CHAPTER 1—ADMINISTRATION

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Chapter 1—ADMINISTRATION

1-01 INTRODUCTION

1-01-01 FINDINGS

The Board of County Commissioners of Adams County, Colorado, hereby finds, due to the continued pressures associated with new development, redevelopment, and use of properties in unincorporated Adams County, that standards and regulations to guide development are necessary to protect and promote the public health, safety, and general welfare of the County.

1-01-02 AUTHORITY

The Adams County Board of County Commissioners has authority to adopt these development standards and regulations pursuant to the following provisions of the Colorado Constitution and the Colorado Revised Statutes, as amended:

1. Article 1, Title 32 (Special District Act/Provisions);
2. Article 1, Title 34 (Preservation of Commercial Mineral Deposits);
3. Article 2, Title 43 (State, County and Municipal Highways);
4. Article 4, Title 41 (Airports);
5. Article 6, Title 28 (Division of Aviation);
6. Article 7, Title 25 (Colorado Air Quality Control);
7. Article 8, Title 25 (Colorado Water Quality Control Act);
8. Article 11, Title 30 (County Powers and Functions);
9. Article 15, Title 30 (County Regulations Under Police Powers);
10. Article 20, Title 29 (Local Government Land Use Control Act);
11. Article 28, Title 30 (County Planning and Building Code);
12. Article 30.5, Title 38 (Conservation Easements);
13. Article 32, Title 22 (Zoning, Planning and Building Code, Duties of School District Boards);
14. Article 60, Title 34 (Oil and Gas Conservation Act);
15. Article 65.1, Title 24 (Areas and Activities of State Interest); and
16. Article 68, Title 24 (Vested Property Rights).

1-01-03 PURPOSE AND INTENT

These standards and regulations are revised with deletions, additions, and amendments to control and assist in the orderly, efficient, and integrated development of the County, in order to preserve the health, safety, and welfare of the public, in accordance with established County policies and plans.

These standards and regulations designate, regulate, and restrict the location of the buildings, structures, and use of land for residence, commercial, industry, agriculture or other purposes; regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; establish minimum requirements for off-street parking, loading, and unloading; regulate and determine the minimum size of lots; regulate and determine the size of yards, landscaping, and other open spaces; regulate the density of population and buildings; and for said purposes, divide the unincorporated area of the County into zone districts of such number, shape and area as may be deemed best suited to carry out these standards and regulations and to provide for their administration, enforcement, and amendment.

These standards and regulations further establish general procedures for processing subdivision plats and related land records, facilitate an orderly keeping of real property records, and safeguard the interests of the public and the property developer. These standards and regulations provide for adequate public utilities and improvements, schools, parks, and other open spaces for public use, and for protection from fire, flood, and other dangers.

1-01-04 TITLE

These standards and regulations shall be known as the "Adams County Development Standards and Regulations" and have been referred to as the “standards and regulations” when a shortened title was necessary.

1-01-05 APPLICABILITY

These standards and regulations shall apply to the development and use of all unincorporated lands within the jurisdictional boundary of Adams County, Colorado, unless expressly or specifically exempted.

No use or development shall commence without prior authorization pursuant to these standards and regulations. All development within unincorporated Adams County shall comply with the requirements, criteria and procedures contained in these standards and regulations.

1-01-06 RELATIONSHIP TO OTHER LAWS AND PREVIOUSLY ADOPTED REGULATIONS

Nothing in these standards and regulations shall be construed as exempting any person from other requirements of Adams County, or any state and federal laws or regulations. To the extent the requirements of these standards and regulations differ from other applicable county, state, or federal requirements, the most restrictive or those imposing the higher standard shall govern.

All Adams County regulations inconsistent or in conflict with these standards and regulations are hereby repealed to the extent of such inconsistency or conflict and no further. Such repeals shall not affect or prevent the enforcement of a violation of any regulation repealed hereby; nor for any violation existing or committed prior to the repeal; nor extend the termination date for a non-conforming use, if under both these and previous regulations, such a use was declared non-conforming.

1-01-07 RELATIONSHIP TO COVENANTS

Persons owning property in the unincorporated area of Adams County may have a covenant recorded against their property that affects how the land may be used or developed. It is hereby noted as a point of information that such covenants constitute a private party agreement between the property owner imposing the covenant and subsequent owners. The County does not have the power or obligation to enforce or alter such covenants. However, where there is a conflict between covenants and the provisions of these standards and regulations, the County has the authority to enforce these standards and regulations, and the property owner is obligated to abide by the more restrictive provision. If the County is a party to a recorded covenant, then the County has the authority to enforce such covenant in accordance with its terms and applicable law.

1-01-08 SEVERABILITY

It is the intent that the provisions of these standards and regulations shall be severable so that:

1. If any provision of these standards and regulations is declared invalid or unconstitutional, the effect of the decision shall be limited to that lot, building, other structures, or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity is rendered.
2. If any provision of the standards and regulations is declared invalid or unconstitutional, the decision shall not affect, impair, or nullify these standards and regulations as a whole or any of the remaining portions of these standards and regulations, or the application of any provision of these standards and regulations to any other lot, building, structure, or tract of land.

1-01-09 INTERPRETATION

The requirements of these standards and regulations are intended to protect and benefit the Adams County government.

In the interpretation and application of these standards and regulations, the following criteria shall govern:

1-01-09-01 DEGREE OF REQUIREMENT

The interpretation and application of the provisions in these standards and regulations shall be regarded as the minimum requirements for the protection of the health, safety, and welfare of the public. These standards and regulations shall be regarded as remedial and shall be liberally construed to further the purpose of these standards and regulations and the Adams County Comprehensive Plan.

