significant or non-significant change, and the change is a major change as determined by the Director of Planning and Development, the review procedure as established in the Review Step 7 to Review the Operations Plan and Technical Report shall be followed. The request shall be evaluated in accordance with the Criteria for Approval.
- b. Information Requirements for an Amendment (major change) to a Solid Waste Disposal Site and Facility:
- (1) Application form and a review fee in accordance with a schedule established by the Board of County Commissioners as provided for in C.R.S. §30-20-103, as amended.
  - (2) Plans and written narrative which clearly describe the changes requested and their effect on the operation of the facility and the surrounding area.
  - (3) Provision of any other relevant information required by the Director of Planning and Development in order to assure there is adequate information to review the amendment.
- c. Amendments or Substantial Changes and Modification to Hazardous Disposal Sites:
- (1) For hazardous waste disposal sites, an amendment to the certificate of designation is required for all changes except for changes in:
    - (a) On-site operations.
    - (b) On-site monitoring requirements.
    - (c) Changes as described above in (a) and (b) are subject to regulation by the Colorado Department of Health pursuant to C.R.S. §§25-15-301, *et seq.*, and are not subject to County review unless it is a substantial change. Substantial changes require County approval pursuant to C.R.S. §25-15-206.

- (2) Procedures for Review of Amendments to a Certificate of Designation for Hazardous Waste Disposal Sites:
- (a) The proposed amendment or substantial change shall be referred to the Colorado Department of Health for a finding of fact as to whether or not the proposed amendment constitutes a substantial change, as defined in the rules and regulations promulgated by the Colorado Department of Health. The State will be afforded a twenty (20) working day period in which to respond. Upon receipt of a determination from the State as to the type of the change, the applicant will be advised of the determination and whether additional information is needed to complete the technical review of the change. If the State does not respond with a determination as to whether the change is substantial or not within twenty (20) working days, the County may proceed based upon its own determination.
  - (b) After receipt of the Colorado Department of Health’s finding of fact or upon determination of staff that the required State review period has expired, a public hearing shall be set. Staff shall appear before the Board of County Commissioners during a public hearing and present relevant testimony concerning whether or not any proposed changes constitute a substantial change.

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

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

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



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

#### 2-02-03-06 **CRITERIA FOR APPROVAL**

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

1. The proposed use is an acceptable use in the applicable zone district.
2. The certificate of designation is consistent with the purposes of these standards and regulations and meets the intent of the Adams County Comprehensive Plan.
3. The certificate of designation will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The certificate of designation is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the certificate of designation will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The certificate of designation has addressed all off-site impacts.
6. The site is suitable for the certificate of designation, including adequate usable space, adequate access, and absence of environmental constraints.
7. There is a need for the facility in the County.

8. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Health, the Tri-County Health Department, and other relevant agencies.
9. The site is accessible to Adams County residents and other potential users.
10. The proposed facility will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures.
11. The site conforms to siting standards for the type of facility being proposed.

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

1. The proposed use is an acceptable use in the applicable zone district;
2. The certificate of designation is consistent with the purposes of these standards and regulations and meets the intent of the Adams County Comprehensive Plan;
3. The certificate of designation will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards;
4. The certificate of designation is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the certificate of designation will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation;
5. The certificate of designation has addressed all off-site impacts;
6. The site is suitable for the certificate of designation, including adequate usable space, adequate access, and absence of environmental constraints;
7. There is a need for the facility in the County;
8. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Health, the Tri-County Health Department, and other relevant agencies;
9. The site is accessible to Adams County residents and other potential users;

10. The proposed facility will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures;
11. The site conforms to siting standards for the type of facility being proposed; and
12. The certificate of designation complies with the requirements of C.R.S. §25-15-203.

**2-02-03-07 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL**

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

**2-02-03-08 EFFECT OF APPROVAL**

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

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

## 2-02-04 CONSERVATION PLAN PERMIT

### 2-02-04-01 PURPOSE

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

### 2-02-04-02 APPLICABILITY

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

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

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

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

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

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

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

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for a conservation plan permit as described in the application submittal requirements shall be submitted to the Director of Planning and Development. The submittal shall include a recommendation from the appropriate Soil Conservation District Board obtained by the applicant after a hearing held by the appropriate Conservation District Board and after each owner abutting the property to be tilled was sent notice of the hearing at least ten (10) days prior to the scheduled hearing before the District Board.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Not applicable.
8. Standards: Not applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

**2-02-04-05 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT**

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

**2-02-04-06 CRITERIA FOR APPROVAL**

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

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

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

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

**2-02-04-08 LAPSE OF APPROVAL**

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

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

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

**2-02-05 CONTRACTOR REGISTRATION**

**2-02-05-01 REGISTRATION REQUIRED**

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

**2-02-05-02 REGISTRATION PROCEDURE**

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

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

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

The Chief Building Official may register, without examination, applicants who are duly licensed under the laws of the State of Colorado, the City and County of Denver, and other counties, or municipalities within the State of

Colorado for the licensing and the regulating of the plumbing trade, mechanical trade, building trade, etc., deemed by the Chief Building Official to be equivalent to the requirements of the County building code.

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

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

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

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

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

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

**2-02-05-03      *CLASSIFICATION OF REGISTRATIONS***

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

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

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

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

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

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

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

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

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

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

**2-02-05-05 RESPONSIBILITY OF REGISTRATION**

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

1. To provide minimum safety measures and equipment to protect workers and the public as proscribed by the County building code.
2. To present a registration card when requested by the Chief Building Official or his authorized representative.
3. To obtain a permit when required.
4. To construct faithfully without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the Department of Public Works.
5. To complete all work authorized on the permit issued under the authority of the County building code, unless good cause is shown.
6. To obtain inspection services when the same are required by the County building code.
7. To pay any fee assessed under the authority of the County building code.
8. To obey any order issued under the authority of the County building code.
9. To provide honest, factual and complete information on all applications for permits.

**2-02-05-06 VALIDITY OF REGISTRATION**

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

In the case where it is desired to change the name of a presently registered firm, partnership, or corporation where there is no change in ownership, a new license



shall be issued under the new name, without charge, upon the surrender of the registration originally issued.

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

### **2-02-05-07-01      *AUTHORITY***

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

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

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

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

1. The registrant shall be notified, in writing, by Certified Mail or by personal service, at least seven (7) days prior to the effective date of the suspension or revocation.
2. Upon the receipt of the notice, the registrant may request a hearing. Such request shall be in writing to the Chief Building Official within seven (7) days of the receipt of the notice.
3. If a hearing is requested by the registrant, the Chief Building Official shall set a time, date, and place for the hearing and shall so notify the registrant.
4. When a hearing is conducted, the registrant and other interested parties may be in attendance. The hearing shall be conducted in accordance with the procedures and requirements outlined in the bylaws of the Board of Appeals. The hearing shall be conducted by the Board of Appeals:

- a. At the hearing, the Board of Appeals shall consider all the evidence presented and shall determine whether the suspension or revocation of the registrant was justified.
- b. The burden of proof at said hearing shall be upon the Chief Building Official by a preponderance of the evidence.
- c. The Board of Appeals shall issue a written order within ten (10) business days from the hearing date. The order or a copy thereof shall be available to the registrant at the Department of Public Works. The date of such availability shall be deemed the date of the order. Failure to issue an order within ten (10) business days from the date of the hearing shall be deemed to be a final order reversing the decision of the Chief Building Official.
- d. If the registration is revoked, the contractor shall not be granted another registration for at least twelve (12) months after the date of revocation.

