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 COMMUNITY AND ECONOMIC DEVELOPMENT

The Director of Community and Economic 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 the 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 and the Planning Commission.

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 Community and Economic 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 Community and Economic 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 Community and Economic 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.

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 Community and Economic 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 COMMUNITY AND ECONOMIC DEVELOPMENT

1-03-01-01 POWERS AND DUTIES OF THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

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

1-03-01-01-01 *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 Community and Economic 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.

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

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

1-03-01-01-03 *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 determine consistency with the comprehensive plan and assist in the review of any development proposal submitted pursuant to these standards and regulations.

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

Review development applications and make recommendations to the Board of County Commissioners, the Planning Commission, and the Board of Adjustment concerning consistency with the comprehensive plan and compliance with these standards and regulations and road, drainage, grading, erosion control and floodplain standards.

1-03-01-01-05 *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.

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

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

1-03-01-01-07 *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.

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

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

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

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

1-03-01-01-10 *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.

1-03-01-01-11 *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.

1-03-02 DIRECTOR OF PUBLIC WORKS

1-03-02-01 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:

1-03-02-01-01 *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 engineering requirements for development applications submitted pursuant to these standards and regulations.

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

Administer and enforce the provisions of these standards and regulations.

1-03-02-01-03 *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.

1-03-02-01-04 *MAKE ADMINISTRATIVE DECISIONS*

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

1-03-02-01-05 *RENDER INTERPRETATIONS*

Render interpretations of all engineering 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.

1-03-02-01-06 *ESTABLISH APPLICATION REQUIREMENTS*

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

1-03-02-01-07 *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 Community and Economic 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 Community and Economic 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, the Director of Community and Economic Development, and the Director of Community Safety and Well-being. Inaction or lack of enforcement shall not constitute a waiver of the right of enforcement.

1-05-02 RIGHT TO INSPECT

The Director of Community and Economic Development, the Director of Public Works, and the Director of Community Safety and Well-being are 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 Community and Economic Development 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 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.

Any person, firm, or corporation violating any provision of these standards and regulations, in addition to criminal enforcement as outlined above, may be subject to an initial civil penalty of five hundred to one-thousand dollars ($500-$1,000). Each day the property stays out of compliance with these standards and regulations shall be deemed a separate offense subject to up to one-hundred dollars ($100) per day, per violation. It is within the discretion of the County Attorney to determine whether to pursue civil penalties, criminal penalties, or both.

1-05-07 NOTICE OF VIOLATIONS

If the Director of Community and Economic Development determines a violation of these standards and regulations exists on any property, the Director of Community and Economic Development shall by written notice or order direct that such remedial action or preventative measure be taken by the property owner or person as will result in full compliance with the applicable provisions of these standards and regulations. Such notice or order may include a compliance schedule. 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 Community and Economic Development. 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 applicant or property owner shall publish a notice of the Board's approval in a newspaper of general circulation no later than fourteen (14) days following said approval. The applicant or property owner shall provide a copy of the newspaper publication to the Department of Community and Economic Development no later than one week after the publication.

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 Community and Economic 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.

CHAPTER 2—APPLICATION AND PERMITTING PROCEDURES

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Chapter 2—APPLICATION AND PERMITTING PROCEDURES

2-01 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS

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

2-01-01 STEP 1: CONCEPTUAL REVIEW

2-01-01-01 PURPOSE

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

2-01-01-02 APPLICABILITY

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

2-01-01-03 CONCEPT PLAN SUBMITTAL

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

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

2-01-01-04 STAFF REVIEW AND RECOMMENDATION

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

2-01-02 STEP 2: NEIGHBORHOOD MEETINGS

2-01-02-01 PURPOSE

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

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

2-01-02-02 APPLICABILITY

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

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

2-01-02-03 NEIGHBORHOOD MEETING REQUIREMENTS*

Amended by the BoCC on January 28, 2013

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

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

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

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

These geographic areas are defined below:

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

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

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

2-01-02-04 NOTICE OF NEIGHBORHOOD MEETING

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

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

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

2-01-02-05 ATTENDANCE AT NEIGHBORHOOD MEETING

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

2-01-02-06 FORMAT OF NEIGHBORHOOD MEETING

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

2-01-02-07 SUMMARY OF NEIGHBORHOOD MEETING

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

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

2-01-03 STEP 3: DEVELOPMENT APPLICATION SUBMITTAL

2-01-03-01 DEVELOPMENT APPLICATIONS

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

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

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

2-01-03-03 DEVELOPMENT APPLICATION CONTENTS

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

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

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

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

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

2-01-04 STEP 4: DETERMINATION OF SUFFICIENCY

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

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

2-01-05 STEP 5: STAFF REPORT

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

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

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

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

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

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

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

2-01-06 STEP 6: NOTICE

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

2-01-06-01 WRITTEN NOTICE

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

The written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. The written notice shall state the date, time, place, and purpose of the public hearing(s). Failure to mail such notice shall not affect the validity of any hearing or determination by the Planning Commission, Board of Adjustment, or Board of County Commissioners.

2-01-06-02 POSTED NOTICE

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

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

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

2-01-06-03 PUBLISHED NOTICE

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

2-01-07 STEP 7: PUBLIC HEARING

2-01-07-01 CONDUCT OF PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

2-01-07-02 DECISION AND FINDINGS

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

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

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

All decisions shall include at least the following elements:

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

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

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

2-01-07-03 RECORD OF PROCEEDINGS

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

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

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

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

2-01-08 STEP 8: STANDARDS

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

2-01-09 STEP 9: CONDITIONS OF APPROVAL

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

2-01-10 STEP 10: AMENDMENTS

2-01-10-01 MINOR AMENDMENTS

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

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

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

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

2-01-10-02 MAJOR AMENDMENTS

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

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

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

2-02 SPECIFIC DEVELOPMENT REVIEW STEPS FOR DEVELOPMENT APPLICATIONS

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

The follow development application types are included:

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

   a. Access and Right-of-Way Permit

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

   b. Building Permit

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

   c. Conservation Plan Permit

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

   d. Contractor Registration

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

   e. Biosolids Application Permit

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

   f. Floodplain Use Permit

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

g. Stormwater Quality Permit *.

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

2. Zoning and Land Use Approvals

a. Conditional Use Permit

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

b. Planned Unit Development

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

c. Special Use Permit (Temporary Use Permit)

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

d. Oil and Gas Facility Permit

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

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

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

f. Certificate of Designation

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

g. Urban Renewal Plan

f. Administrative Review Permit

Generally, an administrative review permit is required for any 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. Telecommunications towers are specifically permitted through this review.

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 Community & Economic 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 Community and Economic Development.

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

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

2-02-01-05 CRITERIA FOR APPROVAL

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

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

2-02-01-06 LAPSE OF APPROVAL

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

2-02-01-07 EXTENSION OF APPROVAL

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

2-02-02 ADMINISTRATIVE REVIEW

2-02-02-01 PURPOSE

The purpose of this section is to provide processing requirements for administrative review permits for development applications.

2-02-02-02 APPLICABILITY

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

2-02-02-03 WHO CAN INITIATE AN ADMINISTRATIVE REVIEW REQUEST

An administrative review permit may be requested by, without limitation, any owner of, or person having interest in the property on which the use requiring administrative review 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.

2-02-02-04 ADMINISTRATIVE REVIEW PROCEDURES

An administrative review permit may be approved by the Director of Community and Economic Development (see Steps 1 through 10 below). The Director of Community and Economic Development shall approve, approve with conditions, or deny an administrative review permit based on compliance with the criteria for approval.

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

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for the administrative review permit as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. The Director of Community and Economic Development shall inform the applicant of the sufficiency of the application within 30 days of submittal. No application shall be processed if taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.

8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving an administrative review permit may attach conditions necessary to implement the Adams County Comprehensive Plan and to ensure compatibility with adjacent uses. In addition to other conditions, the Director of Community and Economic Development may specify a term of the use.
10. Amendments: Applicable.

2-02-02-05 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing an administrative review permit shall find:

1. The use is consistent with the purposes of these standards and regulations.
2. The use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
3. The 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 use has addressed all off-site impacts.
5. The site is suitable for the use including adequate usable space, adequate access, and absence of environmental constraints.
6. The site plan for the proposed use will provide adequate fencing, screening, and landscaping.

2-02-03 BUILDING PERMIT

2-02-03-01 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, temporary structure, or to excavate or fill land.

2-02-03-02 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;; 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.

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

A building permit application may be requested by, without limitation, the owner(s) of the property on which the structure, sign, temporary building, or utility is to be erected, moved, placed, altered, excavated, or filled. Upon issuance of building permit, when required, contractor information shall be provided to the County.

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.

2-02-03-04 BUILDING PERMIT REVIEW PROCEDURES

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

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

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

and the building code adopted by the County by reference or otherwise, as amended.

8. Standards: Not applicable. In substitution, an application for a building permit shall be reviewed for compliance with any development plan, these standards and regulations, and all building code regulations adopted by the County.
9. Conditions of Approval: Applicable.
10. Amendments: Not applicable. In substitution, an amendment to a building permit may be authorized by the Chief Building Official provided the building permit remains in compliance with all applicable standards and regulations.

2-02-03-05 CRITERIA FOR APPROVAL

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

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

2-02-03-06 LAPSE OF APPROVAL

The building permit application shall be valid for a period of six (6) months from the time such building permit is applied for unless fully issued by the Community & Economic Development Department.

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.

2-02-03-07 EXTENSION OF APPROVAL

One extension may be granted by the Chief Building Official not to exceed one hundred eighty (180) days. In order to be eligible for an extension, the applicant shall file a written request for extension with the Chief Building Official a minimum of thirty (30) days prior to the date the application or building permit would expire, unless waived by the Chief Building Official.

2-02-04 CERTIFICATE OF DESIGNATION

2-02-04-01 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.

2-02-04-02 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 fill landfills 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.

2-02-04-03 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.

2-02-04-04 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.

2-02-04-05 CERTIFICATE OF DESIGNATION REVIEW STEPS

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts. A neighborhood meeting may be required prior to accepting an application for a certificate of designation at either or both stages of the review process including the initial application and upon submittal of the operations plan and technical report following

review and approval, denial, or approval with conditions of the initial application.

3. Development Application Submittal: In the case of a certificate of designation, there shall be two (2) submittals. The first submittal shall be to determine preliminary findings of fact regarding use compatibility and siting impact issues. Following the determination of findings of fact regarding land use compatibility and siting impact issues, a second set of submittals shall be made to allow the review of the operations plan and technical report and approval or disapproval of the certificate of designation.

   a. All items or documents required for a certificate of designation as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda for the first submittal.

   b. All items or documents required for a certificate of designation as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least two hundred thirty (230) days prior to the first unfilled Planning Commission public hearing agenda for the second submittal.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. Upon receipt of a written recommendation for approval from the Colorado Department of Health, public hearings on the operations plan and technical report shall be set before the Planning Commission and Board of County Commissioners. No hearings shall be set if the Colorado Department of Public Health and Environment recommends disapproval pursuant to C. R. S. 30-20-104, Section 3.

5. Staff Report: Applicable.

6. Notice: Applicable, except notice shall be sent to all property owners within fifteen hundred (1,500') feet in urban areas and one (1) mile in agricultural areas at a minimum, or greater, as determined by the Director of Community and Economic Development.

7. Public Hearing: Applicable. Two (2) sets of public hearings shall be held before both the Planning Commission and Board of County Commissioners. A hearing shall be held to review the certificate of designation's compatibility with land use and to make preliminary findings. A hearing shall also be held to review the operations plan and technical report.

   The Director of Community and Economic Development may waive the public hearings to determine preliminary findings of fact regarding land

use compatibility and siting impact issues of a proposal upon request of the applicant or with the applicant's concurrence, if the following determination is made:

a. That due to the nature of the proposed operation, issues related to land use compatibility and siting impact cannot be separated from the information required in the operations plan and technical report; or

b. That due to the nature of the proposed operation, the operation plan and technical report is minor in nature and no public purpose would be served by separating the two (2) components of the request.

8. Standards: Applicable. At the first hearing concerning a certificate of designation, the Planning Commission shall conduct a preliminary fact finding and consider all relevant evidence regarding land use compatibility and site impacts concerning the application. This hearing shall include, but not be limited to, information of the impact on the surrounding land uses, access and traffic impact, conformance with requirements of these standards and regulations, and conformance with policies of the Adams County Comprehensive Plan. At such hearing, the Planning Commission shall forward a recommendation in the form of recommended findings of fact to the Board of County Commissioners as to whether or not the proposed land use is in accordance with the criteria. The Board of County Commissioners shall then conduct a preliminary fact-finding public hearing and consider all relevant evidence regarding land use compatibility and site impacts concerning the application. If the Board of County Commissioners finds the proposed land use is not in accordance with the criteria, it shall make a finding of fact, and such findings may be the basis of a denial at future hearings should the applicant wish to proceed with the remainder of the permitting process.

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

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

Board of County Commissioners in approving a certificate of designation may impose any additional requirements or conditions it deems necessary to meet the purpose and intent of these regulations, which may include, but are not limited to, the following:

a. A requirement to ensure the facility development proceeds in accordance with a specific site plan and/or development schedule;

b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-site improvements as are reasonably required by or related to the effect of the facility; or

c. A requirement to ensure design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site vehicular circulation; alternative access or site and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors, and other pollutants; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; restrictions concerning the building bulk, height, setback, location, and external appearance; stipulations concerning adequate storm drainage or utilities; and limits on the duration of the certificate of designation.

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

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

(1) State Review of Type of Change:

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

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

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

(2) County Review of Type of Change:

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

(a) Minor:

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

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

(b) Major:

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

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

If the State recommends:

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

(b) Disapproval of a significant change:

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

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

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

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

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

(a) If the Colorado Department of Health recommends approval of a non-significant change, and the change is a minor change as determined by the Director of Community and Economic Development, then the Director may approve the request with conditions determined necessary to assure the intent of these Regulations is met. If the Director of Community and Economic Development denies the request, the applicant may apply for a change in accordance with the procedure for a major change.

(b) If the Colorado Department of Health recommends approval of a significant or non-significant change, and the change is a major change as determined by the Director of Community and Economic Development, the review procedure as established in the Review Step 7 to Review the Operations Plan and Technical Report shall be followed. The request shall be evaluated in accordance with the Criteria for Approval.

b. Information Requirements for an Amendment (major change) to a Solid Waste Disposal Site and Facility:

(1) Application form and a review fee in accordance with a schedule established by the Board of County Commissioners as provided for in C.R.S. §30-20-103, as amended.

(2) Plans and written narrative which clearly describe the changes requested and their effect on the operation of the facility and the surrounding area.

(3) Provision of any other relevant information required by the Director of Community and Economic Development in order to assure there is adequate information to review the amendment.

c. Amendments or Substantial Changes and Modification to Hazardous Disposal Sites:

(1) For hazardous waste disposal sites, an amendment to the certificate of designation is required for all changes except for changes in:

(a) On-site operations.

(b) On-site monitoring requirements.

(c) Changes as described above in (a) and (b) are subject to regulation by the Colorado Department of Health pursuant to C.R.S. §§25-15-301, *et seq.*, and are not subject to County review unless it is a substantial change. Substantial changes require County approval pursuant to C.R.S. §25-15-206.

(2) Procedures for Review of Amendments to a Certificate of Designation for Hazardous Waste Disposal Sites:

(a) The proposed amendment or substantial change shall be referred to the Colorado Department of Health for a finding of fact as to whether or not the proposed amendment constitutes a substantial change, as defined in the rules and regulations promulgated by the Colorado Department of Health. The State will be afforded a twenty (20) working day period in which to respond. Upon receipt of a determination from the State as to the type of the change, the applicant will be advised of the determination and whether additional information is needed to complete the technical review of the change. If the State does not respond with a determination as to whether the change is substantial or not within twenty (20) working days, the County may proceed based upon its own determination.

(b) After receipt of the Colorado Department of Health's finding of fact or upon determination of staff that the required State review period has expired, a public hearing shall be set. Staff shall appear before the Board of County Commissioners during a public hearing and present relevant testimony concerning whether or not any proposed changes constitute a substantial change.

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

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

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

(c) If the recommendation of the Colorado Department of Health is denial, no public hearing shall be set, and the request shall no longer be considered.

d. Information Requirements for an Amendment or Substantial Change to a Hazardous Waste Disposal Site:

(1) Application form and a fee of ten thousand dollars ($10,000);

(2) Plans and written narrative which clearly describe the changes requested and their effect on the operation of the facility and the surrounding area; and

(3) Provision of any other relevant information required by the Director of Community and Economic Development in order to assure there is adequate information to review the amendment.

2-02-04-06 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.

2-02-04-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

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

2-02-04-08 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.

2-02-05 CONSERVATION PLAN PERMIT

2-02-05-01 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.

2-02-05-02 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.

2-02-05-03 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.

2-02-05-04 CONSERVATION PLAN PERMIT REVIEW PROCEDURES

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

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

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

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

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

2-02-05-06 CRITERIA FOR APPROVAL

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

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

2-02-05-07 RECORDING AND VALIDITY OF THE PERMIT

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

2-02-05-08 LAPSE OF APPROVAL

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

2-02-05-09 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.

2-02-06 CONTRACTOR REGISTRATION

2-02-06-01 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.

2-02-06-02 REGISTRATION PROCEDURE

2-02-06-02-01 *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.

2-02-06-02-02 *EXAMINATION WAIVED*

The Chief Building Official may license or 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.

2-02-06-02-03 *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 three (3) years from the date of issuance.

2-02-06-02-04 *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 three (3) years from the date of issuance.

2-02-06-02-05 *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 or International Code Council. Registration shall be valid for one (1) year from the date of issuance.

2-02-06-03 CLASSIFICATION OF REGISTRATIONS

2-02-06-03-01 *CLASS A REGISTRATION*

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

2-02-06-03-02 *CLASS B REGISTRATION*

To erect, add to, alter, or repair any building or structure not over three (3) stories in height, in group B, M, and R occupancies.

2-02-06-03-03 *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.

2-02-06-03-04 *CLASS D REGISTRATION*

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

2-02-06-04 EXPIRATION AND RENEWAL OF REGISTRATION

All license registrations shall expire one (1) year from the date of issuance, unless a certificate of insurance or reciprocal license precedes the one-year expiration. Application for renewal of registration shall follow the procedures for a new registration.

2-02-06-05 RESPONSIBILITY OF LICENSE 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 authorized representative.
3. To obtain a permit when required.
4. To construct faithfully without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the Department of Community and Economic Development.

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

2-02-06-06 VALIDITY OF REGISTRATION

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

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

2-02-06-07 SUSPENSION OR REVOCATION OF REGISTRATION

2-02-06-07-01 *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.

2-02-06-07-02 *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 Building Code Board of Appeals. The hearing shall be conducted by the Board of Appeals:
    a. At the hearing, the Building Code 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 Building Code Board of Appeals shall issue a written order within ten (10) business days from the hearing date. The order or a copy thereof shall be available to the registrant at the Department of Community and Economic Development. The date of such availability shall be deemed the date of the order. Failure to issue an order within ten (10) business days from the date of the hearing shall be deemed to be a final order reversing the decision of the Chief Building Official.
    d. If the registration is revoked, the contractor shall not be granted another registration for at least twelve (12) months after the date of revocation.

2-02-06-07-03 *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.

2-02-06-08 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.

2-02-07 BIOSOLIDS APPLICATION PERMIT (DOMESTIC SLUDGE)

2-02-07-01 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.

2-02-07-02 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**

2-02-07-03 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.

2-02-07-04 BIOSOLIDS APPLICATION PERMIT REVIEW PROCEDURES

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

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

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

   Upon receipt of a recommendation from the Soil Conservation District, the Director of Community and Economic Development shall either approve, deny, or conditionally approve the request based upon the Soil Conservation District's recommendation and compliance with County regulations.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. The applicant shall contact all property owners within one (1) mile from the boundaries of the site where

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

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

a. Contact the residents who responded negatively to the survey with a letter notifying the residents of the County's intent to issue a permit for the placing of biosolids.

b. Invite the residents to review the application and State rules and regulations in the County offices and provide comments with technical information relevant to the issuance of a biosolids permit.

c. Investigate and review comments of a technical nature, and if necessary, refer to the Colorado Department of Public Health and Environment for their review and determination.

5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable. The Director of Community and Economic Development shall make a determination of whether or not the application meets the criteria for approval.
9. Conditions of Approval: Applicable. Conditions mitigating nuisance conditions related to the land placement of biosolids may be placed on the permit.
10. Amendments: Applicable.

2-02-07-05 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

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

2-02-07-06 CRITERIA FOR APPROVAL

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

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

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

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

2-02-07-08 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.

2-02-08 FLOODPLAIN USE PERMIT

2-02-08-01 PURPOSE

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

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

2-02-08-02 APPLICABILITY

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

2-02-08-03 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.**

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

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

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

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

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

2-02-08-05 CRITERIA FOR APPROVAL

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

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

2-02-08-06 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.

2-02-08-07 EXTENSION OF APPROVAL

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

2-02-09 CONDITIONAL USE PERMIT

2-02-09-01 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 and type of conditional uses and their location, design, and configuration are appropriate at a particular location.

2-02-09-02 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.

2-02-09-02-01 *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 either inert fill for grading or inert fill for landfilling, as defined in Chapter 11.
4. Site operator has sole discretion over the source of fill material.
5. Fill material is not likely to contaminate ground water.

2-02-09-03 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.

2-02-09-04 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.

2-02-09-05 CONDITIONAL USE PERMIT REVIEW STEPS

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

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

7. Public Hearing: Applicable. A public hearing shall be held before both the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a conditional use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses. The Board of County Commissioners in approving a conditional use permit may condition the approval on one or more of the following:
    a. A requirement to ensure development proceeds in accordance with a specific site plan and/or development schedule.
    b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-site improvements as are reasonably required by or related to the effect of the conditional use permit.
    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.

2-02-09-06 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.

2-02-09-07 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, including accessory outdoor storage, shall find:

2-02-09-07-01 *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.

2-02-09-07-02 *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.

2-02-09-07-03 *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.

2-02-09-07-04 *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.

2-02-09-07-05 *OUTDOOR STORAGE AND ACCESSORY 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 Development Standards and 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.

2-02-09-07-06 *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.

2-02-09-08 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

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

2-02-09-09 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.

2-02-09-10 EXTENSION OF APPROVAL

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

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

2-02-10 URBAN RENEWAL PLAN*

2-02-10-01 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

2-02-10-02 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.

2-02-10-03 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

2-02-10-04 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.

2-02-10-05 URBAN RENEWAL PLAN REVIEW STEPS

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

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

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

2-02-10-06 CRITERIA FOR APPROVAL

2-02-10-06-01 *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.

2-02-10-06-02 *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.

2-02-10-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

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

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

2-02-11 PLANNED UNIT DEVELOPMENT

2-02-11-01 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.

2-02-11-01-01 *PRELIMINARY DEVELOPMENT PLAN (PDP)*

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

2-02-11-01-02 *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 an FDP establishes a vested right to develop property in accordance with the plan.

2-02-11-01-03 *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.

2-02-11-02 OVERALL DEVELOPMENT PLAN (ODP)

2-02-11-02-01 *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.

2-02-11-02-02 *APPLICABILITY*

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

2-02-11-02-03 *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.

2-02-11-02-04 *OVERALL DEVELOPMENT PLAN REVIEW PROCEDURES*

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

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

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

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

2-02-11-02-05 *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.

2-02-11-02-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

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

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

2-02-11-02-07 *LAPSE OF APPROVAL*

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

2-02-11-02-08 *EXTENSION OF APPROVAL*

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

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

2-02-11-03 PRELIMINARY DEVELOPMENT PLAN (PDP)

2-02-11-03-01 *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.

2-02-11-03-02 *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

2-02-11-03-03 *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.

2-02-11-03-04 *PRELIMINARY DEVELOPMENT PLAN REVIEW PROCEDURES*

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

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

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

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

2-02-11-03-05 *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.

2-02-11-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

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

2-02-11-03-07 *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

2-02-11-03-08 *EXTENSION OF APPROVAL*

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

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

2-02-11-04 FINAL DEVELOPMENT PLAN (FDP)

2-02-11-04-01 *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 an FDP establishes a vested right to develop property in accordance with the Plan.

2-02-11-04-02 *APPLICABILITY*

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

2-02-11-04-03 *WHO CAN INITIATE A FINAL DEVELOPMENT PLAN (FDP)*

An 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.

2-02-11-04-04 *FINAL DEVELOPMENT PLAN REVIEW PROCEDURES*

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

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

10. Amendments: Applicable.

2-02-11-04-05 *CRITERIA FOR APPROVAL*

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

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

2-02-11-04-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

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

2-02-11-05 EFFECT OF FINAL DEVELOPMENT PLAN APPROVAL

2-02-11-05-01 *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.

2-02-11-05-02 *NON-CONFORMING USES*

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

2-02-11-05-03 *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.

2-02-11-05-04 *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.

2-02-11-05-05 *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.

2-02-12 SPECIAL USE PERMIT

2-02-12-01 PURPOSE

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

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

2-02-12-02 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.

2-02-12-03 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.

2-02-12-04 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.

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

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

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

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

2-02-12-06 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.

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2-02-12-09 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

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

2-02-12-10 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.

2-02-13 TEMPORARY USE PERMIT

2-02-13-01 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.

2-02-13-02 APPLICABILITY

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

2-02-13-03 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.

2-02-13-04 TEMPORARY USE PERMIT REVIEW PROCEDURES

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

2-02-13-05 TEMPORARY USE PERMIT REVIEW STEPS

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

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for temporary use permits as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fourteen (14) days prior to the commencement date of the temporary use.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a temporary use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure compatibility with adjacent uses. In addition to other conditions the Director of Community and Economic Development may place on a temporary use permit, the Director of Community and Economic Development shall specify the term of the temporary use permit. The term of a temporary use permit shall be limited to the absolute minimum term necessary for the proposed use, but in no case shall exceed ninety (90) days. Section 4-05 specifies the maximum time frame or expiration of specific temporary uses eligible for the temporary use permit. A temporary use permit may be issued annually for the same project. The Director of Community and Economic Development in approving a temporary use permit may condition the approval on one (1) or more of the following:

    a. A requirement the development or activity proceeds in accordance with a specific site plan and/or development schedule.

    b. A requirement the design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site pedestrian, bicycle, and vehicular circulation; alternative access and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors and other potential nuisances; requirements to protect air and water quality; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; changes in off-street parking layout and design; restrictions

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

10. Amendments: Applicable.

2-02-13-06 CRITERIA FOR APPROVAL

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

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

2-02-13-06-01 *ADDITIONAL CRITERION FOR APPROVAL FOR PERMISSIBLE FIREWORKS STAND/TENT*

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

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

2-02-13-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

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

2-02-13-08 EFFECT OF APPROVAL

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

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

2-02-14-01 PURPOSE

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

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

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

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

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

2-02-14-02 APPLICABILITY

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

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

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

2-02-14-04 OGF PERMIT REVIEW PROCEDURES

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

2-02-14-05 OGF PERMIT REVIEW STEPS

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

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

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

a. **Alternative Site Analysis:** Prior to submittal of Form 2 or 2A to the COGCC and during the conceptual review, the applicant must consult with the County on an Alternative Site Analysis as outlined below:

1. In General. The County seeks to site OGFs in areas that have the least off-site impact possible in order to protect the health, safety, and welfare of its residents and to protect the environment and wildlife. In order to determine whether proposed siting is appropriate, CED staff must evaluate alternative sites.

2. Description of potential sites. Applicant must submit descriptions of at least three (3) potential sites for the OGF that were considered by applicant. Potential sites must be a minimum of 1,000 feet away from each other but can be located on the same parcel. Description must include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.

3. Evaluation materials. CED staff will evaluate the potential sites to determine which site is likely to have the least off-site impacts. The CED Director will determine whether applicant is required to provide traffic impact studies, engineering studies, Environmental Impact Analysis as defined in these standards and regulations, or other evaluation tools in order to adequately evaluate site options. If not required by the CED Director as part of the alternative site analysis, these site-specific evaluation tools can be submitted by the applicant after site selection has occurred.

4. Evaluation criteria. In determining which sites are likely to have the least off-site impact, CED may consider the following:

    i. Distance from existing or platted residences, schools, state licensed daycares, high occupancy buildings, active open spaces, environmentally sensitive areas, public drinking water supply areas, or other areas likely to be adversely impacted;
    ii. Traffic impacts and impact to roads, bridges, and other infrastructure;
    iii. Access to water and other operational necessities;
    iv. Whether the site allows for utilization of impact mitigation, such as use of proximate pipelines;
    v. Noise impacts;
    vi. The impact on the surrounding land;
    vii. The impact on wildlife; and
    viii. Impact on nearby environmental resources such as water bodies.

5. Site Selection. The county shall review all proposed locations in order to determine which location(s) best protects public health, safety, welfare, and the environment and will choose the location that best satisfies this goal. The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. The County may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.

2. Neighborhood Meeting: Applicable. At the neighborhood meeting, the applicant shall provide an overview of its proposed oil and gas operation and allow those in attendance to provide input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.

3. Development Application Submittal: Community and Economic Development has developed a check list of required submittals for OGF Permits that may change from time to time. At a minimum, the following items are required as part of an OGF application submittal:

    a. **Application Form:** a completed OGF Permit application form.

    b. **Application Fee:** OGF application fee

c. **Operations Plan:**

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

equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The production plan shall also identify tentative drilling and completion schedules. A seed mix shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

6. Signage Plan/Sign Detail: A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise complaints. The sign with the 24-hour contact information must be placed close to the intersection of the access road and the right of way so that it is legible from the public right of way.

7. Final Plan: Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Oil and Gas Operations Plan. The final Oil and Gas Operations Plan shall contain the information listed above unless otherwise specified by the County staff.

d. **Emergency Preparedness and Response:** in accordance with the Emergency Preparedness and Response requirements in Section 4-10-02-03-03-03(9).

1. Emergency Service Providers: The applicant must provide a commitment to serve ("will serve") letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.

e. **Engineering Documents:** The following technical Engineering documents are required by the CED staff unless otherwise waived:

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

iv. Traffic impact and road maintenance fees.

e. Oil and gas operations must minimize impacts to the physical infrastructure of the county transportation system. Any costs to improve county transportation system infrastructure necessitated by the proposed oil and gas operation shall be the responsibility of the Applicant. All transportation system infrastructure improvements and associated costs shall be determined by the CED department. The County shall perform the work or arrange for it to be performed. If the Applicant disagrees with the infrastructure improvements or associated costs as assessed by CED, it may request that the department approve a different route for its proposed oil and gas operation that avoids the need for such improvements. Alternatively, the Applicant may engage a licensed civil engineering firm to perform a traffic impact study in accordance with Chapter 8 of the Development Standards and Regulations to independently evaluate county transportation system infrastructure improvements necessitated by the proposed oil and gas operation.

5. Drainage study/technical drainage letter/plan: If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).
6. Floodplain Use Permit: The applicant must obtain a Floodplain Use Permit, in accordance with the latest version of the Adams County Development Standards and Regulations, if the proposed Oil and Gas construction disturbance or operation encroaches into the 100-year floodplain, or the access is crossing a major drainage way, as defined by the latest version of the Adams County Development Standards and Regulations (Chapter 9).
7. Natural Resource Conservation Overlay (NRCO): if the Oil and Gas Facility is located in the NRCO, a Resource Review may be required.

f. **Water Supply**: the applicant must provide proof of adequate water supply. Operator shall identify a water resource lawfully available for industrial use, including oil and gas development, to be utilized by Operator and its suppliers.

g. **Surface Owner Documentation:** Documentation as to whether the surface owner and others with interest in the property have authorized the proposed OGF.

h. **Additional Information:** Community and Economic Development will develop an application check list that may require additional information to process an OGF Permit application. In addition to the items required on the check list, the Director of Community and Economic Development may require additional information deemed necessary to evaluate particular applications.

4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.

5. Staff Report: Applicable.

   a. Concurrent Referral and Review. County staff may refer the complete application review by the various County Departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside experts or agencies such as the U.S. Army Corps of Engineers, if the project impacts a floodplain, life-safety providers, adjacent jurisdictions, local public health departments, and others as may be deemed appropriate. Operator shall reimburse the County for reasonable costs incurred in connection with the use of third-party expert reviewers.

6. Notice: Applicable, except notice shall be sent by the applicant to all property owners and current residents within a half mile at a minimum, or greater, as determined by the Director of Community and Economic Development. The Notice shall meet the format prescribed by the County. The notice shall contain a statement informing the recipients of the notice that they may request written notification by the Applicant of the commencement of construction and commencement of drilling operations. The applicant shall provide written notification by U.S. Mail, which shall include an offer to consult, to any municipality, special district, or county whose boundaries are within one-half (1/2) mile of the proposed parcel where an application for an Oil and Gas Facility has been filed with the County. Posted notice shall be required for all OGF Permits. The signs shall be posted by the County on the subject property in a manner and at a location to afford

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

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

2-02-14-06 CRITERIA FOR APPROVAL

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

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

2. The OGF will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.

3. The siting of the OGF, after evaluation of alternative sites, is the most compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare, the environment and wildlife of the County.

4. The siting of the OGF does not create any site-specific conditions that present significant or material impacts to nearby land uses.

5. The OGF has addressed off-site impacts and complies with all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.

6. The site is suitable for the use, including adequate usable space, adequate access, and adherence of environmental or wildlife stipulations.

7. The site plan for the proposed use will provide adequate parking, traffic circulation, fencing, screening, and landscaping.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the OGF as designed and proposed.

9. Cultural and Historical Resources: the OGF does not cause significant degradation of cultural, historic, or archaeological sites eligible for County landmarking, or the National Historic Register.

10. Water Bodies and Water Quality: the OGF does not cause adverse impacts to surface or ground waters within Adams County. The operator shall comply with all applicable water quality standards.

11. Emergency Preparedness and Response: the OGF does not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.

12. Air Quality: The OGF meets all required air quality standards.

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

2-02-14-07-01 *PURPOSE*

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

2-02-14-07-02 *APPLICABILITY*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-02-15-01 PURPOSE

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

2-02-15-02 APPLICABILITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-02-15-06 CRITERIA FOR APPROVAL

2-02-15-06-01 *TEXT AMENDMENTS*

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

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

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

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

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

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

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

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

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

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

2-02-16 EXEMPTION

2-02-16-01 PURPOSE

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

2-02-16-02 APPLICABILITY

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

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

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

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

2-02-16-04 SUBDIVISION EXEMPTION REVIEW PROCEDURES

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

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

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

2-02-16-05 CRITERIA FOR APPROVAL

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

1. The Subdivision Exemption is consistent with and conforms to these standards and regulations.
2. The Subdivision Exemption is a division of land determined not to be within the purpose of Article 28, Title 30 of the Colorado Revised Statutes and is consistent with one (1) of the following criteria:
   a. Boundary line adjustments where no additional parcels are created (unplatted land only).
   b. Exemptions creating additional parcels shall be permitted for parcels with more than one (1) principal residence provided all of the following criteria are met:
      (1) Each residence was constructed in conformance with the applicable County regulations in effect at the time the residence

was constructed, and provided the structures were not previously considered uninhabitable or accessory to a principal residence (e.g., a guest house, resort or seasonal cabins used in conjunction with a lodge operation or housing for tenant labor);

(2) Each residence shall have a documented history of continuous use as a single-family dwelling; and

(3) Legal and physical access shall be provided to all parcels by public right-of-way or recorded easement, acceptable to the Adams County Director of Public Works in compliance with the Adams County Engineering Design and Construction Standards.

c. Other divisions of land affected by a deed recorded in the Office of the Adams County Clerk and Recorder that the Board of County Commissioners determines is not within the purposes of this resolution. If it is determined the applicant is using the exemption process to circumvent the subdivision regulations, the applicant shall be required to comply with the applicable sections of this resolution.

d. The property which is the subject of the Exemption may not be within any recorded subdivision plat.

e. The property which is the subject of the Exemption may not be zoned for commercial or industrial uses.

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

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

2-02-16-07 LAPSE OF APPROVAL

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

2-02-16-08 EXTENSION OF APPROVAL

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

schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

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

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

2-02-17 WAIVER FROM SUBDIVISION DESIGN STANDARDS*

Adopted by the BoCC on January 28, 2013

2-02-17-01 PURPOSE

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

2-02-17-02 APPLICABILITY

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

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

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

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

2-02-17-04 WAIVER REVIEW PROCEDURES

A waiver shall be approved by the Board of County Commissioners by resolution. Any waiver shall be processed through a public meeting before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the waiver based on consideration of

the staff report, the evidence from the public meeting, and the waiver's compliance with the criteria for approval.

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

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

2-02-17-05 CRITERIA FOR APPROVAL

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

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

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

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

2-02-17-07 LAPSE OF APPROVAL

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

2-02-17-08 EXTENSION OF APPROVAL

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

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

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

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

2-02-18-01 PURPOSE

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

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

2-02-18-02 PLAT CORRECTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-02-18-03 LOT LINE VACATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-02-18-05 SUBDIVISION REPLAT

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

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

2-02-18-05-02 *APPLICABILITY*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-02-18-06-05 *CRITERIA FOR APPROVAL*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Conceptual Review: Applicable.

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

2-02-18-07-05 *CRITERIA FOR APPROVAL*

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

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

2-02-18-07-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

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

2-02-18-08 ROADWAY VACATION

2-02-18-08-01 *PURPOSE*

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

2-02-18-08-02 *APPLICABILITY*

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

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

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

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

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

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

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

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

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

2-02-18-08-05 *CRITERIA FOR APPROVAL*

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

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

2-02-18-08-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

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

2-02-19 SUBDIVISION, MAJOR

2-02-19-01 PURPOSE

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

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

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

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

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

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

2-02-19-02 SKETCH PLAN

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

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

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

A sketch plan approval is optional for all major subdivisions.

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

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

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

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

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

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

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

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

2-02-19-02-05 *CRITERIA FOR APPROVAL*

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

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

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

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

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

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

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

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

A sketch plan approval may not be extended.

2-02-19-03 PRELIMINARY PLAT

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

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

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

A preliminary plat shall be required for any property intended for subdivision. A preliminary plat shall be approved prior to filing an application for final plat.

2-02-19-03-03 *WHO CAN INITIATE A PRELIMINARY PLAT*

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

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

2-02-19-03-04 *PRELIMINARY PLAT REVIEW PROCEDURES*

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

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

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

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

2-02-19-03-05 *CRITERIA FOR APPROVAL*

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

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

9. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
   a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
   b. Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;
   c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;
   d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design; and
   e. Incorporating public facilities or infrastructure, or cash-in-lieu, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of the County services and facilities.

2-02-19-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT*

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

2-02-19-03-07 *LAPSE OF APPROVAL*

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

2-02-19-03-08 *EXTENSION OF APPROVAL*

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

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

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

2-02-19-04 FINAL PLAT

2-02-19-04-01 *PURPOSE*

The purpose of this section is to detail the steps and requirements for a review of all final engineering plans, subdivision improvements agreements, and other legal requirements for platting a major subdivision. Approval of a final plat establishes a vested right to develop property in accordance with the plan.

2-02-19-04-02 *APPLICABILITY*

A final plat shall be required for any property intended to be subdivided.

2-02-19-04-03 *WHO CAN INITIATE A FINAL PLAT*

A final plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided. A final plat may only be submitted if a preliminary plat for the subject property has been approved. The final plat shall conform to the preliminary plat.