1-01-09-02 EXISTING PERMITS, USES AND PRIVATE DOCUMENTS

These standards and regulations are not intended to adversely affect any permits issued prior to the effective date of these standards and regulations. Any use or occupation of land previously approved as a permitted use or as a planned unit development (PUD) shall be permitted to continue as a lawful use or occupation. All land use applications for Preliminary PUD, Final PUD, General Development Plan, Final Plat, Conditional Use Permit, or Special Use Permit currently in process or approved at the time of adoption of these regulations shall not be subject to these standards and regulations retroactively. These standards and regulations shall not extend the life or scope of any non-conforming use. These standards and regulations do not validate or legalize any land use or structure established, constructed, developed or maintained in violation of a prior County resolution, regulation, easement, covenant, agreement, plat, deed restriction or other restrictive covenant in effect prior to the effective date of these standards and regulations.

1-01-09-03 TITLES, SUBTITLES, ADVISORY ONLY

The titles and subtitles of the various sections and subsections of these standards and regulations are advisory only. In the event of any conflict between the title and the text of a provision, the text shall control.

1-01-09-04 STATE LAW

These standards and regulations shall be interpreted in accordance with the laws of the State of Colorado.

1-01-09-05 THE DIRECTOR OF PLANNING AND DEVELOPMENT

The Director of Planning and Development shall interpret these standards and regulations to reflect the purpose and intent of protecting the health, safety, and welfare of the public.

1-01-10 EFFECTIVE DATE

These standards and regulations shall take effect and be in force on April 15, 2002. An application submitted prior to the effective date of these standards and regulations shall be reviewed, and action shall be taken in accordance with the County land use and development regulations in effect at the time a complete application was submitted, unless the applicant agrees to have their application reviewed pursuant to these standards and regulations.

1-02 BOARDS AND COMMISSIONS

1-02-01 BOARD OF COUNTY COMMISSIONERS

1-02-01-01 SELECTION AND TERM

Each County Commissioner is elected to a four (4)-year term by the voters of Adams County. Commissioners are nominated and elected by a countywide vote. One County Commissioner is elected from each of three districts.

1-02-01-02 AUTHORITY AND RESPONSIBILITY

The Board of County Commissioners, is empowered to:

1-02-01-02-01 *ADOPT REGULATIONS*

Adopt and amend these standards and regulations including, but not limited to, zoning and subdivision regulations and any associated maps.

1-02-01-02-02 *APPROVE PERMITS AND APPLICATIONS*

Approve, approve with conditions, or deny conditional use permits, preliminary subdivision plats, final subdivision plats, overall development plans, preliminary development plans, and final development plans.

1-02-01-02-03 *GRANT WAIVERS*

Grant waivers from the subdivision standards and regulations, as set forth in Chapter 5.

1-02-01-02-04 *VOID AGREEMENTS AND PLATS*

Void plats, subdivision improvement agreements or other official documents or agreements if it is found there has been a material misrepresentation of fact that impacts the design, or legal or physical status of a subdivision or development proposal. Prior to the Board's exercise of the authority to void any plat, agreement or document, the Board shall hold a hearing in order to permit the parties in interest to address any misrepresentation of fact.

1-02-01-02-05 *APPOINT MEMBERS AND STAFF*

Appoint members of the Board of Adjustment, Planning Commission, the Director of Planning and Development, and the Director of Public Works.

1-02-01-02-06 *JUDGE QUALIFICATIONS*

Judge the qualifications of and contract with technical experts to assist in the review of proposals submitted pursuant to these standards and regulations.

1-02-01-02-07 *DELEGATE POWERS*

Delegate powers, duties, and responsibilities to the Planning Commission, Board of Adjustment, other boards and commissions, and administrative staff members to the extent permitted by law any power granted to the Board provided that such delegation is made subject to specific instruction, criteria, and standards to guide the exercise of any delegated discretion.

1-02-01-02-08 *IMPOSE REASONABLE CONDITIONS UPON APPROVALS*

Impose reasonable conditions upon approval of any application.

1-02-01-02-09 *SUSPEND OR REVOKE PERMITS*

A permit may be suspended or revoked by the Board of County Commissioners if, in the opinion of the Board of County Commissioners, the permit holder or operator conducting the use fails to abide by the terms, requirements, conditions, or stipulations of the permit. If the Board of County Commissioners deems a suspension to be appropriate, it may allow the permit holder or operator to perform necessary changes or correct conditions in order to meet the performance standards of the Development Standards and Regulations, or the purpose and intent of the Development Standards and Regulations. No person may continue to make use of land in the manner authorized by the permit after such permit has been revoked in accordance with this section. The determination as to whether a permit is to be revoked or suspended rests with the Board of County Commissioners, as determined in a public hearing on the issue. The public hearing on suspension or revocations requires written notice to the permit holder informing them of the time and place of the hearing, and requiring them to show cause why the permit should not be suspended or revoked.

1-02-01-03 QUORUM AND VOTE

A majority of the members of the Board of County Commissioners shall constitute a quorum for conducting business, and action may be taken by a

majority of those present. A tie vote shall be deemed a denial of the motion before the Board. Proxies cannot be used for any purpose. When Commissioners absent themselves from consideration of an item before the Board because of a conflict of interest, the member(s) shall be considered present for purposes of maintaining a quorum. The record of voting on such items shall indicate the abstention of any Commissioner.

1-02-01-04 NOTICE MEETINGS

In addition to any specific notice for individual items required by applicable statute, resolution, or regulation, the Board shall post a notice (and an agenda when available) of its regular meetings and any special meetings in a location designated by resolution of the Board of County Commissioners at least twenty-four (24) hours before the meeting.

1-02-01-05 SITE VISITS

Site visits may be scheduled after an application has been submitted for review. The Planning and Development Department, not the applicant, is responsible for scheduling site visits for the Board of County Commissioners. Individual Commissioners may visit sites on their own and may enter the property with the owner's permission. If any relevant and material information is obtained and considered by a Board member as a result of any site visit, such information shall be disclosed prior to or at the time of the public hearing so that interested parties may have an opportunity to respond.