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

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

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

**2-02-05-08      **PENALTIES****

Any person, firm or corporation violates these regulations:

1. By performing in a business involving the construction, alteration, remodeling, repairing, or equipping of buildings or other structures or performing any other activity requiring the registration of contractors hereunder; and
2. Failing to register with the Chief Building Official of Adams County; or
3. Performing any of the activities requiring a registration while said registrant is suspended or revoked or without having first posted an adequate performance bond, when required under these regulations, is a misdemeanor and, upon conviction thereof, shall be punishable by a fine

of not more than one hundred dollars (\$100), or by imprisonment in the County jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used, or maintained in violation of these license registration regulations, the Board of County Commissioners, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use.

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

### **2-02-06-01 PURPOSE**

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

### **2-02-06-02 APPLICABILITY**

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

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

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

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

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

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

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

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

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

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

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. The applicant shall contact all property owners within one (1) mile from the boundaries of the site where sludge is to be placed as part of the information submitted to the Department of Planning and Development. The applicant shall survey residents to gauge their acceptance of biosolids being placed at the site.

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

- a. Contact the residents who responded negatively to the survey with a letter notifying the residents of the County's intent to issue a permit for the placing of biosolids.
  - b. Invite the residents to review the application and State rules and regulations in the County offices and provide comments with technical information relevant to the issuance of a biosolids permit.
  - c. Investigate and review comments of a technical nature, and if necessary, refer to the Colorado Department of Public Health and Environment for their review and determination.
5. Staff Report: Not applicable.
  6. Notice: Not applicable.
  7. Public Hearing: Not applicable.

8. Standards: Applicable. The Director of Planning and Development shall make a determination of whether or not the application meets the criteria for approval.
9. Conditions of Approval: Applicable. Conditions mitigating nuisance conditions related to the land placement of biosolids may be placed on the permit.
10. Amendments: Applicable.

#### **2-02-06-05 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT**

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

#### **2-02-06-06 CRITERIA FOR APPROVAL**

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

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

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

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

**2-02-06-08 LAPSE OF APPROVAL**

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

**2-02-07 FLOODPLAIN USE PERMIT**

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

The purpose of this section is to provide processing requirements for floodplain use permits in order to review, consider, approve, approve with modifications, or deny a request for permission to erect, move, place, or alter a structure or facility within the flood control overlay zone district; place any fill within the flood control overlay zone district; store or process any materials or equipment within the flood control overlay zone district; or conduct certain land uses as described in Chapter 3 of these Standards and Regulations; or change a channel of a watercourse within the flood control overlay zone district.

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

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

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

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

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

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

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

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

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

A floodplain use permit may be approved by the Director of Public Works.

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

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

10. Amendments: Not applicable. In substitution, an amendment to a floodplain use permit may be authorized by the Director of Public Works provided the floodplain use permit remains in compliance with all applicable standards and regulations.

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

The Director of Public Works in issuing a floodplain use permit shall find:

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

**2-02-07-06 LAPSE OF APPROVAL**

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

**2-02-07-07 EXTENSION OF APPROVAL**

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

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

**2-02-08-01 PURPOSE**

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



**2-02-08-02      APPLICABILITY**

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

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

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

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

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

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

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

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

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

Commission’s recommendation and findings, the evidence from the public hearings, and the conditional use permit’s compliance with the criteria for approval.

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

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Planning and Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for conditional use permits as described in the development application submittal requirements shall be submitted to the Director of Planning and Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before both the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a conditional use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses. The Board of County Commissioners in approving a conditional use permit may condition the approval on one or more of the following:
  - a. A requirement to ensure development proceeds in accordance with a specific site plan and/or development schedule.
  - b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-site improvements as are reasonably required by or related to the effect of the Zoning Map amendment.
  - c. A requirement to ensure design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site

pedestrian, bicycle, and vehicular circulation; alternative access or open space provisions to address site capacity and resource protection issues; controls on noise, light, odors and other potential nuisances; measures to protect and improve the aesthetic value of high traffic areas; requirements to protect air and water quality; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; changes in off-street parking layout and design; restrictions concerning the building bulk, height, setback, location, and external appearance; stipulations concerning adequate storm drainage or utilities; and limits on the duration of the conditional use permit.

10. Amendments: Applicable.

## 2-02-08-06 **CRITERIA FOR APPROVAL**

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

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

**2-02-08-07 ADDITIONAL CRITERIA FOR APPROVAL**

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

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

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

**2-02-08-07-02 SOLID WASTE COMPOSTING FACILITIES CRITERIA FOR APPROVAL**

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

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

2-02-08-07-03

***RECYCLING FACILITIES, INCLUDING SCRAP TIRE, CRITERIA FOR APPROVAL***

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

2-02-08-07-04

***INERT FILLS CRITERIA FOR APPROVAL***

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

5. The request is compatible with the surrounding area.
6. The site will not impact health and welfare of the community based upon specific fill design and operating procedures.

2-02-08-07-05

***OUTDOOR STORAGE CRITERIA FOR APPROVAL***

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

2-02-08-07-06

***SOLID WASTE RECYCLING FACILITIES CRITERIA FOR APPROVAL***

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

**2-02-08-08 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL**

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

**2-02-08-09 EFFECT OF APPROVAL**

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

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

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

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

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

1. The applicant has maintained a continuous good faith effort in commencing the activity including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and

2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

## 2-02-09 URBAN RENEWAL PLAN\*

\*Adopted by the BoCC on January 28, 2013

### 2-02-09-01 PURPOSE

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

### 2-02-09-02 APPLICABILITY

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

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

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

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

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

- The agricultural land is a brownfield site;



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

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

#### **2-02-09-04 URBAN RENEWAL PLAN PROCEDURES**

An urban renewal plan may be approved by the Board of County Commissioners by resolution. Any proposed urban renewal plan shall be processed through a public hearing before the Planning Commission for a determination as to the conformity of the urban renewal plan with the Adams County Comprehensive Plan. The Planning Commission shall also provide a recommendation as to the adoption of the plan to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the urban renewal plan and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County

Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the adoption of the urban renewal plan based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the urban renewal plan's compliance with the criteria for approval.

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

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

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

**2-02-09-06 CRITERIA FOR APPROVAL****2-02-09-06-01 URBAN RENEWAL PLAN ADOPTION**

The Planning Commission, in making their recommendation shall find:

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

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

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

connection with the Plan.

OR

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

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

OR

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

8. The Authority has taken reasonable efforts to provide written notice of the public hearing prescribed by Section 31-25-107(3) of the Act to all property owners, residents and owners of business concerns in the proposed Urban Renewal Area at their last known addresses at least thirty days prior to the public hearing on the Plan.
9. The provisions of Section 31-25-107(9) of the Colorado Urban Renewal Law shall apply to the unincorporated territory of Adams County included in the Urban Renewal Area and the County Administrator is directed to arrange for the notification of the County Assessor as required by law.
10. Section 31-25-107(4)(d) of the Colorado Urban Renewal Law does not apply because no more than 120 days have passed since the commencement of the public hearing on the Plan.
11. Section 31-25-107(4)(e) of the Colorado Urban Renewal Law does not apply because there has been no previous failure to approve this Plan.