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

2-02-19-04-04 *FINAL PLAT REVIEW PROCEDURES*

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

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

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

2-02-19-04-05 *CRITERIA FOR APPROVAL*

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

1. The final plat is consistent and conforms to the approved preliminary plat.
2. The final plat is in conformance with the subdivision design standards.
3. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the

type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.

4. The applicant has provided evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
5. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.
7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.

2-02-19-04-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT*

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

2-02-20 SUBDIVISION, MINOR

2-02-20-01 PURPOSE

The purpose of this section is to detail the steps for obtaining approval to develop a minor subdivision. A minor subdivision shall only be used to divide parcels of less than twenty (20) acres into four (4) or fewer lots. All minor subdivisions are required to obtain two (2) approvals prior to development of a site.

The first required approval is an approval of the sketch plan. The sketch plan is a conceptual plan analysis of the feasibility of the subdivision including conceptual design, ability to obtain water/sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and

conformance with zoning, design standards, and the Adams County Comprehensive Plan.

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

An Applicant may also choose to process a minor subdivision in the same manner as a major subdivision and the process shall follow Section 2-02-16-03. Each process involves the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, staff analysis and meetings with staff or public hearings/meetings. The final plat application builds on the previously approved application by providing additional details and by meeting additional restrictions and standards. This progression relieves the applicant from major and potentially unnecessary expenses in situations which may require a redesign, and, therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

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

If significant issues are identified or disclosed during the sketch plan process, including, but not limited to, public opposition, the applicant may choose to have the minor subdivision processed as a major subdivision. Where issues appear to be significant or public opposition to a subdivision is substantial, the applicant is advised that by filing a preliminary plat, the applicant may avoid the unnecessary expense in completing final engineering where final plat approval is less certain. If the applicant chooses to have the proposed minor subdivision processed as a major subdivision, the applicant shall submit a preliminary plat in conformance with the requirements of the major subdivision process.

2-02-20-02 SKETCH PLAN

2-02-20-02-01 *PURPOSE*

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

2-02-20-02-02 *APPLICABILITY*

A sketch plan approval shall be required for all minor subdivisions prior to submission of an application for final plat.

2-02-20-02-03 *WHO CAN INITIATE A SKETCH PLAN*

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

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

2-02-20-02-04 *SKETCH PLAN REVIEW PROCEDURES*

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

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

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

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

2-02-20-02-05 *CRITERIA FOR APPROVAL*

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

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

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

2-02-20-02-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

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

2-02-20-02-07 *LAPSE OF APPROVAL*

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

2-02-20-02-08 *EXTENSION OF APPROVAL*

A sketch plan approval may not be extended.

2-02-20-03 FINAL PLAT

2-02-20-03-01 *PURPOSE*

The purpose of this section is to detail the steps and requirements for a review of all final engineering plans, subdivision improvements agreements, and other legal requirements for platting a minor subdivision. Approval of a final plat establishes a vested right to develop property in accordance with the plan.

2-02-20-03-02 *APPLICABILITY*

A final plat shall be required for any property intended for subdivision.

2-02-20-03-03 *WHO CAN INITIATE A FINAL PLAT*

A final plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided. A final plat may only be submitted if a sketch plan for the subject property has been approved. The final plat shall conform to the sketch plan.

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

2-02-20-03-04 *FINAL PLAT REVIEW PROCEDURES*

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

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

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a final plat as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Not applicable.
10. Amendments: Applicable.

2-02-20-03-05 *CRITERIA FOR APPROVAL*

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

1. The final plat is consistent and conforms to the approved sketch plan.

2. The final plat is in conformance with the subdivision design standards.
3. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
4. The applicant has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
5. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.
7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.
8. The final plat is consistent with the Adams County Comprehensive Plan and any available area plan.
9. The final plat is consistent with the purposes of these standards and regulations.
10. The overall density of development within the proposed subdivision conforms to the zone district density allowances.
11. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
    a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
    b. Incorporating site planning techniques to foster the implementation of the County's plans and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of

other services consistent with adopted plans, policies and regulations of the County;

c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures; and

d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.

2-02-20-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

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

2-02-21 APPEAL FROM ADMINISTRATIVE DECISION

2-02-21-01 PURPOSE

The purpose of this section is to detail the steps and requirements for appeals from decisions of administrative officials to ensure these standards and regulations are administered properly and consistently with the policies adopted by the County.

2-02-21-02 APPLICABILITY

All appeals from an administrative decision must be processed in accordance with this section. The Board of Adjustment shall have the authority to hear and decide appeals by any aggrieved person, where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these standards and regulations. Only those provisions relating to the administration of these standards and regulations, the interpretation of performance and design standards, or zone district regulations and standards may be appealed to the Board of Adjustment. An alleged error in the interpretation and administration of any subdivision standards or regulations, or the administration and interpretation of any engineering design and construction standards may not be appealed to the Board of Adjustment but must be appealed to the Board of County Commissioners.

2-02-21-03 WHO CAN INITIATE AN APPEAL

An appeal may be initiated by, without limitation, any person aggrieved by any decision of any administrative official of the County in the enforcement of these standards and regulations.

2-02-21-04 TIME LIMITATIONS

All appeals must be initiated within ten (10) calendar days of the date the order, requirement, decision, or determination was made or rendered by the administrative official. The Director Community and Economic Development may waive or extend this deadline only upon finding the person filing the appeal received no actual or constructive form of notice of the order, requirement, decision, or determination being appealed. Failure to file the appeal in a timely manner shall constitute a waiver of any rights to appeal under this section.

2-02-21-05 APPEAL REVIEW PROCEDURES

An appeal shall be decided by the Board of Adjustment. Any appeal shall be processed through an administrative hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall grant the appeal, modify the administrative decision, or deny the appeal based on consideration of the staff report, the evidence from the public hearing, and compliance with the criteria for approval.

2-02-21-06 APPEAL REVIEW STEPS

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

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for an appeal as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. Upon a determination of sufficiency, the appeal shall stay any proceedings in furtherance of the contested action. The Director of Community and Economic Development may certify in writing to the Board of County Commissioners that a stay poses an imminent peril to life or property or would seriously interfere with the enforcement of these standards and regulations. The Board of

County Commissioners shall review the certification and may override the stay of further proceedings.

5. Staff Report: Applicable. The administrative official whose action is being appealed shall transmit to the Director of Community and Economic Development all administrative papers, records, and other information regarding the subject being appealed within seven (7) days of being given notice of the appeal by the Director of Community and Economic Development. The Director of Community and Economic Development shall give notice in writing to the administrative official whose decision is being appealed. Copies of all written materials transmitted to the Director of Community and Economic Development shall be incorporated into the staff report.
6. Notice: Not applicable.
7. Public Hearing: Not applicable. An administrative hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-21-07 CRITERIA FOR APPROVAL

The Board of Adjustment, in granting an appeal or modifying an administrative decision, shall have all the powers of the administrative official from whom the appeal is taken and shall, in making its decision, find an error in the application of these standards and regulations on the part of the administrative official rendering the order, requirement, decision, or determination. The motion regarding the appeal shall state the reasons the Board of Adjustment used and the findings of fact the Board made in reaching its decision.

2-02-21-08 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING THE GRANT OF AN APPEAL

Upon the granting of an appeal or modification of an administrative decision by the Board of Adjustment, the Director of Community and Economic Development shall send a letter of decision to the administrative officer whose decision was overturned or modified and the appellant. The letter of decision shall describe in detail the grant of appeal approved by the Board of Adjustment.

2-02-21-09 EFFECT OF APPROVAL

The applicant shall be subject to all permits required by these standards and regulations. All orders, decisions, determinations, and interpretations made under those permit procedures shall be consistent with the reversal or modification granted to the appellant.

2-02-22 FLOODPLAIN USE PERMIT VARIANCE

2-02-22-01 PURPOSE

The purpose of this section is to detail the processing steps and requirements for a variance from the provisions of the Floodplain Overlay Zone District requirements. The variance is a means whereby the literal terms of the Floodplain Overlay Zone District standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with their application. In granting a variance, the spirit of the Floodplain Overlay Zone District standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

2-02-22-02 APPLICABILITY

All Floodplain Overlay Zone District variance requests must be processed in accordance with this section. Only the Board of Adjustment may approve a variance from the Floodplain Overlay Zone District standards and regulations. Variances to the Floodplain Overlay Zone District requirements shall be limited as follows:

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places;
2. Variances shall not be issued within any designated floodway if any increase in flood levels would occur during the base flood discharge or if increases within the channel exceed those standards specified in the storm drainage design and technical criteria of these standards and regulations;* and
3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level.

2-02-22-03 WHO CAN INITIATE A VARIANCE REQUEST

A variance may be requested by, without limitation, any owner of, or person having an interest in the affected property. The applicant has the burden of proof to demonstrate the variance meets the criteria for approval.

2-02-22-04 VARIANCE REVIEW PROCEDURES

A variance may be approved by the Board of Adjustment. Any request for variance shall be processed through a public hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the public hearing, and the variance's compliance with the criteria for approval.

2-02-22-05 VARIANCE REVIEW STEPS

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

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for obtaining a variance as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least twenty (20) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a variance may attach any conditions necessary to ensure the variance authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and

zone district in which the subject property is located and will protect the public health and safety.

10. Amendments: Applicable.

2-02-22-06 CRITERIA FOR APPROVAL

The Board of Adjustment in approving a variance shall find:

1. Special physical requirements or circumstances exist which are peculiar to the land, the lot or some aspect inherent in the land causes the hardship, and are not applicable to other lands in the same district.
2. The literal interpretation of the provisions of these standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these standards and regulations.
3. Granting of the variance requested will not confer on the applicant any special privilege denied by these standards and regulations for other land in the same zone district.
4. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of these standards and regulations.
5. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.
6. The variance is the minimum necessary, considering the flood hazard, to afford relief.
7. The applicant has shown good and sufficient cause.
8 Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with State or Federal law or regulations or conflict with existing local laws,* regulations or ordinances. ***Adopted by the BOCC on June 27, 2011.**
9. The Board of Adjustment has considered all technical evaluations, all relevant factors, standards specified in other sections of these standards and regulations, and:
    a. The danger that materials may be swept onto other lands to the injury of others.
    b. The danger to life and property due to flooding or erosion damage.
    c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

d. The importance of services provided by the proposed facility to the community.

e. The necessity of the facility to the waterfront location, where applicable.

f. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.

g. The compatibility of the proposed use with the existing and anticipated development.

h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of Adams County.

i. The safety of access to the property in time of flood for ordinary and emergency vehicles.

j. The expected height, velocity, duration, rate of rise, and sediment transport of the flood water and the effects of wave action as described by a registered professional engineer, if applicable, expected at the site.

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, telephone, water systems, streets, and bridges.

2-02-22-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all conditions of the Board of Adjustment, the Director of Community and Economic Development shall file a variance decision letter with the Office of the Adams County Clerk and Recorder and the Federal Emergency Management Agency. The variance decision letter shall describe in detail the variance approved by the Board of Adjustment and include all specific conditions applied by the Board of Adjustment, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the variance.

The Director of Community and Economic Development shall also notify the applicant in writing over his or her signature that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required by this section. ***Adopted by the BOCC on June 27, 2011.**

2-02-22-08 EFFECT OF APPROVAL

Issuance of a variance shall be deemed to authorize only the particular variation from the Floodplain Overlay Zone District standards and regulations for which it is issued. The variance shall run with the land. The applicant shall be subject to all permits required by these standards and regulations to develop the land.

All conditions contained in the variance shall be binding upon the applicant, any successors, and assigns. The variance and its conditions shall limit and control the issuance and validity of certificates of occupancy and shall restrict and limit the construction, location, and maintenance of all land and structures within the boundaries of the property subject to the variance.

2-02-22-09 REVERSION OF APPROVAL

If at the expiration of one (1) year, a building permit has not been issued for the structure for which the variance was approved or the use associated with the variance has not been established, the variance shall expire and the use of the property shall be controlled by the Floodplain Overlay Zone District standards and regulations without action by the Board of Adjustment.

2-02-22-10 EXTENSION OF APPROVAL

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

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

2-02-23 VARIANCE

2-02-23-01 PURPOSE

The purpose of this section is to detail the processing steps and requirements for a variance. The variance is a means whereby the literal terms of these standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with their application. In granting a variance, the spirit of these standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

2-02-23-02 APPLICABILITY

All variance requests must be processed in accordance with this section. The Board of Adjustment may approve a variance from these standards and regulations. A variance may only be approved from the dimensional requirements, performance standards, and other special physical requirements contained in these standards and regulations. The Board of Adjustment shall not have the authority to grant a variance to use of a property. In addition, the Board of Adjustment may not grant a variance from the noise and height restrictions within the Aviation Zone, the International Airport Clear Zone, or the Height and Noise Overlay Zone Districts.

2-02-23-03 WHO CAN INITIATE A VARIANCE REQUEST

A variance may be requested by, without limitation, any owner of, or person having an interest in the affected property. The applicant has the burden of proof to demonstrate the variance meets the criteria for approval.

2-02-23-04 VARIANCE REVIEW PROCEDURES

A variance may be approved by the Board of Adjustment. Any request for variance shall be processed through a public hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the public hearing, and the variance's compliance with the criteria for approval.

2-02-23-05 VARIANCE REVIEW STEPS

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

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for obtaining a variance as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a variance may attach any conditions necessary to ensure the variance authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone district in which the subject property is located. Conditions serving to prevent or minimize adverse impacts upon other properties in the neighborhood shall include, but not be limited to limitations on the size and location, hours of operation, requirements for landscaping and screening, lighting limitations, and access requirements.
10. Amendments: Applicable.

2-02-23-06 CRITERIA FOR APPROVAL

The Board of Adjustment in approving a variance shall consider:

1. Special physical requirements or circumstances exist which are peculiar to the land, the lot, or some aspect inherent in the land causes the hardship, and are not applicable to other lands in the same district.
2. The literal interpretation of the provisions of these standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these standards and regulations.
3. Granting of the variance requested will not confer on the applicant any special privilege denied by these standards and regulations for other land in the same zone district.

4. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of these standards and regulations.
5. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.
6. The granting of the variance will be in harmony with the general purpose and intent of these standards and regulations and with the Adams County Comprehensive Plan.
7. The granting of a variance from strict application of these standards and regulations will not cause substantial detriment to the public good or impair the intent of these standards and regulations.
8. The variance would not allow a use which (a) is not otherwise permitted in the zone district in which the property is located, (b) would result in the extension of a non-conforming use, or (c) would change the zone classification of any or all of the subject property.

2-02-23-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all conditions of the Board of Adjustment, the Director of Community and Economic Development shall file a variance decision letter with the Office of the Adams County Clerk and Recorder. The variance decision letter shall describe in detail the variance approved by the Board of Adjustment and include all specific conditions applied by the Board of Adjustment, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the variance.

2-02-23-08 EFFECT OF APPROVAL

Issuance of a variance shall be deemed to authorize only the particular variation from these standards and regulations for which it is issued. The variance shall run with the land. The applicant shall be subject to all permits required by these standards and regulations to develop the land.

All conditions contained in the variance shall be binding upon the applicant, any successors and assigns. The variance and its conditions shall limit and control the issuance and validity of certificates of occupancy, and shall restrict and limit the construction, location, and maintenance of all land and structures within the boundaries of the property subject to the variance.

2-02-23-09 REVERSION OF APPROVAL

If at the expiration of one (1) year, a building permit has not been issued for the structure for which the variance was approved or the use associated with the variance has not been established, the variance shall expire and the use of the property shall be controlled by these standards and regulations without action by the Board of Adjustment.

2-02-23-10 EXTENSION OF APPROVAL

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

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

2-02-24 CLEARING AND GRADING PERMIT

2-02-24-01 PURPOSE

The purpose of this section is to provide processing requirements for clearing and grading permits in order to review, consider, approve, approve with modifications, or deny a request for permission to clear bush and/or vegetation, excavate or import soils, disturb land and/or, change the topography of land within unincorporated Adams County.

2-02-24-02 APPLICABILITY

All clearing and grading (GRD) permits must be processed in accordance with this section. A GRD permit is required if:

1. The total area of land disturbance is to be 3,000 square feet or greater, or

2. The cumulative fill and/or excavation exceeds 50-cubic yards.

A GRD permit is the mechanism to provide authorization under which land may be cleared of vegetation, excavated, receive imported soils, disturbed and/or, the topography of the land altered. In accordance with Section 5-02-02, properties that are the subject of an active Subdivision case cannot be issued a clearing and grading permit prior to the approval of the subdivision plat. Agricultural and farming activities are exempt from this requirement.

2-02-24-03 WHO CAN INITIATE A CLEARING AND GRADING PERMIT

A clearing and grading permit may be requested by, without limitation, the owner(s) of the property to which the clearing and grading work is to be performed, the owner of the utility, or any person(s) performing work within the County with legal right to perform such work. The applicant has the burden of proof to demonstrate the clearing and grading permit fully complies with these standards and regulations and meets the criteria for approval.

2-02-24-04 PERMIT APPLICATION

The applicant must submit to the County the following documentation to obtain a Clearing and Grading Permit:

1. A complete GRD Permit Application on the form prescribed by the County. The application shall be signed by a person responsible for compliance with the GRD permit throughout the duration of the permit's validity.

2. An Erosion and Sediment Control Plan (ESCP) that includes the narrative and civil Erosion Control (EC) Plan, according to Section 9-03-08 ESCP.

3. GRD Permit fee.

4. Other materials as deemed appropriate by the County to ensure compliance with this Regulation.

GRD permits are issued for a period of six (6) months, and solely for the specific applicant, scope of work, location and size of the proposed development. Any GRD permit renewal or modifications to the scope of work, location or size of the permitted area (area within the construction

boundary line where land disturbing activities are allowed to take place) must be pre-approved in writing by the County. Amendments to the permit shall be filed by the Permittee with the County on a form prescribed by the County. GRD permits will not be approved until construction plans are approved. If there is no construction activity for a period longer than 6 months then any GRD permit issued will be automatically terminated.

2-02-24-05 PERMIT FEES

GRD Permit fees shall be established from time to time in the annual fee schedule adopted by the Board of County Commissioners. The permit fees shall be paid at the time of submittal of the GRD Permit application. All applicable permit fees are non-refundable.

2-02-24-06 CLEARING AND GRADING PERMIT REVIEW PROCEDURES

A clearing and grading permit may be approved by the Director of Community and Economic Development. The processing of a clearing and grading permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for a clearing and grading permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. Notification of adjacent property owners may be required if the proposed development could have offsite impacts. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable
7. Public Hearing: Not applicable. In substitution, an application for a clearing and grading permit shall be reviewed and approved, approved with modifications, or denied by the Director of Community and Economic Development based on its compliance with these standards and regulations.
8. Standards: Not applicable. In substitution, an application for clearing and grading permit shall be reviewed for compliance with these standards and regulations.

9. Conditions of Approval: Applicable. The Director of Community and Economic Development may impose any conditions determined to be necessary to assure the safety of the general public, protect the County's infrastructure, adequately accommodate the type and volume of traffic during the work, and deal with anticipated traffic volumes and road improvements.
10. Amendments: Not applicable. In substitution, an amendment to a clearing and grading permit may be authorized by the Director of Community and Economic Development provided the clearing and grading permit remains in compliance with all applicable standards and regulations.

2-02-24-07 CRITERIA FOR APPROVAL

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

1. The clearing and grading permit is consistent and complies with the requirements of these standards and regulations for the type of work to be performed.
2. The work to be performed will be of such a standard and condition as to prevent adverse effects to neighboring properties.
3. Adequate controls have been established to ensure compliance and safety during the course of work.
4. Adequate financial guarantees have been provided to ensure that any problems arising from the work to be performed can be reasonably remedied by the County, if necessary.

2-02-24-08 RIGHT OF ENTRY

Refer to Chapter 1 of these standards and regulations for the authority to enter onto private property within unincorporated Adams County for inspection purposes. Additionally, the landowner, developer, builder, or GRD Permittee must allow County staff the right-of-entry for the following:

1. To enter upon the construction project premises to investigate, within reason, any actual, suspected, or potential source of water pollution, or violation of these regulations. The investigation may include, but is not limited to, the following: sampling of any discharge or process waters, the taking of photographs, interviewing associated personnel on alleged violations, and access to any and all facilities or areas within the project premises

that may have any effect on the discharge, permit, or alleged violations.

2-02-24-09 EFFECT OF APPROVAL

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

2-02-24-10 EXTENSION OF APPROVAL

The Director of Community and Economic Development may grant extensions of up to six (6) months. In order to be eligible for an extension, the applicant shall file a request for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the clearing and grading permit would lapse, unless waived by the Director of Community and Economic Development.

2-02-24-11 FINAL CONSTRUCTION SITE STABILIZATION

The GRD permit shall remain active until Final Construction Site Stabilization has occurred. Final Construction Site Stabilization occurs when all ground disturbing activities are complete, and all disturbed areas have either been built on, paved over or a uniform vegetative cover has been established per conditionally accepted ESCP. Prior to GRD permit closeout, all items listed below must be completed in order for the construction site to be considered to have Final Construction Site Stabilization:

1. The site has a uniform vegetative cover with a density of at least seventy percent (70%) compared to the original undisturbed site. Vegetative cover shall be established with the approved seed mix, sod or a combination thereof.
2. If applicable, proper installation and maintenance of all approved permanent post-construction stormwater quality treatment BMPs.
3. Removal of all stockpiles of soil, construction material/debris, construction equipment, etc. from the construction site.
4. Streets, parking lots and other surrounding paved surfaces are clean and free of any sediment or debris.
5. Removal of sediment and debris within the private or adjacent public storm drainage system.

6. Restoration and stabilization of any damaged public infrastructure caused by the Permittee's construction activities.

Any acceptance of installed vegetative cover shall not be construed to relieve the property owner of the duty to warrant and maintain the installed vegetative measures as aforementioned.

2-02-24-12 PERMIT CLOSEOUT NOTIFICATION

The Permittee must contact the County to set up a Closeout Inspection. The purpose of the Closeout Inspection is to verify the site is adequately stabilized and/or covered with pavement or structures, per the County accepted plans. If the County needs to conduct more than one Closeout Inspection, an inspection fee may be assessed for each additional closeout inspection, as approved by Adams County Annual Fee Schedule adopted by the Board of County Commissioners.

2-02-24-13 AUTHORITY

Enforcement of the Adams County GRD Permit is the responsibility of the Department of Public Works. The Department of Public Works is hereby authorized to sign-off (or withhold the approval) of associated County permits (e.g. Building, Right-of-Way, Infrastructure, etc.) with a signature line once all GRD Permit conditions have been met.

The Department of Public Works is hereby authorized to sign off on the Certificate of Occupancy (C.O.) for buildings holding a GRD Permit. In order for the Department of Public Works to sign off on a C.O., the associated overall site shall be in compliance with the GRD Permit requirements. Sites that are under an enforcement action may not receive a sign off by the Department of Public Works.

2-02-24-14 ENFORCEMENT POLICIES

It is the policy of Adams County to encourage compliance with the approved GRD permit by working with the landowner, developer, builder, or GRD Permittee during construction. The County may allow the landowner, developer, builder, or GRD Permittee a reasonable amount of time to re-inspect the site to ensure necessary measures have been completed to bring a construction site into compliance prior to formal enforcement. The County considers the owner of the land the ultimate responsible party for all construction activities. It is ultimately the

responsibility of the landowner to take all necessary measures to ensure the site is in compliance with County, State and Federal statutes, regulations, ordinances and permits. The County has, to the maximum extent practicable, made its Clearing and Grading Regulations consistent with the requirements of the Adams County Stormwater Quality Permit and the State CDPS Stormwater Discharge Permit for Construction Activities. In the event of conflicting requirements, the most stringent or restrictive shall govern.

2-02-24-15 VIOLATIONS

The following items are considered, but not limited to, a violation of the Clearing and Grading Regulations and/or Clearing and Grading (GRD) Permit:

1. Conducting a permit covered activity without a County GRD Permit.
2. Failure to prepare an Erosion and Sediment Control Plan (ESCP).
3. Failure to prepare an Erosion Control (EC) Plan
4. Conducting a permit covered activity without Adams County review and conditional acceptance of the ESCP.
5. Conducting activity without a State CDPS Stormwater Discharge Permit for Construction Activities (when applicable).
6. Failure to renew the GRD Permit.
7. Deficient ESCP.
8. Failure to update the ESCP adequately to reflect current site conditions.
9. Failure to install, maintain or properly select stormwater pollution prevention Best Management Practices (BMP).
10. Failure to correct findings from Adams County Regulatory Inspections.

2-02-24-16 PENALTIES

In addition to penalties listed under Chapter 1 of these standards and regulations, the following penalties may apply to any person, landowner, developer, builder, or GRD Permittee if such person fails to adequately comply with the measures required by the ESCP, EC Plan, GRD Permit, Stormwater Quality Regulations or other written requirements by the County. The remedies listed below are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within

the discretion of the County to seek alternative and/or cumulative remedies.

1. Verbal or Written Warning: Advice of non-compliance given by the County to the Permittee that indicates the Permittee is in violation with County Regulations and directing immediate resolution.
2. Notice of Violation (NOV): As defined in Chapter 1 of these standards and regulations. Additionally, the NOV shall include re-inspection dates in which the County returns to the site to ensure completion of corrective and preventative measures. Possible measures may include, but are not limited to; vacuum and jetting storm sewer structures, attending educational training, submitting standard operating procedures, posting signage, reimbursing the County for any additional inspection cost and/or spill material provided by the County, etc. When clean-up and repairs are not feasible, then alternative equivalent activities may be directed such as, but not limited to, storm drain stenciling, attendance to compliance workshops, and trash cleanup.
3. Suspension or Revocation of Permits: As defined in Chapter 1 of these standards and regulations. All fees for re-issuance of a new permit must be paid prior to re-issuance of the permit.
4. Permit Fee Increase: As established in the Annual Fee Schedule adopted by the Board of County Commissioners.
5. Certificate of Occupancy (C.O.) Withhold: As defined in Chapter 1 of these standards and regulations. In Addition, the County may withhold the Certificate of Occupancy (C.O.) sign off if the associated overall site is not in compliance with the GRD Permit requirements. Sites that are under an enforcement action will not receive a sign off by Public Works Department.
6. Cease and Desist Order: As defined in Chapter 1 of these standards and regulations.
7. Payment of additional Inspections: A person or landowner may be charged inspection fees for more than one regular follow-up regulatory inspection or any inspection triggered by a Notice of Violation as established in the Annual Fee Schedule adopted by the Board of County Commissioners.
8. Stringent Self-Inspection Frequency: Permittees may be required to conduct GRD self- inspections on a more stringent frequency if the Permittee is non-responsive after two NOV, or systematic/chronic violator.

9. Financial Surety Withdrawal: The County may, after notifying the GRD Permitee of the required maintenance and/or BMP removal, and such person's failure to perform such maintenance and/or BMP removal within ten (10) business days thereafter, enter upon the property and perform or cause to be performed the required work and assess the reasonable costs and expenses of such work against such person. At such time, as any assessment for work performed by the County has not been paid by the GRD Permittee, the County shall withdraw from the GRD Permit Financial Surety;

10. Civil/Criminal Action: As defined in Chapter 1 of these standards and regulations.

CHAPTER 3—ZONE DISTRICT REGULATIONS

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Chapter 3—ZONE DISTRICT REGULATIONS

3-01 GENERAL APPLICATION

The requirements within each zone district shall be the minimum regulations and shall apply to both the use of land or structure within each zone district. No land shall be used or occupied and no structure or building shall be constructed, erected, altered, used, or occupied except in conformity with all standards and regulations specified for the zone district in which it is located, and in conformity with the County's building, subdivision, other standards and regulations, resolutions, and ordinances. All Variance requests are subject to Section 2-02-18 of the Adams County Standards and Regulations, excluding Marijuana Establishments and Sexually Oriented Businesses. These regulations shall be subject to limitations regarding the number of marijuana establishments and/or the type of establishments as set forth by the BOCC in resolution.

3-02 ESTABLISHMENT OF ZONE DISTRICTS

In order to regulate the use of land and buildings, regulate the location, height, bulk and size of buildings and other structures, and to provide for minimum separation between uses and structures, the unincorporated areas of Adams County are divided into the following underlying defined zone districts:

1. Agricultural-3 (A-3)
2. Agricultural-2 (A-2)
3. Agricultural-1 (A-1)
4. Residential Estate (RE)
5. Residential-1-A (R-1-A) Same as R-1-C
6. Residential-1-C (R-1-C)
7. Residential Two-Family (R-2)
8. Residential Moderate Density (R-3)
9. Residential High Density (R-4)
10. Mobile Home Dwelling (MH)
11. Commercial-0 (C-0)
12. Commercial-1 (C-1)
13. Commercial-2 (C-2)
14. Commercial-3 (C-3)
15. Commercial-4 (C-4)
16. Commercial-5 (C-5)
17. Industrial-1 (I-1)
18. Industrial-2 (I-2)
19. Industrial-3 (I-3)
20. Conservation (CO)
21. Public Lands, Parks, Open Space, and Facilities (PL)
22. Planned Unit Development (P.U.D.)
23. Aviation (AV)
24. Denver International Airport (DIA)

3-03 ESTABLISHMENT OF OVERLAY ZONE DISTRICTS

In order to regulate the use and development of land and buildings where specific issues or concerns must be mitigated due to unusual and unique circumstances or where alternative design concepts are desired or are necessary to mitigate specific conditions, the following overlay zone districts are hereby created:

1. Airport Height Overlay (AHO)
2. Airport Influence Zone (AIZ)
3. Airport Noise Overlay (ANO)
4. Flammable Gas Overlay (FGO)
5. Flood Control Overlay (FCO)
6. Mineral Conservation Overlay (MCO)
7. Natural Resources Conservation Overlay (NRCO)

3-04 INCORPORATION AND INTERPRETATION OF MAPS

The location and boundaries of the zone and overlay zone districts established by these standards and regulations are shown on the zone district maps of Adams County (Adams County Zoning Maps), which are incorporated into these standards and regulations by reference.

If for any reason the location of any zone or overlay zone district boundary line is not readily determinable from the Official Adams County Zoning Maps, the location of the zone or overlay zone district boundary line shall be determined by the Director of Community and Economic Development in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:

1. Where a zone or overlay zone district boundary line is located with reference to a fixture, monument, or natural feature, the location of such fixture, monument, or natural feature shall control.
2. Where a zone or overlay zone district boundary line is given a position within or abutting a highway, road, street, or alley right-of-way which does not appear to be located within any zone or overlay zone district, the zone district boundary line shall be deemed to be in the center of the highway, road, street, or alley right-of-way.
3. Where a zone or overlay zone district boundary line is shown as approximately following subdivision plat lot lines, municipal boundary or County boundary lines, the lot lines, or municipal or County boundary lines shall control.
4. Where a zone or overlay zone district boundary line is shown by a specific dimension, such specific dimension shall control.
5. Where a zone or overlay zone district boundary line is shown by reference to property ownership, the location of the zone or overlay zone district boundary line shall be determined by scaling from the County Assessor's maps.
6. In all other circumstances, the location of the zone or overlay zone district boundary line shall be determined by scaling from the zone district maps.

3-04-01 DIVISION OF A LOT BY A ZONE DISTRICT BOUNDARY

Where a zone or overlay zone district boundary line divides a lot, and where the division makes impractical the reasonable use of the lot, the zone or overlay zone district boundary may be adjusted by the Director of Community and Economic Development in either direction not to exceed one hundred (100) feet beyond the district boundary line into the remaining portion of the lot.

3-04-02 PROCEDURE FOR OBTAINING A BOUNDARY INTERPRETATION

Before a boundary interpretation may be provided by the Director of Community and Economic Development, a request for interpretation must be submitted to the Community and Economic Development Department in a form established by the Director of Community and Economic Development. After the Director of Community and Economic Development receives the request of interpretation, the Director of Community and Economic Development shall determine whether the request is complete, specific, clear and ready for review. If the Director of Community and Economic Development determines the request is not complete, a written notice shall be sent to the applicant specifying the deficiencies. The Director of Community and Economic Development shall take no further action on the request until the deficiencies are remedied.

After the request has been determined to be sufficient, the Director of Community and Economic Development shall review and evaluate the request in light of the terms and provisions of these standards and regulations and the zoning map, and render a written interpretation. The Director of Community and Economic Development may consult the County Attorney and other departments before rendering an interpretation. The written interpretation shall be sent to the applicant by U.S. Mail. *Interpretations not in writing shall have no force or effect.* Written interpretations set no precedent and shall be limited to the property identified in the interpretation.

The Director of Community and Economic Development shall maintain an official record of all interpretations in the Community and Economic Development Department. Such official record shall be available for inspection.

3-05 PERMITTED USES AND INTERPRETATIONS

3-05-01 USES PERMITTED IN EACH ZONE DISTRICT OR OVERLAY ZONE DISTRICT

The uses permitted in each zone or overlay zone district are specifically designated in Section 3-07 through 3-37. No use not specifically permitted or conditionally permitted shall be allowed in a district unless the Director of Community and Economic Development determines the use is similar to an expressly permitted use.

3-05-02 PROCEDURE FOR OBTAINING AN INTERPRETATION OF THE TEXT OF THESE STANDARDS AND REGULATIONS

Before a text interpretation may be provided by the Director of Community and Economic Development, a request for interpretation must be submitted to the Community and Economic Development Department in a form established by the Director of Community and Economic Development. After the Director of Community and Economic Development receives the request of interpretation, the Director of Community and Economic Development shall determine whether the request is complete, specific, clear and ready for review. If the Director of Community and Economic Development determines the request is not complete, a written notice shall be sent to the applicant specifying the deficiencies. The Director of Community and Economic Development shall take no further action on the request until the deficiencies are remedied.

After the request has been determined to be sufficient, the Director of Community and Economic Development shall review and evaluate the request in light of the terms and provisions of these standards and regulations and the zoning map, and render a written interpretation. The Director of Community and Economic Development may consult the County Attorney and other departments before rendering an interpretation. The written interpretation shall be sent to the applicant by U.S. Mail. *Interpretations not in writing shall have no force or effect.* Written interpretations set no precedent and shall be limited to the property identified in the interpretation.

The Director of Community and Economic Development shall maintain an official record of all interpretations in the Community and Economic Development Department. Such official record shall be available for inspection.

3-05-03 LIMIT OF INTERPRETATION

No interpretation shall authorize any use in a zone or overlay zone district unless the Director of Community and Economic Development determines the use is substantially similar to a permitted use or conditionally permitted use in the district. No interpretation shall permit the establishment of any use inconsistent with the statement of purpose for the district in question, and no interpretation shall have the effect of amending, abrogating, or waiving any other standard or requirement established in these standards and regulations.

3-05-04 RELATIONSHIP OF INTERPRETATION TO OTHER STANDARDS

The Director of Community and Economic Development may require any use determined to be substantially similar to a permitted use or conditionally permitted use in a district to comply with all other standards contained in these standards and regulations pertaining to the substantially similar use, including, but not limited to, dimensional requirements, parking requirements, design requirements, and performance standards.

3-06 USE CATEGORIES DEFINED

The categories of use defined by these standards and regulations are set forth below. These use categories are established as a means of detailing the permitted uses within each zone district and overlay zone district. The categories are also established to provide consistent review, permitting, design requirements, and performance standards among similar uses. The uses not enumerated in this Section are not necessarily excluded. Section 3-05-01 empowers the Director of Community and Economic Development to make interpretations of use. The Director of Community and Economic Development may use the most recent edition of the Standard Industrial Classification Manual published by the Executive Office of the President, Office of Management and Budget, or any other sources to help determine whether an unidentified use is substantially similar to an identified permitted or conditional use.

1. Agricultural Uses
    a. Agricultural Business
    b. Agricultural Support Businesses and Services
    c. Farming
    d. Nurseries
    e. Ranching
2. Residential Uses
    a. Group Living Facility
    b. Manufactured Home Park
    c. Mobile Home Park
    d. Multi-Family Dwelling
    e. Single-Family Dwelling
    f. Two-Family Dwelling
3. Institutional Uses
    a. Funeral Home/Mortuary *
    b. Funeral Home/Mortuary to Include Cremation *
    c. Halfway House *
    d. Institutional Care
    e. Jails and Prisons
    f. Neighborhood Indoor Uses
    g. Outdoor Public Uses
    h. Places of Worship

i. Public Service
j. Universities

4. Commercial Uses
    a. Airports, Landing Strips and Heliports
    b. Animal Hospitals
    c. Automobile Service Stations
    d. Bed and Breakfast Establishments
    e. Campgrounds, Commercial
    f. Communications Towers, Commercial
    g. Commercial Retail
    h. Convenience Store
    i. Drive-In Establishments
    j. Golf Course/Driving Range, Commercial
    k. Heavy Retail and Heavy Services
    l. Indoor Commercial Recreation/Entertainment
    m. Kennel, Commercial
    n. Lodging, Commercial
    o. Massage Business
    p. Off-Premise Advertising Devices
    q. Office
    r. Outdoor Commercial Recreation
    s. Parking Lot, Commercial
    t. Racing Facilities
    u. Restaurants
    v. Services
    w. Sexually-Oriented Business
    x. Trade Schools
5. Industrial Uses
    a. Business Park Uses
    b. Extraction or Disposal Uses
    c. Heavy Industry
    d. Heavy Manufacturing or Processing

e. Landscape Storage Yards *****

f. Light Industry

g. Light Manufacturing or Processing

h. Major Energy Facility

i. Moderate Manufacturing or Processing

j. Oil and Gas Facilities

k. Accessory Outdoor Storage (up to 25% of the building area) *****

l. Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area) *****

m. Outdoor Storage (in excess of 100% of the building area) *****

6. Marijuana Establishments[i]

   a. Medical Marijuana Store

   b. Retail Marijuana Store

   c. Medical Marijuana Product Manufacturing Facility

   d. Retail Marijuana Product Manufacturing Facility

   e. Medical Marijuana Cultivation Facility

   f. Retail Marijuana Cultivation Facility

   g. Retail Marijuana Testing Facility

   h. Marijuana Hospitality Business

   i. Retail Marijuana Hospitality and Sales Business

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

3-07 USE CHART AND DIMENSIONAL REQUIREMENTS

3-07-01 USE CHART[ii]

The following tables summarize the permitted, conditionally permitted, and prohibited uses in each zone district. These tables are provided for ease of comparing allowed and prohibited uses between zone districts. Other standards or restrictions may apply within a specific zone district. The reader is advised to check the restrictions in the specific zone district section within these standards and regulations, review any restrictions within any overlay zone district which may further limit the permitted and conditional uses, and review any performance standards applicable to the use. If there is a conflict between the Use Chart and Dimensional Requirements (Chart) and the specific language in the zone district. then the language in the zone district shall prevail over the chart.

USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
AGRICULTURAL USES						
Agricultural Businesses and Farming Operations	C	C	C	-	-	-
Animal farms	P	P	P	-	-	-
Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO)	C	C	C	-	-	-
Aquaculture facility	C	C	C	-	-	-
Crop farming, excluding Hemp	P	P	P	P	P	P
Crop farming, including hemp	P	P	P	-	-	-
Equestrian Arena, Commercial	C	C	C	-	-	-
Equestrian Arena, Personal	P	P	P	-	-	-
Agricultural Support Businesses and Services	C	C	C	-	-	-
Farm machinery sales and services	C	C	C	-	-	-
Farm supply sales	C	C	C	-	-	-
Grain mill	C	C	C	-	-	-
Grain elevators	C	C	C	-	-	-
Riding stables or academy	C	C	C	-	-	-
Nurseries	P	P	P	-	-	-
Forestry and Siviculture	P	P	P	-	-	-
Timbering and logging	P	P	P	-	-	-

USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
RESIDENTIAL USES						
Accessory Dwelling Unit	P	P	P	P	P	P
Group Home for the Developmentally Disabled	C	C	C	C	C	C
Group Home for the Elderly	C	C	C	C	C	C
Group Living Facility (1 to 5 persons)	P	P	P	P	P	P
Group Living Facility (in excess of 5 persons)	C	C	C	C	C	C
Group Living Facility (with more than 1 registered sex offender)	C	C	C	C	C	C
Manufactured Home Park	-	-	-	-	C	C
Mobile Home Park	-	-	-	-	-	-
Multi-Family Dwelling	-	-	-	-	-	-
Single-Family Dwelling	P	P	P	P	P	P
Two-Family Dwelling	C	C	C	-	-	P
INSTITUTIONAL USES						
Funeral Home/Mortuary*	P	P	P	-	-	-
Funeral Home/Mortuary to include Cremation*	C	C	C	-	-	-
Halfway House*	-	-	C	-	-	-
Institutional Care	C	C	C	C	C	C
Boarding/rooming houses	C	C	C	C	C	C
Convalescent homes	C	C	C	C	C	C
Convents or monasteries	C	C	C	C	C	C
Foster homes	C	C	C	C	C	C
Hospitals/clinics	C	C	C	C	C	C
Nursing homes	C	C	C	C	C	C
Protective living facilities	C	C	C	C	C	C
Sanitariums	C	C	C	C	C	C
Sheltered care homes	C	C	C	C	C	C
Jails and Prisons	-	-	C	-	-	-
Jails	-	-	C	-	-	-
Penal institutions	-	-	C	-	-	-
Prisons	-	-	C	-	-	-
Neighborhood Indoor Uses	C	C	C	C	C	C
Branch libraries	C	C	C	C	C	C
Day care centers (day or nursery schools) (Adult* or Child)	C	P	P	C	C	C

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USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Gymnasiums	C	C	C	C	C	C
Handball	C	C	C	C	C	C
Handball courts	C	C	C	C	C	C
Indoor recreational centers	C	C	C	C	C	C
Indoor skating rinks (ice or roller)	C	C	C	C	C	C
Indoor swimming pools	C	C	C	C	C	C
Neighborhood community or recreational centers	C	C	C	C	C	C
Public or private primary and secondary schools (excluding trade schools)	C	C	C	C	C	C
Racquetball	C	C	C	C	C	C
Tennis	C	C	C	C	C	C
Outdoor Public Uses	P	P	P	P	P	P
Arboretums	P	P	P	P	P	P
Areas for hiking	P	P	P	P	P	P
Cemeteries, with or without caretaker residences*	C	C	P	-	-	-
Garden plots	P	P	P	P	P	P
Nature areas	P	P	P	P	P	P
Picnic areas	P	P	P	P	P	P
Public areas for active recreational activities	P	P	P	P	P	P
Recreation-oriented parks	P	P	P	P	P	P
Wildlife sanctuaries	P	P	P	P	P	P
Places of Worship	C	C	P	C	C	C
Public Service	C	C	C	C	C	C
All government-owned facilities except landfills or mining facilities	C	C	C	C	C	C
Emergency service buildings or garages	C	C	C	C	C	C
Government offices	C	C	C	C	C	C
Utility substations or transmission and distribution facilities	C	C	C	C	C	C
Universities	C	C	C	C	C	C

USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
COMMERCIAL USES						
Airports, Landing Strips and Heliports	C	C	C	-	-	-
Animal Hospitals	C	C	C	-	-	-
Automobile Service Stations	-	-	-	-	-	-
Car washes	-	-	-	-	-	-
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	-	-	-	-	-	-
Gas stations	-	-	-	-	-	-
Bed and Breakfast Establishments	P	P	P	C	C	-
Campgrounds, Commercial	C	C	C	-	-	-
Camps	C	C	C	-	-	-
Campsites	C	C	C	-	-	-
Recreational vehicle parks	C	C	C	-	-	-
Tents	C	C	C	-	-	-
Trailer parks	C	C	C	-	-	-
Communications Towers, Commercial	C	C	C	-	-	-
Antenna arrays (satellite dishes)	C	C	C	-	-	-
Radio or TV broadcasting towers	C	C	C	-	-	-
Telecommunications towers	A	A	A	A	A	A
Commercial Retail	-	-	-	-	-	-
Apparel and accessory stores	-	-	-	-	-	-
Building supplies	-	-	-	-	-	-
Cabinet sales	-	-	-	-	-	-
Dry cleaners	-	-	-	-	-	-
Engineering and management services	-	-	-	-	-	-
Food stores	-	-	-	-	-	-
Furniture and home furnishings stores	-	-	-	-	-	-

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USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
General merchandise stores	-	-	-	-	-	-
Greenhouses (retail) and greenhouses with garden supplies	-	C	C	-	-	-
Health services	-	-	-	-	-	-
Legal services	-	-	-	-	-	-
Membership organizations	-	-	-	-	-	-
Miscellaneous retail except fuel dealers	-	-	-	-	-	-
Miscellaneous services	-	-	-	-	-	-
Social services except care facilities	-	-	-	-	-	-
Convenience Retail Store	-	-	-	-	-	-
Drive-In Establishments	-	-	-	-	-	-
Golf Course/Driving Range, Commercial	C	C	C	C	C	C
Heavy Retail and Heavy Services	-	-	C	-	-	-
Auto/truck rental/leasing	-	-	C	-	-	-
Automobile dealers	-	-	C	-	-	-
Automotive repair except top, body, upholstery repair, paint, and tire retreading shops	-	-	C	-	-	-
Automotive services except wrecking or towing storage yards	-	-	C	-	-	-
Auto towing and storage yards	-	-	-	-	-	-
Cabinet manufacturing with sales	-	-	C	-	-	-
Cold storage	-	-	C	-	-	-
Firewood sales, storage, and splitting	-	-	C	-	-	-
Flea market	-	-	C	-	-	-
Mobile home and manufactured housing dealers with mobile home sales office	-	-	C	-	-	-
Pawn shops	-	-	C	-	-	-

USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Radio and TV broadcasting station	-	-	C	-	-	-
Indoor Commercial Recreation/Entertainment	-	-	-	-	-	-
Event Centers	-	-	C	-	-	-
Bowling alleys	-	-	-	-	-	-
Indoor sports arenas	-	-	-	-	-	-
Movie theaters	-	-	-	-	-	-
Physical fitness facilities	-	-	-	-	-	-
Pool arcades	-	-	-	-	-	-
Video arcades	-	-	-	-	-	-
Kennel, Commercial	C	C	C	-	-	-
Lodging, Commercial	-	-	-	-	-	-
Convention centers	-	-	-	-	-	-
Hotels	-	-	-	-	-	-
Motels	-	-	-	-	-	-
Massage Business	-	-	-	-	-	-
Off-Premise Advertising Devices	-	-	-	-	-	-
Office	-	-	-	-	-	-
Banking and other credit agencies (offices only)	-	-	-	-	-	-
Business services	-	-	-	-	-	-
Commodity brokers and services	-	-	-	-	-	-
Holding and other investments	-	-	-	-	-	-
Insurance carriers	-	-	-	-	-	-
Medical offices	-	-	-	-	-	-
Real estate	-	-	-	-	-	-
Security	-	-	-	-	-	-
Outdoor Commercial Recreation	C	C	C	-	-	-
Amusement parks	C	C	C	-	-	-
Archery ranges	C	C	C	-	-	-
Batting cages	C	C	C	-	-	-
Drive-in theaters	C	C	C	-	-	-
Go-cart establishments	C	C	C	-	-	-
Ice and roller skating rinks	C	C	C	-	-	-

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USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Miniature golf establishments	C	C	C	-	-	-
Music arenas	C	C	C	-	-	-
Outdoor commercial amusement facilities	C	C	C	-	-	-
Pistol and shooting ranges	C	C	C	-	-	-
Theme parks	C	C	C	-	-	-
Water slides	C	C	C	-	-	-
Parking Lot, Commercial	-	C	C	-	-	-
Racing Facilities	-	-	C	-	-	-
Automobile racing	-	-	C	-	-	-
Dog tracks	-	-	C	-	-	-
Horse racing	-	-	C	-	-	-
Truck racing	-	-	C	-	-	-
Restaurants	-	-	-	-	-	-
Services	-	-	C	-	-	-
Sexually Oriented Business	-	-	-	-	-	-
Trade Schools	C	C	C	-	-	-
INDUSTRIAL USES						
Business Park Uses	-	-	-	-	-	-
Apparel and other finished products made from fabrics and similar materials	-	-	-	-	-	-
Arrangement of transportation of freight and cargo	-	-	-	-	-	-
Bakeries	-	-	-	-	-	-
Communications	-	-	-	-	-	-
Development and testing services	-	-	-	-	-	-
Measuring, analyzing, and controlling instrument manufacturing	-	-	-	-	-	-
Medical and optical goods	-	-	-	-	-	-
Motion picture production and allied services	-	-	-	-	-	-
Moving companies	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Musical instruments and sporting/athletic goods manufacturing	-	-	-	-	-	-
Photographic	-	-	-	-	-	-
Research	-	-	-	-	-	-
Space research and technology	-	-	-	-	-	-
United states postal service	-	-	-	-	-	-
Watches and clocks	-	-	-	-	-	-
Energy Facilities						
Major energy facility	C	C	C	C	C	C
Solar energy system, small-scale	C	P	P	C	C	C
Solar energy system, medium scale	C	C	P	C	-	-
Solar energy system, large-scale	C	C	C	-	-	-
Extraction or Disposal Uses	C/S	C/S	C/S	C/S	C/S	C/S
Heavy Industry	-	C	C	-	-	-
Alcoholic beverage manufacturing	-	-	C	-	-	-
Asphalt and concrete production facilities	-	-	C	-	-	-
Auction yards with livestock	-	C	C	-	-	-
Automobile manufacturing	-	-	C	-	-	-
Chemical manufacturing	-	-	C	-	-	-
Chemicals and allied products manufacturing except drugs	-	-	C	-	-	-
Heavy construction contractors	-	-	C	-	-	-
Heavy logistics center	-	-	-	-	-	-
Manufactured homes	-	-	C	-	-	-
Meat processing, packing, packaging, and slaughterhouses	-	C	C	-	-	-
Paper, pulp, or paperboard mills	-	-	C	-	-	-

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USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Petroleum products manufacturing	-	-	C	-	-	-
Railroad yard	C	C	C			
Railroad transportation	-	C	C	-	-	-
Rubber and miscellaneous plastics manufacturing	-	-	C	-	-	-
Salvage yards	-	-	C	-	-	-
Sawmills	-	-	C	-	-	-
Stone and clay products	-	-	C	-	-	-
The storage and disassembly of vehicles and the re-assembly of various parts	-	-	C	-	-	-
Trailer and truck manufacturing	-	-	C	-	-	-
Transportation equipment	-	-	C	-	-	-
Utility production or processing facilities	-	C	C	-	-	-
Heavy Manufacturing or Processing	-	-	-	-	-	-
Abrasive manufacturing	-	-	-	-	-	-
Acid manufacturing	-	-	-	-	-	-
Asbestos products manufacturing	-	-	-	-	-	-
Boiler or tank manufacturing	-	-	-	-	-	-
Bone reduction	-	-	C	-	-	-
Caustic soda manufacturing	-	-	-	-	-	-
Celluloid manufacturing	-	-	-	-	-	-
Coal, coke yards, or coal classifications	-	-	-	-	-	-
Detergent, soap, and by-products manufacturing using animal fat	-	-	-	-	-	-
Disinfectant, insecticide, or poison manufacturing	-	-	-	-	-	-
Distillation of bone, refuse, grain, and wood	-	-	-	-	-	-
Dye manufacturing	-	-	-	-	-	-
Felt manufacturing	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Fossil fuel manufacturing	-	-	-	-	-	-
Fuel, oil, gasoline, and petroleum products (bulk storage and/or sale)	-	-	-	-	-	-
Hazardous waste treatment facility	-	-	-	-	-	-
Linseed oil, shellac, and turpentine manufacturing and refinery	-	-	-	-	-	-
Lubrication and grease manufacturing	-	-	-	-	-	-
Lumber mills, planing mills, and storage of logs	-	-	-	-	-	-
Oil compounding	-	-	-	-	-	-
Paint and enamel manufacturing	-	-	-	-	-	-
Pickle manufacturing	-	C	C	-	-	-
Recycling Facilities	-	-	C	-	-	-
Scrap processing or shredding yard	-	-	-	-	-	-
Smelting or refining of metal	-	-	-	-	-	-
Sugar and beet refining	-	-	-	-	-	-
Tar and waterproofing (materials manufacturing, treatment, and bulk storage)	-	-	-	-	-	-
Landscape Storage Yards*	-	-	C	-	-	-
Light Industry	-	-	C	-	-	-
Auction houses without livestock	-	-	C	-	-	-
Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops	-	-	C	-	-	-
Bus repair	-	-	C	-	-	-
Dairy and food processing and manufacturing facilities	-	-	C	-	-	-
Drug manufacturing	-	-	C	-	-	-
Dry cleaning plants	-	-	C	-	-	-

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USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Electric and electronic equipment, including electronic distribution and electrical industrial	-	-	C	-	-	-
Fabricated metal, sheet metal shops, metal products manufacturing	-	-	C	-	-	-
Fuel and ice dealers	-	-	C	-	-	-
Furniture and fixtures	-	-	C	-	-	-
General building contractors	-	-	C	-	-	-
Instruments and related products	-	-	C	-	-	-
Leather and leather products, including tanning and finishing	-	-	C	-	-	-
Local and interurban passenger transit	C	C	C	-	-	-
Light logistics center	-	-	-	-	-	-
Lumber, building materials, and wood products	-	-	C	-	-	-
Meat processing and packaging, excluding meat packing and slaughter	-	-	C	-	-	-
Miscellaneous manufacturing industries	-	-	C	-	-	-
Paper products, except mills	-	-	C	-	-	-
Printing and publishing	-	-	C	-	-	-
Recreational vehicle storage	-	-	C	-	-	-
Special trade contractors	-	-	C	-	-	-
Special warehousing and storage	-	-	C	-	-	-
Textiles and apparel	-	-	C	-	-	-
Transportation services	-	-	C	-	-	-
Trucking and general warehousing, including mini-storage	-	-	C	-	-	-
Truck stops	C	C	C	-	-	-

USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Welding repair	-	-	C	-	-	-
Wholesale trade (durable and non-durable)	-	-	C	-	-	-
Light Manufacturing or Processing	-	-	-	-	-	-
Beverage manufacturing	-	-	-	-	-	-
Book binding	-	-	-	-	-	-
Canvas products manufacturing	-	-	-	-	-	-
Clothing or cloth manufacturing	-	-	-	-	-	-
Office and computing machines	-	-	-	-	-	-
Electronics manufacturing	-	-	-	-	-	-
Furnace installation, repair, and cleaning	-	-	-	-	-	-
Hosiery manufacturing	-	-	-	-	-	-
Machine shops	-	-	-	-	-	-
Machine tool manufacturing	-	-	-	-	-	-
Machinery sales	-	-	-	-	-	-
Public utility storage, yards, and service installments	-	-	-	-	-	-
Shoe manufacturing	-	-	-	-	-	-
Sign manufacturing, repair, and maintenance	-	-	-	-	-	-
Moderate Manufacturing or Processing						
Can manufacturing	-	-	-	-	-	-
Candy product manufacturing (for sale off premises)	-	-	-	-	-	-
Cement, cinder block, concrete, lime or plaster manufacturing	-	-	-	-	-	-
Cosmetic and perfume manufacturing	-	-	-	-	-	-
Creosote manufacturing or treatment plant	-	-	-	-	-	-
Fat rendering production	-	-	-	-	-	-

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USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Fertilizer manufacturing and processing	-	-	C	-	-	-
Forging plant and foundry	-	-	-	-	-	-
Glass or glass product manufacturing	-	-	-	-	-	-
Hemp manufacturing and extraction	-	-	-	-	-	-
Metal ingots, casting sheets, or bearings, forging or rolling mills	-	-	-	-	-	-
Millinery manufacturing	-	-	-	-	-	-
Mobile homes manufacturing and storage	-	-	-	-	-	-
Vacation camper manufacturing	-	-	-	-	-	-
Oil and Gas Facility	-	O	O	-	-	-
Accessory Outdoor Storage (up to 25% of the building area)*	-	-	-	-	-	-
Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)*	-	-	-	-	-	-
Outdoor Storage (in excess of 100% of the building area)*	-	-	-	-	-	-
MARIJUANA ESTABLISHMENTS						
Medical Marijuana Store	-	-	-	-	-	-
Retail Marijuana Store	-	-	-	-	-	-
Medical Marijuana Product Manufacturing	-	-	-	-	-	-
Retail Marijuana Product Manufacturing Facility	-	-	-	-	-	-
Medical Marijuana Cultivation Facility	-	-	P	-	-	-
Retail Marijuana Cultivation Facility	-	-	P	-	-	-
Marijuana Hospitality Business	-	-	-	-	-	-
Retail Marijuana Hospitality Sales	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT					
	A-1	**A-2**	**A-3**	**RE**	**R-1-C**	**R-2**
Retail Marijuana Testing Facility	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
AGRICULTURAL USES							
Agricultural Businesses and Farming Operations	-	-	-	-	-	-	-
Animal farms	-	-	-	-	-	-	-
Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO)	-	-	-	-	-	-	-
Aquaculture facility	-	-	-	-	-	-	-
Crop farming, excluding hemp	P	P	P	P	P	P	P
Crop farming, including hemp	-	-	-	-	-	-	-
Equestrian Arena, Commercial	-	-	-	-	-	-	-
Equestrian Arena, Personal	-	-	-	-	-	-	-
Agricultural Support Businesses and Services	-	-	-	-	-	-	-
Farm machinery sales and services	-	-	-	-	-	-	-
Farm supply sales	-	-	-	-	-	-	-
Grain mill	-	-	-	-	-	-	-
Grain elevators	-	-	-	-	-	-	-
Riding stables or academy	-	-	-	-	-	-	-
Nurseries	-	-	-	P	P	P	P
Forestry and Siviculture	-	-	-	-	-	-	-
Timbering and logging	-	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
RESIDENTIAL USES							
Accessory Dwelling Unit	P	P	-	P	P	P	P
Group Home for the Developmentally Disabled	C	C	C	-	-	-	-
Group Home for the Elderly	C	C	C	-	-	-	-
Group Living Facility (1 to 5 persons)	P	P	C	-	-	-	-
Group Living Facility (in excess of 5 persons)	C	C	C	-	-	-	-
Group Living Facility (with more than 1 registered sex offender)	C	C	C	-	-	-	-
Manufactured Home Park	C	C	C	C	C	-	-
Mobile Home Park	-	-	P	-	-	-	-
Multi-Family Dwelling	P	P	C	C	C	-	-
Single-Family Dwelling	C	C	P	C	-	-	-
Two-Family Dwelling	C	C	C	C	-	-	-
INSTITUTIONAL USES							
Funeral Home/Mortuary*	-	-	-	-	-	-	P
Funeral Home/Mortuary to include Cremation*	-	-	-	-	-	-	C
Halfway House*	-	-	-	-	-	-	-
Institutional Care	C	C	C	P	P	P	P
Boarding/rooming houses	C	C	C	P	P	P	P
Convalescent homes	C	C	C	P	P	P	P
Convents or monasteries	C	C	C	P	P	P	P
Foster homes	C	C	C	P	P	P	P
Hospitals/clinics	C	C	C	P	P	P	P
Nursing homes	C	C	C	P	P	P	P
Protective living facilities	C	C	C	P	P	P	P
Sanitariums	C	C	C	P	P	P	P
Sheltered care homes	C	C	C	P	P	P	P
Jails and Prisons	-	-	-	-	-	-	-
Jails	-	-	-	-	-	-	-
Penal institutions	-	-	-	-	-	-	-
Prisons	-	-	-	-	-	-	-
Neighborhood Indoor Uses	C	C	C	P	P	P	P
Branch libraries	C	C	C	P	P	P	P
Day care centers (day or nursery schools) (Adult* or Child)	C	C	C	P	P	P	P
Gymnasiums	C	C	C	P	P	P	P

USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Handball	C	C	C	P	P	P	P
Handball courts	C	C	C	P	P	P	P
Indoor recreational centers	C	C	C	P	P	P	P
Indoor skating rinks (ice or roller)	C	C	C	P	P	P	P
Indoor swimming pools	C	C	C	P	P	P	P
Neighborhood community or recreational centers	C	C	C	P	P	P	P
Public or private primary and secondary schools (excluding trade schools)	C	C	C	P	P	P	P
Racquetball	C	C	C	P	P	P	P
Tennis	C	C	C	P	P	P	P
Outdoor Public Uses	P	P	P	P	P	P	P
Arboretums	P	P	P	P	P	P	P
Areas for hiking	P	P	P	P	P	P	P
Cemeteries, with or without caretaker residences*	-	-	-	-	-	-	P
Garden plots	P	P	P	P	P	P	P
Nature areas	P	P	P	P	P	P	P
Picnic areas	P	P	P	P	P	P	P
Public areas for active recreational activities	P	P	P	P	P	P	P
Recreation-oriented parks	P	P	P	P	P	P	P
Wildlife sanctuaries	P	P	P	P	P	P	P
Places of Worship	C	C	C	P	P	P	P
Public Service	C	C	C	C	C	C	C
All government-owned facilities except landfills or mining facilities	C	C	C	C	C	C	C
Emergency service buildings or garages	C	C	C	C	C	C	C
Government offices	C	C	C	C	C	C	C
Utility substations or transmission and distribution facilities	C	C	C	C	C	C	C
Universities	-	-	-	C	C	C	C
COMMERCIAL USES							
Airports, Landing Strips and Heliports	-	-	-	-	-	-	-

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USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Animal Hospitals	-	-	-	P	P	P	P
Automobile Service Stations	-	-	-	P	P	P	P
Car washes	-	-	-	P	P	P	P
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	-	-	-	P	P	P	P
Gas stations	-	-	-	P	P	P	P
Bed and Breakfast Establishments	-	-	-	P	P	P	P
Campgrounds, Commercial	-	-	-	C	C	C	C
Camps	-	-	-	C	C	C	C
Campsites	-	-	-	C	C	C	C
Recreational vehicle parks	-	-	-	C	C	C	C
Tents	-	-	-	C	C	C	C
Trailer parks	-	-	-	C	C	C	C
Communications Towers, Commercial	-	-	-	C	C	C	C
Antenna arrays (satellite dishes)	-	-	-	C	C	C	C
Radio or TV broadcasting towers	-	-	-	C	C	C	C
Telecommunications towers	A	A	A	A	A	A	A
Commercial Retail	-	-	-	P	P	P	P
Apparel and accessory stores	-	-	-	P	P	P	P
Building supplies	-	-	-	P	P	P	P
Cabinet sales	-	-	-	P	P	P	P
Dry cleaners	-	-	-	P	P	P	P
Engineering and management services	-	-	-	P	P	P	P
Food stores	-	-	-	P	P	P	P
Furniture and home furnishings stores	-	-	-	P	P	P	P
General merchandise stores	-	-	-	P	P	P	P

USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Greenhouses (retail) and greenhouses with garden supplies	-	-	-	P	P	P	P
Health services	-	-	-	P	P	P	P
Legal services	-	-	-	P	P	P	P
Membership organizations	-	-	-	P	P	P	P
Miscellaneous retail except fuel dealers	-	-	-	P	P	P	P
Miscellaneous services	-	-	-	P	P	P	P
Social services except care facilities	-	-	-	P	P	P	P
Convenience Retail Store	-	-	-	P	P	P	P
Drive-In Establishments	-	-	-	C	C	P	P
Golf Course/Driving Range, Commercial	C	C	C	C	C	P	P
Heavy Retail and Heavy Services	-	-	-	-	-	C	C
Auto/truck rental/leasing	-	-	-	-	-	C	C
Automobile dealers	-	-	-	C	C	P	P
Automotive repair except top, body, upholstery repair, paint, and tire retreading shops	-	-	-	-	-	C	C
Automotive services except wrecking or towing storage yards	-	-	-	-	-	C	C
Auto towing and storage yards	-	-	-	-	-	-	-
Cabinet manufacturing with sales	-	-	-	-	-	C	C
Cold storage	-	-	-	-	-	C	C
Firewood sales, storage, and splitting	-	-	-	-	-	C	C
Flea market	-	-	-	-	-	C	C
Mobile home and manufactured housing dealers with mobile home sales office	-	-	-	-	-	C	C
Pawn shops	-	-	-	-	-	C	C
Radio and TV broadcasting station	-	-	-	-	-	C	C

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USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Indoor Commercial Recreation/Entertainment	-	-	-	-	C	P	P
Event Centers	-	-	-	-	C	P	P
Bowling alleys	-	-	-	-	C	P	P
Indoor sports arenas	-	-	-	-	C	P	P
Movie theaters	-	-	-	-	C	P	P
Physical fitness facilities	-	-	-	-	C	P	P
Pool arcades	-	-	-	-	C	P	P
Video arcades	-	-	-	-	C	P	P
Kennel, Commercial	-	-	-	-	C	C	C
Lodging, Commercial	-	-	-	C	P	P	P
Convention centers	-	-	-	C	P	P	P
Hotels	-	-	-	C	P	P	P
Motels	-	-	-	C	P	P	P
Massage Business	-	-	-	C	C	C	C
Off-Premise Advertising Devices	-	-	-	-	-	-	-
Office	-	-	-	P	P	P	P
Banking and other credit agencies (offices only)	-	-	-	P	P	P	P
Business services	-	-	-	P	P	P	P
Commodity brokers and services	-	-	-	P	P	P	P
Holding and other investments	-	-	-	P	P	P	P
Insurance carriers	-	-	-	P	P	P	P
Medical offices	-	-	-	P	P	P	P
Real estate	-	-	-	P	P	P	P
Security	-	-	-	P	P	P	P
Outdoor Commercial Recreation	-	-	-	-	C	C	C
Amusement parks	-	-	-	-	C	C	C
Archery ranges	-	-	-	-	C	C	C
Batting cages	-	-	-	-	C	C	C
Drive-in theaters	-	-	-	-	C	C	C
Go-cart establishments	-	-	-	-	C	C	C
Ice and roller skating rinks	-	-	-	-	C	C	C
Miniature golf establishments	-	-	-	-	C	C	C
Music arenas	-	-	-	-	C	C	C

USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Outdoor commercial amusement facilities	-	-	-	-	C	C	C
Pistol and shooting ranges	-	-	-	-	C	C	C
Theme parks	-	-	-	-	C	C	C
Water slides	-	-	-	-	C	C	C
Parking Lot, Commercial	-	-	-	-	C	C	C
Racing Facilities	-	-	-	-	-	-	-
Automobile racing	-	-	-	-	-	-	-
Dog tracks	-	-	-	-	-	-	-
Horse racing	-	-	-	-	-	-	-
Truck racing	-	-	-	-	-	-	-
Restaurants	-	-	-	C	P	P	P
Services	-	-	-	P	P	P	P
Sexually Oriented Business	-	-	-	-	-	-	-
Trade Schools	-	-	-	-	C	C	P
INDUSTRIAL USES							
Business Park Uses	-	-	-	C	C	C	C
Apparel and other finished products made from fabrics and similar materials	-	-	-	C	C	C	C
Arrangement of transportation of freight and cargo	-	-	-	C	C	C	C
Bakeries	-	-	-	C	C	C	C
Communications	-	-	-	C	C	C	C
Development and testing services	-	-	-	C	C	C	C
Measuring, analyzing, and controlling instrument manufacturing	-	-	-	C	C	C	C
Medical and optical goods	-	-	-	C	C	C	C
Motion picture production and allied services	-	-	-	C	C	C	C
Moving companies	-	-	-	C	C	C	C
Musical instruments and sporting/athletic goods manufacturing	-	-	-	C	C	C	C

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USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Photographic	-	-	-	C	C	C	C
Research	-	-	-	C	C	C	C
Space research and technology	-	-	-	C	C	C	C
United states postal service	-	-	-	C	C	C	C
Watches and clocks	-	-	-	C	C	C	C
Energy Facilities							
Major energy facility	C	C	C	C	C	C	C
Solar energy system, small-scale	C	C	C	C	C	C	C
Solar energy system, medium scale	-	-	-	-	-	C	C
Solar energy system, large-scale	-	-	-	-	-	-	-
Extraction or Disposal Uses	C/S	C/S	C/S	C/S	C/S	C/S	C/S
Heavy Industry	-	-	-	-	-	-	-
Alcoholic beverage manufacturing	-	-	-	C	C	C	C
Asphalt and concrete production facilities	-	-	-	-	-	-	-
Auction yards with livestock	-	-	-	-	-	-	-
Automobile manufacturing	-	-	-	-	-	-	-
Chemical manufacturing	-	-	-	-	-	-	-
Chemicals and allied products manufacturing except drugs	-	-	-	-	-	-	-
Heavy construction contractors	-	-	-	-	-	-	-
Heavy logistics center	-	-	-	-	-	-	-
Manufactured homes	-	-	-	-	-	-	-
Meat processing, packing, packaging, and slaughterhouses	-	-	-	-	-	-	-
Paper, pulp, or paperboard mills	-	-	-	-	-	-	-
Petroleum products manufacturing	-	-	-	-	-	-	-
Railroad transportation	-	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Railroad yards	-	-	-	-	-	-	-
Rubber and miscellaneous plastics manufacturing	-	-	-	-	-	-	-
Salvage yards	-	-	-	-	-	-	-
Sawmills	-	-	-	-	-	-	-
Stone and clay products	-	-	-	-	-	-	-
The storage and disassembly of vehicles and the re-assembly of various parts	-	-	-	-	-	-	-
Trailer and truck manufacturing	-	-	-	-	-	-	-
Transportation equipment	-	-	-	-	-	-	-
Utility production or processing facilities	-	-	-	-	-	-	-
Heavy Manufacturing or Processing	-	-	-	-	-	-	-
Abrasive manufacturing	-	-	-	-	-	-	-
Acid manufacturing	-	-	-	-	-	-	-
Asbestos products manufacturing	-	-	-	-	-	-	-
Boiler or tank manufacturing	-	-	-	-	-	-	-
Bone reduction	-	-	-	-	-	-	-
Caustic soda manufacturing	-	-	-	-	-	-	-
Celluloid manufacturing	-	-	-	-	-	-	-
Coal, coke yards, or coal classifications	-	-	-	-	-	-	-
Detergent, soap, and by-products manufacturing using animal fat	-	-	-	-	-	-	-
Disinfectant, insecticide, or poison manufacturing	-	-	-	-	-	-	-
Distillation of bone, refuse, grain, and wood	-	-	-	-	-	-	-
Dye manufacturing	-	-	-	-	-	-	-
Felt manufacturing	-	-	-	-	-	-	-
Fossil fuel manufacturing	-	-	-	-	-	-	-

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USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Fuel, oil, gasoline, and petroleum products (bulk storage and/or sale)	-	-	-	C	C	C	C
Hazardous waste treatment facility	-	-	-	-	-	-	-
Linseed oil, shellac, and turpentine manufacturing and refinery	-	-	-	-	-	-	-
Lubrication and grease manufacturing	-	-	-	-	-	-	-
Lumber mills, planing mills, and storage of logs	-	-	-	-	-	-	-
Oil compounding	-	-	-	-	-	-	-
Paint and enamel manufacturing	-	-	-	-	-	-	-
Pickle manufacturing	-	-	-	-	-	-	-
Recycling Facilities	-	-	-	-	-	-	-
Scrap processing or shredding yard	-	-	-	-	-	-	-
Smelting or refining of metal	-	-	-	-	-	-	-
Sugar and beet refining	-	-	-	-	-	-	-
Tar and waterproofing (materials manufacturing, treatment, and bulk storage)	-	-	-	-	-	-	-
Landscape Storage Yards*	-	-	-	-	-	-	-
Light Industry	-	-	-	-	-	-	-
Auction houses without livestock	-	-	-	-	-	-	-
Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops	-	-	-	-	-	-	-
Bus repair	-	-	-	-	-	-	-
Dairy and food processing and manufacturing facilities	-	-	-	-	-	-	-
Drug manufacturing	-	-	-	-	-	-	-
Dry cleaning plants	-	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Electric and electronic equipment, including electronic distribution and electrical industrial	-	-	-	-	-	-	-
Fabricated metal, sheet metal shops, metal products manufacturing	-	-	-	-	-	-	-
Fuel and ice dealers	-	-	-	-	-	-	-
Furniture and fixtures	-	-	-	-	-	-	-
General building contractors	-	-	-	-	-	-	-
Instruments and related products	-	-	-	-	-	-	-
Leather and leather products, including tanning and finishing	-	-	-	-	-	-	-
Local and interurban passenger transit	-	-	-	-	-	-	-
Light logistics center	-	-	-	-	-	-	-
Lumber, building materials, and wood products	-	-	-	-	-	-	-
Meat processing and packaging, excluding meat packing and slaughter	-	-	-	-	-	-	-
Miscellaneous manufacturing industries	-	-	-	-	-	-	-
Paper products, except mills	-	-	-	-	-	-	-
Printing and publishing	-	-	-	-	-	-	-
Recreational vehicle storage	-	-	-	-	-	-	-
Special trade contractors	-	-	-	-	-	-	-
Special warehousing and storage	-	-	-	-	-	-	-
Textiles and apparel	-	-	-	-	-	-	-
Transportation services	-	-	-	-	-	-	-
Trucking and general warehousing, including mini-storage	-	-	-	-	-	-	-
Truck stops	-	-	-	-	-	-	-

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USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Welding repair	-	-	-	-	-	-	-
Wholesale trade (durable and non-durable)	-	-	-	-	-	-	-
Light Manufacturing or Processing	-	-	-	-	-	-	-
Beverage manufacturing	-	-	-	-	-	-	-
Book binding	-	-	-	-	-	-	-
Canvas products manufacturing	-	-	-	-	-	-	-
Clothing or cloth manufacturing	-	-	-	-	-	-	-
Office and computing machines	-	-	-	-	-	-	-
Electronics manufacturing	-	-	-	-	-	-	-
Furnace installation, repair, and cleaning	-	-	-	-	-	-	-
Hosiery manufacturing	-	-	-	-	-	-	-
Machine shops	-	-	-	-	-	-	-
Machine tool manufacturing	-	-	-	-	-	-	-
Machinery sales	-	-	-	-	-	-	-
Public utility storage, yards, and service installments	-	-	-	-	-	-	-
Shoe manufacturing	-	-	-	-	-	-	-
Sign manufacturing, repair, and maintenance	-	-	-	-	-	-	-
Moderate Manufacturing or Processing	-	-	-	-	-	-	-
Can manufacturing	-	-	-	-	-	-	-
Candy product manufacturing (for sale off premises)	-	-	-	-	-	-	-
Cement, cinder block, concrete, lime or plaster manufacturing	-	-	-	-	-	-	-
Cosmetic and perfume manufacturing	-	-	-	-	-	-	-
Creosote manufacturing or treatment plant	-	-	-	-	-	-	-
Fat rendering production	-	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Fertilizer manufacturing and processing	-	-	-	-	-	-	-
Forging plant and foundry	-	-	-	-	-	-	-
Glass or glass product manufacturing	-	-	-	-	-	-	-
Hemp manufacturing and extraction	-	-	-	-	-	-	-
Metal ingots, casting sheets, or bearings, forging or rolling mills	-	-	-	-	-	-	-
Millinery manufacturing	-	-	-	-	-	-	-
Mobile homes manufacturing and storage	-	-	-	-	-	-	-
Vacation camper manufacturing	-	-	-	-	-	-	-
Oil and Gas Facility	-	-	-	O	O	O	O
Accessory Outdoor Storage (up to 25% of the building area)*	-	-	-	-	-	-	P
Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)*	-	-	-	-	-	-	-
Outdoor Storage (in excess of 100% of the building area)*	-	-	-	-	-	-	-
MARIJUANA ESTABLISHMENTS							
Medical Marijuana Store	-	-	-	-	-	-	P
Retail Marijuana Store	-	-	-	-	-	-	P
Medical Marijuana Product Manufacturing Facility	-	-	-	-	-	-	-
Retail Marijuana Product Manufacturing Facility	-	-	-	-	-	-	-
Medical Marijuana Cultivation Facility	-	-	-	-	-	-	P
Retail Marijuana Cultivation Facility	-	-	-	-	-	-	P
Marijuana Hospitality Business	-	-	-	-	-	-	P

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USE CATEGORIES	ZONE DISTRICT						
	R-3	**R-4**	**MH**	**C-0**	**C-1**	**C-2**	**C-3**
Retail Marijuana Hospitality and Sales Business	-	-	-	-	-	-	P
Retail Marijuana Testing Facility	-	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
AGRICULTURAL USES							
Agricultural Businesses and Farming Operations	-	-	-	-	-	-	-
Animal farms	-	-	-	-	-	-	-
Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO)	C	P	P	P	P	-	-
Aquaculture facility	C	P	P	P	P	-	-
Crop farming, excluding hemp	P	P	P	P	P	P/C	P
Crop farming, including hemp	-	-	P	P	P	P/C	P
Equestrian Arena, Commercial	-	-	-	-	-	-	-
Equestrian Arena, Personal	-	-	-	-	-	-	-
Agricultural Support Businesses and Services	C	P	P	P	P	-	-
Farm machinery sales and services	C	P	P	P	P	-	-
Farm supply sales	C	P	P	P	P	-	-
Grain mill	C	P	P	P	P	-	-
Grain elevators	C	P	P	P	P	-	-
Riding stables or academy	C	P	P	P	P	-	-
Nurseries	P	P	P	P	P	P/ C	P
Forestry and Siviculture	-	-	-	-	-	-	-
Timbering and logging	-	-	-	-	-	-	-

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
RESIDENTIAL USES							
Accessory Dwelling Unit	P	P	P	P	P	P	P
Group Home for the Developmentally Disabled	-	-	-	-	-	-	-
Group Home for the Elderly	-	-	-	-	-	-	-
Group Living Facility (1 to 5 persons)	-	-	-	-	-	-	-
Group Living Facility (in excess of 5 persons)	-	-	-	-	-	-	-
Group living facility (with more than 1 registered sex offender	-	-	-	-	-	-	-
Manufactured Home Park	-	-	-	-	-	-	-
Mobile Home Park	-	-	-	-	-	-	-
Multi-Family Dwelling	-	-	-	-	-	-	-
Single-Family Dwelling	-	-	-	-	-	C	-
Two-Family Dwelling	-	-	-	-	-	-	-
INSTITUTIONAL USES							
Funeral Home/Mortuary*	P	P	P	P	P	-	-
Funeral Home/Mortuary to include Cremation*	C	C	P	P	P	-	-
Halfway House*	-	C	C	C	C	-	C
Institutional Care	P	P	P	P	P	-	P
Boarding/rooming houses	P	P	P	P	P	-	P
Convalescent homes	P	P	P	P	P	-	P
Convents or monasteries	P	P	P	P	P	-	P
Foster homes	P	P	P	P	P	-	P
Hospitals/clinics	P	P	P	P	P	-	P
Nursing homes	P	P	P	P	P	-	P
Protective living facilities	P	P	P	P	P	-	P
Sanitariums	P	P	P	P	P	-	P
Sheltered care homes	P	P	P	P	P	-	P
Jails and Prisons	-	C	C	C	C	-	C
Jails	-	C	C	C	C	-	C
Penal institutions	-	C	C	C	C	-	C
Prisons	-	C	C	C	C	-	C
Neighborhood Indoor Uses	P	P	P	P	P	-	P
Branch libraries	P	P	P	P	P	-	P
Day care centers (day or nursery schools) (Adult* or Child)	P	P	P	P	P	-	P
Gymnasiums	P	P	P	P	P	-	P