1-02-01-06 STUDY SESSIONS

Study sessions provide an opportunity for Board members to familiarize themselves with the issues and information before the Board. No formal action is taken at study sessions. Study sessions may be included on a regular meeting agenda or a special meeting may be called.

Study sessions shall be conducted in accordance with the following process:

1. At a scheduled meeting of the Board, the Board staff shall conduct an administrative presentation of the application. The purpose of the administrative presentation is to familiarize the Board with the scope of the application and the applicable process for review.
2. The administrative presentation shall be conducted as an administrative or informational meeting and the review shall not be conducted as a formal hearing. Twenty-four (24) hours notice of the study session shall be required.

3. No public testimony, statement by the applicant, or other evidence shall be taken or considered by the Board, and no policy, resolution, rule, regulation, or formal action shall be made or taken. Individual members of the Board may inform the staff member making the administrative presentation of issues or information that may be of interest or concern to the Board at the time of the formal application review and public hearing. The administrative presentation shall not be considered part of the public hearing record for the application.

1-02-01-07 RULES OF PROCEDURE

The Board may adopt supplementary rules of procedure not inconsistent with these standards and regulations or state statutes.

1-02-02 PLANNING COMMISSION

1-02-02-01 ESTABLISHMENT AND MEMBERSHIP

The Board of County Commissioners of Adams County shall appoint a Planning Commission. The Planning Commission shall consist of seven (7) regular members and two (2) alternate members. Each member shall be a resident of Adams County.

In addition, the Board of County Commissioners may appoint associate members to the Planning Commission. In the event any regular member is temporarily unable to act owing to absence, illness, or conflict of interest in any matter before the Commission, or any other cause, an associate member may take the member's place for the duration of the absence.

1-02-02-02 TERMS FOR PLANNING COMMISSION MEMBERS

Members of the Planning Commission shall serve terms of three (3) years or until a successor is appointed. Members may serve an indefinite number of terms, subject to reappointment by the Board of County Commissioners. The terms shall be staggered by making the initial appointment such that approximately one-third of the members' terms expire each year.

1-02-02-03 APPOINTMENT OF MEMBERS

If a vacancy occurs or is scheduled to occur among the members of the Planning Commission, an advertisement inviting applications may be placed in a newspaper of general circulation in the County. Candidates shall submit a letter of

application or a resume describing their qualifications. The Board of County Commissioners may conduct interviews prior to making an appointment.

1-02-02-04 COMPENSATION OF MEMBERS

The members of the Planning Commission shall receive such compensation as fixed by the Board of County Commissioners. At a minimum, the Board of County Commissioners shall provide for reimbursement for reasonable expenses incurred in direct performance of the members' duties.

1-02-02-05 REMOVAL OF PLANNING COMMISSION MEMBERS

Any member of the Planning Commission may be removed for cause by the Board of County Commissioners upon written charges and after a public hearing, unless such hearing is waived by the member. Reasons for removal of a member may include failure to attend three (3) consecutive, regular meetings without good cause; failure to abide by the rules of conduct of members; or ceasing to be a resident of the County. A member of the Planning Commission may also be removed if, because of personal, business, or professional ties, the member has been rendered ineffective as a member because the member is unable to participate in decisions on a substantial share of the matters before the Commission.

1-02-02-06 ELECTION OF OFFICERS

The Planning Commission shall elect a chairman and a vice-chairman each year at its first regular meeting on or after all annual appointments have been made by the Board of County Commissioners. The chairman and vice-chairman shall serve a one (1)-year term and may be reelected for additional terms. The secretary for the Planning Commission shall be provided by the Planning and Development Department.

1-02-02-07 QUORUM AND VOTE

A majority of the members of the Planning Commission shall constitute a quorum for conducting business, and action may be taken by a majority of those present. A tie vote shall be deemed a denial of the motion before the Commission. Proxies cannot be used for any purpose. When Planning Commissioners absent themselves from consideration of an item before the Commission because of a conflict of interest, the member(s) shall be considered present for purposes of maintaining a quorum. The record of voting on such items shall indicate the abstention of any Planning Commissioners.

1-02-02-08 NOTICE MEETINGS

In addition to any specific notice for individual items required by applicable statute, resolution, or regulation, the notice (and agenda when available) of the Planning Commission's regular meetings and any special meetings shall be posted in a location established by resolution of the Board of County Commissioners no less than twenty-four (24) hours before the meeting.

1-02-02-09 SITE VISITS

Site visits may be scheduled after an application has been submitted for review, but before or during the Commission's public hearing. The Planning and Development Department, not the applicant, is responsible for scheduling site visits for the Planning Commission. Individual members may visit sites on their own and may enter the property with the owner's permission. If any relevant and material information is obtained and considered by a Commission member as a result of any site visit, such information shall be disclosed prior to or at the time of the public hearing so that interested parties may have an opportunity to respond.

1-02-02-10 STUDY SESSIONS

Study sessions provide an opportunity for Planning Commission members to familiarize themselves with the issues and information before the Commission. No formal action is taken at study sessions. Study sessions may be included on a regular meeting agenda or a special meeting may be called.

Study sessions shall be conducted in accordance with the following process:

1. At a scheduled meeting of the Commission, the Commission staff shall conduct an administrative presentation of the application. The purpose of the administrative presentation is to familiarize the Commission with the scope of the application and the applicable process for review.
2. The administrative presentation shall be conducted as an administrative or informational meeting and the review shall not be conducted as a formal hearing. Twenty-four (24) hours notice of the study session shall be required.
3. No public testimony, statement by the applicant, or other evidence shall be taken or considered by the Commission, and no policy, resolution, rule, regulation, or formal action shall be made or taken. Individual members of the Commission may inform the staff member making the administrative presentation of issues or information that may be of interest or concern to the Commission at the time of the formal application review and public hearing. The administrative presentation shall not be considered part of the public hearing record for the application.

1-02-02-11 RULES OF PROCEDURE

The Planning Commission may adopt supplementary rules of procedure not inconsistent with these standards and regulations or state statutes.