OR

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

unless substantial changes have occurred since the commencement of such hearing that result in such property constituting a blighted area pursuant to section 31-25-103

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

OR

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

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

OR

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

16. To the extent that the Urban Renewal Area described in the Plan may consist of open land, the nonresidential uses under the Plan are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.
17. The property owner(s) in the Urban Renewal Area have consented to

inclusion of its land in the Urban Redevelopment Area.

18. The Urban Renewal Plan has been duly reviewed and considered and is hereby approved.

**2-02-09-06-02      *URBAN RENEWAL PLAN AMENDMENTS***

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

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

**2-02-09-07      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

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

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

**2-02-10      *PLANNED UNIT DEVELOPMENT***

**2-02-10-01      *PURPOSE / OBJECTIVES***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable. All P.U.D.s shall be subject to a neighborhood meeting.



3. Development Application Submittal: All items or documents required for an ODP as described in the development application submittal requirements shall be submitted to the Director of Planning and Development. Once the application has been determined to be complete, the application shall be scheduled for public hearing before the Board of County Commissioners within sixty (60) days of notice of public hearing. Written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. All other factors of the Common Development Review Procedures within Chapter 2 shall be followed.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving an ODP may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Applicable.

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

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

1. The ODP is in general conformity with the Adams County Comprehensive Plan and any applicable area plan.
2. The ODP is consistent with the purpose of these standards and regulations.
3. The ODP is compatible or designed to mitigate externalities with the existing or allowed land uses adjacent to the proposed ODP.
4. The ODP conforms to the Adams County Transportation Plan and will not negatively impact utilities or traffic in the area or otherwise have a detrimental impact on property in sufficient proximity to the proposed development to be affected by it.
5. The ODP is consistent with any applicable drainage plans.

6. The ODP allows for the regulation of use and development of land and buildings where specific issues or concerns must be mitigated due to unusual and unique circumstances; or where alternative design concepts are desired; or are necessary to mitigate specific conditions.
7. The ODP is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

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

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Planning and Development shall file a copy of the approved ODP in the office of the Department of Planning and Development. The Director of Planning and Development shall not change the official Zoning Map, but shall note the date of approval and case number on the map to facilitate tracking.

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

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

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

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

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

3. An ODP shall be limited to one ninety (90)-day extension.

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

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

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

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

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

Amended by the BoCC on January 28, 2013

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

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

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

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

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

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable. All PDPs shall be subject to a neighborhood meeting.
3. Development Application Submittal: All items or documents required for a PDP as described in the development application submittal requirements shall be submitted to the Director of Planning and Development. An application for rezoning from the traditional zone district to the Planned Unit Development zone district shall also be submitted at this time. Once the application has been determined to be complete, the application shall be scheduled for public hearing before the Board of County Commissioners within sixty (60) days of notice of public hearing. Written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. All other factors of the Common Development Review Procedures within Chapter 2 shall be followed.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a PDP may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Applicable.

2-02-10-03-05

### ***CRITERIA FOR APPROVAL***

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

1. The PDP is in general conformity with the Adams County Comprehensive Plan and any -applicable area plan.
2. The PDP is consistent with the purposes of these standards and regulations.
3. The PDP is compatible or designed to mitigate externalities with the existing or allowed land uses adjacent to the proposed PDP.

4. The PDP conforms to the Adams County Transportation Plan and will not negatively impact utilities or traffic in the area or otherwise have a detrimental impact on property in sufficient proximity to the proposed development to be affected by it.
5. The PDP is consistent with any applicable drainage plans.
6. The PDP allows for the regulation of use and development of land and buildings where specific issues or concerns must be mitigated due to unusual and unique circumstances; or where alternative design concepts are desired; or are necessary to mitigate specific conditions.
7. The PDP is consistent with any approved ODP for the property.
8. The PDP is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed development has established an adequate level of compatibility by:
  - a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
  - b. Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;
  - c. Incorporating physical design features in the development to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;
  - d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design;
  - e. Incorporating public facilities or infrastructure, or cash-in-lieu, reasonably related to the proposed development so the proposed development will not negatively impact the levels of service of the County services and facilities; and
  - f. Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings, and street furniture.

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

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

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

The PDP approval shall lapse three (3) years from the date of approval if a Final Development Plan is not submitted. If the PDP approval lapses prior to the submittal of a Final Development Plan, future development of the property shall require rezoning in accordance with these regulations.\*

Amended by the BoCC on January 28, 2013

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

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

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

**2-02-10-04 FINAL DEVELOPMENT PLAN (FDP)****2-02-10-04-01 PURPOSE**

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

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

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

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

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

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

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

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

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

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a FDP as described in the development application submittal requirements shall be submitted to the Director of Planning and Development. Once the application has been determined to be complete, the application shall be scheduled for public hearing before the Board of County Commissioners within sixty (60) days of notice

of public hearing. Written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. All other factors of the Common Development Review Procedures within Chapter 2 shall be followed.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners, where the application may be placed on the consent calendar.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

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

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

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

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

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



**2-02-10-05 EFFECT OF FINAL DEVELOPMENT PLAN APPROVAL****2-02-10-05-01 LIMITATIONS ON OTHER USES**

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

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

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

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

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

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

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

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

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

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

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

2-02-11 **SPECIAL USE PERMIT**

2-02-11-01 **PURPOSE**

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

With respect oil and gas drilling and production, the purpose of a special use permit is to protect the health, safety, and welfare of Adams County residents, to provide for sound environmental practices through the control of all oil and gas operations in the unincorporated areas of Adams County, and for the orderly development of oil and gas operations as well as to prevent damage to County roads and bridges.

The Colorado Oil and Gas Conservation Commission (COGCC) and the federal government have authority to regulate certain aspects of oil and gas regulations. Requirements contained in this section shall not exempt the owner or operator of an oil and gas facility from compliance with the requirements of the COGCC.

These regulations are not intended to create and are not to be applied so as to cause an operational conflict with the COGCC's exercise of its authority over oil and gas operations.

The provisions of these standards and regulations shall apply to the construction, installation, alteration, repair, erection, location, maintenance, and abandonment of any gas and/or oil well or appurtenance structures within the unincorporated areas of the County.

**2-02-11-02      APPLICABILITY**

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

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

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

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

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

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

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

1. Conceptual Review: Optional, unless the County Manager or his or her designee waives this requirement.
2. Neighborhood Meeting: Optional, unless the County Manager or his or her designee determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for special use permits requiring a public hearing as described in the development application submittal requirements shall be submitted to the County Manager or his or her designee at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due are not paid. For oil and gas drilling and production, the County has authority to cite violations under its control pursuant to Section 1-05-06 Criminal Remedies and Enforcement.
5. Staff Report: Applicable.

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

**2-02-11-06 GENERAL CRITERIA FOR APPROVAL**

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

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

**2-02-11-07      ADDITIONAL APPROVAL CRITERIA FOR OIL AND GAS WELL AND DRILLING PRODUCTION FACILITIES**

1. Cultural and Historical Resources: The oil and gas operation shall not, to the extent possible, cause significant degradation of cultural, historic or archaeological sites eligible for County landmarking, or the National Historic Register.
2. Water Bodies and Water Quality: Oil and gas operations shall not, to the extent possible, cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all COGCC Rules and applicable water quality standards set by the Colorado Department of Public Health and Environment and Tri-County Health Department.