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Handball	P	P	P	P	P	-	P
Handball courts	P	P	P	P	P	-	P
Indoor recreational centers	P	P	P	P	P	-	P
Indoor skating rinks (ice or roller)	P	P	P	P	P	-	P
Indoor swimming pools	P	P	P	P	P	-	P
Neighborhood community or recreational centers	P	P	P	P	P	-	P
Public or private primary and secondary schools (excluding trade schools)	P	P	P	P	P	-	P
Racquetball	P	P	P	P	P	-	P
Tennis	P	P	P	P	P	-	P
Outdoor Public Uses	P	P	P	P	P	P/ C	P
Arboretums	P	P	P	P	P	P/ C	P
Areas for hiking	P	P	P	P	P	P/ C	P
Cemeteries, with or without caretaker residences*	P	P	P	P	P	-	-
Garden plots	P	P	P	P	P	P/ C	P
Nature areas	P	P	P	P	P	P/ C	P
Picnic areas	P	P	P	P	P	P/ C	P
Public areas for active recreational activities	P	P	P	P	P	P/ C	P
Recreation-oriented parks	P	P	P	P	P	P/ C	P
Wildlife sanctuaries	P	P	P	P	P	P/ C	P
Places of Worship	P	P	P	C	C	-	-
Public Service	C	C	C	C	C	C	P
All government-owned facilities except landfills or mining facilities	C	C	C	C	C	C	P
Emergency service buildings or garages	C	C	C	C	C	C	P
Government offices	C	C	C	C	C	C	P
Utility substations or transmission and distribution facilities	C	C	C	C	C	C	P
Universities	C	C	C	C	C	-	P
COMMERCIAL USES							
Airports, Landing Strips and Heliports	-	-	C	C	C	-	C

(P) Permitted (C) Conditional (S) Special Use Permit (-) Prohibited
(O) Oil and Gas Facility Permit (A) Administrative Review Permit

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Animal Hospitals	P	P	P	P	P	-	-
Automobile Service Stations	P	P	P	P	P	-	-
Car washes	P	P	P	P	P	-	-
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	P	P	P	P	P	-	-
Gas stations	P	P	P	P	P	-	-
Bed and Breakfast Establishments	P	P	P	P	P	-	-
Campgrounds, Commercial	C	C	C	C	C	-	-
Camps	C	C	C	C	C	-	-
Campsites	C	C	C	C	C	-	-
Recreational vehicle parks	C	C	C	C	C	-	-
Tents	C	C	C	C	C	-	-
Trailer parks	C	C	C	C	C	-	-
Communications Towers, Commercial	C	C	C	C	C	-	-
Antenna arrays (satellite dishes)	C	C	C	C	C	-	-
Radio or TV broadcasting towers	C	C	C	C	C	-	-
Telecommunications towers	A	A	A	A	A	A	A
Commercial Retail	P	P	P	P	P	-	-
Apparel and accessory stores	P	P	P	P	P	-	-
Building supplies	P	P	P	P	P	-	-
Cabinet sales	P	P	P	P	P	-	-
Dry cleaners	P	P	P	P	P	-	-
Engineering and management services	P	P	P	P	P	-	-
Food stores	P	P	P	P	P	-	-
Furniture and home furnishings stores	P	P	P	P	P	-	-
General merchandise stores	P	P	P	P	P	-	-

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Greenhouses (retail) and greenhouses with garden supplies	P	P	P	P	P	-	-
Health services	P	P	P	P	P	-	-
Legal services	P	P	P	P	P	-	-
Membership organizations	P	P	P	P	P	-	-
Miscellaneous retail except fuel dealers	P	P	P	P	P	-	-
Miscellaneous services	P	P	P	P	P	-	-
Social services except care facilities	P	P	P	P	P	-	-
Convenience Retail Store	P	P	P	P	P	-	-
Drive-In Establishments	P	P	P	P	P	-	-
Golf Course/Driving Range, Commercial	P	P	P	P	P	-	-
Heavy Retail and Heavy Services	C	C	P	P	P	-	-
Auto/truck rental/leasing	C	C	P	P	P	-	-
Automobile dealers	P	P	P	P	P	-	-
Automotive repair except top, body, upholstery repair, paint, and tire retreading shops	P	P	P	P	P	-	-
Automotive services except wrecking or towing storage yards	C	C	P	P	P	-	-
Auto towing and storage yards	-	-	-	C	P	-	-
Cabinet manufacturing with sales	C	C	P	P	P	-	-
Cold storage	C	C	P	P	P	-	-
Firewood sales, storage, and splitting	C	C	P	P	P	-	-
Flea market	C	C	P	P	P	-	-
Mobile home and manufactured housing dealers with mobile home sales office	C	C	P	P	P	-	-
Pawn shops	C	C	P	P	P	-	-
Radio and TV broadcasting station	C	C	P	P	P	-	-

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USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Indoor Commercial Recreation/Entertainment	P	P	P	P	P	-	-
Event Centers	P	P	P	P	P	-	C
Bowling alleys	P	P	P	P	P	-	-
Indoor sports arenas	P	P	P	P	P	-	-
Movie theaters	P	P	P	P	P	-	-
Physical fitness facilities	P	P	P	P	P	-	-
Pool arcades	P	P	P	P	P	-	-
Video arcades	P	P	P	P	P	-	-
Kennel, Commercial	C	C	C	C	C	-	-
Lodging, Commercial	P	P	P	P	P	-	-
Convention centers	P	P	P	P	P	-	-
Hotels	P	P	P	P	P	-	-
Motels	P	P	P	P	P	-	-
Massage Business	C	C	C	C	C	-	-
Off-Premise Advertising Devices	-	C	C	C	C	-	-
Office	P	P	P	P	P	-	-
Banking and other credit agencies (offices only)	P	P	P	P	P	-	-
Business services	P	P	P	P	P	-	-
Commodity brokers and services	P	P	P	P	P	-	-
Holding and other investments	P	P	P	P	P	-	-
Insurance carriers	P	P	P	P	P	-	-
Medical offices	P	P	P	P	P	-	-
Real estate	P	P	P	P	P	-	-
Security	P	P	P	P	P	-	-
Outdoor Commercial Recreation	C	C	C	C	C	-	-
Amusement parks	C	C	C	C	C	-	-
Archery ranges	C	C	C	C	C	-	-
Batting cages	C	C	C	C	C	-	-
Drive-in theaters	C	C	C	C	C	-	-
Go-cart establishments	C	C	C	C	C	-	-
Ice and roller skating rinks	C	C	C	C	C	-	-
Miniature golf establishments	C	C	C	C	C	-	-
Music arenas	C	C	C	C	C	-	-

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Outdoor commercial amusement facilities	C	C	C	C	C	-	-
Pistol and shooting ranges	C	C	C	C	C	-	-
Theme parks	C	C	C	C	C	-	-
Water slides	C	C	C	C	C	-	-
Parking Lot, Commercial	P	P	P	P	P	-	-
Racing Facilities	C	C	C	C	C	-	-
Automobile racing	C	C	C	C	C	-	-
Dog tracks	C	C	C	C	C	-	-
Horse racing	C	C	C	C	C	-	-
Truck racing	C	C	C	C	C	-	-
Restaurants	P	P	P	P	P	-	-
Services	P	P	P	P	P	-	-
Sexually Oriented Business	P	P	P	P	P	-	-
Trade Schools	P	P	P	P	P	-	-
INDUSTRIAL USES							
Business Park Uses	P	P	P	P	P	-	-
Apparel and other finished products made from fabrics and similar materials	P	P	P	P	P	-	-
Arrangement of transportation of freight and cargo	P	P	P	P	P	-	-
Bakeries	P	P	P	P	P	-	-
Communications	P	P	P	P	P	-	-
Development and testing services	P	P	P	P	P	-	-
Measuring, analyzing, and controlling instrument manufacturing	P	P	P	P	P	-	-
Medical and optical goods	P	P	P	P	P	-	-
Motion picture production and allied services	P	P	P	P	P	-	-
Moving companies	P	P	P	P	P	-	-
Musical instruments and sporting/athletic goods manufacturing	P	P	P	P	P	-	-

(P) Permitted (C) Conditional (S) Special Use Permit (-) Prohibited
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USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Photographic	P	P	P	P	P	-	-
Research	P	P	P	P	P	-	-
Space research and technology	P	P	P	P	P	-	-
United states postal service	P	P	P	P	P	-	-
Watches and clocks	P	P	P	P	P	-	-
Energy Facilities							
Major energy facility	C	C	C	C	C	C	C
Solar energy system, small-scale	P	P	P	P	P	C	P
Solar energy system, medium scale	P	P	P	P	P	-	C
Solar energy system, large-scale	C	C	C	C	C	-	C
Extraction or Disposal Uses	C/S	C/S	C/S	C/S	C/S	-	-
Heavy Industry	-	-	C	P/ C	P/ C	-	-
Alcoholic beverage manufacturing	P	P	P	P	P	-	-
Asphalt and concrete production facilities	-	-	-	C	P	-	-
Auction yards with livestock	-	-	C	P	P	-	-
Automobile manufacturing	-	-	C	P	P	-	-
Chemical manufacturing	-	-	C	P	P	-	-
Chemicals and allied products manufacturing except drugs	-	-	C	P	P	-	-
Heavy construction contractors	-	-	C	P	P	-	-
Heavy logistics center	-	-	C	P	P	-	-
Manufactured homes	-	-	C	P	P	-	-
Meat processing, packing, packaging and slaughterhouses	-	-	C	P	P	-	-
Paper, pulp, or paperboard mills	-	-	C	P	P	-	-
Petroleum products manufacturing	-	-	C	P	P	-	-
Railroad transportation	-	-	C	P	P	-	-

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Railroad yard	C	P	P	P	P	-	-
Rubber and miscellaneous plastics manufacturing	-	-	C	P	P	-	-
Salvage yards	-	-	-	C	P	-	-
Sawmills	-	-	-	C	P	-	-
Stone and clay products	-	-	C	P	P	-	-
The storage and disassembly of vehicles and the re-assembly of various parts	-	-	-	C	P	-	-
Trailer and truck manufacturing	-	-	C	P	P	-	-
Transportation equipment	-	-	C	P	P	-	-
Utility production or processing facilities	-	-	C	P	P	-	-
Heavy Manufacturing or Processing	-	-	-	C	P	-	-
Abrasive manufacturing	-	-	-	C	P	-	-
Acid manufacturing	-	-	-	C	C	-	-
Asbestos products manufacturing	-	-	-	C	C	-	-
Boiler or tank manufacturing	-	-	-	C	P	-	-
Bone reduction	-	-	-	C	C	-	-
Caustic soda manufacturing	-	-	-	C	C	-	-
Celluloid manufacturing	-	-	-	C	P	-	-
Coal, coke yards, or coal classifications	-	-	-	C	C	-	-
Detergent, soap, and by-products manufacturing using animal fat	-	-	-	C	C	-	-
Disinfectant, insecticide, or poison manufacturing	-	-	-	C	C	-	-
Distillation of bone, refuse, grain, and wood	-	-	-	C	C	-	-
Dye manufacturing	-	-	-	C	C	-	-
Felt manufacturing	-	-	-	P	P	-	-
Fossil fuel manufacturing	-	-	-	C	C	-	-

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USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Fuel, oil, gasoline, and petroleum products (bulk storage and/or sale)	-	-	-	C	P	-	-
Hazardous waste treatment facility	-	-	-	C	C	-	-
Linseed oil, shellac, and turpentine manufacturing and refinery	-	-	-	C	C	-	-
Lubrication and grease manufacturing	-	-	-	P	C	-	-
Lumber mills, planing mills, and storage of logs	-	-	-	C	P	-	-
Oil compounding	-	-	-	C	C	-	-
Paint and enamel manufacturing	-	-	-	C	C	-	-
Pickle manufacturing	-	-	-	C	P	-	-
Recycling Facilities	-	-	-	C	C	-	-
Scrap processing or shredding yard	-	-	-	C	C	-	-
Smelting or refining of metal	-	-	-	C	C	-	-
Sugar and beet refining	-	-	-	C	P	-	-
Tar and waterproofing (materials manufacturing, treatment, and bulk storage)	-	-	-	C	C	-	-
Landscape Storage Yards*	-	C	C	P	P	-	-
Light Industry	-	C	P	P	P	-	-
Auction houses without livestock	-	C	P	P	P	-	-
Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops	P	P	P	P	P	-	-
Bus repair	-	C	P	P	P	-	-
Dairy and food processing and manufacturing facilities	-	C	P	P	P	-	-
Drug manufacturing	-	C	P	P	P	-	-
Dry cleaning plants	-	C	P	P	P	-	-

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Electric and electronic equipment, including electronic distribution and electrical industrial	-	C	P	P	P	-	-
Fabricated metal, sheet metal shops, metal products manufacturing	-	C	P	P	P	-	-
Fuel and ice dealers	-	C	P	P	P	-	-
Furniture and fixtures	-	C	P	P	P	-	-
General building contractors	-	C	P	P	P	-	-
Instruments and related products	-	C	P	P	P	-	-
Leather and leather products, including tanning and finishing	-	C	P	P	P	-	-
Local and interurban passenger transit	-	C	P	P	P	-	-
Light logistics center	-	C	P	P	P	-	-
Lumber, building materials, and wood products	-	C	P	P	P	-	-
Meat processing and packaging, excluding meat packing and slaughter	-	C	P	P	P	-	-
Miscellaneous manufacturing industries	-	C	P	P	P	-	-
Paper products, except mills	-	C	P	P	P	-	-
Printing and publishing	-	C	P	P	P	-	-
Recreational vehicle storage	-	C	P	P	P	-	-
Special trade contractors	-	C	P	P	P	-	-
Special warehousing and storage	-	C	P	P	P	-	-
Textiles and apparel	-	C	P	P	P	-	-
Transportation services	-	C	P	P	P	-	-
Trucking and general warehousing, including mini-storage	-	C	P	P	P	-	-
Truck stops	C	P	P	P	P	-	-

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USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Welding repair	-	C	P	P	P	-	-
Wholesale trade (durable and non-durable)	-	C	P	P	P	-	-
Light Manufacturing or Processing	-	C	P	P	P	-	-
Beverage manufacturing	-	C	P	P	P	-	-
Book binding	-	C	P	P	P	-	-
Canvas products manufacturing	-	C	P	P	P	-	-
Clothing or cloth manufacturing	-	C	P	P	P	-	-
Office and computing machines	-	C	P	P	P	-	-
Electronics manufacturing	-	C	P	P	P	-	-
Furnace installation, repair, and cleaning	-	C	P	P	P	-	-
Hosiery manufacturing	-	C	P	P	P	-	-
Machine shops	-	C	P	P	P	-	-
Machine tool manufacturing	-	C	P	P	P	-	-
Machinery sales	-	C	P	P	P	-	-
Public utility storage, yards, and service installments	-	C	P	P	P	-	-
Shoe manufacturing	-	C	P	P	P	-	-
Sign manufacturing, repair, and maintenance	-	C	P	P	P	-	-
Moderate Manufacturing or Processing	-	-	C/P	P	P	-	-
Can manufacturing	-	-	P	P	P	-	-
Candy product manufacturing (for sale off premises)	-	C	P	P	P	-	-
Cement, cinder block, concrete, lime or plaster manufacturing	-	-	P/C	P	P	-	-
Cosmetic and perfume manufacturing	-	-	P	P	P	-	-
Creosote manufacturing or treatment plant	-	-	C	C	C	-	-
Fat rendering production	-	-	P	P	P	-	-

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Fertilizer manufacturing and processing	-	-	C	P	P	-	-
Forging plant and foundry			C	C	P	-	-
Glass or glass product manufacturing	-	-	P	P	P	-	-
Hemp manufacturing and extraction	-	-	P	P	P	-	-
Metal ingots, casting sheets, or bearings, forging or rolling mills	-	-	P	P	P	-	-
Millinery manufacturing	-	-	P	P	P	-	-
Mobile homes manufacturing and storage	-	-	C	P	P	-	-
Vacation camper manufacturing	-	-	P	P	P	-	-
Oil and Gas Facility	O	O	O	O	O	-	-
Accessory Outdoor Storage (up to 25% of the building area)*	P	P	P	P	P	-	-
Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)*	-	C	C	P	P	-	-
Outdoor Storage (in excess of 100% of the building area)*	-	-	C	P/C	P/C	-	-
MARIJUANA ESTABLISHMENTS							
Medical Marijuana Store	P	P	P	P	P	-	-
Retail Marijuana Store	P	P	P	P	P	-	-
Medical Marijuana Product Manufacturing Facility	-	-	P	P	P	-	-
Retail Marijuana Product Manufacturing Facility	-	-	P	P	P	-	-
Medical Marijuana Cultivation Facility	P	P	P	P	P	-	-
Retail Marijuana Cultivation Facility	P	P	P	P	P	-	-
Marijuana Hospitality Business	P	P	P	P	P	-	-

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USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Retail Marijuana Hospitality and Sales Business	P	P	P	P	P	-	-
Retail Marijuana Testing Facility	-	-	P	P	P	-	-

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

3-07-02 SUMMARY OF DIMENSIONAL REQUIREMENTS

The following tables summarize the dimensional requirements in each zone district. These tables are provided for ease of comparing dimensional requirements between zone districts. Other standards or restrictions may apply within a specific zone district. The reader is advised to check the restrictions in the specific zone district section within these standards and regulations, review any restrictions within any overlay zone district which may further limit dimensional requirements, and review any performance standards applicable to the use.

ZONE DISTRICT		AGRICULTURE-1 (A-1)	AGRICULTURE-2 (A-2)	AGRICULTURE-3 (A-3)
MINIMUM LOT SIZE		2.5 acres	10 acres	35 acres
MINIMUM LOT WIDTH	**W/Well AND** Individual **Sewage Disposal System**	150 feet	425 feet	600 feet
	W/Public Water OR Sewer Facilities	100 feet		
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURE	**Front**	30 feet	50 feet	50 feet
	Side Corner	30 feet	50 feet	50 feet
	Side	10 ft, or 1 ft per 2 ft of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater
	Rear	20 feet	20 feet	20 feet
	R.O.W.	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet
		Local or Collector: 30 feet	Local or Collector: 50 feet	Local or Collector: 50 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.)		120 feet	120 feet	120 feet
MINIMUM SETBACKS FOR ACCESSORY STRUCTURE OR AG. BUILDING	**Front**	At least 10' to the rear of the front structure line of the principal dwelling, or 100' from the front property line, whichever is less	At least 10' to the rear of the front structure line of the principal dwelling, or 100' from the front property line, whichever is less	At least 10' to the rear of the front structure line of the principal dwelling, or 100' from the front property line, whichever is less
	Side	10 ft, or 1 ft per 2 ft of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater
	Rear	10 feet	10 feet	10 feet
	R.O.W.	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet
		Local or Collector: 30 feet	Local or Collector: 50 feet	Local or Collector: 50 feet

ZONE DISTRICT		AGRICULTURE-1 (A-1)	AGRICULTURE-2 (A-2)	AGRICULTURE-3 (A-3)
MAXIMUM HEIGHT	**Dwelling and Non-Ag. Structure**	35 feet	35 feet	35 feet
	Agriculture Structure	70 feet (25 feet on a lot established by a recorded subdivision plat)	70 feet (25 feet on a lot established by a recorded subdivision plat)	70 feet (25 feet on a lot established by a recorded subdivision plat)
MAXIMUM STRUCTURE COVERAGE	**W/Well AND Indiv. Sewage Disposal System**	6% of lot area (access. bldg. n/a without a principal dwelling	N/A (access. bldg. n/a without a principal dwelling)	N/A
	W/Public Water OR Sewer	7.5% of lot area (access. bldg. n/a without a principal dwelling		
	W/Public Water AND Sewer	12.5% of lot area (access. bldg. n/a without a principal dwelling		
MINIMUM FLOOR AREA OF DWELLING	**Single Story Dwelling**	1,200 square feet	1,200 square feet	1,200 square feet
	Tri-Level Dwelling	1,200 square feet	1,200 square feet	1,200 square feet
	Bi-Level or Two-Story Dwelling	900 square feet on the 1st floor plus 600 square feet on the 2nd floor. (A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.)	900 square feet on the 1st floor plus 600 square feet on the 2nd floor. (A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.)	900 square feet on the 1st floor plus 600 square feet on the 2nd floor. (A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.)

ZONE DISTRICT		RESIDENTIAL ESTATE (R-E)	RESIDENTIAL-1-A and RESIDENTIAL-1-C (R-1-A and R-1-C)	
MINIMUM LOT SIZE		2.5 acres (well and septic) 1.0 acres (public water or sewer)	Corner Lots: 7,500 square feet	Internal Lots: 7,000 square feet
MINIMUM LOT WIDTH	W/Well AND Individual Sewage Disposal System	150 feet	N/A	
	W/Public Water OR Sewer Facilities	100 feet	N/A	
	Corner Lot	N/A	70 feet	
	Internal Lot	N/A	65 feet	
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURE	Front	30 feet	20 feet	
	Side Corner	30 feet	20 feet	
	Side	17 feet one side or 5 feet from attached garage, 5 feet on the other side	17 feet one side or 5 feet from attached garage, 5 feet on the other side	
	Rear	20 feet	15 feet	
	R.O.W.	State Highway or Arterial: 50 feet Local or Collector: 30 feet	State Highway or Arterial: 50 feet Local or Collector: 20 feet	
SETBACK FROM SECTION LINES (Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.)		120 feet	120 feet	

ZONE DISTRICT		RESIDENTIAL ESTATE (R-E)	RESIDENTIAL-1-A and RESIDENTIAL-1-C (R-1-A and R-1-C)
MINIMUM SETBACKS FOR ACCESSORY STRUCTURE	Front	30 feet or equal to the principal dwelling, whichever is greater	At least equal to the principal dwelling or more
	Side Corner	30 feet or equal to the principal dwelling, whichever is greater	20 feet or equal to the principal dwelling, whichever is greater
	Side	20 feet	5 feet
	Rear	10 feet	5 feet
	R.O.W.	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet
MAXIMUM HEIGHT	Dwelling	35 feet	25 feet
	Accessory Structure	25 feet	16 feet
MAXIMUM STRUCTURE COVERAGE	W/Well AND Individual Sewage Disposal System	12.5% of lot area	N/A
	W/Public Water OR Sewer	12.5% of lot area	N/A
	W/Public Water AND Sewer	12.5% of lot area	N/A
	Accessory Building	In no case shall an accessory building exceed twice the floor area of the principal structure on the lot unless the accessory building is an aircraft hangar. Aircraft hangers shall meet the performance standards for aircraft hangers.	900 square feet
MINIMUM FLOOR AREA OF DWELLING		1,800 square feet	1,250 square feet

ZONE DISTRICT		RESIDENTIAL TWO-FAMILY (R-2)		RESIDENTIAL MODERATE DENSITY (R-3)	RESIDENTIAL HIGH DENSITY (R-4)	MOBILE HOME DWELLING (MH)
MINIMUM LOT SIZE		Two-Family Lot: 4,500 square feet per dwelling unit		Attached Dwellings on Individual Lot: 2,500 square feet per dwelling	2 acres	5,000 square feet
		Single Family Lot				
		Corner Lot: 7,500 square feet	Internal Lot: 7,000 square feet	Attached Dwellings on One Lot: 9,500 square feet per three dwellings		
MAXIMUM DENSITY		N/A		14 dwelling units per acre	35 dwelling units per acre	N/A
MINIMUM LOT WIDTH		Two-Family Lot		Attached Dwellings on Individual Lot: 25 feet	200 feet	Mobile Homes less than or equal to 20 feet wide: 45 feet
		Corner Lot: 50 feet	Internal Lot: 45 feet			
		Single Family Lot		Attached Dwellings on One Lot: 150 feet		Mobile Homes more than 20 feet wide: 50 feet
		Corner Lot: 70 feet	Internal Lot: 65 feet			
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURE	Front	20 feet		20 feet	25 feet	20 feet
	Side Corner	20 feet		20 feet	25 feet	20 feet
	Side	17 feet one side or 5 feet from attached garage, 5 feet on the other side, 0 feet along common wall of two-family dwelling		0 feet along common walls of adjoining dwelling units, 5 feet from end unit when units are located on individual lots, 20 feet from end unit when units are located on a single lot	25 feet	17 feet one side or 5 feet when lot includes accessory structure, 5 feet on the other side
	Rear	15 feet		20 feet	20 feet	15 feet
	R.O.W.	State Highway or Arterial: 40 feet		State Highway or Arterial: 40 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 40 feet
		Local or Collector: 20 feet		Local or Collector: 20 feet	Local or Collector: 25 feet	Local or Collector: 20 feet

ZONE DISTRICT		RESIDENTIAL TWO-FAMILY (R-2)	RESIDENTIAL MODERATE DENSITY (R-3)	RESIDENTIAL HIGH DENSITY (R-4)	MOBILE HOME DWELLING (MH)
SETBACK FROM SECTION LINES (Variations may be permitted if the Dept. of Public Works determines no additional r.o.w. is required.)		100 feet	100 feet	100 feet	100 feet
SETBACK FROM OTHER ZONE DISTRICT BOUNDARY LINES		N/A	N/A	N/A	For All Structures: 25 feet
MINIMUM SETBACKS FOR ACCESSORY STRUCTURE	**Front**	20 feet	20 feet	50 feet	20 feet
	Side Corner	20 feet	20 feet	50 feet	20 feet
	Side	5 feet	5 feet	5 feet	5 feet
	Rear	5 feet	5 feet	5 feet	5 feet
	R.O.W.	State Highway or Arterial: 40 feet	State Highway or Arterial: 40 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 40 feet
		Local or Collector: 20 feet	Local or Collector: 20 feet	Local or Collector: 50 feet	Local or Collector: 20 feet
MAXIMUM HEIGHT	**Dwelling**	25 feet	35 feet	70 feet	20 feet
	Accessory Structure	16 feet	16 feet	16 feet	10 feet
MAXIMUM ACCESSORY BUILDING COVERAGE		450 square feet per two-family dwelling unit, 900 square feet when used as a single-family dwelling	80 square feet per dwelling unit	80 square feet per dwelling unit	600 square feet
MINIMUM FLOOR AREA OF DWELLING	**Two-family**	1,000 square feet per dwelling unit	N/A	N/A	600 square feet
	Single Family	1,250 square feet	N/A	N/A	
	Efficiency Unit	N/A	450 square feet	450 square feet	
	One Bedroom	N/A	600 square feet	600 square feet	
	Two Bedroom	N/A	750 square feet	750 square feet	
	Three Bedroom	N/A	900 square feet	900 square feet	
	Four Bedroom	N/A	1,000 square feet	1,000 square feet	

ZONE DISTRICT		COMMERCIAL-0 & COMMERCIAL-1 (C-0 and C-1)	COMMERCIAL-2 & COMMERCIAL-3 (C-2 and C-3)	COMMERCIAL-4 & COMMERCIAL-5 (C-4 and C-5)
MINIMUM LOT SIZE		N/A	N/A	N/A
MINIMUM LOT WIDTH		75 feet	75 feet	100 feet
MINIMUM SETBACKS FOR A STRUCTURE	**Front**	25 feet	25 feet	25 feet
	Side Corner	25 feet	25 feet	25 feet
	Side	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures
	Rear	15 feet	15 feet	15 feet
	R.O.W.	State Highway or Arterial: 75 feet	State Highway or Arterial: 75 feet	State Highway or Arterial: 75 feet
		Local or Collector: 25 feet	Local or Collector: 25 feet	Local or Collector: 25 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Dept. of Public Works determines no additional right-of-way is required.)		100 feet	100 feet	100 feet
MAXIMUM HEIGHT		25 feet	35 feet	35 feet
MAXIMUM FLOOR AREA PER COMMERCIAL USE		2,000 square feet	10,000 square feet	N/A
HOURS OF OPERATION		7:00 a.m. to 10:00 p.m.	7:00 a.m. to 12:00 a.m. when property abuts residentially zoned or used property	N/A

ZONE DISTRICTS		INDUSTRIAL-1 (I-1)	INDUSTRIAL-2 (I-2)	INDUSTRIAL-3 (I-3)
MINIMUM LOT SIZE		1 acre	2 acres	2 acres
MINIMUM LOT WIDTH		100 feet	125 feet	125 feet
MINIMUM SETBACKS FOR A STRUCTURE	**Front**	25 feet	25 feet	25 feet
	Side Corner	25feet	25 feet	25feet
	Side	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures
	Rear	15 feet	15 feet	15 feet
	R.O.W.	State Highway or Arterial: 75 feet	State Highway or Arterial: 75 feet	State Highway or Arterial: 75 feet
		Local or Collector: 25 feet	Local or Collector: 25 feet	Local or Collector: 25 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.)		145 feet	145 feet	145 feet
MAXIMUM HEIGHT		60 feet	75 feet	90 feet

3-08 AGRICULTURAL-1 DISTRICT (A-1)

3-08-01 PURPOSE

The purpose of the Agricultural-1 District is to provide a rural single-family dwelling district where the minimum lot area for a home site is intended to provide for a rural living experience. Limited farming uses are permitted including the keeping of a limited number of animals for individual homeowner's use. This district is primarily designed for the utilization and enjoyment of the County's rural environment.

3-08-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Agricultural-1 District, subject to building permit review and approval. Only one principal use shall be permitted per lot.

3-08-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Agricultural-1 District as noted above:

1. Farming
2. Nurseries
3. Ranching
4. Equestrian Arena, Personal

3-08-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in an Agricultural-1 District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-08-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Agricultural-1 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**

2. Outdoor Public Uses (Excluding Cemeteries)

3-08-02-04 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Agricultural-1 District as noted above:

1. Bed and Breakfast

3-08-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural, Accessory
2. Residential, Accessory

3-08-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Agricultural-1 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval:

3-08-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in an Agricultural-1 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Business
3. Equestrian Arena, Commercial

3-08-04-02 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in an Agricultural-1 District as noted above:

1. Two-Family Dwelling
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-08-04-03 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Agricultural-1 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Outdoor Public Uses (Cemeteries) ***Adopted by the BoCC on December 13, 2010**
5. Places of Worship
6. Public Service
7. Universities

3-08-04-04 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Agricultural-1 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Animal Hospitals
3. Campgrounds, Commercial
4. Communications Towers, Commercial
5. Golf Course/Driving Range, Commercial
6. Kennel, Commercial
7. Outdoor Commercial Recreation
8. Trade Schools

3-08-04-05 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Agricultural-1 District as noted above:

1. Extraction and Disposal Uses (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Local and interurban passenger transit
3. Major Energy Facilities
4. Solar energy systems, small-scale

5. Solar energy systems, medium-scale

3-08-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Agricultural-1 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Agricultural-1 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-08-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-08-07 AREA AND HEIGHT STANDARDS

3-08-07-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement in an Agricultural-1 District shall be 2.5 acres.

3-08-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-08-07-02-01 *MINIMUM WITH WELL AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM*

The minimum width of a lot in an Agricultural-1 District with a well and individual sewage disposal system shall be one-hundred-fifty (150) feet.

3-08-07-02-02 *MINIMUM WITH PUBLIC WATER OR SEWER FACILITIES*

The minimum width of a lot in an Agricultural-1 District with public water or sewer facilities shall be one-hundred (100) feet.

3-08-07-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-08-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in an Agricultural-1 District shall be thirty (30) feet.

3-08-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in an Agricultural-1 District shall be thirty (30) feet.

3-08-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in an Agricultural-1 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-08-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in an Agricultural-1 District shall be twenty (20) feet.

3-08-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for a principal structure in an Agricultural-1 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be one-hundred-twenty (120) feet. The minimum setback from a collector or local road shall be thirty (30) feet.

3-08-07-03-06 *MINIMUM SETBACK FROM SECTION LINE FOR ALL STRUCTURES*

The minimum setback from a section line for a principal structure in an Agricultural-1 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-08-07-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES OR AGRICULTURE BUILDINGS

3-08-07-04-01 *MINIMUM FRONT SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one-hundred (100) feet from the front property line, whichever is less.

3-08-07-04-02 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in an Agricultural-1 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-08-07-04-03 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in an Agricultural-1 District shall be ten (10) feet.

3-08-07-04-04 *MINIMUM R.O.W. SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one-hundred (100) feet from the front property line, whichever is less. The minimum setback from a section line for all accessory structures in an Agricultural-1 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-08-07-04-05 *MINIMUM SETBACK FROM SECTION LINE FOR ALL ACCESSORY STRUCTURES*

The minimum setback from a section line for all accessory structures in an Agricultural-1 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-08-07-05 MAXIMUM HEIGHT

3-08-07-05-01 *DWELLINGS AND ACCESSORY STRUCTURES*

The maximum height of dwellings and accessory structures in an Agricultural-1 District shall be thirty-five (35) feet.

3-08-07-05-02 *AGRICULTURAL STRUCTURES*

The maximum height of agricultural structures in an Agricultural-1 District shall be seventy (70) feet, except for structures located on a lot established by a recorded subdivision plat, where the maximum shall be twenty-five (25) feet.

3-08-07-06 MAXIMUM STRUCTURE COVERAGE

3-08-07-06-01 *LOT SERVED BY WELL AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM*

The maximum structure coverage on a lot served by a well and individual sewage disposal system in an Agricultural-1 District shall be 6% of lot area.

3-08-07-06-02 *LOT SERVED BY PUBLIC WATER OR SEWER*

The maximum structure coverage on a lot served by public water or sewer in an Agricultural-1 District shall be 7.5% of lot area.

3-08-07-06-03 *LOT SERVED BY PUBLIC WATER AND SEWER*

The maximum structure coverage on a lot served by public water and sewer in an Agricultural-1 District shall be 12.5% of lot area.

3-08-07-06-04 *ACCESSORY BUILDING COVERAGE*

In no case shall an accessory building exceed twice the floor area of the principal structure on the lot unless the accessory building is an aircraft hangar. Aircraft hangars shall meet the performance standards for aircraft hangars. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-08-07-07 MINIMUM FLOOR AREA OF DWELLINGS

3-08-07-07-01 *SINGLE STORY DWELLING*

The minimum floor area of a single-story dwelling in an Agricultural-1 District shall be twelve hundred (1,200) square feet.

3-08-07-07-02 *TRI-LEVEL DWELLING*

The minimum floor area of a tri-level dwelling in an Agricultural-1 District shall be twelve hundred (1,200) square feet.

3-08-07-07-03 *BI-LEVEL OR TWO STORY*

The minimum floor area of a bi-level or two-story dwelling in an Agricultural-1 District shall be nine hundred (900) square feet on the 1st floor plus six hundred (600) square feet on the 2nd floor. A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.

3-08-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Agricultural-1 District unless inconsistent with a provision contained in Section 3-08, in which case the specific standard or requirement contained in Section 3-08 shall apply.

3-09 AGRICULTURAL-2 DISTRICT (A-2)

3-09-01 PURPOSE

The purpose of the Agricultural-2 District is to provide a district for rural subdivisions of at least ten (10) acres in size where adequate provisions are made for internal and external roads and access, water and sewer facilities, fire protection and other emergency services, and other public services and utilities. Farming uses are permitted, including the cultivation of land and the keeping of a limited number of animals.

3-09-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Agricultural-2 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-09-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Agricultural-2 District as noted above:

1. Farming
2. Nurseries
3. Ranching
4. Equestrian Arena, Personal

3-09-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in an Agricultural-2 District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-09-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Agricultural-2 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**

2. Outdoor Public Uses (Excluding Cemeteries)

3-09-02-04 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Agricultural-2 District as noted above:

1. Bed and Breakfast

3-09-02-05 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in an Agricultural-2 District as noted above:

3-09-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural, Accessory
2. Residential, Accessory
3. Solar Energy Systems, Small-Scale

3-09-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Agricultural-2 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval:

3-09-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in an Agricultural-2 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Business
3. Equestrian Arena, Commercial

3-09-04-02 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in an Agricultural-2 District as noted above:

1. Two-Family Dwelling
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-09-04-03 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Agricultural-2 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Places of Worship
5. Outdoor Public Uses (Cemeteries) ***Adopted by the BoCC on December 13, 2010**
6. Public Service
7. Universities

3-09-04-04 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Agricultural-2 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Animal Hospitals
3. Campgrounds, Commercial
4. Communications Towers, Commercial
5. Golf Course/Driving Range, Commercial
6. Kennel, Commercial
7. Outdoor Commercial Recreation
8. Parking Lot, Commercial
9. Trade Schools

3-09-04-05 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Agricultural-2 District as noted above:

1. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Conditional Use Permit or Certificate of Designation pursuant to Chapter 2); (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Heavy Industry Uses (Including auction yards with livestock; meat processing, packing, packaging and slaughterhouses; railroad yard; railroad transportation; and utility production or processing facilities)
3. Major Energy Facilities
4. Solar energy systems, medium-scale
5. Solar energy systems, large-scale

3-09-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Agricultural-2 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Agricultural-2 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-09-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Agriculural-2 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-09-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-09-08 AREA AND HEIGHT STANDARDS

3-09-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement in an Agricultural-2 District shall be ten (10) acres.

3-09-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum width of a lot in an Agricultural-2 District shall be four-hundred-twenty-five (425) feet.

3-09-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-09-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in an Agricultural-2 District shall be fifty (50) feet.

3-09-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in an Agricultural-2 District shall be fifty (50) feet.

3-09-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in an Agricultural-2 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-09-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in an Agricultural-2 District shall be twenty (20) feet.

3-09-08-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for a principal structure in an Agricultural-2 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be one-hundred-twenty (120) feet. The minimum setback from a collector or local road shall be fifty (50) feet.

3-09-08-03-06 *MINIMUM SETBACK FROM SECTION LINE FOR ALL STRUCTURES*

The minimum setback from a section line for a principal structure or agricultural building in an Agricultural-2 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-09-08-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES OR AGRICULTURE BUILDINGS

3-09-08-04-01 *MINIMUM FRONT SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one-hundred (100) feet from the front property line, whichever is less.

3-09-08-04-02 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in an Agricultural-2 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-09-08-04-03 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in an Agricultural-2 District shall be ten (10) feet.

3-09-08-04-04 *MINIMUM R.O.W. SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one-hundred (100) feet from the front property line, whichever is less. The minimum setback from a section line for all accessory structures in an Agricultural-2 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-09-08-04-05 *MINIMUM SETBACK FROM SECTION LINE FOR ALL ACCESSORY STRUCTURES*

The minimum setback from a section line for all accessory structures in an Agricultural-2 District shall be one-hundred-twenty (120) feet. Variations may

be permitted if the Department of Public Works determines no additional right-of-way is required.

3-09-08-05 MAXIMUM HEIGHT

3-09-08-05-01 *DWELLINGS AND ACCESSORY STRUCTURES*

The maximum height of dwellings and accessory structures in an Agricultural-2 District shall be thirty-five (35) feet.

3-09-08-05-02 *AGRICULTURAL STRUCTURES*

The maximum height of agricultural structures in an Agricultural-2 District shall be seventy (70) feet, except for structures located on a lot established by a recorded subdivision plat, where the maximum shall be twenty-five (25) feet.

3-09-08-06 MAXIMUM STRUCTURE COVERAGE

The maximum structure coverage on a lot in an Agricultural-2 District shall not be limited. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-09-08-07 MINIMUM FLOOR AREA OF DWELLINGS

3-09-08-07-01 *SINGLE STORY DWELLING*

The minimum floor area of a single-story dwelling in an Agricultural-2 District shall be twelve hundred (1,200) square feet.