1-02-02-12 AUTHORITY AND RESPONSIBILITY

All decisions of the Planning Commission are subject to review and approval of the Board of County Commissioners, except those relating to the Comprehensive or Master Plan.

The Planning Commission, through the authority granted to it by the Board of County Commissioners and state statute, is empowered to:

1-02-02-12-01 *DEVELOP AND ADOPT A COMPREHENSIVE PLAN*

Develop and adopt a Comprehensive or Master Plan for the physical development of the unincorporated area of the County, which shall include but not be limited to, land use, transportation, circulation, parks, open space, and housing.

1-02-02-12-02 *DEVELOP ZONING REGULATIONS*

Develop and make recommendations concerning potential amendments to these standards and regulations including text and maps representing those applicable policies identified in the Comprehensive Plan. Any regulation or amendment shall be subject to the review and formal adoption by the Board of County Commissioners.

1-02-02-12-03 *DEVELOP SUBDIVISION REGULATIONS*

Develop and make recommendations concerning subdivision regulations and amendments to subdivision regulations.

1-02-02-12-04 *MAKE RECOMMENDATIONS ON APPLICATIONS*

Review and make recommendations concerning applications for zoning text and zoning map amendments, conditional use permits, and subdivisions of land.

1-02-02-12-05 *RECOMMEND REASONABLE CONDITIONS UPON APPROVALS*

Impose or recommend reasonable conditions upon approval or recommendation for approval of any application.

1-02-03 BOARD OF ADJUSTMENT

1-02-03-01 ESTABLISHMENT AND MEMBERSHIP

The Board of County Commissioners of Adams County shall appoint a Board of Adjustment. The Board of Adjustment shall consist of five (5) regular members. Each member shall be a legal resident of Adams County.

In addition, the Board of County Commissioners may appoint associate members to the Board of Adjustment. In the event any regular member is temporarily unable to act owing to absence, illness, or conflict of interest before the Board of Adjustment, or any other cause, an associate member may take the member's place during the absence.

1-02-03-02 TERMS FOR BOARD OF ADJUSTMENT MEMBERS

Members of the Board of Adjustment shall serve terms of five (5) years or until a successor is appointed. Members may serve an indefinite number of terms, subject to reappointment by the Board of County Commissioners. The terms shall be staggered by making the initial appointment so that at least one (1) member's term shall expire each year.

1-02-03-03 APPOINTMENT OF MEMBERS

If a vacancy occurs or is scheduled to occur among the members of the Board of Adjustment, an advertisement inviting applications may be placed in a newspaper of general circulation in the County. Candidates shall submit a letter of application or a resume describing their qualifications. The Board of County Commissioners may conduct interviews prior to making an appointment.

1-02-03-04 COMPENSATION OF MEMBERS

The members of the Board of Adjustment shall receive such compensation as fixed by the Board of County Commissioners. At a minimum, the Board of County Commissioners shall provide for reimbursement for reasonable expenses incurred in direct performance of the members' duties.

1-02-03-05 REMOVAL OF BOARD OF ADJUSTMENT MEMBERS

Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners upon written charges and after a public hearing, unless such hearing is waived by the member. Reasons for removal of a member may include: failure to attend three (3) consecutive, regular meetings without good

cause; failing to abide by the rules of conduct of members; or ceasing to be a resident of the County. A member of the Board of Adjustment may also be removed if, because of personal, business, or professional ties, the member has been rendered ineffective as a member because the member is unable to participate in decisions on a substantial share of the matters before the Board of Adjustment.

1-02-03-06 ELECTION OF OFFICERS

The Board of Adjustment shall elect a chairman, vice-chairman, and secretary each year at its first regular meeting on or after all annual appointments have been made by the Board of County Commissioners. The chairman, vice-chairman, and secretary shall serve a one-year (1) term and may be reelected for additional terms.

1-02-03-07 QUORUM AND VOTE

A majority of the members of the Board of Adjustment shall constitute a quorum for conducting administrative business and to formally act on agenda items, except that five (5) members shall constitute a quorum for the purposes of determining matters requiring the concurring vote of four (4) members of the Board of Adjustment. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of these standards and regulations. In addition, a minimum of five (5) members shall be present to vote on an appeal of administrative decision. Proxies cannot be used for any purpose. When Board of Adjustment members absent themselves from consideration of an item before the Board of Adjustment because of a conflict of interest, associate members may fill any membership vacancies for the purpose of hearing and disposing of the case before the Board of Adjustment. If an associate member is not present, the record of voting on such items shall indicate the abstention of any affected Board of Adjustment member.

1-02-03-08 NOTICE MEETINGS

In addition to any specific notice for individual items required by applicable statute, resolution, or regulation, the Board of Adjustment shall post the notice (and agenda when available) of its regular meetings and any special meetings in a location established by resolution of the Board of County Commissioners no less than twenty-four (24) hours before the meeting.

1-02-03-09 SITE VISITS

Site visits may be scheduled after an application has been submitted for review, but before or during the Board of Adjustment's public hearing. The Planning and Development Department, not the applicant, is responsible for scheduling site visits for the Board of Adjustment. Individual members may visit sites on their own and may enter the property with the owner's permission. If any relevant and material information is considered by a Board member as a result of any site visit, such information shall be disclosed prior to or at the time of the public hearing so that interested parties may have an opportunity to respond.

1-02-03-10 STUDY SESSIONS

Study sessions provide an opportunity for the Board of Adjustment members to familiarize themselves with the issues and information before the Board. No formal action is taken at study sessions.