**2-02-11-08      AMENDMENTS TO THE OIL AND GAS DRILLING AND PRODUCTION MEMORANDUM OF UNDERSTANDING**

Any change to the MOU from that approved by the Board of County Commissioners shall require either a Full Amendment or a Technical Review Amendment as determined by the County Manager or his or her designee.

**2-02-11-09 FULL AMENDMENT**

If the proposed amendment meets the criteria necessary for an oil and gas drilling and production permit, but substantially changes the MOU, then the Full Amendment shall need authorization by the Board of County Commissioners.

**2-02-11-10 TECHNICAL REVIEW AMENDMENTS (TRA)**

The process and requirements for a Technical Review Amendment (TRA) would occur when changes to the MOU are of such a limited nature or scope that a Full Amendment would be unnecessary. Such TRAs may include, but are not limited to: minor changes to structures necessary to meet new technological methods and such methods are technologically sound, economically practical, and reasonably available to the Operator, location and type of landscape material, relocation of light poles or fixtures that do not affect light levels at the property line, the relocation of access roads, and color of structures. Such TRAs can be administratively approved by the County Manager or his or her designee.

**2-02-11-11 PREREQUISITES FOR A TECHNICAL REVIEW AMENDMENT**

The following factors shall be used by the County to determine if an application is eligible for a TRA. These factors shall include, but are not necessarily limited to the following:

1. Proposed amendments do not fall within the criteria listed for an Oil and Gas Drilling and Production Full Amendment as specified in these Regulations.
2. Proposed amendments do not violate existing zoning or subdivision regulations.
3. Proposed amendments do not relate to any site, building, or sign detail that was a condition of approval through the original MOU public hearing process.
4. Proposed amendments do not substantially change any of the original plans or items that may have been conditioned through the public hearing process.
5. Proposed amendments do not substantially degrade the environment/mitigate externalities on adjacent and nearby properties.
6. Proposed amendments do not substantially change the character or intent of the originally approved MOU.

**2-02-11-09 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL**

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

**2-02-11-10 EFFECT OF APPROVAL**

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

**2-02-12 TEMPORARY USE PERMIT****2-02-12-01 PURPOSE**

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

**2-02-12-02 APPLICABILITY**

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

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

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

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

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

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

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

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Optional, unless the Director of Planning and Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for temporary use permits as described in the development application submittal requirements shall be submitted to the Director of Planning and Development at least fourteen (14) days prior to the commencement date of the temporary use.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Planning and Development in approving a temporary use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure compatibility with adjacent uses. In addition to other conditions the Director of Planning and Development may place on a temporary use permit, the Director of Planning and Development shall specify the term of the temporary use permit. The term of a temporary use



permit shall be limited to the absolute minimum term necessary for the proposed use, but in no case shall exceed ninety (90) days. Section 4-05 specifies the maximum time frame or expiration of specific temporary uses eligible for the temporary use permit. A temporary use permit may be issued annually for the same project. The Director of Planning and Development in approving a temporary use permit may condition the approval on one (1) or more of the following:

- a. A requirement the development or activity proceeds in accordance with a specific site plan and/or development schedule.
- b. A requirement the design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site pedestrian, bicycle, and vehicular circulation; alternative access and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors and other potential nuisances; requirements to protect air and water quality; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; changes in off-street parking layout and design; restrictions concerning the building bulk, height, setback, location, and external appearance; and stipulations concerning adequate storm drainage or utilities.

10. Amendments: Applicable.

## 2-02-12-06 **CRITERIA FOR APPROVAL**

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

1. The temporary use is consistent with the purposes of these standards and regulations.
2. The temporary use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
3. The temporary use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
4. The Temporary Use Permit has addressed all off-site impacts.
5. The site is suitable for the temporary use including adequate usable space, adequate access, and absence of environmental constraints.

6. The site plan for the proposed temporary use will provide adequate parking, traffic circulation, open space, fencing, screening, and landscaping.
7. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the temporary use as designed and proposed.

**2-02-12-07 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL**

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

**2-02-12-08 EFFECT OF APPROVAL**

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

**2-02-13 AMENDMENT TO TEXT OF THE STANDARDS AND REGULATIONS AND/OR ZONING MAP (REZONING) AND/OR COMPREHENSIVE PLAN**

**2-02-13-01 PURPOSE**

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

**2-02-13-02 APPLICABILITY**

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

text of these standards and regulations, or the Zoning Map, or the Comprehensive Plan.

**2-02-13-03 WHO CAN INITIATE A TEXT, ZONING MAP, OR COMPREHENSIVE PLAN AMENDMENT**

**2-02-13-03-01 *AMENDMENT TO ZONING MAP (REZONING)***

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

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

**2-02-13-03-02 *AMENDMENT TO COMPREHENSIVE PLAN***

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

**2-02-13-03-03 *TEXT AMENDMENT***

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

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

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

**2-02-13-04 TEXT, ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT REVIEW PROCEDURES**

An amendment to the text of these standards and regulations, an amendment to the Zoning Map, or an amendment to the Comprehensive Plan may be approved by the Board of County Commissioners by resolution. Any proposed amendment shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning

Commission, the amendment and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the amendment based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the amendment's compliance with the criteria for approval. In the case of a Comprehensive Plan amendment, the Planning Commission shall make a decision on the amendment and the matter will be referred to the Board of County Commissioners to ratify the decision at a public hearing.

**2-02-13-05 TEXT, ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT REVIEW STEPS**

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Planning and Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for amendment of the text of these standards and regulations and/or to the Zoning Map as described in the development application submittal requirements shall be submitted to the Director of Planning and Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice:
  - a. Text Amendments: Partially applicable. Publication in the official County newspaper is required. Written notice and posting are not required.
  - b. Zoning Map Amendments (Rezoning): Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before both the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.

9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a Zoning Map amendment may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses. The Board of County Commissioners in approving a Zoning Map amendment may condition the approval on one (1) or more of the following:
  - a. A requirement to ensure development proceeds in accordance with a specific site plan and/or development schedule.
  - b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-site improvements as are reasonably required by or related to the effect of the Zoning Map amendment.
10. Amendments: Applicable.