3-09-08-07-02 *TRI-LEVEL DWELLING*

The minimum floor area of a tri-level dwelling in an Agricultural-2 District shall be twelve hundred (1,200) square feet.

3-09-08-07-03 *BI-LEVEL OR TWO STORY*

The minimum floor area of a bi-level or two-story dwelling in an Agricultural-2 District shall be nine hundred (900) square feet on the 1st floor plus six hundred (600) square feet on the 2nd floor. A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.

3-09-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Agricultural-2 District unless inconsistent with a provision contained in Section 3-09, in which case the specific standard or requirement contained in Section 3-09 shall apply.

3-10 AGRICULTURAL-3 DISTRICT (A-3)

3-10-01 PURPOSE

The purpose of the Agricultural-3 District is to provide land primarily in holdings of at least thirty-five (35) acres for dryland or irrigated farming, pasturage, or other related food production uses.

3-10-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Agricultural-3 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-10-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Agricultural-3 District as noted above:

1. Farming
2. Nurseries
3. Ranching
4. Equestrian Arena, Personal

3-10-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in an Agricultural-3 District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-10-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Agricultural-3 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Outdoor Public Uses

3. Places of Worship (subject to performance standards in Section 4-07-02-04)

3-10-02-04 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Agricultural-3 District as noted above:

1. Bed and Breakfast

3-10-02-05 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in an Agricultural-3 District as noted above:

1. Solar energy systems, small-scale
2. Solar energy systems, medium-scale

3-10-02-06 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in an Agricultural-3 District as noted above:

1. Medical Marijuana Optional Premises Cultivation Operation
2. Retail Marijuana Cultivation Facility

3-10-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural, Accessory
2. Residential, Accessory

3-10-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Agricultural-3 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval:

3-10-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in an Agricultural-3 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Business
3. Equestrian Arena, Commercial

3-10-04-02 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in an Agricultural-3 District as noted above:

1. Two-Family Dwelling
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-10-04-03 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Agricultural-3 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Halfway House ***Adopted by the BoCC on December 13, 2010**
3. Institutional Care
4. Jails and Prisons
5. Neighborhood Indoor Uses
6. Public Service
7. Universities

3-10-04-04 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Agricultural-3 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Animal Hospitals

3. Campgrounds, Commercial
4. Communications Towers, Commercial
5. Golf Course/Driving Range, Commercial
6. Heavy Retail and Heavy Services
7. Kennel, Commercial
8. Outdoor Commercial Recreation
9. Parking Lot, Commercial
10. Racing Facilities
11. Services
12. Trade Schools

3-10-04-05 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Agricultural-3 District as noted above:

1. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Conditional Use Permit or Certificate of Designation pursuant to Chapter 2; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4.)
2. Heavy Industry (Excluding Solid Waste Transfer Stations and Scrap Tire Recycling Facilities)
3. Landscape Storage Yards
4. Light Industry, including bone reduction, and pickle manufacturing. (Excluding all other Light, Heavy and Moderate Manufacturing or Processing uses)
5. Major Energy Facilities
6. Solar energy systems, large-scale
7. Recycling Facility ***Adopted by the BoCC on December 13, 2010**

3-10-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Agricultural-3 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Agricultural-3 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-10-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Agriculural-3 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-10-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-10-08 AREA AND HEIGHT STANDARDS

3-10-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement in an Agricultural-3 District shall be thirty-five (35) acres.

3-10-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum width of a lot or parcel in an Agricultural-3 District shall be six hundred (600) feet.

3-10-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-10-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in an Agricultural-3 District shall be fifty (50) feet.

3-10-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in an Agricultural-3 District shall be fifty (50) feet.

3-10-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in an Agricultural-3 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-10-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in an Agricultural-3 District shall be twenty (20) feet.

3-10-08-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for a principal structure in an Agricultural-3 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be one-hundred-twenty (120) feet. The minimum setback from a collector or local road shall be fifty (50) feet.

3-10-08-03-06 *MINIMUM SETBACK FROM SECTION LINE FOR ALL STRUCTURES*

The minimum setback from a section line for a principal structure or agricultural building in an Agricultural-3 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-10-08-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES OR AGRICULTURE BUILDINGS

3-10-08-04-01 *MINIMUM FRONT SETBACK*

All accessory structures shall be setback at least ten (10) feet to the rear of the front structure line of the principal dwelling, or one hundred (100) feet from the front property line, whichever is less, if a principal dwelling already exists on site. The minimum front setback for a principal structure in an Agricultural-3 District shall be fifty (50) feet.

3-10-08-04-02 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in an Agricultural-3 District shall be ten (10) feet, or one (1) foot per two (2) feet of height, whichever is greater.

3-10-08-04-03 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in an Agricultural-3 District shall be ten (10) feet.

3-10-08-04-04 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in an Agricultural-3 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be one-hundred-twenty (120) feet. The minimum setback from a collector or local road shall be fifty (50) feet.

3-10-08-04-05 *MINIMUM SETBACK FROM SECTION LINE FOR ALL ACCESSORY STRUCTURES*

The minimum setback from a section line for all accessory structures in an Agricultural-3 District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-10-08-05 MAXIMUM HEIGHT

3-10-08-05-01 *DWELLINGS AND ACCESSORY STRUCTURES*

The maximum height of dwellings and accessory structures in an Agricultural-3 District shall be thirty-five (35) feet.

3-10-08-05-02 *AGRICULTURAL STRUCTURES*

The maximum height of agricultural structures in an Agricultural-3 District shall be seventy (70) feet, except for structures located on a lot established by a recorded subdivision plat, where the maximum shall be twenty-five (25) feet.

3-10-08-06 MAXIMUM STRUCTURE COVERAGE

The maximum structure coverage on a lot in an Agricultural-3 District shall not be limited. Accessory buildings may be constructed prior to the principal dwelling on a lot.

3-10-08-07 MINIMUM FLOOR AREA OF DWELLINGS

3-10-08-07-01 *SINGLE STORY DWELLING*

The minimum floor area of a single-story dwelling in an Agricultural-3 District shall be twelve hundred (1,200) square feet.

3-10-08-07-02 *TRI-LEVEL DWELLING*

The minimum floor area of a tri-level dwelling in an Agricultural-3 District shall be twelve hundred (1,200) square feet.

3-10-08-07-03 *BI-LEVEL OR TWO STORY*

The minimum floor area of a bi-level or two-story dwelling in an Agricultural-3 District shall be nine hundred (900) square feet on the 1st floor plus six hundred (600) square feet on the 2nd floor. A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.

3-10-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Agricultural-3 District unless inconsistent with a provision contained in Section 3-10, in which case the specific standard or requirement contained in Section 3-10 shall apply.

3-11 RESIDENTIAL ESTATE DISTRICT (RE)

3-11-01 PURPOSE

The purpose of the Residential Estate District is to serve exclusively as a single-family detached residential district for larger lots and larger homes in a spacious, open environment away from higher density uses and where agricultural uses and the keeping of livestock are substantially restricted.

3-11-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential Estate District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-11-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential Estate District as noted above:

1. Traditional Farming

3-11-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential Estate District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-11-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential Estate District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-11-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Residential, Accessory
2. Institutional, Accessory

3-11-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential Estate District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-11-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential Estate District as noted above:

1. Group Living Facility (in excess of 5 persons)
2. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-11-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential Estate District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service
5. Universities

3-11-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential Estate District as noted above:

1. Bed and Breakfast
2. Golf Courses/Driving Ranges, Commercial

3-11-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential Estate District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities
3. Solar energy systems, small-scale
4. Solar energy systems, medium-scale

3-11-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential Estate District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential Estate District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-11-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-11-07 AREA AND HEIGHT STANDARDS

3-11-07-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size in a Residential Estate District shall be two-and-one-half (2.5) acres where individual well and septic are provided and one (1) acre where public water or public sewer is provided.

3-11-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-11-07-02-01 *MINIMUM WITH WELL AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM*

The minimum width of a lot in a Residential Estate District with a well and individual sewage disposal system shall be one-hundred-fifty (150) feet.

3-11-07-02-02 *MINIMUM WITH PUBLIC WATER OR SEWER FACILITIES*

The minimum width of a lot in a Residential Estate District with public water or sewer facilities shall be one hundred (100) feet.

3-11-07-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-11-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential Estate District shall be thirty (30) feet.

3-11-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential Estate District shall be thirty (30) feet.

3-11-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential Estate District shall be seventeen (17) feet on one side or five (5) feet from attached garage, and five (5) feet on the other side.

3-11-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential Estate District shall be twenty (20) feet.

3-11-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential Estate District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local rights-of-way shall be thirty (30) feet.

3-11-07-03-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential Estate District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-11-07-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

3-11-07-04-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential Estate District shall be thirty (30) feet or no less than the existing or proposed setback of the principal dwelling, whichever is greater.

3-11-07-04-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential Estate District shall be thirty (30) feet, or equal to the principal dwelling, whichever is greater.

3-11-07-04-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential Estate District shall be twenty (20) feet.

3-11-07-04-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential Estate District shall be ten (10) feet.

3-11-07-04-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential Estate District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local rights-of-way shall be thirty (30) feet.

3-11-07-04-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential Estate District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-11-07-05 MAXIMUM HEIGHT

3-11-07-05-01 *DWELLINGS*

The maximum height of dwellings in a Residential Estate District shall be thirty-five (35) feet.

3-11-07-05-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential Estate District shall be twenty-five (25) feet.

3-11-07-06 MAXIMUM STRUCTURE COVERAGE

3-11-07-06-01 *LOT SERVED BY WELL AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM*

The maximum structure coverage on a lot served by a well and individual sewage disposal system in a Residential Estate District shall be 12.5% of lot area.

3-11-07-06-02 *LOT SERVED BY PUBLIC WATER OR SEWER*

The maximum structure coverage on a lot served by public water or sewer in a Residential Estate District shall be 12.5% of lot area.

3-11-07-06-03 *LOT SERVED BY PUBLIC WATER AND SEWER*

The maximum structure coverage on a lot served by public water and sewer in a Residential Estate District shall be 12.5% of lot area.

3-11-07-06-04 *ACCESSORY BUILDING COVERAGE*

In no case shall an accessory building exceed twice the floor area of the principal structure on the lot unless the accessory building is an aircraft hangar. Aircraft hangers shall meet the performance standards for aircraft hangers. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-11-07-07 MINIMUM FLOOR AREA OF DWELLINGS

The minimum floor area of dwellings in a Residential Estate District shall be eighteen hundred (1,800) square feet.

3-11-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential Estate District unless inconsistent with a provision contained in Section 3-11, in which case the specific standard or requirement contained in Section 3-11 shall apply.

3-12 RESIDENTIAL-1-A DISTRICT (R-1-A)

The same as R-1-C

3-13 RESIDENTIAL-1-C DISTRICT (R-1-C)

3-13-01 PURPOSE

The purpose of the Residential-1-C District is to serve exclusively as a single-family district for smaller home sites and smaller homes.

3-13-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential-1-C District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-13-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential-1-C District as noted above:

1. Traditional Farming

3-13-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential-1-C District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-13-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential-1-C District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-13-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory

2. Institutional Uses, Accessory

3-13-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential-1-C District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-13-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential-1-C District as noted above:

1. Manufactured Home Park
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-13-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential-1-C District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service
5. Universities

3-13-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential-1-C District as noted above:

1. Bed and Breakfast
2. Golf Courses/Driving Ranges, Commercial

3-13-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential-1-C District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities
3. Solar energy systems, small-scale

3-13-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential-1-C District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential-1-C District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-13-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-13-07 AREA AND HEIGHT STANDARDS

3-13-07-01 MINIMUM LOT SIZE REQUIREMENTS

3-13-07-01-01 *CORNER LOTS*

The minimum lot size for corner lots in a Residential-1-C District shall be seventy-five hundred (7,500) square feet.

3-13-07-01-02 *INTERNAL LOTS*

The minimum lot size for internal lots in a Residential-1-C District shall be seven thousand (7,000) square feet.

3-13-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-13-07-02-01 *CORNER LOTS*

The minimum lot width for corner lots in a Residential-1-C District shall be seventy (70) feet.

3-13-07-02-02 *INTERNAL LOTS*

The minimum lot width for internal lots in a Residential-1-C District shall be sixty-five (65) feet.

3-13-07-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-13-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential-1-C District shall be twenty (20) feet.

3-13-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential-1-C District shall be twenty (20) feet.

3-13-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential-1-C District shall be seventeen (17) feet on one side or five (5) feet from attached garage, and five (5) feet on the other side.

3-13-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential-1-C District shall be fifteen (15) feet.

3-13-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential-1-C District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local rights-of-way shall be twenty (20) feet.

3-13-07-03-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential-1-C District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-13-07-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

3-13-07-04-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential-1-C District shall be no less than the existing or proposed setback of the principal dwelling.

3-13-07-04-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential-1-C District shall be twenty (20) feet or equal to the principal dwelling, whichever is greater.

3-13-07-04-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential-1-C District shall be five (5) feet.

3-13-07-04-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential-1-C District shall be five (5) feet.

3-13-07-04-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential-1-C District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local rights-of-way shall be twenty (20) feet.

3-13-07-04-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential -1-C District shall be one-hundred-twenty (120) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-13-07-05 MAXIMUM HEIGHT

3-13-07-05-01 *DWELLINGS*

The maximum height of dwellings in a Residential-1-C District shall be twenty-five (25) feet.

3-13-07-05-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential-1-C District shall be sixteen (16) feet.

3-13-07-06 MAXIMUM ACCESSORY BUILDING COVERAGE

The maximum accessory building coverage in a Residential-1-C District shall be nine hundred (900) square feet. Accessory buildings shall not be constructed prior to the principal dwelling on a lot.

3-13-07-07 MINIMUM FLOOR AREA OF DWELLINGS

The minimum floor area of dwellings in a Residential-1-C District shall be twelve- hundred-fifty (1,250) square feet.

3-13-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential-1-C District unless inconsistent with a provision contained in Section 3-13, in which case the specific standard or requirement contained in Section 3-13 shall apply.

3-14 RESIDENTIAL-2 DISTRICT (R-2)

3-14-01 PURPOSE

The purpose of the Residential-2 District is to provide a residential district which permits two-family dwellings and single-family homes in a moderate density setting.

3-14-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential-2 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-14-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential-2 District as noted above:

1. Traditional Farming

3-14-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential-2 District as noted above:

1. Single Family Dwelling
2. Two-Family Dwelling
3. Group Living Facility (1 to 5 persons)

3-14-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential-2 District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-14-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory
2. Institutional Uses, Accessory

3-14-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential-2 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-14-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential-2 District as noted above:

1. Manufactured Home Park
2. Group Living Facility (in excess of 5 persons)
3. Group Living Facility (with more than 1 registered sex offender), including Group home for the developmentally disabled, and Group home for the elderly.

3-14-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential-2 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service
5. Universities

3-14-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential-2 District as noted above:

1. Golf Courses/Driving Ranges, Commercial

3-14-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential-2 District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities
3. Solar energy systems, small-scale

3-14-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential-2 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential-2 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-14-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-14-07 AREA AND HEIGHT STANDARDS

3-14-07-01 MINIMUM LOT SIZE REQUIREMENTS

3-14-07-01-01 *SINGLE FAMILY LOTS*

The minimum size of single-family lots in a Residential-2 District shall be:

1. Corner Lots: seventy-five hundred (7,500) square feet
2. Internal Lot: seven thousand (7,000) square feet

3-14-07-01-02 *TWO-FAMILY LOTS*

The minimum size of two-family dwelling lots in a Residential-2 District shall be forty-five hundred (4,500) square feet per dwelling unit.

3-14-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-14-07-02-01 *SINGLE FAMILY LOTS*

The minimum width of single-family lots in a Residential-2 District shall be:

1. Corner Lots: seventy (70) feet
2. Internal Lot: sixty-five (65) feet

3-14-07-02-02 *TWO-FAMILY LOTS*

The minimum width of two-family dwelling lots in a Residential-2 District shall be:

1. Corner Lots: fifty (50) feet where a two-family dwelling is constructed as a townhome (single dwelling unit on each lot) and one hundred (100) feet where a two-family dwelling is built on a single lot.
2. Internal Lot: forty-five (45) feet where a two-family dwelling is constructed as a townhome (single dwelling unit on each lot) and ninety (90) feet where a two-family dwelling is built on a single lot.

3-14-07-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-14-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential-2 District shall be twenty (20) feet.

3-14-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential-2 District shall be twenty (20) feet.

3-14-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential-2 District shall be seventeen (17) feet on one side or five (5) feet from an attached garage, five (5) feet on the other side, and zero (0) feet along the common wall of a two-family dwelling.

3-14-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential-2 District shall be fifteen (15) feet.

3-14-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential-2 District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local rights-of-way shall be twenty (20) feet.

3-14-07-03-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential-2 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-14-07-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

3-14-07-04-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential-2 District shall be twenty (20) feet.

3-14-07-04-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential-2 District shall be twenty (20) feet.

3-14-07-04-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential-2 District shall be five (5) feet.

3-14-07-04-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential-2 District shall be five (5) feet.

3-14-07-04-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential-2 District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local rights-of-way shall be twenty (20) feet.

3-14-07-04-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential-2 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-14-07-05 MAXIMUM HEIGHT

3-14-07-05-01 *DWELLINGS*

The maximum height of dwellings in a Residential-2 District shall be twenty-five (25) feet.

3-14-07-05-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential-2 District shall be sixteen (16) feet.

3-14-07-06 MAXIMUM ACCESSORY BUILDING COVERAGE

The maximum accessory building coverage in a Residential-2 District shall be four-hundred-fifty (450) square feet per two-family dwelling unit. A maximum of 900 square feet shall be allowed for an accessory building when used as a single-family dwelling.

3-14-07-07 MINIMUM FLOOR AREA OF DWELLINGS

3-14-07-07-01 *TWO-FAMILY*

The minimum floor area of a two-family dwelling in a Residential-2 District shall be one thousand (1,000) square feet per dwelling unit.

3-14-07-07-02 *SINGLE FAMILY DWELLING*

The minimum floor area of a single-family dwelling in a Residential-2 District shall be twelve-hundred-fifty (1,250) square feet.

3-14-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential-2 District unless inconsistent with a provision contained in Section 3-14, in which case the specific standard or requirement contained in Section 3-14 shall apply.

3-15 RESIDENTIAL-3 DISTRICT (R-3)

3-15-01 PURPOSE

The purpose of the Residential-3 District is to provide a moderate density district which allows three (3) or more single-family attached residences on a single lot or on individually owned lots.

3-15-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential-3 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-15-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential-3 District as noted above:

1. Traditional Farming

3-15-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential-3 District as noted above:

1. Multi-Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-15-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential-3 District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-15-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory

2. Institutional Uses, Accessory

3-15-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential-3 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-15-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential-3 District as noted above:

1. Single-Family Dwelling
2. Two-Family Dwelling
3. Manufactured Home Park
4. Group Living Facility (in excess of 5 persons), including Group home for the developmentally disabled, and Group home for the elderly.
5. Group Living Facility (with more than 1 registered sex offender)

3-15-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential-3 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service

3-15-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential-3 District as noted above:

1. Golf Courses/Driving Ranges, Commercial

3-15-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential-3 District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities
3. Solar energy systems, small-scale

3-15-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential-3 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential-3 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-15-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-15-07 AREA AND HEIGHT STANDARDS

3-15-07-01 MINIMUM LOT SIZE REQUIREMENTS

3-15-07-01-01 *ATTACHED DWELLINGS ON INDIVIDUAL LOTS*

The minimum lot size for attached dwellings on individual lots in a Residential-3 District shall be twenty-five hundred (2,500) square feet per dwelling unit.

3-15-07-01-02 *ATTACHED DWELLINGS ON ONE LOT*

The minimum lot size for attached dwellings on one lot in a Residential-3 District shall be ninety-five hundred (9,500) square feet.

3-15-07-02 MAXIMUM DENSITY

The maximum density in a Residential-3 District shall be fourteen (14) dwelling units per acre.

3-15-07-03 MINIMUM LOT WIDTH REQUIREMENTS

3-15-07-03-01 *ATTACHED DWELLINGS ON INDIVIDUAL LOTS*

The minimum lot width for attached dwellings on individual lots in a Residential-3 District shall be twenty-five (25) feet.

3-15-07-03-02 *ATTACHED DWELLINGS ON ONE LOT*

The minimum lot width for attached dwellings on one (1) lot in a Residential-3 District shall be one-hundred-fifty (150) feet.

3-15-07-04 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-15-07-04-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential-3 District shall be twenty (20) feet.

3-15-07-04-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential-3 District shall be twenty (20) feet.

3-15-07-04-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential-3 District shall be zero (0) feet along common walls of adjoining dwelling units, five (5) feet from an end unit when units are located on individual lots, and twenty (20) feet from an end unit when units are located on a single lot.

3-15-07-04-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential-3 District shall be twenty (20) feet.

3-15-07-04-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential-3 District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local rights-of-way shall be twenty (20) feet.

3-15-07-04-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential-3 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-15-07-05 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

3-15-07-05-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential-3 District shall be twenty (20) feet.

3-15-07-05-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential-3 District shall be twenty (20) feet.

3-15-07-05-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential-3 District shall be five (5) feet.

3-15-07-05-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential-3 District shall be five (5) feet.

3-15-07-05-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential-3 District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local rights-of-way shall be twenty (20) feet.

3-15-07-05-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential-3 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-15-07-06 MAXIMUM HEIGHT

3-15-07-06-01 *PRINCIPAL STRUCTURE*

The maximum height of a principal structure in a Residential-3 District shall be thirty-five (35) feet.

3-15-07-06-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential-3 District shall be sixteen (16) feet.

3-15-07-07 MAXIMUM ACCESSORY BUILDING COVERAGE

The maximum accessory building coverage in a Residential-3 District shall be 80 square feet per dwelling unit.

3-15-07-08 MINIMUM FLOOR AREA OF DWELLINGS

3-15-07-08-01 *EFFICIENCY UNIT*

The minimum floor area of an efficiency unit in a Residential-3 District shall be four-hundred-fifty (450) square feet.

3-15-07-08-02 *ONE BEDROOM UNIT*

The minimum floor area of a one-bedroom unit in a Residential-3 District shall be six hundred (600) square feet.

3-15-07-08-03 *TWO BEDROOM UNIT*

The minimum floor area of a two-bedroom unit in a Residential-3 District shall be seven-hundred-fifty (750) square feet.

3-15-07-08-04 *THREE BEDROOM UNIT*

The minimum floor area of a three-bedroom unit in a Residential-3 District shall be nine hundred (900) square feet.

3-15-07-08-05 *FOUR BEDROOM UNIT*

The minimum floor area of a four-bedroom unit in a Residential-3 District shall be one thousand (1,000) square feet.

3-15-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential-3 District unless inconsistent with a provision contained in Section 3-15, in which case the specific standard or requirement contained in Section 3-15 shall apply.

3-16 RESIDENTIAL-4 DISTRICT (R-4)

3-16-01 PURPOSE

The purpose of the Residential-4 District is to provide a high-density district that allows three (3) or more single-family attached residences on a single lot.

3-16-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Residential-4 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-16-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Residential-4 District as noted above:

1. Traditional Farming

3-16-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Residential-4 District as noted above:

1. Multi-Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-16-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Residential-4 District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-16-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory

2. Institutional Uses, Accessory

3-16-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Residential-4 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-16-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Residential-4 District as noted above:

1. Single-Family Dwelling
2. Two-Family Dwelling
3. Manufactured Home Park
4. Group Living Facility (in excess of 5 persons), including Group home for the developmentally disabled, and Group home for the elderly.
5. Group Living Facility (with more than 1 registered sex offender)

3-16-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Residential-4 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service

3-16-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Residential-4 District as noted above:

1. Golf Courses/Driving Ranges, Commercial

3-16-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Residential-4 District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities
3. Solar energy systems, small-scale

3-16-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Residential-4 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Residential-4 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-16-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-16-07 AREA AND HEIGHT STANDARDS

3-16-07-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size in a Residential-4 District shall be two (2) acres.

3-16-07-02 MINIMUM DENSITY

The minimum density in a Residential-4 District shall be fourteen (14) dwelling units per acre.

3-16-07-03 MAXIMUM DENSITY

The maximum density in a Residential-4 District shall be thirty-five (35) dwelling units per acre.

3-16-07-04 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Residential-4 District shall be two hundred (200) feet.

3-16-07-05 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-16-07-05-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Residential-4 District shall be twenty-five (25) feet.

3-16-07-05-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Residential-4 District shall be twenty-five (25) feet.

3-16-07-05-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Residential-4 District shall be twenty-five (25) feet.

3-16-07-05-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Residential-4 District shall be twenty (20) feet.

3-16-07-05-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Residential-4 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local rights-of-way shall be twenty-five (25) feet.

3-16-07-05-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Residential-4 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-16-07-06 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

3-16-07-06-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Residential-4 District shall be fifty (50) feet.

3-16-07-06-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Residential-4 District shall be fifty (50) feet.

3-16-07-06-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Residential-4 District shall be five (5) feet.

3-16-07-06-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Residential-4 District shall be five (5) feet.

3-16-07-06-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Residential-4 District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from collector and local rights-of-way shall be fifty (50) feet.

3-16-07-06-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Residential-4 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-16-07-07 MAXIMUM HEIGHT

3-16-07-07-01 *PRINCIPAL STRUCTURE*

The maximum height of a principal structure in a Residential-4 District shall be seventy (70) feet.

3-16-07-07-02 *ACCESSORY STRUCTURES*

The maximum height of accessory structures in a Residential-4 District shall be sixteen (16) feet.

3-16-07-08 MAXIMUM ACCESSORY BUILDING COVERAGE

The maximum accessory building coverage in a Residential-4 District shall be eighty (80) square feet per dwelling unit.

3-16-07-09 MINIMUM FLOOR AREA OF DWELLINGS

3-16-07-09-01 *EFFICIENCY UNIT*

The minimum floor area of an efficiency unit in a Residential-4 District shall be four-hundred-fifty (450) square feet.

3-16-07-09-02 *ONE BEDROOM UNIT*

The minimum floor area of a one-bedroom unit in a Residential-4 District shall be six hundred (600) square feet.

3-16-07-09-03 *TWO BEDROOM UNIT*

The minimum floor area of a two-bedroom unit in a Residential-4 District shall be seven-hundred-fifty (750) square feet.

3-16-07-09-04 *THREE BEDROOM UNIT*

The minimum floor area of a three-bedroom unit in a Residential-4 District shall be nine hundred (900) square feet.

3-16-07-09-05 *FOUR BEDROOM UNIT*

The minimum floor area of a four-bedroom unit in a Residential-4 District shall be one thousand (1,000) square feet.

3-16-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Residential-4 District

unless inconsistent with a provision contained in Section 3-16, in which case the specific standard or requirement contained in Section 3-16 shall apply.

3-17 MOBILE HOME DWELLING DISTRICT (MH)

3-17-01 PURPOSE

The purpose of the Mobile Home Dwelling District is to provide a district for Mobile Homes with the necessary facilities with mobile home spaces or lots, which may (but need not) be owned by different persons.

3-17-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Mobile Home Dwelling District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-17-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Mobile Home Dwelling District as noted above:

1. Traditional Farming

3-17-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in a Mobile Home Dwelling District as noted above:

1. Single Family Dwelling
2. Mobile Home Parks

3-17-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Mobile Home Dwelling District as noted above:

1. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**

3-17-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Residential Uses, Accessory
2. Institutional Uses, Accessory

3-17-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Mobile Home Dwelling District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-17-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Mobile Home Dwelling District as noted above:

1. Two-Family Dwelling
2. Multi-Family Dwelling
3. Manufactured Home Park
4. Group Living Facility (1 to 5 persons)
5. Group Living Facility (in excess of 5 persons), including Group home for the developmentally disabled, and Group home for the elderly
6. Group Living Facility (with more than 1 registered sex offender)

3-17-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Mobile Home Dwelling District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Places of Worship
4. Public Service

3-17-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Mobile Home Dwelling District as noted above:

1. Golf Courses/Driving Ranges, Commercial

3-17-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Mobile Home Dwelling District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities
3. Solar energy systems, small-scale

3-17-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Mobile Home Dwelling District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Mobile Home Dwelling District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-17-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-17-07 AREA AND HEIGHT STANDARDS

3-17-07-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size in a Mobile Home Dwelling District shall be five thousand (5,000) square feet. Minimum size of new developments shall be forty (40) acres.

3-17-07-02 MINIMUM LOT WIDTH REQUIREMENTS

3-17-07-02-01 MOBILE HOMES LESS THAN OR EQUAL TO TWENTY FEET WIDE

The minimum lot width in a Mobile Home Dwelling District for mobile homes less than or equal to twenty feet wide shall be forty-five (45) feet.

3-17-07-02-02 *MOBILE HOMES MORE THAN TWENTY FEET WIDE*

The minimum lot width in a Mobile Home Dwelling District for mobile homes more than twenty (20) feet wide shall be fifty (50) feet.

3-17-07-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A PRINCIPAL STRUCTURE

3-17-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a principal structure in a Mobile Home Dwelling District shall be twenty (20) feet.

3-17-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a principal structure in a Mobile Home Dwelling District shall be twenty (20) feet.

3-17-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a principal structure in a Mobile Home Dwelling District shall be seventeen (17) feet on one side or five (5) feet when the lot includes an accessory structure, and five (5) feet on the other side.

3-17-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a principal structure in a Mobile Home Dwelling District shall be fifteen (15) feet.

3-17-07-03-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all principal structures in a Mobile Home Dwelling District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local rights-of-way shall be twenty (20) feet.

3-17-07-03-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for principal structures in a Mobile Home Dwelling District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-17-07-04 SETBACK FROM OTHER DISTRICT BOUNDARY LINES FOR ALL STRUCTURES

The setback from other zone district boundary lines for all structures in a Mobile Home Dwelling District shall be twenty-five (25) feet.

3-17-07-05 SETBACK AND DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES

3-17-07-05-01 *MINIMUM FRONT SETBACK*

The minimum front setback for accessory structures in a Mobile Home Dwelling District shall be twenty (20) feet.

3-17-07-05-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for accessory structures in a Mobile Home Dwelling District shall be twenty (20) feet.

3-17-07-05-03 *MINIMUM SIDE SETBACK*

The minimum side setback for accessory structures in a Mobile Home Dwelling District shall be five (5) feet.

3-17-07-05-04 *MINIMUM REAR SETBACK*

The minimum rear setback for accessory structures in a Mobile Home Dwelling District shall be five (5) feet.

3-17-07-05-05 *MINIMUM R.O.W. SETBACK*

The minimum setback for all accessory structures in a Mobile Home Dwelling District from an arterial right-of-way shall be forty (40) feet except a section line arterial right-of-way where the minimum setback shall be sixty (60) feet. The setback from collector and local rights-of-way shall be twenty (20) feet.

3-17-07-05-06 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for accessory structures in a Mobile Home Dwelling District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-17-07-06 MAXIMUM HEIGHT

The maximum height of a structure in a Mobile Home Dwelling District shall be twenty (20) feet and the maximum height of any accessory structure shall be ten (10) feet.

3-17-07-07 MAXIMUM ACCESSORY BUILDING COVERAGE

The maximum accessory building coverage in a Mobile Home Dwelling District shall be six hundred (600) square feet.

3-17-07-08 MINIMUM FLOOR AREA OF DWELLINGS

The minimum floor area of dwellings in a Mobile Home Dwelling District shall be six hundred (600) square feet.

3-17-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Mobile Home Dwelling District unless inconsistent with a provision contained in Section 3-17, in which case the specific standard or requirement contained in Section 3-17 shall apply.

3-18 COMMERCIAL-0 DISTRICT (C-0)

3-18-01 PURPOSE

The purpose of the Commercial-0 District is to provide an office district designed to provide administration and professional services, local employment and services, and provide a small local retail district designed to provide small convenient retail shopping and personal services for persons residing in adjacent residential areas.

3-18-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-0 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-18-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-0 District as noted above:

1. Nurseries
2. Traditional Farming

3-18-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-0 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**
4. Places of Worship

3-18-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses when no more than two thousand (2,000) square feet per business, and provided there are no outdoor facilities, are permitted in a Commercial-0 District as noted above:

1. Animal Hospitals, No outdoor facilities

2. Automobile Service Stations
3. Bed and Breakfast Establishments
2. Commercial Retail
3. Convenience Retail Store
4. Office
5. Services

3-18-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional, Accessory
3. Residential, Accessory

3-18-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-0 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-18-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional commercial uses are permitted in a Commercial-0 District as noted above:

1. Single-Family Dwelling
2. Two-Family Dwelling
3. Multi-Family Dwelling
4. Manufactured Home Parks

3-18-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-0 District as noted above:

1. Public Service
2. Universities

3-18-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-0 District as noted above:

1. Automobile Dealers
2. Campgrounds, Commercial
3. Communications Towers, Commercial
4. Commercial Retail in excess of two thousand (2,000) square feet per business
5. Convenience Store in excess of two thousand (2,000) square feet per business
6. Drive-In Establishments
7. Golf Course/Driving Range, Commercial
8. Lodging, Commercial in excess of two thousand (2,000) square feet per business
9. Massage Business
10. Office in excess of two thousand (2,000) square feet per business
11. Restaurants
12. Services in excess of two thousand (2,000) square feet per business

3-18-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-0 District as noted above:

1. Alcoholic Beverage Manufacturing
2. Business Park Uses
3. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
4. Fuel, Oil Gasoline, and Petroleum Products (bulk storage and/or sale)
5. Major Energy Facilities
6. Solar energy systems, small-scale

3-18-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-0 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commerical-0 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-18-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-0 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-18-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-18-08 AREA AND HEIGHT STANDARDS

3-18-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-0 District.

3-18-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-0 District shall be seventy-five (75) feet.

3-18-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-18-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-0 District shall be twenty-five (25) feet.

3-18-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-0 District shall be twenty-five (25) feet.

3-18-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-0 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-18-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-0 District shall be fifteen (15) feet.

3-18-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-18-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-0 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-18-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-0 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-18-08-04 MAXIMUM HEIGHT

The maximum height of a structure in a Commercial-0 District shall be twenty-five (25) feet.

3-18-08-05 MAXIMUM FLOOR AREA PER COMMERCIAL USE

The maximum floor area per commercial use in a Commercial-0 District shall be two thousand (2,000) square feet unless otherwise approved with a Conditional Use Permit.

3-18-08-06 HOURS OF OPERATION

The hours of operation in a Commercial-0 District shall be restricted to 7:00 a.m. to 10:00 p.m.

3-18-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-0 District unless inconsistent with a provision contained in Section 3-18, in which case the specific standard or requirement contained in Section 3-18 shall apply.

3-19 COMMERCIAL-1 DISTRICT (C-1)

3-19-01 PURPOSE

The purpose of the Commercial-1 District is to provide an office district designed to provide retail shopping services and professional office space for persons residing in adjacent residential areas.

3-19-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-1 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-19-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-0 District as noted above:

1. Nurseries
2. Traditional Farming

3-19-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-1 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**
4. Places of Worship

3-19-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses when less than two thousand (2,000) square feet per business are permitted in a Commercial-1 District as noted above:

1. Animal Hospitals (no outdoor facilities)
2. Automobile Service Stations
3. Bed and Breakfast Establishments

3. Commercial Retail
4. Convenience Retail Store
5. Lodging, Commercial
6. Office
7. Restaurants
8. Services

3-19-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional, Accessory
3. Residential, Accessory

3-19-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-1 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-19-04-01 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional commercial uses are permitted in a Commercial-1 District as noted above:

1. Multi-Family Dwelling
2. Manufactured Home Parks

3-19-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-1 District as noted above:

1. Public Service
2. Universities

3-19-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-1 District as noted above:

1. Animal Hospitals with outdoor facilities
2. Automobile Dealers
3. Campgrounds, Commercial
4. Communications Towers, Commercial
5. Commercial Retail in excess of two thousand (2,000) square feet per business
6. Drive-In Facilities
7. Golf Course/Driving Range, Commercial
8. Indoor Commercial Recreation/Entertainment
9. Kennel, Commercial
10. Lodging, Commercial in excess of two thousand (2,000) square feet per business
11. Massage Business
12. Office in excess of two thousand (2,000) square feet per business
13. Outdoor Commercial Recreation
14. Parking Lot, Commercial
15. Restaurants in excess of two thousand (2,000) square feet per business
16. Services in excess of two thousand (2,000) square feet per business
17. Trade Schools

3-19-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-1 District as noted above:

1. Alcoholic Beverage Manufacturing
2. Business Park Uses
3. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
4. Fuel, Oil, Gasoline, and Petroleum Products (bulk storage and/or sale)
5. Major Energy Facilities

6. Solar energy systems, small-scale

3-19-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-1 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commerical-1 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-19-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-1 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-19-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-19-08 AREA AND HEIGHT STANDARDS

3-19-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-1 District.

3-19-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-1 District shall be seventy-five (75) feet.

3-19-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-19-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-1 District shall be twenty-five (25) feet.

3-19-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-1 District shall be twenty-five (25) feet.

3-19-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-1 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-19-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-1 District shall be fifteen (15) feet.

3-19-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-19-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-1 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-19-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-1 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-19-08-04 MAXIMUM HEIGHT

The maximum height of a structure in a Commercial-1 District shall be twenty-five (25) feet.

3-19-08-05 MAXIMUM FLOOR AREA PER COMMERCIAL USE

The maximum floor area per commercial use in a Commercial-1 District shall be two thousand (2,000) square feet unless otherwise approved with a Conditional Use Permit.

3-19-08-06 HOURS OF OPERATION

The hours of operation in a Commercial-1 District shall be restricted to 7:00 a.m. to 10:00 p.m.

3-19-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-1 District unless inconsistent with a provision contained in Section 3-19 in which case the specific standard or requirement contained in Section 3-19 shall apply.

3-20 COMMERCIAL-2 DISTRICT (C-2)

3-20-01 PURPOSE

The purpose of the Commercial-2 District is to provide a retail and service district designed to provide most retail shopping and personal services for persons residing in nearby residential areas.

3-20-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-2 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-20-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-2 District as noted above:

1. Nurseries
2. Traditional Farming

3-20-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-2 District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BOCC December 13, 2010**
4. Places of Worship

3-20-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses with no more than ten thousand (10,000) square feet per use are permitted in a Commercial-2 District as noted above:

1. Animal Hospitals
2. Automobile Dealers
3. Automobile Service Stations

4. Bed and Breakfast Establishments
5. Commercial Retail
6. Convenience Retail Store
7. Drive-In Facilities
8. Golf Course/Driving Range, Commercial
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Office
12. Restaurants
13. Services

3-20-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional, Accessory

3-20-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-2 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-20-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-2 District as noted above:

1. Public Service
2. Universities

3-20-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-2 District as noted above:

1. Campgrounds, Commercial

2. Communications Towers, Commercial
3. Heavy Retail and Heavy Services in excess of ten thousand (10,000) square feet (Excluding Automobile Dealers which are Permitted Principal Uses which are less than ten thousand (10,000) square feet).
4. Kennel, Commercial
5. Lodging, Commercial in excess of ten thousand (10,000) square feet
6. Massage Business
7. Office in excess of ten thousand (10,000) square feet
8. Outdoor Commercial Recreation
9. Parking Lot, Commercial
10. Services in excess of ten thousand (10,000) square feet
11. Trade Schools in excess of ten thousand (10,000) square feet

3-20-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-2 District as noted above:

1. Alcoholic Beverage Manufacturing
2. Business Park Uses
3. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
4. Fuel, Oil, Gasoline, and Petroleum Products (bulk storage and/or sale)
5. Major Energy Facilities
6. Solar energy systems, small-scale
7. Solar energy systems, medium-scale

3-20-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-2 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commerical-2 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-20-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-2 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-20-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-20-08 AREA AND HEIGHT STANDARDS

3-20-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-2 District.