Study sessions shall be conducted in accordance with the following process:

1. At a scheduled meeting of the Board, the Board staff shall conduct an administrative presentation of the application. The purpose of the administrative presentation is to familiarize the Board with the scope of the application and the applicable process for review.
2. The administrative presentation shall be conducted as an administrative or informational meeting and the review shall not be conducted as a formal hearing. Twenty-four (24) hours notice of the study session shall be required.
3. No public testimony, statement by the applicant, or other evidence shall be taken or considered by the Board, and no policy, resolution, rule, regulation, or formal action shall be made or taken. Individual members of the Board may inform the staff member making the administrative presentation of issues or information that may be of interest or concern to the Board at the time of the formal application review and public hearing. The administrative presentation shall not be considered part of the public hearing record for the application.

1-02-03-11 RULES OF PROCEDURE

Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board may specify in its rules of procedure. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by application to and order of court. The court, upon proper showing of an application by the Board of Adjustment, may issue subpoenas and enforce obedience by contempt proceedings. The Board of

Adjustment may adopt supplementary rules of procedure not inconsistent with these standards and regulations or state statutes.

1-02-03-12 AUTHORITY AND RESPONSIBILITY

Decisions of the Board of Adjustment may not be appealed to the Board of County Commissioners, but shall be appealed pursuant to state statutes and state rules of civil procedure.

The Board of Adjustment, through the authority granted to it by C.R.S. §30-28-117 and C.R.S. §30-28-118 and these standards and regulations, is empowered to:

1-02-03-12-01 *GRANT VARIANCES*

Grant or deny a variance pursuant to the requirements and procedures of these standards and regulations relating to special physical requirements, but not to use, of the property. The Board of Adjustment may not grant a variance from the noise and height restrictions within any aviation zone, International Airport Clear Zone, or Airport Height and Noise Overlay Zone Districts.

1-02-03-12-02 *GRANT SPECIAL USE PERMITS*

Grant or deny a nonpermanent exception from these standards and regulations for uses of land, structures or both.

1-02-03-12-03 *HEAR AND DECIDE APPEALS OF ADMINISTRATIVE DETERMINATIONS*

Hear and decide appeals brought by any aggrieved person regarding allegations of error by an administrative official in the application or enforcement of these standards and regulations.

1-02-03-12-04 *IMPOSE REASONABLE CONDITIONS UPON APPROVALS*

Impose reasonable conditions upon approval of any application.

1-02-03-12-05 *SUSPEND OR REVOKE PERMITS*

A permit may be suspended or revoked by the Board of Adjustment if, in the opinion of the Board of Adjustment, the permit holder or operator conducting the use fails to abide by the terms, requirements, conditions, or stipulations of the permit. If the Board of Adjustment deems a suspension to be appropriate, it may allow the permit holder or operator to perform necessary changes or correct conditions in order to meet the performance standards of the Development Standards and Regulations, or the purpose and intent of the Development Standards and Regulations. No person may continue to make

use of land in the manner authorized by the permit after such permit has been revoked in accordance with this section. The determination as to whether a permit is to be revoked or suspended rests with the Board of Adjustment, as determined in a public hearing on the issue. The public hearing on suspension or revocations requires written notice to the permit holder informing them of the time and place of the hearing, and requiring them to show cause why the permit should not be suspended or revoked.

1-03 ADMINISTRATIVE OFFICIALS

1-03-01 DIRECTOR OF PLANNING AND DEVELOPMENT

1-03-01-01 APPOINTMENT

The Director of Planning and Development shall be appointed by and serve at the pleasure of the Board of County Commissioners.

1-03-01-02 POWERS AND DUTIES OF THE DIRECTOR OF PLANNING AND DEVELOPMENT

The Director of Planning and Development, through the authority granted by the Board of County Commissioners, is empowered to:

1-03-01-02-01 *RENDER INTERPRETATIONS*

Render interpretations of all provisions of these standards and regulations. Interpretations applicable to two (2) or more properties shall be collected and retained by the Planning and Development Department and made available to the public for inspection. Each general interpretation (i.e., an interpretation applicable to two (2) or more properties) shall be provided to the Planning Commission, Board of Adjustment and Board of County Commissioners.

1-03-01-02-02 *ESTABLISH APPLICATION REQUIREMENTS*

Establish application and submittal requirements and schedules for review of applications and appeals pursuant to these standards and regulations.

1-03-01-02-03 *PROVIDE ADVICE*

Provide expert technical assistance to the Board of County Commissioners, the Planning Commission, and the Board of Adjustment and determine when outside, technical expertise is needed to assist in the review of any development proposal submitted pursuant to these standards and regulations.

1-03-01-02-04 *REVIEW APPLICATIONS*

Review development applications and make recommendations to the Board of County Commissioners, the Planning Commission, and the Board of Adjustment concerning compliance with these standards and regulations.

1-03-01-02-05 *MAINTAIN COMPREHENSIVE PLAN*

Develop and maintain a Master Comprehensive Plan including, but not limited to, land use, transportation, and open space elements for Adams County.

1-03-01-02-06 *ADMINISTER STANDARDS AND REGULATIONS*

Administer the provisions of these standards and regulations as they relate to the review and permitting of development.

1-03-01-02-07 *PROMULGATE ADMINISTRATIVE FORMS*

Promulgate and require the use of application forms and other standardized documentation deemed necessary or helpful to administer the provisions of these standards and regulations.

1-03-01-02-08 *MAKE ADMINISTRATIVE DECISIONS*

Issue written administrative decisions concerning the application of these standards and regulations to specific property or development applications.

1-03-01-02-09 *ISSUE ADMINISTRATIVE PERMITS*

Review and issue administrative permits pursuant to the requirements and procedures of these standards and regulations.

1-03-01-02-10 *REQUEST SHOW CAUSE HEARINGS*

If it is discovered that the holder of a permit issued pursuant to these Development Standards and Regulations is utilizing property in a manner inconsistent with the term, requirements, conditions, or stipulations of that permit, the Director may request proceedings before the Permit Issuing Authority to require the permit holder to show cause as to why the permit should not be revoked or suspended.

1-03-02 DIRECTOR OF PUBLIC WORKS

1-03-02-01 APPOINTMENT

The Director of Public Works shall be appointed by and serve at the pleasure of the Board of County Commissioners.