## 2-02-13-06 CRITERIA FOR APPROVAL

### 2-02-13-06-01 **TEXT AMENDMENTS**

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

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

### 2-02-13-06-02 **ZONING MAP AMENDMENTS (REZONING)**

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

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

area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

**2-02-13-06-03      *COMPREHENSIVE PLAN AMENDMENTS***

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

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

**2-02-13-07      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

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

**2-02-14      *EXEMPTION***

**2-02-14-01      *PURPOSE***

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

**2-02-14-02      *APPLICABILITY***

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

**2-02-14-03 WHO CAN INITIATE A SUBDIVISION EXEMPTION**

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

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

**2-02-14-04 SUBDIVISION EXEMPTION REVIEW PROCEDURES**

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

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

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

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

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

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



**2-02-14-06 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL**

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

**2-02-14-07 LAPSE OF APPROVAL**

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

**2-02-14-08 EXTENSION OF APPROVAL**

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

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

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

**2-02-15 WAIVER FROM SUBDIVISION DESIGN STANDARDS\***

Adopted by the BoCC on January 28, 2013

**2-02-15-01 PURPOSE**

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

**2-02-15-02 APPLICABILITY**

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

**2-02-15-03 WHO CAN INITIATE A WAIVER**

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

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

**2-02-15-04 WAIVER REVIEW PROCEDURES**

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

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

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

8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

**2-02-15-05 CRITERIA FOR APPROVAL**

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

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

**2-02-15-06 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL**

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

**2-02-15-07 LAPSE OF APPROVAL**

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

**2-02-15-08 EXTENSION OF APPROVAL**

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

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

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

2-02-16 **PLAT CORRECTION; REPLAT OF LOT, EASEMENT OR BUILDING ENVELOPE; VACATION OF RECORDED PLAT, RIGHT-OF-WAY OR EASEMENT; OR REPLAT OF SUBDIVISION**

2-02-16-01 **PURPOSE**

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

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

2-02-16-02 **PLAT CORRECTION**

2-02-16-02-01 **PURPOSE**

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

2-02-16-02-02 **APPLICABILITY**

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

2-02-16-02-03 **WHO CAN INITIATE A PLAT CORRECTION**

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

2-02-16-02-04 **PLAT CORRECTION REVIEW PROCEDURES**

A plat correction shall be approved by the Director of Planning and Development. Plat corrections shall be processed administratively (See Steps

1 through 10 below). Upon completion of a review of the submitted information, the Director of Planning and Development shall approve or deny the plat correction and shall forward a written administrative analysis concerning the decision and a copy of the plat correction certificate to the applicant and Office of the Adams County Clerk and Recorder. The Director of Planning and Development's decision shall be based on the criteria for approval.

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

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

2-02-16-02-05

### ***CRITERIA FOR APPROVAL***

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

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

**2-02-16-02-06      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

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

**2-02-16-02-07      *APPEAL***

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

**2-02-16-03      *LOT LINE VACATION***

**2-02-16-03-01      *PURPOSE***

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

**2-02-16-03-02      *APPLICABILITY***

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

**2-02-16-03-03      *WHO CAN INITIATE A LOT LINE VACATION***

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

2-02-16-03-04

**LOT LINE VACATION REVIEW PROCEDURES**

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

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

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

**2-02-16-03-05      *CRITERIA FOR APPROVAL***

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

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

**2-02-16-03-06      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

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

**2-02-16-03-07      *APPEAL***

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

**2-02-16-04      *LOT LINE/BUILDING ENVELOPE ADJUSTMENT***

**2-02-16-04-01      *PURPOSE***

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

**2-02-16-04-02      *APPLICABILITY***

An approved lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds shall be



required to realign any lot lines or adjust a building envelope on a recorded subdivision plat.

**2-02-16-04-03      *WHO CAN INITIATE A LOT LINE/BUILDING ENVELOPE ADJUSTMENT***

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

**2-02-16-04-04      *LOT LINE/BUILDING ENVELOPE ADJUSTMENT REVIEW PROCEDURES***

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

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

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

8. Standards: Applicable. The Director of Planning and Development in approving a lot line/building envelope adjustment shall find the lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds meet the criteria for approval. Upon approval, the lot line/building envelope adjustment approval certificate shall be signed by the Director of Planning and Development and the lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds shall be recorded in the Office of the Adams County Clerk and Recorder.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-16-04-05

***CRITERIA FOR APPROVAL***

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

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

2-02-16-04-06

***ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

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

2-02-16-04-07

***APPEAL***

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

**2-02-16-05 SUBDIVISION REPLAT****2-02-16-05-01 PURPOSE**

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

**2-02-16-05-02 APPLICABILITY**

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

**2-02-16-05-03 WHO CAN INITIATE A SUBDIVISION REPLAT**

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

**2-02-16-05-04 SUBDIVISION REPLAT REVIEW PROCEDURES**

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

**2-02-16-05-05 CRITERIA FOR APPROVAL**

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

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

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

**2-02-16-05-06      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

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

**2-02-16-06      *PLAT VACATION-NO PUBLIC INFRASTRUCTURE OR DEDICATION***

**2-02-16-06-01      *PURPOSE***

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

**2-02-16-06-02      *APPLICABILITY***

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

**2-02-16-06-03      *WHO CAN INITIATE A PLAT VACATION***

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

**2-02-16-06-04      *PLAT VACATION REVIEW PROCEDURES***

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

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

1. Conceptual Review: Optional.

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

2-02-16-06-05

**CRITERIA FOR APPROVAL**

The Director of Planning and Development, in approving a plat vacation, shall find:

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

2-02-16-06-06

**ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL**

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

**2-02-16-06-07      *APPEAL***

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

**2-02-16-07      *PLAT VACATION- PUBLIC INFRASTRUCTURE OR DEDICATION***

**2-02-16-07-01      *PURPOSE***

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

**2-02-16-07-02      *APPLICABILITY***

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

**2-02-16-07-03      *WHO CAN INITIATE A PLAT VACATION***

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

**2-02-16-07-04      *PLAT VACATION REVIEW PROCEDURES***

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

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a plat vacation as described in the application submittal requirements shall be submitted to the Director of Planning and Development.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A hearing shall be held before the Board of County Commissioners only.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Not applicable.

**2-02-16-07-05      *CRITERIA FOR APPROVAL***

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

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

**2-02-16-07-06      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

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

**2-02-16-08      ROADWAY VACATION**

**2-02-16-08-01      *PURPOSE***

The purpose of this section is to detail the steps for vacation of roadways, which include any public street, alley, lane, parkway, avenue, road, trail, or other public way designated or dedicated on a plat, conveyed by deed or recorded easement, or acquired by prescriptive use, whether or not it has ever been used as such. A street or road, established as part of a subdivision, but

never constructed or used as such, may be vacated and replatted through the replat process.

**2-02-16-08-02      *APPLICABILITY***

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

**2-02-16-08-03      *WHO CAN INITIATE A ROADWAY VACATION***

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

**2-02-16-08-04      *ROADWAY VACATION REVIEW PROCEDURES***

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

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Planning and Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for a roadway vacation as described in the application submittal requirements shall be submitted to the Director of Planning and Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. At least fourteen (14) days prior to the Board of County Commissioners hearing, a notice shall be mailed by first-class mail to the last known address of each abutting property owner.



7. Public Hearing: Applicable. A hearing shall be held before the Board of County Commissioners only.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Not applicable.

**2-02-16-08-05      *CRITERIA FOR APPROVAL***

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

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

**2-02-16-08-06      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

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

**2-02-17      *SUBDIVISION, MAJOR***

**2-02-17-01      *PURPOSE***

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

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

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

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

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

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

## 2-02-17-02 **SKETCH PLAN**

### 2-02-17-02-01 **PURPOSE**

The purpose of this section is to detail the steps for examining the feasibility of a subdivision of land including the review of conceptual design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and conformance with zoning, design standards, and the Adams County Comprehensive Plan.

Approval of a sketch plan does not establish a vested right to develop property in accordance with the plan.

**2-02-17-02-02      *APPLICABILITY***

A sketch plan approval is optional for all major subdivisions.

**2-02-17-02-03      *WHO CAN INITIATE A SKETCH PLAN***

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

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

**2-02-17-02-04      *SKETCH PLAN REVIEW PROCEDURES***

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

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable, unless the Director of Planning and Development determines the development proposal may not have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for a sketch plan as described in the development application submittal requirements shall be submitted to the Director of Planning and Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.