3-20-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-2 District shall be seventy-five (75) feet.

3-20-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-20-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-2 District shall be twenty-five (25) feet.

3-20-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-2 District shall be twenty-five (25) feet.

3-20-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-2 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-20-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-2 District shall be fifteen (15) feet.

3-20-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-20-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-2 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-20-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-2 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-20-08-04 MAXIMUM HEIGHT

The maximum height of a structure in a Commercial-2 District shall be thirty-five (35) feet.

3-20-08-05 MAXIMUM FLOOR AREA PER COMMERCIAL USE

The maximum floor area per commercial use in a Commercial-2 District shall be ten thousand (10,000) square feet.

3-20-08-06 HOURS OF OPERATION

The hours of operation in a Commercial-2 District shall be restricted to 7:00 a.m. to 12:00 a.m. when property abuts residentially zoned or used property. Otherwise, no restrictions on the hours of operation shall apply.

3-20-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-2 District unless inconsistent with a provision contained in Section 3-20, in which case the specific standard or requirement contained in Section 3-20 shall apply.

3-21 COMMERCIAL-3 DISTRICT (C-3)

3-21-01 PURPOSE

The purpose of the Commercial-3 District is to provide a retail and service district designed to provide most retail shopping and personal services for persons residing within Adams County and the surrounding area.

3-21-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-3 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-21-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-3 District as noted above:

1. Nurseries
2. Traditional Farming

3-21-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-3 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Outdoor Public Uses
5. Places of Worship

3-21-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses with no more than ten thousand (10,000) square feet per use are permitted in a Commercial-3 District as noted above:

1. Animal Hospitals
2. Automobile Dealers

3. Automobile Service Stations
4. Bed and Breakfast Establishments
5. Commercial Retail
6. Convenience Retail Store
7. Drive-In Facilities
8. Golf Course/Driving Range, Commercial
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Office
12. Restaurants13. Services
14. Trade Schools

3-21-02-04 PERMITTED MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in a Commercial-3 District as noted above:

1. Medical Marijuana Store
2. Retail Marijuana Store
3. Medical Marijuana Cultivation Facility
4. Retail Marijuana Cultivation Facility
5. Marijuana Hospitality Business
6. Retail Marijuana Hospitality and Sales Business

3-21-02-05 PERMITTED PRINCIPAL INDUSTRIAL USES

1. Accessory Outdoor Storage (up to 25% of the building area) ***Adopted by the BoCC on December 13, 2010**

3-21-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional, Accessory

3-21-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-3 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-21-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-3 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Public Service
3. Universities

3-21-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-3 District as noted above:

1. Campgrounds, Commercial
2. Communications Towers, Commercial
3. Business Park Uses
4. Heavy Retail and Heavy Services (Excluding Automobile Dealers which are a Permitted Principal Use)
4. Kennel, Commercial
5. Lodging, Commercial in excess of ten thousand (10,000) square feet
6. Massage Business
7. Office in excess of ten thousand (10,000) square feet
8. Outdoor Commercial Recreation in excess of ten thousand (10,000) square feet
9. Parking Lot, Commercial
10. Services in excess of ten thousand (10,000) square feet
11. Trade Schools in excess of ten thousand (10,000) square feet

3-21-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-3 District as noted above:

1. Alcoholic Beverage Manufacturing. Business Park Uses
2. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
3. Fuel, Oil, Gasoline, and Petroleum Products (bulk storage and/or sale)
4. Major Energy Facilities
5. Solar energy systems, small-scale
6. Solar energy systems, medium-scale

3-21-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-3 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commerical-3 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-21-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-3 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-21-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-21-08 AREA AND HEIGHT STANDARDS

3-21-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-3 District.

3-21-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-3 District shall be seventy-five (75) feet.

3-21-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-21-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-3 District shall be twenty-five (25) feet.

3-21-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-3 District shall be twenty-five (25) feet.

3-21-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-3 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-21-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-3 District shall be fifteen (15) feet.

3-21-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-21-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-3 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75)

feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-21-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-3 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-21-08-04 MAXIMUM HEIGHT

The maximum height of a structure in a Commercial-3 District shall be thirty-five (35) feet.

3-21-08-05 MAXIMUM FLOOR AREA PER COMMERCIAL USE

The maximum floor area per commercial use in a Commercial-3 District shall be ten thousand (10,000) square feet unless otherwise approved with a Conditional Use Permit.

3-21-08-06 HOURS OF OPERATION

The hours of operation in a Commercial-3 District shall be restricted to 7:00 a.m. to 12:00 a.m. when property abuts residentially zoned or used property. Otherwise, no restrictions on the hours of operation shall apply.

3-21-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-3 District unless inconsistent with a provision contained in Section 3-21, in which case the specific standard or requirement contained in Section 3-21 shall apply.

3-22 COMMERCIAL-4 DISTRICT (C-4)

3-22-01 PURPOSE

The purpose of the Commercial-4 District is to serve as a general retail and service district designed to provide services and products for both the general and traveling public in a regional context.

3-22-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-4 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-22-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Commercial-4 District as noted above:

1. Nurseries
2. Traditional Farming

3-22-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Commercial-4 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Outdoor Public Uses
5. Places of Worship

3-22-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in a Commercial-4 District as noted above:

1. Animal Hospitals
2. Automobile Dealers

3. Automotive Repair, including top, body, upholstery repair, paint, and tire re-treading shops
4. Automobile Service Stations
5. Bed and Breakfast Establishments
6. Commercial Retail
7. Convenience Retail Store
8. Drive-In Facilities
9. Golf Course/Driving Range, Commercial
10. Indoor Commercial Recreation/Entertainment
11. Lodging, Commercial
12. Office
13. Parking Lot, Commercial
14. Restaurants15. Services
16. Sexually Oriented Businesses subject to the requirements of Section 4-17
17. Trade Schools

3-22-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal institutional uses are permitted in a Commercial-4 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the building area) ***Adopted by the BoCC on December 13, 2010**
2. Alcohol Beverage Manufacturing
3. Automotive Repair, including top, body, upholstery repair, paint, and tire re-treading shops
4. Business Park Uses
5. Solar energy systems, small-scale
6. Solar energy systems, medium-scale

3-22-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in a Commercial-4 District as noted above:

1. Medical Marijuana Store
2. Retail Marijuana Store

3. Medical Marijuana Cultivation Facility
4. Retail Marijuana Cultivation Facility
5. Marijuana Hospitality Business
6. Retail Marijuana Hospitality and Sales Business

3-22-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2. Institutional Uses, Accessory
3. Industrial Uses, Accessory

3-22-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-4 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-22-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in a Commercial-4 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses

3-22-04-02 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-4 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Public Service
3. Universities

3-22-04-03 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-4 District as noted above:

1. Campgrounds, Commercial
2. Communications Towers, Commercial
3. Heavy Retail and Heavy Services (Excluding Automobile Dealers and Automotive Repair which are a permitted principal use in the C-4 Zone District)
4. Kennel, Commercial
5. Massage Business
6. Outdoor Commercial Recreation
7. Racing Facilities

3-22-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-4 District as noted above:

1. Extraction and Disposal Uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
2. Major Energy Facilities
3. Solar energy systems, large-scale

3-22-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-4 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commerical-4 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-22-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-4 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-22-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-22-08 AREA AND HEIGHT STANDARDS

3-22-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-4 District.

3-22-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-4 District shall be one hundred (100) feet.

3-22-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-22-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-4 District shall be twenty-five (25) feet.

3-22-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-4 District shall be twenty-five (25) feet.

3-22-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-4 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-22-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-4 District shall be fifteen (15) feet.

3-22-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-22-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-4 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-22-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-4 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-22-08-04 MAXIMUM HEIGHT

The maximum height of a structure in a Commercial-4 District shall be thirty-five (35) feet.

3-22-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-4 District unless inconsistent with a provision contained in Section 3-22, in which case the specific standard or requirement contained in Section 3-22 shall apply.

3-23 COMMERCIAL-5 DISTRICT (C-5)

3-23-01 PURPOSE

The purpose of the Commercial-5 District is to serve as a general retail and service district designed to provide the broadest scope of services and products for both the general and traveling public in an interstate and regional context.

3-23-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Commercial-5 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-23-02-01 PERMITTED AGRICULTURAL USES

The following agricultural uses are permitted in a Commercial-5 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses
3. Nurseries
4. Traditional Farming

3-23-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following institutional uses are permitted in a Commercial-5 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Institutional Care
3. Neighborhood Indoor Uses
4. Outdoor Public Uses
5. Places of Worship

3-23-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in a Commercial-5 District as noted above:

1. Animal Hospitals
2. Automobile Dealers
3. Automobile Service Stations
4. Bed and Breakfast Establishments
5. Commercial Retail
6. Convenience Retail Store
7. Drive-In Facilities
8. Golf Course/Driving Range, Commercial
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Office
12. Parking Lot, Commercial
13. Restaurants
14. Services
15. Sexually Oriented Businesses subject to the requirements of Section 4-17
16. Trade Schools

3-23-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in a Commercial-5 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the building area) ***Adopted by the BoCC on December 13, 2010**
2. Alcoholic Beverage Manufacturing
3. Automotive Repair, including top, body, upholstery repair, paint, and tire re-treading shops
4. Business Park Uses
5. Solar energy systems, small-scale
6. Solar energy systems, medium-scale

3-23-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in a Commercial-5 District as noted above:

1. Medical Marijuana Store
2. Retail Marijuana Store
3. Medical Marijuana Cultivation Facility
4. Retail Marijuana Cultivation Facility
5. Marijuana Hospitality Business
6. Retail Marijuana Hospitality and Sales Business

3-23-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial Uses, Accessory
2 Institutional Uses, Accessory.
3. Industrial Uses, Accessory

3-23-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Commercial-5 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-23-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Commercial-5 District as noted above:

1. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
2. Halfway House ***Adopted by the BoCC on December 13, 2010**
3. Jails and Prisons
4. Public Service
5. Universities

3-23-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Commercial-5 District as noted above:

1. Campgrounds, Commercial
2. Communications Towers, Commercial
3. Heavy Retail and Heavy Services (excluding Automotive Dealers and Automotive Repair which are a permitted principal use in the C-5 Zone District)
4. Kennel, Commercial
5. Massage Business
6. Off-Premise Advertising Devices
7. Outdoor Commercial Recreation
8. Racing Facilities

3-23-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in a Commercial-5 District as noted above:

1. Accessory Outdoor Storage (in excess of 25% and up to 100% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
2. Extraction and Disposal uses, Extraction Only (Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
3. Candy product manufacturing (for sale off premise)
4. Light Industrial (Excluding Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops which are permitted principal uses in the C-5 Zone District)
5. Light Manufacturing or Processing
6. Major Energy Facility
7. Solar energy systems, large-scale
8. Light Logistics Center

3-23-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Commercial-5 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Commerical-5 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-23-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in a Commercial-5 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-23-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-23-08 AREA AND HEIGHT STANDARDS

3-23-08-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Commercial-5 District.

3-23-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in a Commercial-5 District shall be one hundred (100) feet.

3-23-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-23-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Commercial-5 District shall be twenty-five (25) feet.

3-23-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Commercial-5 District shall be twenty-five (25) feet.

3-23-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Commercial-5 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-23-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Commercial-5 District shall be fifteen (15) feet.

3-23-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-23-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in a Commercial-5 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-23-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in a Commercial-5 District shall be one hundred (100) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-23-08-04 MAXIMUM HEIGHT

The maximum height of a structure in a Commercial-5 District shall be thirty-five (35) feet.

3-23-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Commercial-5 District unless inconsistent with a provision contained in Section 3-23, in which case the specific standard or requirement contained in Section 3-23 shall apply.

3-24 INDUSTRIAL-1 DISTRICT (I-1)

3-24-01 PURPOSE

The purpose of the Industrial-1 District is to provide a general commercial and limited industrial district designed to provide for a variety of compatible business, warehouse, wholesale, offices and very limited industrial uses.

3-24-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Industrial-1 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-24-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Industrial-1 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses
3. Farming
4. Nurseries
5. Ranching
6. Traditional Farming

3-24-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Industrial-1 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
3. Institutional Care
4. Neighborhood Indoor Uses
5. Outdoor Public Uses
6. Places of Worship

3-24-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Industrial-1 District as noted above:

1. Animal Hospital
2. Automobile Service Stations
3. Bed and Breakfast Establishments
4. Commercial Retail
5. Convenience Retail Store
6. Drive-In Facilities
7. Golf Course/Driving Range, Commercial
8. Heavy Retail and Heavy Services (Excluding Auto towing and storage yards)
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Offices
12. Parking Lot, Commercial
13. Restaurants
14. Services
15. Sexually Oriented Businesses subject to the requirements of Section 4-17
16. Trade School

3-24-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in an Industrial-1 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
2. Alcoholic Beverage Manufacturing
3. Automotive Repair, including top, body upholstery repair, paint, and re-treading shops
4. Business Park
5. Candy Product Manufacturing (for sale off premise)

6. Glass or Glass Product Manufacturing
7. Light Industry
8. Light Manufacturing or Processing
9. Moderate Manufacturing or Processing (Excluding Creosote Manufacturing or Treatment Plant; Forging Plant and Foundry; Mobile Home Manufacturing and Storage; Cement, cinder block, concrete, lime or plaster manufacturing may be permitted or conditional in the Industrial-1 zone district depending upon compliance with performance standards in Chapter 4)
10. Pickle Manufacturing
11. Solar energy systems, small-scale
12. Solar energy systems, medium-scale

3-24-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in an Industrial-1 District as noted above:

1. Medical Marijuana Store
2. Retail Marijuana Store
3. Medical Marijuana Product Manufacturing Facility
4. Retail Marijuana Product Manufacturing Facility
5. Medical Marijuana Cultivation Facility
6. Retail Marijuana Cultivation Facility
7. Retail Marijuana Testing Facility
8. Marijuana Hospitality Business
9. Retail Marijuana Hospitality and Sales Business

3-24-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural Uses, Accessory
2. Commercial Uses, Accessory
3. Industrial Uses, Accessory

3-24-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Industrial-1 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-24-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Industrial-1 District as noted above:

1. Halfway House ***Adopted by the BoCC on December 13, 2010**
2. Jails and Prisons
3. Public Service
4. Universities

3-24-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Industrial-1 District as noted above:

1. Airports, Landing Strips, and Heliports
3. Campgrounds, Commercial
4. Communication Towers, Commercial
5. Kennel, Commercial
6. Massage Business
7. Off-Premise Advertising Devices
8. Outdoor Commercial Recreation
9. Racing Facilities

3-24-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Industrial-1 District as noted above:

1. Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)
2. Outdoor Storage (in excess of 100% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
3. Creosote Manufacturing or Treatment Plant

4. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Temporary Use Permit or Certificate of Designation pursuant to Chapter 2 and 4; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4).
5. Forging plant and foundry
6. Heavy Industry (Excluding Solid Waste Transfer Stations, Scrap Tire Recycling Facilities and Solid Waste Recycling Facilities and Excluding Alcoholic Beverage Manufacturing which is a permitted principal use in the I-1 Zone District; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4)
7. Major Energy Facilities
8. Mobile Homes Manufacturing and Storage
9. Paint and Enamel Manufacturing
10. Recycling Facilities
11. Scrap Processing or Shredding Yard
12. Smelting or Refining of Metal
13. Tar and Waterproofing (materials manufacturing, treatment, and bulk storage)
14. Cement, cinder block, concrete, lime or plaster manufacturing may be permitted or conditional in the Industrial-1 zone district depending upon compliance with performance standards in Chapter 4
15. Landscape Storage Yard
16. Solar energy systems, large-scale
17. Heavy Logistics Center

3-24-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Industrial-1 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in the Industrial-1 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-24-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Industrial-1 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-24-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-24-08 AREA AND HEIGHT STANDARDS

3-24-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement shall be one (1) acre in an Industrial-1 District.

3-24-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in an Industrial-1 District shall be one hundred (100) feet.

3-24-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-24-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in an Industrial-1 District shall be twenty-five (25) feet.

3-24-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in an Industrial-1 District shall be twenty-five (25) feet.

3-24-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in an Industrial-1 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-24-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in an Industrial-1 District shall be fifteen (15) feet.

3-24-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-24-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in an Industrial-1 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-24-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in an Industrial-1 District shall be one-hundred-forty-five (145) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-24-08-04 MAXIMUM HEIGHT

The maximum height of a structure in an Industrial-1 District shall be sixty (60) feet.

3-24-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Industrial-1 District unless inconsistent with a provision contained in Section 3-24, in which case the specific standard or requirement contained in Section 3-24 shall apply.

3-25 INDUSTRIAL-2 DISTRICT (I-2)

3-25-01 PURPOSE

The purpose of the Industrial-2 District is to accommodate light manufacturing, processing, fabrication, assembly, and storage of non-hazardous and/or non-obnoxious material and products as well as allowing service facilities for industries and their employees.

3-25-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Industrial-2 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-25-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Industrial-2 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses
3. Farming
4. Nurseries
5. Ranching
6. Traditional Farming

3-25-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Industrial-2 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
3. Institutional Care
4. Neighborhood Indoor Uses
5. Outdoor Public Uses

3-25-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Industrial-2 District as noted above:

1. Animal Hospitals
2. Automobile Service Stations
3. Bed and Breakfast Establishments
4. Commercial retail
5. Convenience Retail Store
6. Drive-In Facilities
7. Golf Course/Driving Range, Commercial
8. Heavy Retail and Heavy Services (Except Auto towing and storage yards)
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial Offices
11. Parking Lot, Commercial
12. Restaurants
13. Services
14. Sexually Oriented Businesses subject to the requirements of Section 4-17
15. Trade Schools

3-25-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in an Industrial-2 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
2. Accessory Outdoor Storage (in excess of 25% and up to 100% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
3. Outdoor Storage (in excess of 100% of the bldg. area) *See Outdoor Storage Performance Standards in Chapter 4 ***Adopted by the BoCC on December 13, 2010**
4. Business Park Uses

5. Fuel, Oil, Gasoline, and Petroleum Products (bulk storage and/or sale)
6. Felt Manufacturing
7. Landscape Storage Yard
8. Lubrication and Grease Manufacturing
9. Lumber mills, Planing Mills, and Storage of Logs
10. Pickle Manufacturing
11. Sugar and Beet Refining
12. Heavy Industry (Excluding Solid Waste Transfer Stations, Asphalt and concrete production facilities, Salvage yards, Sawmills, Storage and disassembly of vehicles and the re-assembly of various parts, Scrap Tire Recycling Facilities and Solid Waste Recycling Facilities; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4)
13. Light Industry
14. Light Manufacturing and Processing
15. Moderate Manufacturing and Processing (Excluding Creosote Manufacturing or Treatment Plant, Boiler or tank manufacturing, and Forging Plant and Foundry
16. Solar energy systems, small-scale
17. Solar energy systems, medium-scale

3-25-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in an Industrial-2 District as noted above:

1. Medical Marijuana Store
2. Retail Marijuana Store
3. Medical Marijuana Product Manufacturing Facility
4. Retail Marijuana Product Manufacturing Facility
5. Medical Marijuana Cultivation Facility
6. Retail Marijuana Cultivation FacilityRetail Marijuana Testing Facility
7. Marijuana Hospitality Business
8. Retail Marijuana Hospitality and Sales Business

3-25-03 PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval:

1. Commercial, Accessory
2. Industrial, Accessory

3-25-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Industrial-2 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-25-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Industrial-2 District as noted above:

1. Halfway House ***Adopted by the BoCC on December 13, 2010**
2. Jails and Prisons
3. Places of Worship
4. Public Service
5. Universities

3-25-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Industrial-2 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Campgrounds, Commercial
3. Communication Towers, Commercial
4. Kennel, Commercial
5. Massage Businesses
6. Off-Premise Advertising Devices
7. Outdoor Commercial Recreation
8. Racing Facilities
9. Auto towing and storage yards

3-25-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Industrial-2 District as noted above:

1. Outdoor Storage (in excess of 100% of the bldg. area) * See Outdoor Storage Performance Standards in Chapter 4 ***Adopted by the BoCC on December 13, 2010**
2. Creosote Manufacturing
3. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Conditional Use Permit or Certificate of Designation pursuant to Chapter 2; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4.)
4. Forging Plant and Foundry
5. Heavy Manufacturing or Processing (Excluding Felt Manufacturing and Lubrication and Grease Manufacturing, which are permitted principal uses in the Industrial-2 Zone District
6. Major Energy Facilities
7. Asphalt and concrete production facilities
8. Salvage yards
9. Sawmills
10. Storage and disassembly of vehicles and the re-assembly of various parts
11. Solar energy systems, large-scale

3-25-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Industrial-2 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Industrial-2 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-25-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Industrial-2 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-25-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-25-08 AREA AND HEIGHT STANDARDS

3-25-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement shall be two (2) acres in an Industrial-2 District.

3-25-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in an Industrial-2 District shall be one-hundred-twenty-five (125) feet.

3-25-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-25-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in an Industrial-2 District shall be twenty-five (25) feet.

3-25-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in an Industrial-2 District shall be twenty-five (25) feet.

3-25-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in an Industrial-2 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-25-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in an Industrial-2 District shall be fifteen (15) feet.

3-25-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-25-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in an Industrial-2 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-25-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in an Industrial-2 District shall be one-hundred-forty-five (145) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-25-08-04 MAXIMUM HEIGHT

The maximum height of a structure in an Industrial-2 District shall be seventy-five (75) feet.

3-25-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Industrial-2 District unless inconsistent with a provision contained in Section 3-24, in which case the specific standard or requirement contained in Section 3-24 shall apply.

3-26 INDUSTRIAL-3 DISTRICT (I-3)

3-26-01 PURPOSE

The purpose of the Industrial-3 District is to provide a heavy industrial district designed to accommodate most industrial enterprises.

3-26-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Industrial-3 District, subject to building permit review and approval. Only one (1) principal use shall be permitted per lot.

3-26-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Industrial-3 District as noted above:

1. Agricultural Support Businesses and Services
2. Agricultural Businesses
3. Farming
4. Nurseries
5. Ranching
6. Traditional Farming

3-26-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Industrial-3 District as noted above:

1. Funeral Home/Mortuary ***Adopted by the BoCC on December 13, 2010**
2. Funeral Home/Mortuary to include Cremation ***Adopted by the BoCC on December 13, 2010**
3. Institutional Care
4. Neighborhood Indoor Uses
5. Outdoor Public Uses

3-26-02-03 PERMITTED PRINCIPAL COMMERCIAL USES

The following principal commercial uses are permitted in an Industrial-3 District as noted above:

1. Animal Hospitals
2. Automobile Service Stations
3. Bed and Breakfast Establishments
4. Commercial Retail
5. Convenience Retail Store
6. Drive-In Facilities
7. Golf Course/Driving Range, Commercial
8. Heavy Retail and Heavy Services
9. Indoor Commercial Recreation/Entertainment
10. Lodging, Commercial
11. Offices
12. Parking Lot, Commercial
13. Restaurants
14. Services
15. Sexually Oriented Businesses subject to the requirements of Section 4-17
16. Trade Schools

3-26-02-04 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in an Industrial-3 District as noted above:

1. Accessory Outdoor Storage (up to 25% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
2. Accessory Outdoor Storage (in excess of 25% and up to 100% of the bldg. area) ***Adopted by the BoCC on December 13, 2010**
3. Outdoor Storage (in excess of 100% of the bldg. area) *See Outdoor Storage Performance Standards in Chapter 4 ***Adopted by the BoCC on December 13, 2010**
4. Business Park Uses
5. Heavy Industrial (Excluding Solid Waste Transfer Station, Scrap Tire Recycling Facilities and Solid Waste Recycling Facilities; Except Oil

and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4)

6. Heavy Manufacturing and Processing (Excluding Acid Manufacturing, Asbestos Products Manufacturing, Bone Reduction, Caustic Soda Manufacturing, Coal, Coke Yards, or Coal Classifications, Fossil Fuel Manufacturing, Detergent, Soap and Byproducts Manufacturing Using Animal Fat, Disinfectant, Insecticide, or Poison Manufacturing, Distillation of Bone, Refuse, Grain, and Wood, Dye Manufacturing, Hazardous Waste Treatment Facility, Linseed Oil, Shellac, and Turpentine Manufacturing and Refinery, Lubrication and Grease Manufacturing, Oil Compounding, Paint and Enamel Manufacturing, Recycling Facilities, Scrap Processing or Shredding Yard, Smelting or Refining of Metal, and Tar and Waterproofing (materials manufacturing, treatment, and bulk storage).
7. Landscape Storage Yard
8. Light Industry
9. Light Manufacturing or Processing
10. Solar energy systems, small-scale
11. Solar energy systems, medium-scale

3-26-02-05 PERMITTED PRINCIPAL MARIJUANA ESTABLISHMENTS

The following principal marijuana establishments are permitted in an Industrial-3 District as noted above:

1. Medical Marijuana Store
2. Retail Marijuana Stores
3. Medical Marijuana Product Manufacturing Facility
4. Retail Marijuana Product Manufacturing Facility
5. Medical Marijuana Cultivation Facility
7. 6. Retail Marijuana Cultivation FacilityRetail Marijuana Testing Facilities
8. Marijuana Hospitality Business
9. Retail Marijuana Hospitality and Sales Business

3-26-03 MODERATE MANUFACTURING (EXCLUDING CREOSOTE MANUFACTURING OR TREATMENT PLANT) PERMITTED ACCESSORY USES

In association with a permitted principal use, the following accessory uses are permitted, subject to building permit review and approval.

1. Commercial Uses, Accessory
2. Industrial Uses, Accessory

3-26-04 PERMITTED CONDITIONAL USES

The following uses are permitted in an Industrial-3 District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-26-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in an Industrial-3 District as noted above:

1. Halfway House ***Adopted by the BoCC on December 13, 2010**
2. Jails and Prisons
3. Places of Worship
4. Public Service
5. Universities

3-26-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in an Industrial-3 District as noted above:

1. Airports, Landing Strips, and Heliports
2. Campgrounds, Commercial
3. Communication Towers, Commercial
4. Kennel, Commercial
5. Massage Business
6. Off-Premise Advertising Devices
7. Outdoor Commercial Recreation
8. Racing Facilities

3-26-04-03 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional industrial uses are permitted in an Industrial-3 District as noted above:

1. Outdoor Storage (in excess of 100% of the bldg. area) *See Outdoor Storage Performance Standards in Chapter 4 ***Adopted by the BoCC on December 13, 2010**
2. Extraction and Disposal Uses (Inert fills may be processed as a Special Use Permit, Conditional Use Permit or a Certificate of Designation pursuant to Chapter 2; Except Oil and Gas Facilities shall be processed as an Oil and Gas Facility Permit; see Chapters 2 and 4.)
3. Heavy Manufacturing or Processing except, Abrasive Manufacturing, Boiler or Tank Works, Celluloid Manufacturing, Felt Manufacturing, Fuel, Oil, Gasoline, and Petroleum Products (Bulk Storage and/or Sale), Lumber Mills, Planing Mills, and Storage of Logs, Pickle Manufacturing, and Sugar and Beet Refining which are permitted principal uses in the I-3 Zone District.
4. Creosote manufacturing or treatment plant
5. Major Energy Facilities
6. Solar energy systems, large-scale

3-26-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in an Industrial-3 District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in an Industrial-3 District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-26-06 OIL AND GAS FACILITIES

Oil and Gas Facilities are permitted in an Industrial-3 District, subject to the issuance of an Oil and Gas Facility Permit. Allowance in the zone district does not guarantee the issuance of an Oil and Gas Facility Permit.

3-26-07 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-26-08 AREA AND HEIGHT STANDARDS

3-26-08-01 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size requirement shall be two (2) acres in an Industrial-3 District.

3-26-08-02 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width in an Industrial-3 District shall be one-hundred-twenty-five (125) feet.

3-26-08-03 SETBACK AND DIMENSIONAL REQUIREMENTS FOR A STRUCTURE

3-26-08-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in an Industrial-3 District shall be twenty-five (25) feet.

3-26-08-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side setback for a structure in an Industrial-3 District shall be twenty-five (25) feet.

3-26-08-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in an Industrial-3 District shall be fifteen (15) feet on one side and five (5) feet on the other side; zero (0) foot setbacks may be approved for fireproof structures.

3-26-08-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in an Industrial-3 District shall be fifteen (15) feet.

3-26-08-03-05 *MINIMUM SETBACK FROM RESIDENTIALLY ZONED OR USED PROPERTY*

Not applicable

3-26-08-03-06 *MINIMUM R.O.W. SETBACK*

The minimum setback for all structures in an Industrial-3 District from an arterial right-of-way shall be seventy-five (75) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. The setback from a collector or local road right-of-way shall be twenty-five (25) feet.

3-26-08-03-07 *MINIMUM SETBACK FROM SECTION LINE*

The minimum setback from a section line for all structures in an Industrial-2 District shall be one-hundred-forty-five (145) feet. Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.

3-26-08-04 MAXIMUM HEIGHT

The maximum height of a structure in an Industrial-3 District shall be ninety (90) feet.

3-26-09 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Industrial-3 District unless inconsistent with a provision contained in Section 3-26, in which case the specific standard or requirement contained in Section 3-26 shall apply.

Adams County adopted the following zoning regulations for a Transit Oriented Development (TOD) zone district on January 7, 2013.

3-27 TRANSIT-ORIENTED DEVELOPMENT DISTRICT AND STANDARDS (TOD)

3-27-01 PURPOSE

The purpose of the Transit-Oriented Development (TOD) district designation is to encourage compact urban growth patterns, provide opportunities for increased transportation mode choice, reduce reliance on the automobile, and create a safe and pleasant pedestrian environment. The district regulations help ensure an attractive streetscape, a functional mix of complementary uses, and provision of amenities that support the use of transit, bicycles, and pedestrian facilities.

3-27-02 APPLICABILITY

Properties within or partially within a one-half mile radius of RTD FasTracks stations located, as measured from a point roughly in the center of the platform or as may be specifically established by the Director of Community and Economic Development following completion of construction of the stations, may be rezoned to the TOD zone district upon approval of the rezoning application by the BOCC pursuant to Section 02-02-12. Except as otherwise expressly stated, once a property is rezoned to TOD, the TOD zone district regulations shall apply to all properties within the boundaries of the TOD zone district. Specific performance standards contained in Chapter 4 shall apply unless otherwise modified by this section.

3-27-03 DEVELOPMENT APPLICATION AND REVIEW

A complete TOD sketch plan application shall be submitted with a TOD rezoning application. Final determination of the application of these standards and regulations shall be made by the Director of Community and Economic Development. The Director may refer the building permit site plan to the Planning Commission. If so referred, the decision of the Planning Commission shall constitute a final decision, subject to appeal to the Board of County Commissioners.

3-27-04 PERMITTED USES AND STRUCTURES

3-27-04-01 PERMITTED USES

The following uses are permitted in the TOD district with specific permits as indicated:

Table 3-26-A: Permitted Uses

Use Type	Federal	Pecos Junction	Additional Standards
AGRICULTURAL			
All agricultural uses	--	--	
RESIDENTIAL	All residential uses are subject to Section 3-34-05-05 of the Flammable Gas Overlay		
Group home (developmentally disabled or elderly)	C	C [1]	
Group living facility with one to five persons	P	C [1]	
Group living facility in excess of 5 persons or with more than one registered sex offender	C	C [1]	
Live/work unit	P	C [1]	
Manufactured home park	--	--	
Mobile home park	--	--	
Multi-family dwelling, rowhouse/townhouse	P	C [1]	
Single-family detached dwelling	--	--	
Two-Family Dwelling	P	P	
Second-floor or higher residential	P	C [1]	
INSTITUTIONAL			
Funeral home/mortuary	P	P	
Funeral home/mortuary to include cremation	--	C	
Halfway house*	--	C	
Institutional Care	--	--	
Jails and Prisons	--	--	
Neighborhood Indoor Uses	P	P	
Outdoor Public Uses			
Garden plots	P	--	
Picnic areas	P	P	
Public areas for active recreational activities	C	--	
Places of Worship	C	C	
Public Service	C	C	
Universities	P	P	
COMMERCIAL			
Airports, Landing Strips, and Heliports	--	C	
Animal Hospitals	P	P	No outdoor kennels

Table 3-26-A: Permitted Uses			
Use Type	**Federal**	**Pecos Junction**	**Additional Standards**
Automobile Service Stations	See below		
Car washes	--	C	
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	--	--	
Gas stations	C	C	
Bed and Breakfast Establishments	P	C [1]	
Campgrounds, Commercial	--	--	
Communication Towers, Commercial	C	C	
Commercial Retail, general	P	P	
Building supplies	--	P	Max. 25% of lot used for outdoor storage
Greenhouses (retail) and greenhouses with garden supplies	--	--	
Drive-In Establishments	--	--	
Golf Course/Driving Range, Commercial	--	--	
Heavy Retail and Heavy Services	--	P	Max. 25% of lot used for outdoor storage
Indoor Commercial Recreation/Entertainment	P	P	
Kennel, Commercial	P	P	No outdoor kennels
Lodging, Commercial	P	C [1]	
Massage Business	C	C	
Off-Premise Advertising Devices	--	--	
Office	P	P	
Outdoor Commercial Recreation	C	C	
Parking Lot, Commercial	C	C	Must be structured pursuant to Section 3-26-06-05-05-04
Racing Facilities	--	--	
Restaurants	P	P	No drive-up or drive-through service
Services	P	P	
Sexually Oriented Business	--	--	
Trade Schools	C	C	

Table 3-26-A: Permitted Uses			
Use Type	**Federal**	**Pecos Junction**	**Additional Standards**
INDUSTRIAL USES	Max. 25% of lot used for outdoor storage		
Business Park Uses	C	P	
Light Industry	--	C	
Auto towing and storage yards	--	--	
Recreational vehicle storage	--	--	
Trucking and general warehousing, including mini-storage	--	--	
Light Manufacturing or Processing	C	P	
Public utility storage yard	--	C	Only allowed as an accessory use to an approved Public Service use
Notes	[1] Residential uses may be permitted in the Pecos Junction station area through a conditional use permit when the area is determined to be environmentally mediated and safe for human habitation.		

3-27-05 SITE DEVELOPMENT AND USE MIX STANDARDS

3-27-05-01 DIMENSIONAL STANDARDS

Each site in the TOD district shall be subject to the minimum site development standards on the next page. Use or site development dimensions identified in Chapter 3 shall not be applicable in the TOD district. Specific performance standards contained in Chapter 4 shall apply unless otherwise modified by this section, as determined by the Community and Economic Development Director.

Table 3-26-B: Site Development Standards

	Two Family/ Duplex/ Townhome	Multiple-Family	Mixed-Use, Office, Comm.	Industrial (Pecos Junction only)
Lot Dimensions (min.)				
Lot area (sq. ft.)	Must meet density/FAR and setback requirements [1]			
Lot width (ft.)				
Site area/unit for duplex (sq. ft).				
Density/FAR				
Minimum density, gross (du/acre)	12	18	--	--
FAR (min.) *described following this table*	--	--	0.75	0.50
Public Open Space (min. %) [2], [3]				
	20	20	10	10
Building Setback (ft.) [4]			See 3-26-06-05-03-03, Building Placement	
Fronting arterial or transit rail (max)	5	5	5	Max. 25
Fronting local or collector street (min/max)	5/10	5/10	5/10	
Fronting residential (min)	10	10	10	
Side or rear, adjacent to residential (min)	10	20	20	Not permitted adjacent to residential
Side or rear, interior to development (min) [5]	0	0	0	15
Height (ft., max.)				
Fronting arterial or transit rail	45	95	95	60
Fronting local or collector street	40	45	45	60
Fronting or adjacent to residential	35	35	35	60

Notes:
[1] Existing structures that are larger than these size limits may be rehabilitated or reconstructed provided that the gross square footage of the structure is not increased.
[2] This percentage may be reduced to zero for infill development as determined by the Community and Economic Development Director.
[3] On-site landscaping may be credited toward public open space requirements.
[4] All building setbacks shall comply with building code requirements. If there is conflict between the requirements of this section and the adopted building code, the terms of the building code shall supersede this section.
[5] "Interior to development" refers to multi-structure developments with interior lot lines.

Comment on Using FAR: FAR is a measurement of the bulk of the structure on the site. It is calculated by adding the area of each floor of the development and dividing this number by the total area of the lot. While FAR sets the basic parameters for the building, it allows the developer to make choices about the distribution of the building on the site. The FAR can be increased or decreased depending on the proposed uses, and can also be increased to promote a specific structure, such as for mixed use buildings to encourage mixed use development.

Figure 3-26-A below illustrates FAR. For an FAR of 0.5, the building could be built as a single story over 50% of the lot, two stories over 25% of the lot, four stories over 12.5% of the lot, or 5 stories over 10% of the lot. Similarly, a FAR of 0.75 would permit a single-story structure over 75% of the lot or two stories over 37.5% of the lot.

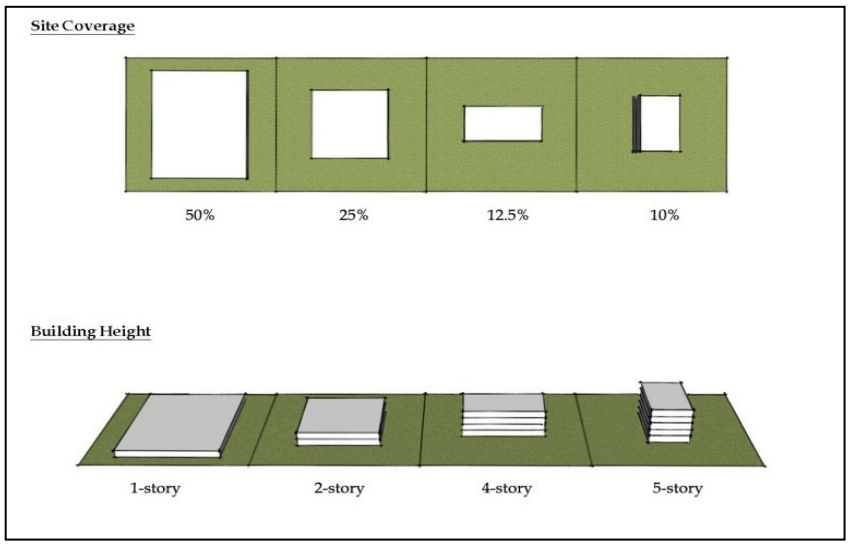

Figure 3-26-A: Illustration of FAR

Comment on Residential Density: The following photographs[1] provide illustrations of the residential densities potentially created by the TOD district. The images in Figure 3-26-B represent mixed-density residential development at approximately 10 -12 dwelling units/acre.

[1] Source: Visualizing Density by Julie Campoli and Alex S. MacLean, Lincoln Institute of Land Policy, 2007.

Figure 3-26-B: Mixed-density residential at approximately 12 dwelling units/acre

The images in Figure 3-26-C represent multiple family residential development at approximately 18 dwelling units/acre.