1-03-02-02 POWERS AND DUTIES OF THE DIRECTOR OF PUBLIC WORKS

The Director of Public Works, through the authority granted by the Board of County Commissioners, is empowered to:

1-03-02-02-01 *PROVIDE ADVICE*

Provide expert technical assistance to the Board of County Commissioners, the Planning Commission, and the Board of Adjustment and determine when outside, technical expertise is needed to assist in the review of any building or engineering requirements for development applications submitted pursuant to these standards and regulations.

1-03-02-02-02 *REVIEW APPLICATIONS*

Review development applications and make recommendations to the Board of County Commissioners, the Planning Commission, and the Board of Adjustment concerning road, drainage, grading, erosion control and floodplain standards.

1-03-02-02-03 *ADMINISTER AGREEMENTS*

Administer development and subdivision improvement agreements to ensure compliance with these standards and regulations and all conditions of approval that relate to roads, drainage, grading, erosion control and floodplains.

1-03-02-02-04 *ADMINISTER AND ENFORCE STANDARDS AND REGULATIONS*

Administer and enforce the provisions of these standards and regulations.

1-03-02-02-05 *PROMULGATE ADMINISTRATIVE FORMS*

Promulgate and require the use of application forms and other standardized documentation deemed necessary or helpful to administer the provisions of these standards and regulations.

1-03-02-02-06 *MAKE ADMINISTRATIVE DECISIONS*

Issue written administrative decisions concerning the application of the engineering and building code provisions of these standards and regulations to specific property or development applications.

1-03-02-02-07 *RENDER INTERPRETATIONS*

Render interpretations of all engineering and building code provisions of these standards and regulations. Interpretations applicable to two (2) or more properties shall be collected and retained by the Public Works Department and made available to the public for inspection. Each general interpretation (i.e., an interpretation applicable to two (2) or more properties) shall be provided to the Planning Commission, Board of Adjustment and Board of County Commissioners.

1-03-02-02-08 *ESTABLISH APPLICATION REQUIREMENTS*

Establish application and submittal requirements and schedules for review of applications and appeals pursuant to these standards and regulations.

1-03-02-02-09 *ISSUE ADMINISTRATIVE PERMITS*

Review and issue administrative permits pursuant to the requirements and procedures of these standards and regulations.

1-04 PROCEDURAL RULES AND CONDUCT OF BOARD AND COMMISSION MEMBERS

The Planning Commission, the Board of Adjustment, and the Board of County Commissioners may adopt such rules deemed appropriate to govern the conduct of their business. In addition, Planning Commission members, Board of Adjustment members, and members of the Board of County Commissioners shall abide by the rules of conduct set forth below.

1-04-01 CONFLICT OF INTEREST

Members have the right and the obligation to vote on all questions before them and to participate in the business of the Commission or Board, except when a conflict of interest exists.

1-04-01-01 NOTIFICATION OF CONFLICT OF INTEREST

Whenever the Planning Commission, the Board of Adjustment, or the Board of County Commissioners is considering a matter which raises a question of conflict of interest for a particular member, the member is responsible for alerting the Commission or Board Secretary prior to the meeting. Each member is responsible for determining when a conflict of interest exists. Each member is also responsible for alerting the chairman prior to commencement of the meeting.

1-04-01-02 CONDUCT AT MEETINGS WHERE A MEMBER HAS A CONFLICT OF INTEREST

If any member has a conflict of interest with any particular item, the member shall notify the Commission or Board and the public in attendance of the conflict of interest. The member shall not participate in either the Commission's or Board's discussion or voting on the item.

1-04-01-03 MINIMIZING CONFLICTS

It is intended that situations resulting in conflict of interest for members shall be minimized.

1-04-02 EX PARTE CONTACTS

Ex parte contacts are contacts between individuals seeking to influence a decision of members of the Planning Commission, Board of Adjustment, or Board of County

Commissioners outside the meeting forum on a quasi-judicial matter. Members shall attempt to avoid ex parte communications concerning such quasi-judicial matters. Should ex parte contacts occur where relevant and material information is obtained and considered by a member, then such information shall be disclosed prior to or at the time of the public hearing so that interested parties may have an opportunity to respond.

In the case of legislative proceedings, contacts and communications with citizens are encouraged.

1-04-03 OPEN MEETINGS

Meetings of the Planning Commission, Board of Adjustment, and Board of County Commissioners, including site visits, shall be open to the public, except as provided by law.

1-04-04 OPEN RECORDS

Information presented to the Planning Commission, Board of Adjustment, or Board of County Commissioners in carrying out their responsibilities, records of meetings, and any other material resulting from the conduct of their activities shall be kept on file in the Office of the Adams County Clerk and Recorder or the Planning and Development Department, and shall be available for inspection by the public upon reasonable request, except as otherwise required or may be provided by law. The Opens Records Act shall be relied upon to determine what documents shall be retained and made available for public inspection.

1-04-05 AMENDMENTS TO THE RULES OF PROCEDURE

Any member of the Planning Commission, Board of Adjustment, Board of County Commissioners, or Planning and Development Department may propose amendments to the rules of procedure. An amendment must be approved by the Board of County Commissioners to become effective.

1-05 ENFORCEMENT

1-05-01 AUTHORITY TO ENFORCE

The provisions of these standards and regulations shall be enforced by the Director of Public Works. Inaction or lack of enforcement shall not constitute a waiver of the right of enforcement.

1-05-02 RIGHT TO INSPECT

The Director of Public Works is hereby empowered to inspect and examine any building, structure, or tract of land which there is reasonable cause to believe a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of these standards and regulations. Entry onto private property for the purpose of inspection shall be made only after contact with the owner or occupant of the premises, whose permission for the inspection shall be obtained. Failing permission, no entry shall be undertaken without an order from the County or District Court. Signing an application for any development approval shall constitute permission to enter and inspect a property. Permission shall not be required for inspections conducted from public property or private property with the permission of the owner of the private property.