8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Planning and Development in approving a sketch plan may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Not applicable.

2-02-17-02-05

**CRITERIA FOR APPROVAL**

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

1. The sketch plan is consistent with the Adams County Comprehensive Plan and any applicable area plan.
2. The sketch plan is consistent with the purpose of these standards and regulations.
3. The sketch plan is in conformance with the subdivision design standards.
4. The applicant has provided reasonable evidence that a sufficient water supply has been acquired in terms of quantity, quality and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided reasonable evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
6. The applicant has provided reasonable evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
7. The applicant has provided reasonable evidence showing adequate drainage improvements can be provided.
8. Significant cultural, archaeological, natural/historical resources and unique landforms will be reasonably protected in accordance with resources inventory provisions of these standards and regulations.
9. Necessary services, including fire/police protection, schools, recreation, utilities, open space and transportation system, appear to be available to serve the proposed subdivision.
10. The sketch plan appears to be compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to

the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

**2-02-17-02-06      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

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

**2-02-17-02-07      *LAPSE OF APPROVAL***

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

**2-02-17-02-08      *EXTENSION OF APPROVAL***

A sketch plan approval may not be extended.

**2-02-17-03      *PRELIMINARY PLAT***

**2-02-17-03-01      *PURPOSE***

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

**2-02-17-03-02      *APPLICABILITY***

A preliminary plat shall be required for any property intended for subdivision. A preliminary plat shall be approved prior to filing an application for final plat.

**2-02-17-03-03      *WHO CAN INITIATE A PRELIMINARY PLAT***

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

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

2-02-17-03-04      ***PRELIMINARY PLAT REVIEW PROCEDURES***

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

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable, unless the Director of Planning and Development determines the development proposal may not have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for a preliminary plat as described in the development application submittal requirements shall be submitted to the Director of Planning and Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a preliminary plat may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Applicable.

**2-02-17-03-05      CRITERIA FOR APPROVAL**

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

1. The preliminary plat is consistent with the Adams County Comprehensive Plan and any available area plan.
2. The preliminary plat is consistent with the purposes of these standards and regulations.
3. The preliminary plat is in conformance with the subdivision design standards and any approved sketch plan.
4. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that such system complies with state and local laws and regulations.
6. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
7. The applicant has provided evidence that adequate drainage improvements comply with these standards and regulations.
8. The overall density of development within the proposed subdivision conforms to the zone district density allowances.
9. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
  - a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
  - b. Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective

delivery of other services consistent with adopted plans, policies and regulations of the County;

- c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;
- d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design; and
- e. Incorporating public facilities or infrastructure, or cash-in-lieu, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of the County services and facilities.

**2-02-17-03-06      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Planning and Development shall file a copy of the approved preliminary plat in the Planning and Development Office.

**2-02-17-03-07      *LAPSE OF APPROVAL***

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

**2-02-17-03-08      *EXTENSION OF APPROVAL***

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

- 1. The applicant has maintained a continuous good faith effort in preparing a final development plan including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and



2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

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

## **2-02-17-04 FINAL PLAT**

### **2-02-17-04-01 PURPOSE**

The purpose of this section is to detail the steps and requirements for a review of all final engineering plans, subdivision improvements agreements, and other legal requirements for platting a major subdivision. Approval of a final plat establishes a vested right to develop property in accordance with the plan.

### **2-02-17-04-02 APPLICABILITY**

A final plat shall be required for any property intended to be subdivided.

### **2-02-17-04-03 WHO CAN INITIATE A FINAL PLAT**

A final plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided. A final plat may only be submitted if a preliminary plat for the subject property has been approved. The final plat shall conform to the preliminary plat.

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

### **2-02-17-04-04 FINAL PLAT REVIEW PROCEDURES**

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

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

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

3. Development Application Submittal: All items or documents required for a final plat as described in the development application submittal requirements shall be submitted to the Director of Planning and Development at least thirty (30) days prior to the first unfilled Board of County Commissioners public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. This item would be listed on the consent calendar. However, the Board of County Commissioners may take testimony from the public at the public hearing.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

2-02-17-04-05

***CRITERIA FOR APPROVAL***

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

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

7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.

**2-02-17-04-06      *ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL***

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Planning and Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the final plat and subdivision improvements agreement.

**2-02-18      SUBDIVISION, MINOR**

**2-02-18-01      PURPOSE**

The purpose of this section is to detail the steps for obtaining approval to develop a minor subdivision. A minor subdivision shall only be used to divide parcels of less than twenty (20) acres into four (4) or fewer lots. All minor subdivisions are required to obtain two (2) approvals prior to development of a site.

The first required approval is an approval of the sketch plan. The sketch plan is a conceptual plan analysis of the feasibility of the subdivision including conceptual design, ability to obtain water/sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and conformance with zoning, design standards, and the Adams County Comprehensive Plan.

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

An Applicant may also choose to process a minor subdivision in the same manner as a major subdivision and the process shall follow Section 2-02-16-03. Each process involves the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, staff analysis and meetings with staff or public hearings/meetings. The final plat application builds on the previously approved application by providing additional details and by meeting additional restrictions and standards. This progression relieves the applicant from major and potentially unnecessary expenses in situations which may require a redesign, and, therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

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

If significant issues are identified or disclosed during the sketch plan process, including, but not limited to, public opposition, the applicant may choose to have the minor subdivision processed as a major subdivision. Where issues appear to be significant or public opposition to a subdivision is substantial, the applicant is advised that by filing a preliminary plat, the applicant may avoid the unnecessary expense in completing final engineering where final plat approval is less certain. If the applicant chooses to have the proposed minor subdivision processed as a major subdivision, the applicant shall submit a preliminary plat in conformance with the requirements of the major subdivision process.

## 2-02-18-02 **SKETCH PLAN**

### 2-02-18-02-01 ***PURPOSE***

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

### 2-02-18-02-02 ***APPLICABILITY***

A sketch plan approval shall be required for all minor subdivisions prior to submission of an application for final plat.

### 2-02-18-02-03 ***WHO CAN INITIATE A SKETCH PLAN***

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

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

2-02-18-02-04

**SKETCH PLAN REVIEW PROCEDURES**

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

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

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

2-02-18-02-05

**CRITERIA FOR APPROVAL**

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

1. The sketch plan appears to be consistent with the Adams County Comprehensive Plan and any applicable area plan.

2. The sketch plan appears to be consistent with the purpose of these standards and regulations.
3. The sketch plan appears to be in conformance with the subdivision design standards.
4. The applicant has provided reasonable evidence that a sufficient water supply has been acquired in terms of quantity, quality and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided reasonable evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
6. The applicant has provided reasonable evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
7. The applicant has provided reasonable evidence adequate drainage improvements can be provided.
8. Significant cultural, archaeological, natural/historical resources and unique landforms will be reasonably protected in accordance with resource inventory provisions of these standards and regulations.
9. Necessary services, including fire/police protection, schools, recreation, utilities, open space and transportation system, appear to be available to serve the proposed subdivision.
10. The sketch plan appears to be compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

2-02-18-02-06

***ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT  
FOLLOWING APPROVAL***

Upon approval, the Director of Planning and Development shall file a copy of the approved sketch plan in the Planning and Development Office.