Figure 3-26-C: Multiple family residential development at approximately 18 dwelling units/acre

3-27-05-02 MIX OF USES

3-27-05-02-01 *MIX OF USES ENCOURAGED*

A diverse mix of commercial, employment, residential, and civic uses is encouraged within the TOD District to create a pedestrian and transit-supportive environment; however, the type and proportion of residential and non-residential uses will vary by station area, as well as the location, size, and surrounding development context of individual sites. Generally, larger sites located in areas where higher levels of activity are desirable should have a greater mix of uses than smaller sites. While a vertical mix of uses is

preferred where practicable, a horizontal mix of uses is permitted. Use mixes permitted in the Federal and Pecos Junction station areas are specified in the subsections below.

3-27-05-02-02 *FEDERAL STATION AREA*

The following use mix requirements are applicable in the Federal Station Area:

1. Single-use non-residential structures (excepting office) are only permitted on parcels or lots smaller than 20,000 sq. ft.
2. Non-residential developments (excepting office) on parcels or lots of 20,000 sq. ft. or larger are required to include residential uses with a minimum density of eight dwelling units per acre. This density may be reduced to no fewer than four dwelling units per acre where the Community and Economic Development Director finds that compliance with minimum development densities and other standards in this section is not feasible due to small lot size, configuration of the parcel, or other environmental constraints.

Figure 3-26-D: Illustration of sample 20,000 sq. ft. structure

3-27-05-02-03 *PECOS JUNCTION STATION AREA*

The appropriate mix of uses for development sites around the Pecos Junction Station Area shall be determined as part of the development plan review based on site constraints, environmental hazards, and availability of appropriate infrastructure. Residential uses may be permitted through a conditional use permit at such time as site and environmental conditions permit safe construction and habitation.

3-27-06 DESIGN AND DEVELOPMENT STANDARDS

3-27-06-01 NEIGHBORHOOD CONNECTIVITY

The following connectivity requirement shall apply in the TOD district.

3-27-06-01-01 *CIRCULATION PLAN REQUIRED*

1. TOD development plans shall include a district-wide circulation plan that addresses street connectivity, emergency and service

vehicle access, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future "cut-through" traffic is likely, and similar issues.

2. The Community and Economic Development Director may waive the requirement for a circulation plan on determining that a proposed development is expected to have no impact on circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

3-27-06-01-02 *STREETS AND VEHICULAR CIRCULATION*

3-27-06-01-02-01 *Grid Street Pattern*

1. Street and block patterns shall include a clear hierarchy of well-connected streets that distributes traffic over multiple streets and avoids traffic congestion on principal routes.
2. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining neighborhoods.
3. Within each development, the access and circulation system shall accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses.
4. Local neighborhood street systems shall provide multiple direct connections to and between local destinations such as residential neighborhoods, parks, schools, and shopping.

3-27-06-01-02-02 *Mixed-Use and Non-Residential Block Pattern*

1. Blocks shall generally be square or rectangular, but may vary in shape to protect natural features or respond to site constraints.
2. To the maximum extent feasible, streets and access lanes shall be oriented to create block and lot configurations with their longest dimension along an east-west axis to facilitate the use of passive solar principles.
3. Block length shall not exceed 600 feet except that blocks up to 800 feet in length are permitted if a mid-block pedestrian connection is provided. This requirement may be waived for industrial development as approved by the Community and Economic Development Director.

4. Blocks shall be measured from curb to curb, regardless of whether the street is public or private.
5. New development and redevelopment shall establish a regular pattern of blocks to the extent feasible to avoid creating large "superblocks" that limit pedestrian, bicycle, and vehicular circulation.
6. On sites that exceed the 600-foot block length or where block consolidation is proposed as part of redevelopment (by right-of-way abandonment), pedestrian, bicycle, and vehicular circulation access to surrounding neighborhoods shall be maintained to the maximum extent feasible.

3-27-06-02 LANDSCAPING

The provisions of Section 4-16, *Landscaping*, apply to development within the TOD district except as provided otherwise in this section.

3-27-06-02-01 *BUFFERING APPLICABILITY*

The following bufferyard requirements shall be substituted for Section 4-16-18-01 when applied in the TOD district.

Table 3-26-C: Required Bufferyard

Use of Adjacent Properties	Use of Subject Property										
	Column 2↓	**Row 3→**	**Two Family/Duplex /Townhome**		**Multi-Family**		**Mixed-Use**		**Commercial (stories)**		**Indust.**
		Structure Type	Res.	Non-Res.	Res.	Non-Res.	Vert.	Horiz.	1-3	3+	--
	Single-Family	Res	None	B	A	B	C	C	C	D	D
		Non-Res	B	None	B	A	A	A	A	B	
	Multi-Family	Res	A	B	None	B	B	B	C	D	D
		Non-Res	B	None	A	None	A	A	A	B	
	Mixed-Use	Vert.	C	A	B	A	None	None	A	B	D
		Horiz.	C	A	B	A	None	None	None	A	
	Comm. (stories)	1-3	C	A	C	A	A	None	None	None	D
		3+	D	B	D	B	B	A	None	None	D
	Indust.	--	D	D	D	D	D	D	D	D	None

1. To use Table 3-26-C, an applicant identifies the use of his/her property in Row 3, across the top of the table, and then reads down Column 2 to identify the use of the adjacent property (ies). The box at the intersection of Column 2 and Row 3 identifies the buffering requirement for the applicant on that property line. For example, an applicant for a vertical mixed-use development that is adjacent to single-family residential will

need to meet the "C" buffering requirement.2. Different types of buffering may be required on different property lines. For example, where a vertical mixed-use structure is adjacent to residential uses on the north side and adjacent to another vertical mixed-use structure on the south side, a level "C" buffer shall be provided on the north side adjacent to the residential, while no buffer shall be required on the south side adjacent to the mixed-use.

2. Bufferyard classification requirements shall be as defined in Section 4-16-18-01.

3. Required bufferyards may be located within a required setback. Where the required bufferyard is larger than the setback in any dimension, the full size of the bufferyard shall be provided. Additional flexibility in the application of these bufferyard requirements is provided through Section 4-16-21.

3-27-06-02-02 *PARKING LOT LANDSCAPING*

3-27-06-02-02-01 *Applicability*

3-27-06-02-02-01-01 *New Parking Lots*

All new surface parking lots containing 10 or more off-street parking spaces shall provide both perimeter and interior landscaping that meets the standards of this section.

3-27-06-02-02-01-02 *Parking Lot Expansion*

Existing surface parking lots that are expanded, whether as required by these regulations or voluntarily, shall be required to meet the standards of this section.

3-27-06-02-02-01-03 *Exceptions*

These requirements shall not apply to parking structures. Applicable perimeter landscape and buffer requirements for parking structure shall be determined through the conditional use permit process.

Parking spaces directly abutting a public street right-of-way are not required to have interior landscaping where the abutting landscaping meets the requirements of the perimeter landscape setback (Figure 3-26-E). The remainder of the parking rows in the lot shall be landscaped pursuant to this section.

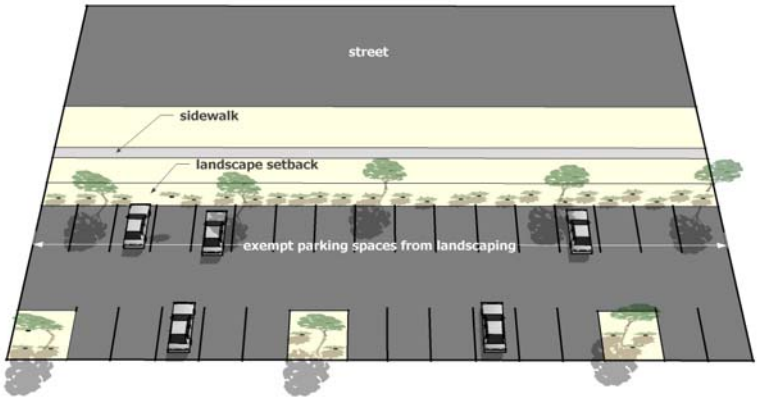

Fig. 3-26-E: Perimeter landscaping exception

3-27-06-02-02-02 *Interior Parking Area Landscaping*

3-27-06-02-02-02-01 *Required Landscape Area*

All surface parking lots shall incorporate the following interior landscaping:

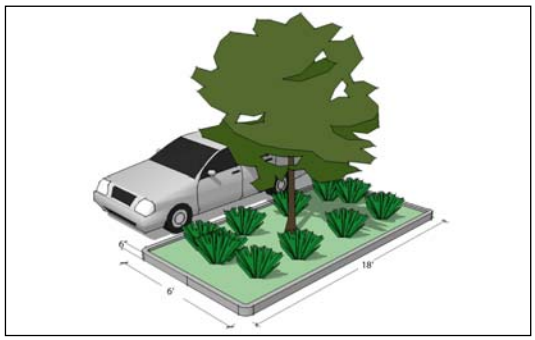

Fig. 3-26-F: Parking lot landscape terminus island

1. Landscape islands of not less than 6 feet by 18 feet at the terminus of each row of parking that contain one tree and at least 50 percent vegetative cover other than turf grass;
2. Within the parking rows, one landscaped island of not less than 64 square feet for each 10 parking spaces or fraction thereof; and
3. A landscape median strip with a minimum width of six feet incorporated into the parking lot design to delineate the driveway entrance into the parking lot. One tree shall be planted for every 40 feet of median.

3-27-06-02-02-02-02 *Landscape Island Design*

1. Required landscape islands shall not be separated by more than 10 parking spaces. For purposes of determining tree spacing, parking spaces may be counted in any rational sequence.

2. Curbs used to protect landscape islands shall have 18-inch-wide curb cuts at frequent intervals to allow stormwater infiltration.
3. No paving shall be permitted within four feet of the center of a tree.
4. No parking space shall be located farther than 60 feet from an interior parking lot island.

3-27-06-02-02-02-03 *Landscape Island Planting Requirements and Tree Preservation*

In order to preserve a protected tree on-site, the Community and Economic Development Director may authorize up to a five percent reduction in the required number of parking spaces, or a five percent reduction of certain parking space sizes, if the Community and Economic Development Director determines that reduction in the number or size of certain parking spaces will preserve a protected tree that would otherwise be removed to provide for required parking. Nothing in this section shall allow the Community and Economic Development Director the authority to reduce the entire required parking space size or number by more than five percent. This provision shall be enacted only in instances where a protected tree is to be preserved.

3-27-06-02-02-02-04 *Sidewalks as Median Strips*

A landscaped median strip within a parking lot that separates either parking rows or parking lots shall be allowed to count a sidewalk located within the median strip toward a part of the required off-street parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:

1. The sidewalk has a five-foot wide walking path and shall add two feet for vehicle overhang for each abutting parking stall.
2. The sidewalk runs the entire length of the divider strip.
3. The sidewalk is bordered on at least one side by landscaping, of which the sidewalk cannot account for more than 50 percent of the area of the median strip.

3-27-06-03 PARKING

TOD parking shall comply with the requirements of Section 4-12, Parking, Loading, and Curb Cut Requirements, except as specifically provided in this section.

3-27-06-03-01 *APPLICABILITY*

3-27-06-03-01-01 *New Development*

The requirements of this section shall apply to all new development where there is the construction of a new structure (excluding accessory structures) or establishment of a new land use.

3-27-06-03-01-02 *Small Use Exception*

Any individual non-residential use in a space that is 2,000 square feet or smaller shall be exempt from the minimum parking requirement of Table 3-26-D.

3-27-06-03-01-03 *On-Street Parking*

On-street parking located adjacent to the site on a public street may be used to meet up to 25 %of the minimum off-street parking requirements.

3-27-06-03-02 *REQUIRED PARKING*

The following off-street parking standards apply in the TOD district. Where this table does not specify a parking requirement or a use type is not specified in the table, the standards of Section 4-12-04-03, *Spaces Required*, apply.

Table 3-26-D: Off-Street Parking

Use Type	Minimum Parking (spaces per sq. ft. GFA unless otherwise specified)	Maximum Parking (spaces per sq. ft. GFA unless otherwise specified)
Residential		
All residential	1 per unit	2 per unit
Office		
General office and financial services	1 per 400	1 per 300
Medical office	1 per 300	1 per 200
Institutional		
	See Section 4-12-04-03	
Commercial		
Commercial sales and services	1 per 500	1 per 400
Restaurant	1 per 4 persons of maximum occupancy capacity of customer service area(s)	

Industrial	**Required Number of Spaces (per sq. ft.)**
Accessory office or administrative area	1 per 500
Accessory indoor sales area	1 per 400

Table 3-26-D: Off-Street Parking		
Use Type	Minimum Parking (spaces per sq. ft. GFA unless otherwise specified)	Maximum Parking (spaces per sq. ft. GFA unless otherwise specified)
Indoor storage, distribution, warehousing, assembly, vehicular service, or manufacturing area:	1-3,000 sq. ft. of floor area	1 per 400
	3,001-5,000 sq. ft. of floor area	1 per 500
	5,001-10,000 sq. ft. of floor area	1 per 750
	10,001 or more sq. ft. of floor area	1 per 1,250

NOTE: The total number of required spaces for all uses is cumulative based on the variety of different functions present in a single use.

3-27-06-03-03 *MAXIMUM PARKING SPACES ALLOWED*

3-27-06-03-03-01 *Applicability*

For any use with an identified maximum parking standard, off-street vehicle parking spaces shall not be provided in an amount that is more than that standard, unless mitigation is provided in the form of additional landscaping and pervious pavement construction or on-site stormwater mitigation pursuant to Subsection 3-26-06-03-03-05 below as approved by the Community and Economic Development Director.

3-27-06-03-03-02 *Establishing Maximum Parking Requirements*

Maximum parking standards for the TOD district are established in Table 3-26-D, *Off-Street Parking*. Where Table 3-26-D does not establish a maximum parking amount or where Section 4-12-04-03 is used to calculate required parking, the maximum amount of parking shall be established at 100% of the minimum required parking; i.e., the minimum required shall also be the maximum permitted.

3-27-06-03-03-03 *Maximum Parking Calculation Exceptions*

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:

1. ADA parking,
2. Vanpool and carpool parking,
3. Alternative fuel vehicle parking,
4. On-street parking adjacent to the lot or lots on which the parking located, and

5. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

Unless otherwise stated above, the maximum number of spaces that may be credited towards this maximum parking calculation exception shall not exceed 20 percent of the maximum parking requirement.

3-27-06-03-03-04 *Maximum Parking Waiver*

3-27-06-03-03-04-01 Parking Demand Study

Requests to exceed the maximum parking requirement shall be accompanied by a parking demand study demonstrating how the maximum number of parking spaces specified in Table 3-26-D is insufficient for the proposed development.

3-27-06-03-03-04-02 Review Criteria

A waiver to the maximum parking requirement may be allowed by the Community and Economic Development Director in situations that meet the following criteria:

1. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;
2. The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;
3. The request is the minimum necessary variation from the standards to accommodate the proposed development; or
4. If application of the maximum parking standard would result in fewer than six parking spaces, the development shall be allowed six parking spaces.

3-27-06-03-03-04-03 *Appeal*

The Community and Economic Development Director's determination on a maximum parking waiver application may be appealed to the Board of Adjustment.

3-27-06-03-03-05 *Design Requirements for Excess Parking*

Parking that is provided in excess of the maximum parking requirement shall be required to include increased internal landscaping and incorporate pervious pavement or stormwater mitigation as described below.

3-27-06-03-03-05-01 ***Pervious Surfaces or On-Site Stormwater Mitigation***

Where parking spaces in excess of the maximum specified in Table 3-26-D are constructed, an area equal to the total area required for the number of spaces that exceed the maximum parking requirement shall be constructed of pervious surfaces or designed for on-site stormwater mitigation through low impact development techniques as approved by the Community and Economic Development Director. For example, if 500 square feet of additional space is provided for new parking, 500 square feet of pervious pavement or on-site stormwater mitigation shall be included in the total area of the parking lot.

3-27-06-03-03-05-02 ***Additional Trees and Landscaping***

Applicants that request parking that exceeds the number of spaces required by Table 3-26-D shall provide additional parking lot trees and landscaping either in the parking lot or across the entire development site as follows:

- **3-26-06-03-03-05-02-01** ***Trees***

1. Additional trees not otherwise required by these regulations shall be required to be planted or preserved on-site when parking for any use or mix of uses is provided in an amount that is greater than the maximum amount permitted.
2. The number of additional trees to be planted or preserved on-site is equal to one tree per two excess parking spaces provided.

- **3-26-06-03-03-05-02-02** ***Landscaping***

1. As required by Table 3-26-E, additional landscaping shall be provided and distributed throughout the site. The additional landscaping shall be integrated with the parking lot and/or site design. For example, where 500 sq. ft. of surface area are added to a parking lot, 15 extra sq. ft. of landscaping area would be added to the landscaping required by Section 3-26-06-02-02, *Parking Lot Landscaping*.

Table 3-26-E: Additional Landscaping Requirement for Overparking

Amount of Excess Parking Requested Over Maximum	Additional Landscaping
101 – 108 percent	3% of parking area
109 – 116 percent	5% of parking area
117 – 125 percent	10% of parking area

2. Where the provision of additional landscaping is restricted for infill and redevelopment projects due to site constraints, the

applicant may provide sidewalk amenities or streetscape features as determined by the Community and Economic Development Director. Acceptable amenities shall have a value equal to or greater than the price of the additional landscaping features required in Table 3-26-E and may include:

a. Sidewalk planters between the parking area and building and/or parking area and the street;

b. Public art including but not limited to sculptures, fountains, clocks, or murals; or

c. Decorative fencing (such as wrought iron) around the perimeter of the parking area provided with seasonal plantings.

3-27-06-03-04 *ADJUSTMENTS AND ALTERNATIVES*

The minimum parking requirements listed in Table 3-26-D may be adjusted as follows:

3-27-06-03-04-01 *Sharing of Parking Spaces*

1. Where two land uses listed in separate use categories in Table 3-26-D share a parking lot, parking lots, or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 3-26-F, *Shared Parking*. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 3-26-F. For example, where a development includes both (a) institutional and (b) retail sales uses, the amount of parking required is the sum of the parking required for the two uses divided by 1.3.

Table 3-26-F: Shared Parking

(Add the two parking requirements and divide by these factors)

Property Use	Multi-Family	Institutional	Restaurants, Recreation, or Hotel	Retail Sales	Office or Commercial Services
Multi-family	-	1.1	1.1	1.2	1.3
Institutional	1.1	-	1.2	1.3	1.3
Restaurants, Recreation, or Hotel	1.1	1.2	-	1.3	1.7
Retail Sales	1.2	1.3	1.3	-	1.2
Office or Commercial Services	1.3	1.5	1.7	1.2	-

2. Shared parking shall be documented through a shared parking agreement approved by the county.

3-27-06-03-04-02 *Reduced Need Populations*

1. The required minimum number of off-street parking spaces may be reduced by 33 percent for any group living use or multi-family use in which occupancy of at least 80 percent of the units is restricted for use by those 60 years of age or older.
2. The required minimum number of off-street parking spaces may be reduced by 50 percent for any group living use or multi-family use in which occupancy of more than 80 percent of the units is restricted for use by those meeting the definition of "handicapped" individuals under the federal Fair Housing Act Amendments

3-27-06-03-04-03 *Proximity to Transit*

The Community and Economic Development Director may allow a reduction in parking spaces of up to 15 percent for multi-family dwelling developments or multi-family components of a mixed-use structure within the TOD district and located no more than one quarter (1/4) mile from the transit station provided:

1. The reduction is applied for in conjunction with a development plan review;
2. A parking analysis is submitted to the county in conjunction with the reduction request and development plan application; and
3. The reduction in the number of parking spaces shall not exceed 15 percent of the total number of parking spaces required for the proposed use.

3-27-06-03-05 *BICYCLE PARKING*

3-27-06-03-05-01 *Required Number of Spaces*

Indoor or outdoor bicycle parking shall be provided as follows:

Table 3-26-G: Bicycle Parking

Use	Bicycle Parking Spaces [1]
Multiple-family	2 or 1 per 20 units
Group home	1 per 4 bedrooms
Office	2 or 1 per 40,000 sq. ft. (net area)
Commercial sales and service	2 or 1 per 5,000 sq. ft. (net area)
Community use (non-utility)	2 or 1 per 10,000 sq. ft. (net area)
Schools	2 per classroom
Notes: [1] Whichever measurement results in the higher number of spaces.	

3-27-06-03-05-02 *Design and Location*

1. Bicycle parking facilities shall include a rack or storage facility (e.g., locker) that enables bicycles to be secured. Where racks are used, they shall meet the following standards:
   a. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;
   b. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
   c. The rack must be securely anchored.
2. Bicycle racks and storage facilities shall be accessible without moving another bicycle.
3. Bicycle racks and storage facilities shall be located in convenient, visible, well-lit areas with easy access and near main entrances of all commercial, residential, and institutional buildings. Such locations shall be clearly noted with signage.
4. The racks and storage facilities shall be located so they do not interfere with pedestrian traffic and shall be protected from potential damage by motor vehicles.
5. Bicycle parking shall not be within any required landscape area nor interfere with any pedestrian pathway.

3-27-06-04 MULTI-FAMILY DEVELOPMENT DESIGN STANDARDS

The design standards in this subsection apply to all multi-family development.

3-27-06-04-01 *SITE LAYOUT AND BUILDING ORIENTATION*

3-27-06-04-01-01 *Building Orientation*

1. Individual buildings within a multi-family development shall be oriented to:
   a. Common open space, such as interior courtyards or on-site natural areas or features;
   b. Perimeter streets;
   c. Other residential buildings; or

Fig. 3-26-G: Courtyard Orientation

d. Through-access drives.

2. To the maximum extent practicable,[2] buildings shall be oriented or arranged in a manner to enclose common open spaces such as gardens, courtyards, recreation, or play areas, that shall contain a minimum of three of these features:

Fig. 3-26-H: Perimeter Street Orientation

a. Seasonal planting areas;

b. Trees;

c. Pedestrian-scaled lighting;

d. Gazebos or other decorative shelters;

e. Seating;

f. Play structures for children; or

g. Natural features or areas, unless the county determines that for preservation reasons the buildings should avoid the feature or area.

3-27-06-04-01-02 *Entrance Orientation*

1. Primary entrances and façades shall not be oriented towards parking lots, garages, or carports.
2. All multi-family buildings shall comply with at least two of the following requirements:

a. At least one main building entry faces an adjacent public street;

b. A building entrance faces a courtyard or common open space that has a direct and visible connection to an adjacent public street;

Fig. 3-26-I: Ground-floor unit entrances

[2] The following definition for "maximum extent practicable" will be added to the code definitions: "under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation."

c. A building entry is connected to a public sidewalk by a system of interior walkways; or

d. The pedestrian entries to the site from the public right-of-way are emphasized with enhanced landscaping, special paving, gateways, arbors, or similar features.

3. All ground-floor units with frontage along the primary street shall have an entrance that faces the street. Multi-family buildings located with multiple street frontages shall provide entrances to the building along each local street frontage.

   a. Exterior entrances from a public sidewalk or common open space are permitted for dwelling units on the ground floor.

   b. Exterior entrances shall be raised from the finished ground-floor level of the sidewalk a minimum of two feet.

4. Dwelling units above the ground floor shall have interior unit entrances, except that exterior stairs are permitted for access to upper-floor units only if they are oriented towards a central plaza not visible from any street.

3-27-06-04-01-03 *Private Common Space*

1. In addition to the public open space required in Table 3-26-B, developments with at least four units shall provide 400 square feet of private common open space for each multifamily dwelling unit. This space may be provided as an individual patio or deck with a minimum dimension of five feet.

2. In developments with at least twelve units, a minimum of 40 percent of the required private common space shall be usable for recreation, including uses such as swimming pools, fitness facility, sport courts, playgrounds with equipment, and/or community gardening.

3-27-06-04-02 *BUILDING DESIGN*

3-27-06-04-02-01 *Four-Sided Design*

All sides of a multi-family building shall display a similar level of quality and architectural detailing as on the front elevation when visible from:

Fig. 3-26-J: Four-sided design

1. Property occupied by or designated for single-family residential uses,
2. An existing public street right-of-way, or
3. Other public lands or spaces.

3-27-06-04-02-02 *Maximum Number of Attached Units*

The maximum number of attached units in a series such as townhomes is six.

3-27-06-04-02-03 *Single-Family Attached Dwelling Façades*

1. The attached single-family dwellings in any one row structure shall be required to have distinctly different facades. No attached single-family structure facade shall be repeated more than once every four structures on the same side of the street.

Fig. 3-26-K: Single-family attached building façade differentiation

2. The facades of single-family attached townhomes shall be punctuated by a change in texture or material, offset, or other architectural feature to differentiate individual units
3. Any building (excluding parking garages and other accessory buildings) viewed from a public right-of-way or public open space shall either face such right-of-way or open space, or shall have a façade facing such area in keeping with the character of the front façade, including the utilization of similar fenestration and materials.

3-27-06-04-02-04 *Building Mass and Articulation*

1. The elevations of all multi-family buildings shall be articulated through the incorporation of at least three or more of the following:
   a. Balconies;
   b. Bay or box windows;

Fig. 3-26-L: Multi-family building articulation

c. Porches or covered entries;

d. Dormers or other variations in the roof plane;

e. Accent materials such as brick, stone, or stucco with banding highlights;

f. Shutters;

g. Variation in window sizes and shapes; or

h. Vertical elements that demarcate building modules.

2. The height of each multi-family building taller than 35 feet shall be stepped down from its highest roofline at least one full story for a depth of at least 15 feet on any end of the building located within 50 feet of an adjacent area zoned or used for single-family residential.

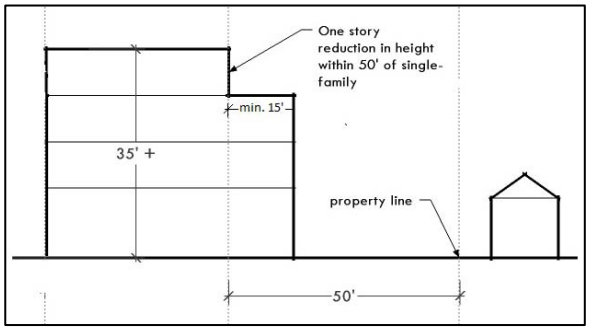

Fig. 3-26-M: Height transition adjacent to residential

3. Multi-family buildings shall provide concentrated unit access points. Access balconies and corridors running the length of the exterior of a building are prohibited.

3-27-06-04-02-05 *Vertical Articulation*

1. For all structures three stories or more in height, the base (first 20 feet) of a building shall be distinguished from the remainder of the building by providing a minimum of three of the design elements listed above in Subsection 3-26-06-04-02-04.
2. Multi-family buildings shall be designed to incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. Upper stories shall not appear heavier or demonstrate greater mass than the lower stories of the building.

3-27-06-04-02-06 *Building Length*

The maximum length of any multifamily building shall be 180 feet.

3-27-06-04-02-07 *Transparency*

At least 20 percent of all walls facing a public street shall contain windows or doorways.

3-27-06-04-02-08 *Materials*

All material shall be durable and long-lasting. The following materials are acceptable for multi-family residential construction:

1. Brick, concrete stucco, stone, stone facing, wood, glass in combination with metal, or similar, durable architectural materials as approved by the Planning Commission.
2. Vinyl siding, EIFS, or synthetic stucco may be approved by the Planning Commission on a case-by-case basis.

3-27-06-04-03 *PARKING LOCATION AND LAYOUT*

3-27-06-04-03-01 *Location and Layout*

1. To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from street frontage.
2. Parking areas and freestanding parking structures (detached garages or carports) shall not occupy more than 30 percent of each perimeter public street frontage of a multi-family development.
3. To the maximum extent practicable, freestanding parking structures that are visible from perimeter public streets shall be sited so that the narrow end of the parking structure is perpendicular to the perimeter street.

Fig. 3-26-N: Multi-family parking located behind primary structure

3-27-06-04-03-02 *Carports and Detached Garages*

1. Carports and common garages shall be limited to 60 feet in length.

2. Detached garages and carports shall incorporate compatible materials, scale, colors, architectural details, and roof slopes similar to those of the primary multi-family buildings.
3. Rear walls of detached garages over 40 feet in length that back onto the perimeter street shall be articulated or punctuated through the use of window openings or other similar techniques.

3-27-06-05 MIXED-USE/NON-RESIDENTIAL DESIGN STANDARDS

3-27-06-05-01 *APPLICABILITY*

The design standards in this section apply to all mixed-use, office, and commercial structures. Industrial development in the TOD district shall be subject to the following subsections of this section in addition to the provisions of Chapter 4:

1. 3-26-06-05-05-02, *Parking Location*;
2. 3-26-06-05-05-02, *Parking Lot Screening;*
3. 3-26-06-05-06, *Building Design; and*
4. 3-26-06-05-08, *Residential Compatibility Standards.*

3-27-06-05-02 *SITE LAYOUT AND BUILDING ORGANIZATION*

3-27-06-05-02-01 *Private Common Spaces*

3-27-06-05-02-01-01 *Required Private Common Spaces*

Mixed-use, commercial, and office development shall incorporate at least one on-site indoor or outdoor common space per building. Common space shall be visible and accessible and shall be located, where possible, along street frontages. Common spaces shall be connected, to the maximum extent practicable, to pedestrian areas, sidewalks, trails, or public open space in order to create functional pedestrian connectors.

Fig. 3-26-O: Private common space

3-27-06-05-02-01-02 *Features and Amenities*

The following features may be used to satisfy the private common space standard:

1. Patio or plaza with seating and landscaping;
2. Landscaped mini-parks or square;
3. Rooftop or community garden; or
4. Similar features as approved by the Community and Economic Development Director.

3-27-06-05-02-01-03 *Design*

Private common spaces shall be constructed of materials that are of a comparable quality and be of a compatible design as the building they are attached to or the public space in which they are placed.

3-27-06-05-02-01-04 *Quantity and Amount*

The quantity and amount of required private common spaces shall vary as follows:

1. For buildings 10,000 square feet or less – 1,000 square feet;
2. For buildings between 10,001 and 20,000 square feet – 2,000 square feet that may be divided into two 1,000 square foot spaces; and
3. For buildings over 20,000 square feet – an extra 1,000 square feet of common space per 10,000 square feet of building or portion thereof.

3-27-06-05-02-02 *Building Orientation*

3-27-06-05-02-02-01 *Individual Buildings*

In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured with at least one operable entrance and one or more transparent windows as approved by the Community and Economic Development Director.

3-27-06-05-02-02-02 *Multi-Building Developments*

Fig. 3-26-P: Buildings arranged to create pedestrian-friendly spaces

1. Buildings shall be organized to promote a compact pattern of development, pedestrian-friendly spaces, streetscapes, areas of naturalized landscaping, and to screen parking areas.
2. Buildings shall be arranged and grouped so that their primary orientation complements one another and adjacent, existing development by:
    a. Framing the corner of an adjacent street intersection or entry point to the development;
    b. Framing and enclosing a pedestrian and/or vehicle road or access corridor within or adjacent to the development site;
    c. Framing and enclosing on at least three sides parking areas, public spaces, or other site amenities;
    d. Framing and/or enclosing outdoor dining or gathering spaces for pedestrians between buildings; or
    e. Framing one or more areas of natural vegetation.

3-27-06-05-02-02-03 *Entrance Orientation*

To the maximum extent feasible, the principal building entrance shall face:

1. An adjacent public street;
2. An adjacent public plaza; or
3. An adjacent primary public walkway.
4. In cases where the principal entrance does not face the principal street, the entrance shall be connected to the street and adjacent parking areas with a sidewalk(s).

3-27-06-05-02-03 *Weather Protection for Pedestrian Areas*

3-27-06-05-02-03-01 *Building Design*

1. Buildings shall be designed so that entries, steps, balconies, and pedestrian walkways or sidewalks are protected from precipitation shedding off roofs.
2. Sheltering roofs or building projections for protection from rain, wind, snow, and ice shall be provided in areas of pedestrian activity around public/institutional, commercial, and mixed-use buildings, including sheltered entranceways at major entrances and pedestrian-oriented façades along public sidewalks or walkways.
3. Building shall avoid roof designs, canopy structures, or other design features that would allow accumulated snow, ice, or rain or to fall or slide onto sidewalks or walkways. Roofs shall be designed to protect doorways, exterior stairs, balconies, garage entrances, bicycle parking, and pedestrian sidewalks and walkways from snow and ice. Where sloping rooflines incline toward such areas, protective features such as arcades, loggias, and dormers shall be used to protect pedestrians from falling snow. Such devices need not be continuous if foundation planning beds are located to set the walkway away from the building façades.

3-27-06-05-02-03-02 *Snow Storage*

Snow storage areas shall be separated from and shall not overlap or encroach upon pedestrian walkways or sidewalks.

3-27-06-05-02-03-03 *Sidewalk Design*

1. Pedestrian walkways shall be clearly defined through the use of consistent pavers and signage.
2. Pedestrian walkways shall be designed to minimize potential conflicts with snow management operations and ensure pedestrian safety by:
   a. Limiting grade changes where possible; and
   b. Using ramps instead of stairs where a change in grade is necessary.

3-27-06-05-03 STREETSCAPE DESIGN AND CHARACTER

3-27-06-05-03-01 Public Sidewalks Required

In order to create an environment that is supportive of transit and pedestrian mobility, public sidewalks shall be provided along both sides of all streets in the TOD district. Such sidewalks shall be at least 12 feet in width and no more than 16 feet in width, unless otherwise approved as part of the design review process. The 12-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided.

3-27-06-05-03-02 Delineation of Sidewalk Area

Sidewalks shall be organized into two distinct areas: a street tree/furniture area located adjacent to the curb, and a clear area.

Fig. 3-26-Q: Delineation of Sidewalk Area

3-27-06-05-03-02-01 Street Tree/Furniture Area

The street tree/furniture area shall have a minimum width of six feet (from face-of-curb) and shall be continuous and located adjacent to the curb. The area shall be planted with street trees at an average spacing of 20 to 30 feet on center, based on the mature canopy width of the tree species selected. The area also is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements designed to county specifications and located in a manner that does not obstruct pedestrian access or motorist visibility. Maintenance of this area shall be the responsibility of the adjacent property owner or a management entity appointed by the adjacent property owner.

3-27-06-05-03-02-02 Clear Area

The clear area shall be a minimum width of six feet, shall be hardscaped, and shall be located adjacent to the street tree/furniture area. The clear

area shall be unobstructed by any permanent or nonpermanent element for a minimum width of six feet and a minimum height of eight feet. Additional sidewalk width located between the clear area and the building may be used for outdoor dining or seating areas.

3-27-06-05-03-02-03 *Supplemental Zone*

A supplemental zone may be provided at the option of the applicant between the street-facing façade or a side-facing facade and the required clear area, to provide additional areas for outdoor dining, porches, terraces, landscape and water features, and plazas. A supplemental zone, if provided, may be a maximum of 20 feet deep and may extend up to 30 percent of the linear frontage of the development. The supplemental zone shall not provide any parking or vehicle circulation areas.

3-27-06-05-03-03 *Building Placement*

At least 70 percent of the building facade facing a public street shall be brought up to the clear area if provided. The county may reduce this to 50 percent façade placement at the sidewalk clear area where public amenities are provided as approved by the Community and Economic Development Director, including:

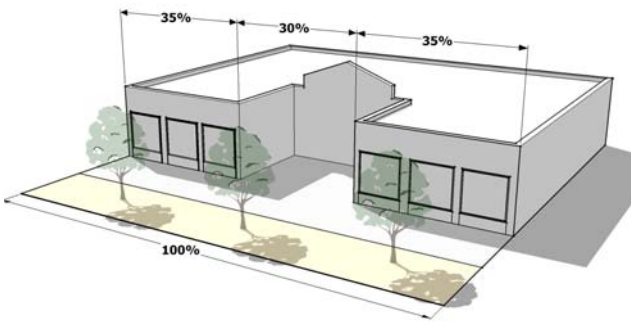

Fig. 3-26-R: Building set to sidewalk clear area

1. Public plazas or seating areas;
2. Tree wells and urban landscaping such as shrubs, live groundcover, planters, and hardscape (e.g., decorative fencing, arbors, patterned paving);
3. Street furnishings, including but not limited to waste receptacles, bicycle racks, drinking fountains, or shelters for persons using public transit.

3-27-06-05-03-04 *Sidewalk Entries*

3-27-06-05-03-04-01 *Spacing*

Sidewalk entries shall be provided to all buildings and individual units that front on the sidewalk.

3-27-06-05-03-04-02 *Sidewalk Entry Hierarchy*

Entrances into residential buildings in mixed-use areas are encouraged to follow a hierarchy of sizes and functions as follows:

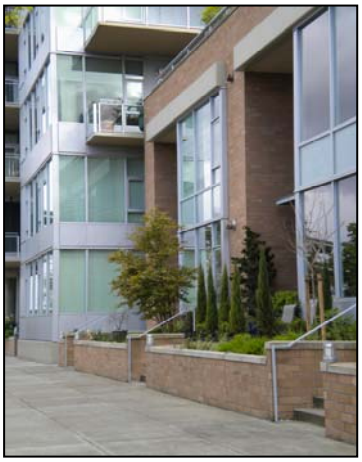

Fig. 3-26-S: Secondary entry

1. ***Carriage way:*** A centrally located twelve-foot wide entrance at sidewalk level for visual and direct access to a private courtyard.
2. ***Secondary entry:*** A six-foot wide entrance with ornamental entrance gate and defined by a stoop with low cheek walls and planters at the sidewalk. Mailboxes, bike racks, and trash receptacles should be grouped around these secondary entries.
3. ***Other entries:*** Home office and retail storefront entries which are either at grade or stooped shall be sized to accommodate specific requirements of the individual space.

3-27-06-05-03-05 *Utilities*

Transformers, switchgear, and related utility service equipment shall not be located above-ground in pedestrian access easements. Building service panels are to be located on the inside of all buildings.

3-27-06-05-03-06 *Paving*

Paving is intended to highlight or accentuate special areas along the ground plane while at the same time complementing the design of adjacent building and streetscape elements.

3-27-06-05-03-07 *Ground-Floor Uses*

3-27-06-05-03-07-01 *Intent*

The incorporation of commercial uses such as retail shops and restaurants at the street level is strongly desired within the TOD district to promote a more

Fig. 3-26-T: Active street-level uses and outdoor gathering spaces

active environment for pedestrians and support residential and office uses located within the same building (on upper floors) or nearby.

3-27-06-05-03-07-02 *Standards*

03-26-06-05-03-07-02-01 Location

Commercial uses shall be concentrated adjacent to transit station areas, major public spaces, and in other areas where a high level of pedestrian activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to commercial space, such space shall be located along those facades adjacent to or most visible from transit corridors, primary street frontages, or major pedestrian walkways.

03-26-06-05-03-07-02-02 Design and Use of Commercial Space

Although the ground-floor commercial spaces may be used for residential units/office use, they should be designed for easy conversion to retail/commercial uses and shall be constructed to commercial standards. Where provided, ground-floor area for nonresidential uses shall be constructed to nonresidential construction standards to a depth from the front wall of a minimum of 30 feet. Leasing offices, fitness centers, and related accessory uses in residential developments may count toward meeting this requirement.

3-27-06-05-03-08 *Residential Uses*

Residential uses, where included, shall be incorporated within a mixed-use development to be visually and/or physically integrated with nonresidential uses. This shall be achieved by ensuring that residential uses meet at least two of the following:

1. Residential uses are vertically located above street-level commercial uses;
2. Residential uses are horizontally integrated into site development to provide a transition between the highest intensity uses within the center or development and the adjacent neighborhood; and
3. A pedestrian circulation system (i.e., sidewalks, crosswalks, trails, etc.) is provided that reduces conflict between pedestrian and vehicular movements and increases pedestrian activity between residential and nonresidential uses.