1-05-03 REMEDIES

The remedies provided for violations of these standards and regulations, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law.

1-05-04 CONTINUING VIOLATIONS

Each day a violation occurs or remains uncorrected shall constitute a separate violation.

1-05-05 REMEDIES AND ENFORCEMENT POWERS

For any unlawful use or development or any use or development that fails to conform to any approved plat, agreement, or condition or approval, the Director of Public Works may:

1. Deny and withhold all permits, certificates or other forms of authorization to use or develop any land, structure, or improvements. This provision shall apply whether or not the current owner is responsible for the violation;
2. Revoke any permit or other authorization when it is determined there is a departure from the approved plans, specifications or conditions of approval, the permit was issued in error, or the permit was obtained by false representation. Written notice of revocation shall be served upon the owner, the owner's agent, or the owner's contractor to whom the permit was issued, or the notice may be posted in a prominent location at the place of the violation;
3. Initiate injunction or abatement proceedings, action for damages, or other appropriate legal action in the district court or other court of competent jurisdiction against any person who fails to comply with any of the provisions of these standards and regulations or any requirement or condition imposed pursuant to these standards and regulations;
4. Seek a court order in the nature of mandamus, abatement, injunction, or other action to abate or remove a violation or to otherwise restore the premises to the condition that existed before the violation;
5. Ask the Board of County Commissioners to withhold all public road improvements and public maintenance from all rights-of-way that have not been accepted for such purposes by the Board of County Commissioners;
6. Follow the enforcement procedures of the Uniform Building Code, the Uniform Code for the Abatement of Dangerous Buildings, or other codes as may from time to time be adopted by Adams County; or
7. Commence a civil action in the county court or other court of competent jurisdiction seeking the imposition of a civil penalty as provided by state statutes.

1-05-06 CRIMINAL REMEDIES AND ENFORCEMENT POWERS

Any person, firm, or corporation, violating any provision of these standards and regulations is guilty of a misdemeanor and, upon conviction, shall be punished by a fine in an amount not to exceed one hundred dollars ($100) for each day of violation or by imprisonment in the County jail for no more than ten (10) days, or both fine and imprisonment. Each day during which the violation continues shall be deemed a separate offense. The owner, occupant, and/or person(s) or legal entity exercising control over the subject property may be charged as a violator under these provisions. It is the responsibility of the County Attorney to prosecute any criminal enforcement action.

1-05-07 NOTICE OF VIOLATIONS

If the Director of Public Works determines a violation of these standards and regulations exists on any property, the Director of Public Works shall by written notice or order direct that such remedial action be taken by the property owner as will result in full compliance with the applicable provisions of these standards and regulations. The issuance of a notice or order shall in no way or manner be deemed a prerequisite to the institution of enforcement proceedings as are set forth in this chapter.

Compliance with the written notice or order shall not necessarily be deemed to be a defense to any alleged violation of these standards and regulations in any court action instituted by the County seeking compliance with the written notice or order. However, evidence of compliance with the notice or order may be introduced for purposes of mitigation and extenuation.

Notice may be given in person, by Regular First Class Mail or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time allowed for compliance. Notices of violation run with the land and are effective until the violation is corrected.

1-05-08 CEASE AND DESIST ORDER

A cease and desist order to stop operations, use, or construction may be issued by the Director of Public Works. A cease and desist order may be issued to temporarily stop the operation, use, or construction, for cause, when conditions and circumstances exist which present an immediate health and safety danger.

1-05-08-01 REQUIREMENT TO STOP USE

No person may continue operations or construction activities, or make use of the land in violation of these standards and regulations after a cease and desist order has been issued.

1-05-09 VIOLATIONS

It shall be unlawful to use real property or the improvements on any real property; to undertake the development of real property; to erect, construct, reconstruct, alter, restore or improve a building or structure; to excavate land; to fill land; or to alter or change the use of any real property or improvements on real property in any way inconsistent with and not in accordance with these standards and regulations and without first obtaining all approvals and permits required by these standards and regulations.

1-05-09-01 BUILDING PERMITS

It shall be unlawful to use real property or the improvements on any real property; to undertake the development of real property; to erect, construct, reconstruct, alter, restore or improve a building or structure; to excavate land; or to alter or change the use of any real property or improvements on real property without first obtaining a building permit in accordance with the provisions of these standards and regulations and the Uniform Building Code as adopted by the Board of County Commissioners.

1-05-09-02 TERMS AND CONDITIONS

It shall be unlawful to use real property or the improvements on any real property; to undertake the development of real property; to erect, construct, reconstruct, alter, restore or improve a building or structure; to excavate land; or to alter or change the use of any real property or improvements on real property in a way inconsistent with the terms and conditions of any approval or permit granted pursuant to these standards and regulations.

1-05-09-03 SUBDIVISION

It shall be unlawful to transfer or sell any subdivided land before a plat for the subdivided land has been approved by the Board of County Commissioners and recorded in the Office of the Adams County Clerk and Recorder. The County shall not be liable for any direct or apparent fiscal losses suffered by any party as a result of denial of any subdivision where the applicant has agreed to transfer or sell or offered to transfer or sell any subdivided land in advance of plat approval by the Board of County Commissioners.

1-05-10 PREVIOUS VIOLATIONS

Nothing in these standards and regulations shall prohibit the continuation of previous enforcement actions undertaken by the County pursuant to previous regulations.

1-06 NON-LIABILITY OF THE COUNTY

These standards and regulations shall not be construed to hold Adams County or any of its employees or officials, acting within the scope of their employment in any manner, responsible or liable for any damages to persons or property resulting from any inspection, enforcement or review as required by these standards and regulations or resulting from any failure to enforce or inspect, or resulting from the issuance or denial of any building permit, or the institution or failure to institute any court action as authorized or required by these standards and regulations. In enacting these standards and regulations, the Board of County Commissioners intends to preserve all rights of the County, its agencies and departments, its elected and appointed officials and employees to immunity from liability as set forth in the Colorado Governmental Immunity Act, C.R.S. §§24-10-101, *et seq*.