2-02-18-02-07

***LAPSE OF APPROVAL***

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

**2-02-18-02-08      *EXTENSION OF APPROVAL***

A sketch plan approval may not be extended.

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

The purpose of this section is to detail the steps and requirements for a review of all final engineering plans, subdivision improvements agreements, and other legal requirements for platting a minor subdivision. Approval of a final plat establishes a vested right to develop property in accordance with the plan.

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

A final plat shall be required for any property intended for subdivision.

**2-02-18-03-03      *WHO CAN INITIATE A FINAL PLAT***

A final plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided. A final plat may only be submitted if a sketch plan for the subject property has been approved. The final plat shall conform to the sketch plan.

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

**2-02-18-03-04      *FINAL PLAT REVIEW PROCEDURES***

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

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

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a final plat as described in the development application submittal requirements shall be submitted to the Director of Planning and Development at least fifty (50) days prior to the first unfilled Planning Commission public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Not applicable.
10. Amendments: Applicable.

2-02-18-03-05

### ***CRITERIA FOR APPROVAL***

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

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



6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.
7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.
8. The final plat is consistent with the Adams County Comprehensive Plan and any available area plan.
9. The final plat is consistent with the purposes of these standards and regulations.
10. The overall density of development within the proposed subdivision conforms to the zone district density allowances.
11. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
  - a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
  - b. Incorporating site planning techniques to foster the implementation of the County's plans and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;
  - c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures; and
  - d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.

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

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Planning and Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the final plat and subdivision improvements agreement.

**2-02-19      **APPEAL FROM ADMINISTRATIVE DECISION****

**2-02-19-01      **PURPOSE****

The purpose of this section is to detail the steps and requirements for appeals from decisions of administrative officials to ensure these standards and regulations are administered properly and consistently with the policies adopted by the County.

**2-02-19-02      **APPLICABILITY****

All appeals from an administrative decision must be processed in accordance with this section. The Board of Adjustment shall have the authority to hear and decide appeals by any aggrieved person, where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these standards and regulations. Only those provisions relating to the administration of these standards and regulations, the interpretation of performance and design standards, or zone district regulations and standards may be appealed to the Board of Adjustment. An alleged error in the interpretation and administration of any subdivision standards or regulations, or the administration and interpretation of any engineering design and construction standards may not be appealed to the Board of Adjustment, but must be appealed to the Board of County Commissioners.

**2-02-19-03      **WHO CAN INITIATE AN APPEAL****

An appeal may be initiated by, without limitation, any person aggrieved by any decision of any administrative official of the County in the enforcement of these standards and regulations.

**2-02-19-04      **TIME LIMITATIONS****

All appeals must be initiated within ten (10) calendar days of the date the order, requirement, decision, or determination was made or rendered by the administrative official. The Director of Planning and Development may waive or

extend this deadline only upon finding the person filing the appeal received no actual or constructive form of notice of the order, requirement, decision, or determination being appealed. Failure to file the appeal in a timely manner shall constitute a waiver of any rights to appeal under this section.

#### **2-02-19-05 APPEAL REVIEW PROCEDURES**

An appeal shall be decided by the Board of Adjustment. Any appeal shall be processed through an administrative hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall grant the appeal, modify the administrative decision, or deny the appeal based on consideration of the staff report, the evidence from the public hearing, and compliance with the criteria for approval.

#### **2-02-19-06 APPEAL REVIEW STEPS**

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

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for an appeal as described in the development application submittal requirements shall be submitted to the Director of Planning and Development at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. Upon a determination of sufficiency, the appeal shall stay any proceedings in furtherance of the contested action. The Director of Planning and Development may certify in writing to the Board of County Commissioners that a stay poses an imminent peril to life or property or would seriously interfere with the enforcement of these standards and regulations. The Board of County Commissioners shall review the certification and may override the stay of further proceedings.
5. Staff Report: Applicable. The administrative official whose action is being appealed shall transmit to the Director of Planning and Development all administrative papers, records, and other information regarding the subject being appealed within seven (7) days of being given notice of the appeal by the Director of Planning and Development. The Director of Planning and Development shall give notice in writing to the administrative official whose decision is being appealed. Copies of all written materials

transmitted to the Director of Planning and Development shall be incorporated into the staff report.

6. Notice: Not applicable.
7. Public Hearing: Not applicable. An administrative hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

**2-02-19-07 CRITERIA FOR APPROVAL**

The Board of Adjustment, in granting an appeal or modifying an administrative decision, shall have all the powers of the administrative official from whom the appeal is taken and shall, in making its decision, find an error in the application of these standards and regulations on the part of the administrative official rendering the order, requirement, decision, or determination. The motion regarding the appeal shall state the reasons the Board of Adjustment used and the findings of fact the Board made in reaching its decision.

**2-02-19-08 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING THE GRANT OF AN APPEAL**

Upon the granting of an appeal or modification of an administrative decision by the Board of Adjustment, the Director of Planning and Development shall send a letter of decision to the administrative officer whose decision was overturned or modified and the appellant. The letter of decision shall describe in detail the grant of appeal approved by the Board of Adjustment.

**2-02-19-09 EFFECT OF APPROVAL**

The applicant shall be subject to all permits required by these standards and regulations. All orders, decisions, determinations, and interpretations made under those permit procedures shall be consistent with the reversal or modification granted to the appellant.

**2-02-20 FLOODPLAIN USE PERMIT VARIANCE****2-02-20-01 PURPOSE**

The purpose of this section is to detail the processing steps and requirements for a variance from the provisions of the Floodplain Overlay Zone District requirements. The variance is a means whereby the literal terms of the Floodplain Overlay Zone District standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with their application. In granting a variance, the spirit of the Floodplain Overlay Zone District standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

**2-02-20-02 APPLICABILITY**

All Floodplain Overlay Zone District variance requests must be processed in accordance with this section. Only the Board of Adjustment may approve a variance from the Floodplain Overlay Zone District standards and regulations. Variances to the Floodplain Overlay Zone District requirements shall be limited as follows:

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places;
2. Variances shall not be issued within any designated floodway if any increase in flood levels would occur during the base flood discharge or if increases within the channel exceed those standards specified in the storm drainage design and technical criteria of these standards and regulations;\* and
3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level.

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

**2-02-20-03 WHO CAN INITIATE A VARIANCE REQUEST**

A variance may be requested by, without limitation, any owner of, or person having an interest in the affected property. The applicant has the burden of proof to demonstrate the variance meets the criteria for approval.

**2-02-20-04 VARIANCE REVIEW PROCEDURES**

A variance may be approved by the Board of Adjustment. Any request for variance shall be processed through a public hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the public hearing, and the variance's compliance with the criteria for approval.

**2-02-20-05 VARIANCE REVIEW STEPS**

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Public Works determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for obtaining a variance as described in the development application submittal requirements shall be submitted to the Director of Public Works at least twenty (20) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a variance may attach any conditions necessary to ensure the variance authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone district in which the subject property is located and will protect the public health and safety.
10. Amendments: Applicable.