1-07 VESTED RIGHTS

1-07-01 PURPOSE

To ensure reasonable certainty, stability, and fairness in the land use planning process.

1-07-02 APPLICABILITY

Approval of a site specific development plan by the Board of County Commissioners shall create a vested right. A permit or any other approval not specifically identified as a site specific development plan shall not constitute a site specific development plan.

1-07-03 APPROVAL

A vested right shall be deemed established with the approval or conditional approval of a site specific development plan. A conditional approval may impose such terms and conditions necessary to protect the public health, safety and welfare and to ensure compliance with the Adams County Comprehensive Plan and these standards and regulations. Failure to abide by such terms and conditions shall result in a forfeiture of vested rights.

A vested property right, once established, shall attach and run with the applicable property.

1-07-04 NOTICE

Upon approval of a site specific development plan, the Director of Planning and Development shall publish a notice of the Board's approval in a newspaper of general circulation no later than fourteen (14) days following said approval.

1-07-05 TERM

A vested right created by the approval of a site specific development plan shall remain in effect for three (3) years from its effective date or by some other specified time period as adopted by the Board of County Commissioners. This vesting period may be extended by approved amendments to the site specific development plan.

Notwithstanding the provisions of this section, the County may enter into development agreements with applicants. The agreements may provide that the

property rights shall vest for a period longer than three (3) years where the longer vesting period is warranted in light of all relevant circumstances such as the size and phasing of the development, economic cycles and market conditions.

Upon approval by the County, a property right vested for three (3) years may be extended for a period exceeding the initial three (3)-year vesting period when such extension is deemed to be in the public interest and warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. An applicant desiring such an extension of the vesting period must file, at least forty-five (45) days prior the expiration of the initial three (3)-year vesting period, an application for such extension with the Planning and Development Department and pay an administrative fee of five hundred dollars ($500) for such application. Upon receipt of this application, the Department shall review the application and make a recommendation to the Board of County Commissioners that such extension be granted, granted with conditions or denied. The Board of County Commissioners will then review the extension request and grant, grant with conditions or deny such extension. Only one (1) extension of the vesting period may be granted for a site specific development plan.

1-07-06 MODIFICATION OF PLAN

The Board of County Commissioners approval of any modification to a site specific development plan shall not extend the term of a vested right unless expressly authorized by the Board of County Commissioners.

1-07-07 RELATIONSHIP TO OTHER REGULATIONS

A vested property right, once established, shall preclude any zoning or land use action by the County or pursuant to an initiated measure which would alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the site specific development plan, except:

1. With the consent of the applicant;
2. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the property which could not reasonably have been discovered at the time of the site specific development plan approval and which, if not corrected, would pose a serious threat to the public health, safety, and welfare; or
3. To the extent that compensation is paid, as provided in C.R.S. §24-68-105(1)(c).

The establishment of a vested property right shall not preclude the application of regulations which are general in nature and applicable to all property subject to land

use regulation by the County, including, but not limited to, building, fire, plumbing, electrical, mechanical, water and sewer codes.

1-07-08 EFFECTIVE DATE

The effective date of the establishment of the vested property right shall be the effective date of the approval or conditional approval of the site specific development plan.

Approval of a site specific development plan shall be subject to all rights of referendum and judicial review, except the required number of days to commence such referendum or review shall not begin to run until a notice of approval and the creation of a vested property right is published by the County, no later than fourteen (14) days after such approval, in a newspaper of general circulation within the County.

1-07-09 DOCUMENTATION OF VESTED RIGHTS

Any document constituting an approved site specific development plan or any part of an approved site specific development plan shall, at the time of its approval, be marked with the following language: "This plan has been approved by Adams County and creates a vested property right pursuant to C.R.S. §§24-68-101, *et seq.*, as amended, and the Adams County Development Standards and Regulations." Failure to contain this language shall not invalidate the creation of the vested property right.

1-07-10 FORFEITURE OF VESTED RIGHTS

A vested property right shall terminate upon:

1. Failure to abide by the terms and conditions of a conditionally approved site specific development plan;
2. Substantial failure to comply with a site specific development plan; or
3. The expiration of the initial vesting period or, if applicable, upon the expiration of the vesting period as extended.

1-07-11 LIMITATIONS

This section is intended only to implement the provisions of C.R.S. §§24-68-101, *et seq.*, as amended. If C.R.S. §§24-68-101, *et seq.*, as amended, is repealed or judicially determined to be invalid or unconstitutional, this section shall be deemed repealed and the provisions of this section shall no longer be effective.

1-08 CONDITIONS OF APPROVAL

1-08-01 PURPOSE

To alleviate regulatory impairment of property rights.

1-08-02 CONDITIONS ON LAND USE APPROVALS

In imposing conditions on land use approvals, including, but not limited to, subdivisions, zoning map amendments, and planned unit development approvals, the County shall not require a property owner to dedicate real property to the public or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate government interest. The dedication or payment shall be roughly proportional to the impact of the proposed use or development.

In addition, all conditions imposed on an approval shall be based on these standards and regulations, the Adams County Comprehensive Plan, and any other standards and regulations that may from time to time be adopted by the Board of County Commissioners.

1-08-03 REMEDY FOR PROPERTY OWNER

Any property owner who alleges that the County has imposed a condition that violates the provisions of Section 1-08-02, may seek remedies pursuant to C.R.S. §29-20-204.

1-08-04 LIMITATIONS

This section is intended only to implement the provisions of C.R.S. §§29-20-201, *et seq*., as amended. If C.R.S. §§29-20-201, *et seq*., as amended, is repealed or judicially determined to be invalid or unconstitutional, this section shall be deemed repealed and the provisions of this section shall no longer be effective.