**2-02-20-06 CRITERIA FOR APPROVAL**

The Board of Adjustment in approving a variance shall find:

1. Special physical requirements or circumstances exist which are peculiar to the land, the lot or some aspect inherent in the land causes the hardship, and are not applicable to other lands in the same district.
2. The literal interpretation of the provisions of these standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these standards and regulations.
3. Granting of the variance requested will not confer on the applicant any special privilege denied by these standards and regulations for other land in the same zone district.
4. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of these standards and regulations.
5. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.
6. The variance is the minimum necessary, considering the flood hazard, to afford relief.
7. The applicant has shown good and sufficient cause.
8. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with State or Federal law or regulations or conflict with existing local laws,\* regulations or ordinances. **\*Adopted by the BOCC on June 27, 2011.**
9. The Board of Adjustment has considered all technical evaluations, all relevant factors, standards specified in other sections of these standards and regulations, and:
  - a. The danger that materials may be swept onto other lands to the injury of others.
  - b. The danger to life and property due to flooding or erosion damage.
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - d. The importance of services provided by the proposed facility to the community.
  - e. The necessity of the facility to the water front location, where applicable.

- f. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- g. The compatibility of the proposed use with the existing and anticipated development.
- h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of Adams County.
- i. The safety of access to the property in time of flood for ordinary and emergency vehicles.
- j. The expected height, velocity, duration, rate of rise, and sediment transport of the flood water and the effects of wave action as described by a registered professional engineer, if applicable, expected at the site.
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, telephone, water systems, streets, and bridges.

**2-02-20-07 ACTION BY THE DIRECTOR OF PUBLIC WORKS FOLLOWING APPROVAL**

Upon final approval and fulfillment of all conditions of the Board of Adjustment, the Director of Public Works shall file a variance decision letter with the Office of the Adams County Clerk and Recorder and the Federal Emergency Management Agency. The variance decision letter shall describe in detail the variance approved by the Board of Adjustment and include all specific conditions applied by the Board of Adjustment, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the variance.

The Director of Public Works shall also notify the applicant in writing over his or her signature that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required by this section. **\*Adopted by the BOCC on June 27, 2011.**

**2-02-20-08 EFFECT OF APPROVAL**

Issuance of a variance shall be deemed to authorize only the particular variation from the Floodplain Overlay Zone District standards and regulations for which it is issued. The variance shall run with the land. The applicant shall be subject to all permits required by these standards and regulations to develop the land.



All conditions contained in the variance shall be binding upon the applicant, any successors, and assigns. The variance and its conditions shall limit and control the issuance and validity of certificates of occupancy and shall restrict and limit the construction, location, and maintenance of all land and structures within the boundaries of the property subject to the variance.

**2-02-20-09 REVERSION OF APPROVAL**

If at the expiration of one (1) year, a building permit has not been issued for the structure for which the variance was approved or the use associated with the variance has not been established, the variance shall expire and the use of the property shall be controlled by the Floodplain Overlay Zone District standards and regulations without action by the Board of Adjustment.

**2-02-20-10 EXTENSION OF APPROVAL**

An extension of the variance to allow for the application for a building permit or the establishment of the use or activity approved by the variance may be granted by the Board of Adjustment. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Public Works at least thirty (30) days prior to the end of the reversion period. A progress report and revised schedule shall be submitted with the request for extension. An extension may be granted only if the Board of Adjustment finds:

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

**2-02-21 VARIANCE**

**2-02-21-01 PURPOSE**

The purpose of this section is to detail the processing steps and requirements for a variance. The variance is a means whereby the literal terms of these standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with their application. In granting a variance, the spirit of these standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

**2-02-21-02 APPLICABILITY**

All variance requests must be processed in accordance with this section. The Board of Adjustment may approve a variance from these standards and regulations. A variance may only be approved from the dimensional requirements, performance standards, and other special physical requirements contained in these standards and regulations. The Board of Adjustment shall not have the authority to grant a variance to use of a property. In addition, the Board of Adjustment may not grant a variance from the noise and height restrictions within the Aviation Zone, the International Airport Clear Zone, or the Height and Noise Overlay Zone Districts.

**2-02-21-03 WHO CAN INITIATE A VARIANCE REQUEST**

A variance may be requested by, without limitation, any owner of, or person having an interest in the affected property. The applicant has the burden of proof to demonstrate the variance meets the criteria for approval.

**2-02-21-04 VARIANCE REVIEW PROCEDURES**

A variance may be approved by the Board of Adjustment. Any request for variance shall be processed through a public hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the public hearing, and the variance's compliance with the criteria for approval.

**2-02-21-05 VARIANCE REVIEW STEPS**

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

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Optional, unless the Director of Planning and Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for obtaining a variance as described in the development application submittal requirements shall be submitted to the Director of Planning and Development at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.

5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a variance may attach any conditions necessary to ensure the variance authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone district in which the subject property is located. Conditions serving to prevent or minimize adverse impacts upon other properties in the neighborhood shall include, but not be limited to limitations on the size and location, hours of operation, requirements for landscaping and screening, lighting limitations, and access requirements.
10. Amendments: Applicable.

#### 2-02-21-06 **CRITERIA FOR APPROVAL**

The Board of Adjustment in approving a variance shall consider:

1. Special physical requirements or circumstances exist which are peculiar to the land, the lot, or some aspect inherent in the land causes the hardship, and are not applicable to other lands in the same district.
2. The literal interpretation of the provisions of these standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these standards and regulations.
3. Granting of the variance requested will not confer on the applicant any special privilege denied by these standards and regulations for other land in the same zone district.
4. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of these standards and regulations.
5. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.
6. The granting of the variance will be in harmony with the general purpose and intent of these standards and regulations and with the Adams County Comprehensive Plan.

7. The granting of a variance from strict application of these standards and regulations will not cause substantial detriment to the public good or impair the intent of these standards and regulations.
8. The variance would not allow a use which (a) is not otherwise permitted in the zone district in which the property is located, (b) would result in the extension of a non-conforming use, or (c) would change the zone classification of any or all of the subject property.

**2-02-21-07 ACTION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOLLOWING APPROVAL**

Upon final approval and fulfillment of all conditions of the Board of Adjustment, the Director of Planning and Development shall file a variance decision letter with the Office of the Adams County Clerk and Recorder. The variance decision letter shall describe in detail the variance approved by the Board of Adjustment and include all specific conditions applied by the Board of Adjustment, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the variance.

**2-02-21-08 EFFECT OF APPROVAL**

Issuance of a variance shall be deemed to authorize only the particular variation from these standards and regulations for which it is issued. The variance shall run with the land. The applicant shall be subject to all permits required by these standards and regulations to develop the land.

All conditions contained in the variance shall be binding upon the applicant, any successors and assigns. The variance and its conditions shall limit and control the issuance and validity of certificates of occupancy, and shall restrict and limit the construction, location, and maintenance of all land and structures within the boundaries of the property subject to the variance.

**2-02-21-09 REVERSION OF APPROVAL**

If at the expiration of one (1) year, a building permit has not been issued for the structure for which the variance was approved or the use associated with the variance has not been established, the variance shall expire and the use of the property shall be controlled by these standards and regulations without action by the Board of Adjustment.

**2-02-21-10 EXTENSION OF APPROVAL**

An extension of the variance to allow for the application for a building permit or the establishment of the use or activity approved by the variance may be granted

by the Board of Adjustment. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Planning and Development at least thirty (30) days prior to the end of the reversion period. A progress report and revised schedule shall be submitted with the request for extension. An extension may be granted only if the Board of Adjustment finds that:

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