3-27-06-05-04 *PARKING DESIGN STANDARDS*

The purpose of parking area requirements is to ensure that the parking areas themselves are not the dominant feature of the TOD development.

3-27-06-05-04-01 *Allowable Parking*

On-street parking shall not be designated per individual business or occupancy but may count toward the minimum parking requirements for the entire structure along the adjacent frontage.

3-27-06-05-04-02 *Parking Location*

Unless specifically permitted in these standards, off-street parking is prohibited between the principal street and the corresponding street-facing facade line.

3-27-06-05-04-03 *Parking Lot Screening*

All surface parking lots adjacent to a public street shall be screened using one of the following methods below:

1. An informal hedge at least three feet in height at maturity consisting of a double row of shrubs planted three feet on-center in a triangular pattern; or
2. Berming of the grade to at least 2 ½ feet in height above the finish grade of the parking lot, and with slopes no greater than 2:1. Slopes shall be covered with shrubs spaced a maximum of three feet on center. Trees and flowering plants may be included in the berm plantings where the Community and Economic Development Director finds that long-term maintenance will be provided.

3-27-06-05-04-04 *Parking Structure Design*

The off-street parking required by mixed-use and non-residential development may be located in a parking structure. Such structure shall be subject to the following standards:

3-27-06-05-04-04-01 *Design*

1. Parking structures shall be constructed of materials of similar quality and shall be compatible in appearance with adjacent buildings and shall contain lighting sufficient for security as approved by the county.

2. Ground floor facades of parking structures not occupied by active public uses shall be articulated through the use of three or more of the following architectural features.
   a. Windows or window-shaped openings with decorative mesh or similar features as approved by the Community and Economic Development Director;
   b. Masonry columns;
   c. Decorative wall insets or projections;
   d. Awnings;
   e. Changes in color or texture of materials;
   f. Approved public art;
   g. Integrated landscape planters; or
   h. Other similar features approved by the Community and Economic Development Director.

3-27-06-05-04-04-02 ***Entry Design***

Vehicle entries to off-street parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking structures shall have user vehicles access from a location that minimizes conflicts with pedestrian circulation.

3-27-06-05-04-04-03 ***Wrapping of Parking Structure***

Where feasible, the ground floor of parking structures in mixed-use or non-residential districts shall be wrapped with active public uses along at least 60 percent of the ground-floor street frontage. Parking structures with ground floors that are not wrapped with active public uses on the sides facing a public street or open to public view shall not:

Fig.3-26-U: Parking structure wrapped with active uses

1. Abut street intersections or public/civic use areas,
2. Be adjacent to public squares, or

3. Occupy sites that are the terminus of a street vista.

3-27-06-05-05 *BUILDING DESIGN*

3-27-06-05-05-01 *Four-Sided Design*

1. All sides of a building shall be architecturally finished with equal levels of materials and detailing. Blank walls void of architectural details or other variation are prohibited.
2. Exceptions from the above standard may be granted for those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development and public spaces.
3. Corporate or franchise architecture is discouraged in favor of architecturally compatible designs. The Community and Economic Development Director may require photographic examples of the more minimized corporate architecture in the designs and completed structure by the same company in other communities.

3-27-06-05-05-02 *Consistent Architectural Theme*

1. The architectural design within a multi-building development of structures (including freestanding outparcel structures) shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures shall adjust their standard architectural model to be consistent with a development's architectural character.

Fig. 3-26-V: Franchise design consistent with surrounding structures

2. All buildings in a single development, whether developed at a single time or in phases, shall share at least four architectural features in order to create continuity within the overall development. These features include, but are not limited to, the following:
   a. Overhangs,
   b. Canopies or porticos,
   c. Recesses/projections,
   d. Arcades,

e. Raised corniced parapets over the entrance,

f. Peaked roof forms,

g. Arches,

h. Outdoor patios,

i. Tower elements (at strategic locations),

j. Display windows,

k. Integral planters that incorporate landscaped areas or seating areas, and

l. Public art/sculptures.

3-27-06-05-05-03 *Building Materials and Colors*

3-27-06-05-05-03-01 *Mix of Materials*

1. No single building material shall cover more than 80 percent of the front building façade. Windows and doors shall not be counted as additional building materials.
2. Structures 20,000 square feet or less shall require a minimum of two distinct building materials on all facades to provide architectural detail and interest.
3. Structures over 20,000 square feet shall require a minimum of three distinct building materials on all facades to provide architectural detail and interest.

Fig. 3-26-W: Mix of building materials

3-27-06-05-05-03-02 *Prohibited Materials*

The following materials are prohibited as primary cladding or roofing materials:

1. Aluminum siding or cladding,

2. Plastic or vinyl siding,
3. Exposed aggregate, and
4. Wood shingles.

3-27-06-05-05-03-03 *Façade Colors*

1. Colors of paint, stains, and other finishes or materials shall complement each other.
2. Generally, no more than four colors per building are permitted.
3. Fluorescent colors are prohibited.
4. Primary colors are prohibited.
5. The use of stark white is discouraged.

3-27-06-05-05-03-04 *Transparency and Glazing*

1. At least 25 percent of all walls facing a public street shall contain windows or doorways.
2. Glazing shall be effectively clear, and shall not exceed 40 percent reflectance. Divided-light windows are encouraged. Materials that create noticeable glare or which restrict the ability of the public to view the inside of a structure from the outside are generally prohibited but may be allowed in limited locations in structures intended for financial or other uses with documentable safety concerns.
3. Energy conserving window films and coatings are permissible within these standards.

3-27-06-05-05-04 *Gateways*

1. Buildings located at entrances to a development demarcate a gateway that will create an overall identity, set the tone for the development, and mark arrival or entry.
2. At major entry points of a development with three or more buildings, buildings shall be organized along the street and at the intersection to create a gateway.
3. Architectural features shall be incorporated into the facades of buildings at major entry points to help emphasize arrival or entry points into the development. These features may include, but are not limited to:
   a. Eaves,
   b. Planters,

c. Mounted signs,

d. Pilasters,

e. Tower elements,

f. Water features, or

g. Arcades.

3-27-06-05-06 *BUILDING MASSING AND FORM*

3-27-06-05-06-01 *Vertical Articulation*

Buildings greater than two stories or taller than 30 feet shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components as illustrated in Figure 3-26-X. The component described as the body must constitute a minimum of 50 percent of the total building height.

Fig. 3-26-X: Vertical articulation

3-27-06-05-06-02 *Horizontal Articulation*

Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller components. No individual component shall have a length of more than 60 feet. Components shall be distinguished from one another through two or more of the following:

1. Variations in roof form and parapet heights;
2. Pronounced recesses and projections;
3. Distinct changes in texture and color of wall surfaces;
4. Ground level arcades and second floor galleries/balconies;

Fig. 3-26-Y: Appropriate transition in building height and mass

5. Protected and recessed entries; and
6. Vertical accents or focal points.

3-27-06-05-06-03 *Relationship to Surrounding Development*

1. New developments that two stories or taller than adjacent existing development shall provide a development transition using an appropriate combination of the following techniques designed to achieve height and mass compatibility with the lower-scaled adjacent development:
2. Wrapping the ground floor with a building element or integrated architectural feature (e.g., pedestrian arcade) that is the same height as the adjacent structure; or
3. Graduating building height and mass in the form of building step-backs or other techniques so that new structures have a comparable scale with existing structures; or
4. Orienting porches, balconies, and other outdoor living spaces away from the shared property line to protect the privacy of adjacent residents where applicable.

3-27-06-05-06-04 *Entrances and Pedestrian Areas*

1. Primary entries and pedestrian frontages shall be clearly visible from the street and accentuated from the overall building facade by:
2. Differentiated roof, awning, or portico;
3. Covered walkways or arcades;
4. Projecting or recessed entries from the surrounding building facade;
5. Detailed doors and doorways with transoms, sidelights, trim details, and/or framing; and
6. Windows within doorways equivalent in size to 50 percent of door surface area.
7. Secondary entrances shall have minor architectural detailing that adds visual interest to that portion of the façade.

Fig. 3-26-Z Entrance design

3-27-06-05-06-05 *Roofs*

3-27-06-05-06-05-01 *Roofline Articulation*

Variations in roof lines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development.

3-27-06-05-06-05-02 *Flat Roofs*

Flat roofs shall include parapets that adhere to articulation requirements for the main face of the structure. The average height of the parapet shall not exceed 15 percent of the height of the supporting wall, unless rooftop equipment cannot be sufficiently screened. A three-dimensional cornice treatment is encouraged for parapets. Parapets shall look complete from all sides if visible at any distance from the ground.

3-27-06-05-06-05-03 *Roof Materials*

1. Asphalt shingles, industry-approved synthetic shingles, standing seam metal or tile roofs are allowed.
2. Wood shingles are prohibited. Corrugated metal, tar paper, and brightly-colored asphalt shingles may be permitted by the Community and Economic Development Director where they will not be visible from a roadway, public park, or residential district or use.

3-27-06-05-06-06 *Awnings, Canopies, Arcades, and Overhangs*

Structural awnings are encouraged at the ground level to enhance the articulation of the building and provide shade.

1. The material of awnings and canopies shall complement the building.
2. Awnings shall not be internally illuminated.
3. Canopies shall not exceed 40 linear feet without a break.
4. Awnings shall not extend more than five feet over the sidewalk, unless otherwise approved by the Community and Economic Development Director, up to a maximum of 10 feet, and are in keeping with the architectural style of the building.
5. Canopies shall respect the placement of street trees and lighting and shall not interfere with them.
6. All large canopies that require structural columns for support shall have a minimum six-foot masonry (or other approved material) finish measured from the finished grade. Materials used on columns and canopies shall be complementary to the building.

3-27-06-05-07 *RESIDENTIAL COMPATIBILITY STANDARDS*

3-27-06-05-07-01 *Applicability*

The residential compatibility standards in this subsection apply when nonresidential or mixed-use development is proposed adjacent to lots used by or zoned for detached or attached single-family structures in a residential district.

3-27-06-05-07-02 *Use Limitations*

Where these compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:

1. Public address/loudspeaker systems;
2. Outdoor storage; and
3. Uses providing delivery services via large tractor trailers (not including package delivery services).

3-27-06-05-07-03 *Off-Street Parking Location*

1. Off-street parking shall be established in one or more of the locations listed below. The locations are listed in priority order; the applicant shall select the highest feasible location from this list, and shall demonstrate why that application was selected over other alternative locations.
2. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
3. Adjacent to lot lines abutting nonresidential development;
4. Adjacent to lot lines abutting mixed-use development;
5. Behind the building;
6. In front of the building; or
7. Adjacent to lot lines abutting residential uses.
8. In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged. A cross-access easement shall be recorded.

3-27-06-05-07-04 *Relationship to Surrounding Uses*

1. Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses as required by Section 3-26-06-05-07-03, *Relationship to Surrounding Development*.

Fig. 3-26-AA: Gradual decrease in building height and mass towards adjacent residential uses

2. Horizontally integrated mixed-use developments shall locate nonresidential uses away from lots in adjacent residential areas.
3. Medium to high density housing shall be incorporated to the maximum extent feasible both within and around the development to facilitate connections between residential and non-residential uses.
4. Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses.

3-27-06-05-07-05 *Facade Configuration*

1. Service functions like refuse collection, incidental storage, and similar functions shall be integrated into the architecture of the building unless an alternate location places these functions farther from adjacent residential uses.
2. Windows shall be arranged to avoid direct lines-of-sight into abutting residential uses.
3. Multi-story structures with balconies, patios, or other public gathering spaces more than 24 feet above grade shall orient these features to avoid direct views into lots in low- and medium-density residential districts.

3-27-06-05-07-06 *Landscaping/Screening*

1. Screening shall not interfere with public sidewalks, vehicular cross-accessways, or improved pedestrian connections.
2. Any parking designated for trucks, recreational vehicles and other large vehicles shall be placed in a location which is not adjacent to either any street or to any residentially zoned property.

3-27-06-05-07-07 *Operation*

1. Nonresidential uses with outdoor components (e.g., outdoor dining, performance venues) located adjacent to lots in a residential district shall curtail outdoor activities by 10:00 pm.
2. Loading or unloading activities shall take place only between the hours of 7:00 am and 11:00 pm.
3. Alternate hours of activities may be approved through the conditional use permit process.

3-27-06-05-07-08 *Sustainable Development Practices*

To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:

1. Opportunities for the integration of renewable energy features in the design of buildings or sites, such as: solar, wind, geothermal, biomass, or low-impact hydro sources;
2. Energy-efficient materials, including recycled materials that meet the requirements of these regulations;
3. Materials that are produced from renewable resources;
4. Low-Impact Development (LID) stormwater management features;
5. A green roof, such as a vegetated roof, or a cool roof;
6. Materials and design meeting the U.S. Green Building Council's LEED-NC certification requirements; or
7. A greywater recycling system.

Fig. 3-26-BB: LID stormwater management feature

3-28 CONSERVATION DISTRICT (CO)

3-28-01 PURPOSE

The purpose of the Conservation District is to encourage the preservation of environmentally sensitive areas from development. These areas may be of exceptional agricultural or environmental value, or are hazardous to develop. Areas eligible for designation include farm or ranch land, wildlife habitat, view corridors or important view areas, lands with historic or archeological value, contaminated areas, areas subject to flooding, or areas, if developed, that should be developed in an environmentally sensitive manner in order to provide an ample supply of open space, protect natural features and processes, provide active and passive recreational opportunities, conserve agricultural resources, protect and enhance important wildlife corridors, and generally sustain a high quality natural environment.

Lands developed in the Conservation District shall be developed in a manner to preserve critical natural areas including trees and other natural features of a site, conserve important agricultural lands, and protect public health and safety.

3-28-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Conservation District, subject to review and approval of a building permit.

3-28-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Conservation District as noted above:

1. Farming, No structures
2. Nurseries, No structures
3. Ranching, No structures
4. Traditional Farming, No structures

3-28-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Conservation District as noted above:

1. Outdoor Public Uses, No structures (Excluding Cemeteries) ***Adopted by the BoCC on December 13, 2010**

3-28-03 PERMITTED ACCESSORY USES

In association with a principal permitted use, the following accessory uses are permitted, subject to building permit review and approval:

1. Agricultural Uses, Accessory, No structures
2. Institutional Uses, Accessory, No structures

3-28-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Conservation District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval.

3-28-04-01 PERMITTED CONDITIONAL AGRICULTURAL USES

The following conditional agricultural uses are permitted in a Conservation District as noted above:

1. Farming, with structures
2. Nurseries, with structures
3. Ranching, with structures

3-28-04-02 PERMITTED CONDITIONAL RESIDENTIAL USES

The following conditional residential uses are permitted in a Conservation District as noted above:

1. Single Family Dwelling

3-28-04-03 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Conservation District as noted above:

1. Outdoor Public Uses, with structures
2. Public Service

3-28-04-04 PERMITTED CONDITIONAL INDUSTRIAL USES

The following conditional institutional uses are permitted in a Conservation District as noted above:

1. Major Energy Facility

3-28-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Conservation District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Conservation District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-28-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section, or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-28-07 AREA AND HEIGHT STANDARDS

3-28-07-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Conservation District.

3-28-07-02 MINIMUM LOT WIDTH REQUIREMENTS

There are no minimum lot width requirements in a Conservation District.

3-28-07-03 LOT SETBACK AND DIMENSIONAL REQUIREMENTS

3-28-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Conservation District shall be thirty (30) feet.

3-28-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Conservation District shall be thirty (30) feet.

3-28-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Conservation District shall be twenty (20) feet.

3-28-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Conservation District shall be twenty (20) feet.

3-28-07-03-05 *MINIMUM ARTERIAL SETBACK*

The minimum setback for all structures in a Conservation District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet. The setback from a collector or local road right-of-way shall be fifty (30) feet. Variations may be permitted if full right-of-way has already been acquired by the County for a section line.

3-28-07-04 MAXIMUM HEIGHT

The height of a structure in a Conservation District shall be established by Conditional Use Permit.

3-28-08 RELATIONSHIP TO PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in the Conservation District unless inconsistent with a provision contained in Section 3-27, in which case the specific standard or requirement contained in Section 3-27 shall apply.

3-29 PUBLIC LANDS, PARKS, OPEN SPACE, AND FACILITIES DISTRICT (PL)

3-29-01 PURPOSE

The purpose of the Public Lands, Parks, Open Space, and Facilities District is to protect established public lands and to provide an area in the County for location of parks, public open space, government buildings and facilities, schools and school grounds, quasi-public buildings and facilities, and related open space.

3-29-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a Public Lands, Parks, Open Space, and Facilities District, subject to building permit review and approval.

3-29-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Farming
2. Nurseries
3. Ranching
4. Traditional Farming

3-29-02-02 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Institutional Care
2. Neighborhood Indoor Uses
3. Outdoor Public Uses (Excluding Cemeteries) ***Adopted by the BoCC on December 13, 2010**
4. Public Services
5. Universities

3-29-02-03 PERMITTED PRINCIPAL INDUSTRIAL USES

The following principal industrial uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Solar energy systems, small-scale

3-29-03 PERMITTED ACCESSORY USES

In association with a principal permitted use, the following accessory uses are permitted, subject to building permit review and approval.

1. Agricultural Uses, Accessory
2. Institutional Uses, Accessory

3-29-04 PERMITTED CONDITIONAL USES

The following uses are permitted in a Public Lands, Parks, Open Space, and Facilities District, subject to the issuance of a Conditional Use Permit from the Board of County Commissioners and building permit review and approval:

3-29-04-01 PERMITTED CONDITIONAL INSTITUTIONAL USES

The following conditional institutional uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Halfway House ***Adopted by the BoCC on December 13, 2010**
2. Jails and Prisons

3-29-04-02 PERMITTED CONDITIONAL COMMERCIAL USES

The following conditional commercial uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Airports, Landing Strips and Heliports

3-29-04-03 PERMITTED CONDITIONAL INDUSTIRAL USES

The following conditional industrial uses are permitted in a Public Lands, Parks, Open Space, and Facilities District as noted above:

1. Solar energy systems, medium-scale
2. Solar energy systems, large-scale

3-29-05 PERMITTED SPECIAL/TEMPORARY USES

Special uses are permitted in a Public Lands, Parks, Open Space, and Facilities District, subject to the issuance of a Special Use Permit from the Board of Adjustment. Temporary uses are permitted in a Public Lands, Parks, Open Space, and Facilities District, subject to the issuance of a Temporary Use Permit from the Director of Community and Economic Development.

3-29-06 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this Section, or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-29-07 AREA AND HEIGHT STANDARDS

3-29-07-01 MINIMUM LOT SIZE REQUIREMENTS

There are no minimum lot size requirements in a Public Lands, Parks, Open Space, and Facilities District.

3-29-07-02 MINIMUM LOT WIDTH REQUIREMENTS

There are no minimum lot width requirements in a Public Lands, Parks, Open Space, and Facilities District.

3-29-07-03 LOT SETBACK AND DIMENSIONAL REQUIREMENTS

3-29-07-03-01 *MINIMUM FRONT SETBACK*

The minimum front setback for a structure in a Public Lands, Parks, Open Space, and Facilities District shall be thirty (30) feet.

3-29-07-03-02 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for a structure in a Public Lands, Parks, Open Space, and Facilities District shall be thirty (30) feet.

3-29-07-03-03 *MINIMUM SIDE SETBACK*

The minimum side setback for a structure in a Public Lands, Parks, Open Space, and Facilities District shall be fifteen (15) feet.

3-29-07-03-04 *MINIMUM REAR SETBACK*

The minimum rear setback for a structure in a Public Lands, Parks, Open Space, and Facilities District shall be twenty (20) feet or the same as the minimum rear setback requirement for the adjacent zone district, whichever is greater.

3-29-07-03-05 *MINIMUM ARTERIAL SETBACK*

The minimum setback for all structures in a Public Lands, Parks, Open Space, and Facilities District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be seventy-five (75) feet. Variations may be permitted if full right-of-way has already been acquired by the County for section lines.

3-29-07-04 MAXIMUM HEIGHT

3-29-07-04-01 *PRINCIPAL STRUCTURE*

The maximum height of a principal structure in a Public Lands, Parks, Open Space, and Facilities District shall be thirty-five (35) feet or the same as the maximum height requirement for a principal structure in the adjacent zone district, whichever is less.

3-29-07-04-02 *ACCESSORY BUILDINGS*

The maximum height of accessory buildings in a Public Lands, Parks, Open Space, and Facilities District shall be twenty (20) feet or the same as the maximum height requirement for accessory buildings in the adjacent zone district, whichever is less.

3-29-08 RELATIONSHIP TO PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in the Public Lands, Parks, Open Space, and Facilities District unless inconsistent with a provision contained in Section 3-29, in which case the specific standard or requirement contained in Section 3-29 shall apply.

3-30 PLANNED UNIT DEVELOPMENT (P.U.D.)

3-30-01 GENERAL PROVISIONS

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

The purpose and objective of a Planned Unit Development (P.U.D.) is to encourage the development of land as a single unit. A P.U.D. allows greater flexibility in the design of a development, more variety and diversification in the relationships between buildings, open spaces and uses, and conservation and retention of historical and natural topographic features while meeting the goals, policies and objectives of the comprehensive plan.

3-30-02 MINIMUM REQUIREMENTS

A P.U.D. is a form of a customized zone district. The P.U.D. Documents as approved by the Board of County Commissioners may waive or modify specifications, standards and requirements of the Adams County Standards and Regulations such as site area, density, setbacks, height restrictions, improvement standards and related requirements that would be otherwise applicable to a particular zone district or land use, if such waiver or modification furthers the objectives of these P.U.D. regulations.

3-30-02-01 MINIMUM SITE AREA

The minimum site area within a P.U.D. shall be one (1) acre.

3-30-02-02 PERMITTED PRINCIPAL, ACCESSORY, CONDITIONAL, SPECIAL AND PROHIBITED USES

All uses that are in general conformity with the Adams County Comprehensive Plan including, but not limited to the contemplated density or intensity of land use, and compatible with the site's physical and environmental characteristics may be allowed within the P.U.D. The proposed land uses shall be compatible or designed to mitigate externalities with the existing, allowed or conditional land uses adjacent to the proposed development. The P.U.D document for the specific

development shall establish the permitted uses. The uses shall be specifically defined and approved as part of the P.U.D.

3-30-02-03 MINIMUM LOT SIZE REQUIREMENTS

The minimum lot size shall be established by P.U.D.

3-30-02-04 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width shall be established by P.U.D.

3-30-02-05 MINIMUM SETBACKS

The minimum required setbacks shall be established by P.U.D.

3-30-02-06 MAXIMUM HEIGHT

The maximum height of structures shall be established by P.U.D.

3-30-03 GENERAL SITE DESIGN STANDARDS

The following general site design standards shall be met by all P.U.D.s.

3-30-03-01 SUPERIOR DESIGN

3-30-03-01-01 *USE OF FLEXIBILITY TO IMPROVE DESIGN*

Accomplish, by flexible and varied design, a planned development that is as good or better than one resulting from the traditional lot-by-lot development, with total net improvement to be gained by combinations and options of: placement, type and bulk of building structures, coordinated open space, recreation facilities, other public facilities (such as walkways), controlled circulation, conservation of natural features, decreased water and air pollution, aesthetic features, harmonious design and similar elements.

3-30-03-01-02 *REDUCE IMPACT TO PUBLIC INFRASTRUCTURE AND SERVICES*

Avoid an overburden on the present or planned projected capacity of public utilities, services and roads, as compared to one which would be required by lot-by-lot development of the underlying land use district.

3-30-03-01-03 *COMPATIBLE WITH ADJACENT USES*

The perimeter of the project shall be compatible or designed to mitigate externalities with the land use of adjacent properties. Compatibility includes, but is not limited to, size, scale, intensity of land use, off-site impacts, mass, and architectural design.

3-30-03-01-04 *SCREENING REQUIRED*

Improvements on the site shall be sight-screened with adequate landscaping so as to provide a compatible visual effect as seen from the adjoining properties.

3-30-03-02 ROADS

3-30-03-02-01 *PUBLIC ROADS REQUIRED*

All roads shall be public roads and the configuration and design of such facilities shall be consistent with Adams County Road Construction Standards (Chapter 8). Private roads within the P.U.D. may be approved by the County only if the following criteria are met:

1. Physical limitations of the site preclude the possibility of future linkage with existing public roads or proposed public roads which are part of the County's adopted transportation plan;
2. The proposed road design, pedestrian access and layout represents a superior design which meets the objectives of the Adams County standards;
3. A direct and tangible public benefit will accrue from the proposed street design; and
4. The developer includes a maintenance agreement including, but not limited to snow removal and road repairs, which will be recorded against the property.

3-30-03-02-02 *CONNECTIONS TO OFF-SITE ROADS*

Connections to existing off-site roads abutting the subject property shall be required where practicable, except through critical areas and/or their buffers.

3-30-03-03 PEDESTRIAN AND BICYCLE AMENITIES

3-30-03-03-01 *PEDESTRIAN AND BICYCLE ACCESS TO SITE*

Pedestrian and bicycle access onto the site shall be maximized in all proposed projects. This may be accommodated through the provision of on-site walkways, trails, paths or sidewalks, and bike lanes originating at the property boundary.

3-30-03-03-02 *INTERNAL PEDESTRIAN AND BICYCLE CIRCULATION*

Internal pedestrian and bicycle circulation shall be facilitated through appropriately sealed walkways, paths, trails or sidewalks, and bike lanes. Special emphasis shall be placed on providing pedestrian and bicycle access to proposed recreational and/or open space areas and/or transit facilities.

3-30-03-04 PARKING

All provisions for vehicle parking shall be in designated parking areas and shall meet the minimum parking criteria contained within the P.U.D.

3-30-03-05 OPEN SPACE

3-30-03-05-01 *ACCEPTABLE OPEN SPACE*

No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

1. The location, size and character of the common open space is suitable for the planned unit development; and
2. The common open space is for preservation of natural flora and fauna, amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings provided.

3-30-03-05-02 *IMPROVEMENT OF OPEN SPACE*

Common open space will be suitably improved for its intended use, except for common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses authorized for the common open space.

3-30-03-05-03 *USE OF OPEN SPACE*

At least twenty-five percent (25%) of the minimum required open space shall be designated for active recreation purposes, and no more than fifty percent (50%) shall be so utilized, in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented.

3-30-03-05-04 *CONCENTRATION OF OPEN SPACE*

Where practical, open space shall be concentrated in large usable areas.

3-30-03-05-05 *CONTIGUITY OF OPEN SPACE*

Where possible, open space shall connect to adjacent off-site open space areas and designated greenways.

3-30-03-05-06 *PERCENTAGE OF OPEN SPACE REQUIRED*

A minimum of 30% Open Space shall be required in all P.U.D.s or as determined by the Board of County Commissioners.

3-30-03-05-07 *PRIORITIZATION OF OPEN SPACE TYPES*

The following list represents the relative desirability of different types of open space, and should be used as the basis for determining the optimum location for open space areas within a proposed P.U.D.

1. Critical areas including riparian areas and floodplain.
2. Pastures and farmland currently or traditionally used for agriculture.
3. Trails and greenways.
4. Significant stands of trees.
5. Mature vegetation on ridgelines.
6. Former solid and/or hazardous waste disposal sites.

3-30-03-05-08 *CALCULATION OF OPEN SPACE AREA*

The calculation of open space area shall include all common public or privately held open space areas, all provisions for the right-of-way for public roads and the easement width for private roads, storm water facilities, recreational areas, trails and greenways. Individual private residential or commercial lot areas shall not be included in the open space

calculation unless the open space areas located on private lots are subject to open space easements and restrictions.

3-30-03-05-09 *OWNERSHIP OF OPEN SPACE*

Land shown in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space acceptable to the County in providing for the continuing care of the space. No common open space may be put to a use not specified in the final P.U.D. unless the final P.U.D. is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved to the County, as well as the owners.
2. A public agency, which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed on it.

3-30-03-05-10 *MAINTENANCE OF OPEN SPACE*

A maintenance plan shall be submitted and approved as part of the P.U.D process. The maintenance plan shall meet the landscape and open space maintenance requirements contained in Chapter 4.

3-30-03-06 CLUSTER DEVELOPMENT AND TRANSFER OF DEVELOPMENT RIGHTS STANDARDS

The following section outlines cluster development standards, designation of sending areas, designation of receiving areas, zoning requirements for receiving sites, and procedures for obtaining transferred development rights.

3-30-03-06-01 *CLUSTER DEVELOPMENT STANDARDS*

Clustering of lots may occur in areas designated as Agriculture or Residential Estate on the Future Land Use Map of the Comprehensive Plan. The following standards shall be adhered to in submittal of a cluster development as a P.U.D. application:

1. In order to be eligible for additional density from clustering, a property owner must apply for and receive approval for a Planned Unit Development (P.U.D.) on the parcel.
2. All provisions of Section 3-38 shall apply to a P.U.D.
3. Uses approved as part of the P.U.D. shall be limited to those uses consistent with the RE, A-1, or A-2 Zone Districts.
4. The maximum increase in the allowable number of residential units on a clustering site is 100.
5. The number of additional units allowed on a clustering site shall be calculated as follows:
    a. The number of dwelling units permitted on a site shall not exceed one unit per 17.5 acres. For example, if a property consists of 350 acres, ten (10) dwelling units would be permitted in the A-3 Zone District. Clustering of lots would permit a maximum number of twenty (20) units on the site. The twenty (20) units would have a maximum lot size of five (5) acres, constituting a total development area of one hundred (100) acres. The remaining two-hundred-fifty (250) acres would be placed into a Conservation Easement.
    b. The maximum lot size shall be limited to five (5) acres and the applicant shall endeavor to develop smaller lot sizes, not less than two-and-one-half (2.5) acres considering the requirements for a 300-year water supply.
    c. All section line roads shall be constructed in accordance with the Adams County Transportation Plan.
    d. All interior roads shall be constructed to County standards and paved, if required.
    e. Additional development rights shall be granted upon approval of the Final Development Plan (P.U.D.) by the Board of County Commissioners upon conveyance of a Conservation Easement (in a form acceptable to the County) to the County or a land trust recognized by Great Outdoors Colorado as an independent third party and is certified by the National Land Trust Alliance. All conservation easements shall be granted in perpetuity.
    f. The Conservation Easement, which defines the limitation on the development of the sending site, including the number of development rights severed from said parcel, shall be recorded in the real property records for the sending site at the Office of the Adams County Clerk and Recorder. The sending area shall also be included in the rezoning of the property to P.U.D.

3-30-03-06-02 *DESIGNATION OF SENDING AREAS*

The sending areas to be preserved and protected through the application of these regulations are shown on the attached Transfer of Development Rights Map in the Comprehensive Plan with one of the following designations.

1. Designated Sending Areas:
   a. Airport Influence Zone: Includes the noise overlay for Denver International Airport and the Airport Influence Zone surrounding the Colorado Air and Space Port;
   b. Important Farmlands: Includes farmlands of national or state importance and ranches and grazing lands of local or regional importance. The areas are based on geographic data from the 1999 Metro Vision Open Space Plan (DRCOG);
   c. Natural Resource Conservation Overlay: Includes mapped floodplains in the western area of the County and areas east of the Barr Lake Buffer Zone;
   d. Barr Lake/South Platte River: Includes the floodplain and important habitat area around the South Platte River as well as the Barr Lake Buffer Zone.

All sending areas are restricted to land west of Yellowjacket Mile Road (west of Range 61 West). The sending area ratios for transferring development rights shall be as follows:

2. Sending Area Ratios:
   a. Airport Influence Zone – 5:1
   b. Important Farmlands – 10:1
   c. Natural Resource Conservation Overlay – 15:1
   d. Barr Lake/South Platte River – 25:1

3-30-03-06-03 *DESIGNATION OF RECEIVING AREAS*

Receiving areas are shown on the Transfer of Development Rights Map in the Comprehensive Plan and include areas in townships 1561, 1563, 1565, 1567, 1729, 1731, 1813, and 1815 and are not within a designated sending area. The receiving areas are generally described as follows:

1. The southern three (3) miles of the County around Bennett and Strasburg excluding the Colorado Air and Space Port influence zone, the incorporated areas of Bennett, and the Natural Resource Conservation Overlay areas;

2. Areas east of the northern noise overlay zone for the Denver International Airport from 120th Avenue to 168th Avenue to Schumaker Mile Road., which excludes the floodplain area of Box Elder Creek;
3. Areas one-half (1/2) mile north and south of 144th Avenue from Schumaker Mile Road to Strasburg Mile Road;
4. Areas one-half (1/2) mile north and south of 88th Avenue from Highway 79 to Strasburg Mile Road;
5. Areas one-half (1/2) mile east and west of Highway 79 from 48th Avenue to 144th Avenue; and
6. Areas one-half (1/2) mile east and west of Strasburg Mile Road from 48th Avenue to 144th Avenue.

3-30-03-06-04 *ZONING REQUIREMENTS FOR RECEIVING SITES*

1. In order to be eligible for additional density from development rights, a property owner must apply for and receive approval for a Planned Unit Development (P.U.D.) on the parcel.
2. All provisions of Section 3-37 shall apply to a P.U.D.
3. Uses approved as part of the P.U.D. shall be limited to those uses consistent with the RE, A-1, or A-2 Zone Districts.
4. The maximum increase in the allowable number of residential units on a receiving site is 200.
5. Receiving areas shall be a minimum of 160 acres for inclusion in the P.U.D. However, receiving areas may be as small as 40 acres provided the site is contiguous to rural residential development at densities of one (1) unit per ten (10) acres or greater or part of an Overall Development Plan.

3-30-03-06-05 *PROCEDURE FOR OBTAINING TRANSFERRED DEVELOPMENT RIGHTS*

1. Development rights may be transferred to an approved sending site only after the applicant obtains a Final Development Plan (P.U.D.) approval by the Board of County Commissioners.
2. The potential number of development rights available for transfer from a sending site is one (1) development right for each thirty-five (35) acres, fractions of development rights cannot be transferred, and if the remainder portion of a sending site is less than thirty-five (35) acres, no units could be built on the site. For example, a fifty (50) acre sending site could only transfer one unit and a residential unit could not be built on the sending site because the remainder portion would only be fifteen (15) acres, less than the required thirty-five (35) acres. However, if the remnant

conservation area meets or exceeds 35 acres and is split by more than one sending area designation, the applicable different ratios may be applied to the remnant parcel. For example, a fifty (50) acre sending site split into twenty-five (25) acres of Important Farmland (10:1) and twenty-five (25) acres of Important Farmland (15:1) would receive a credit as follow:

Important Farmland: 25 acres/50 acres = 50% at 10:1 = 5 units

National Resource Conservation Overlay: 25 acres/50 acres = 50% at 15:1 = 7.5 units

Total Units = 12.5 (no rounding up permitted) for a total unit credit of 12.

3. Additional development rights shall be granted upon approval of the Final Development Plan (P.U.D.) by the Board of County Commissioners and upon conveyance of a Conservation Easement (in a form acceptable to the County) to the County or a land trust recognized by Great Outdoors Colorado as an independent third party and is certified by the National Land Trust Alliance. All conservation easements shall be granted in perpetuity.
4. The Conservation Easement, which defines the limitation on the development of the sending site, including the number of development rights severed from said parcel, shall be recorded in the real property records for the sending site at the Office of the Adams County Clerk and Recorder. The sending area shall also be included in the rezoning of the property to P.U.D.
5. Adams County shall not issue a building permit for a residential unit unless there are sufficient development rights attached to the property.

3-31 AVIATION (AV)

3-31-01 PURPOSE

This section is intended to provide for non-residential land uses associated with aviation operations while minimizing risks to public safety and hazards to aviation users including those employed at public aviation facilities.

3-31-02 BOUNDARIES

The boundaries of the Aviation District shall, at a minimum, encompass runways, clear zones, aprons, aviation related structures including terminals and hangars, and other aviation-related services and support facilities as depicted on the approved Airport Layout Plan. Minimum areas to be included within the Aviation District are illustrated in Figure 3-1. The size of the area may vary according to the type of aviation facility. The Board of County Commissioners, following a review and recommendation for action by the Planning Commission, establishes the official boundary of the Aviation District at the time the aviation facility is zoned. Changes in the size of the Aviation District are reviewed through the Zone Map Amendment process.

3-31-03 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Aviation District, subject to the plans, terms, and conditions of the Airport Layout Plan and subject to building permit review and approval:

1. Air cargo terminals and freight forwarding facilities
2. Air passenger terminal buildings, hangars, and air traffic control facilities
3. Aircraft sales, repair, service, storage
4. Aviation related manufacturing and distribution uses
5. Farming, no structures
6. Flight kitchens and related facilities
7. Ground transportation facilities such as taxi and bus terminals
8. Noise and weather monitoring devices, navigational aids
9. Outside storage of non-hazardous materials not to exceed 10% of the building area

10. Parking areas for employees and passengers
11. Public and quasi-governmental buildings, structures, and uses essential to the operations including fire stations, pump stations, water tanks, and public utility facilities
12. Ranching, no structures
13. Retail and personal service outlets catering to aviation passengers and employees
14. Runways, taxiways, takeoff and landing areas, aprons, clear zones, and; aircraft tie-down areas
15. Snack shops, restaurants, and lounges for airport clientele
16. Support facilities essential for aviation operations such as fuel storage, hangar use, and associated offices
17. Training schools relating to aircraft operations and service work
18. Underground fuel tanks
19. Traditional Farming, No structures
20. Solar energy facilities

3-31-04 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in this section; (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, or (3) permitted by the Airport Layout Plan established for the particular lot(s) in question, are prohibited.

3-31-05 AREA AND HEIGHT STANDARDS

3-31-05-01 MINIMUM LOT SIZE REQUIREMENTS

Established by the Airport Layout Plan.

3-31-05-02 SETBACK FOR STRUCTURES, RUNWAYS, TAXIWAYS, TAKE OFF AND LANDING AREAS

3-31-05-02-01 *SETBACK FROM PROPERTY LINES FOR AIRPORT RUNWAYS, TAXIWAYS, AND RELATED FACILITIES*

The setback for airport runways, taxiways, and related facilities in an Aviation District shall be seven hundred (700) feet from centerline of the runway or taxiway.

3-31-05-02-02 *SETBACK FOR HELICOPTER TAKE OFF AND LANDING AREAS*

The setback for helicopter takeoff and landing areas in an Aviation District shall be three hundred (300) feet.

3-31-05-02-03 *SETBACK TO NEAREST RESIDENTIAL USES AND STRUCTURES*

The setback from airport runways, taxiways, and related facilities to the nearest residential uses and structures in an Aviation District shall be seventeen hundred (1,700) feet from the centerline of the runway or taxiway. The setback from helicopter takeoff and landing areas to the nearest residential uses and structures in an Aviation District shall be thirteen hundred (1,300) feet from the takeoff and landing areas.

3-31-05-02-04 *MINIMUM FRONT SETBACK*

The minimum front setback for structures in an Aviation District shall be established by a P.U.D.

3-31-05-02-05 *MINIMUM SIDE CORNER SETBACK*

The minimum side corner setback for structures in an Aviation District shall be established by a P.U.D.

3-31-05-02-06 *MINIMUM SIDE SETBACK*

The minimum side setback for structures in an Aviation District shall be established by a P.U.D.

3-31-05-02-07 *MINIMUM REAR SETBACK*

The minimum rear setback for structures in an Aviation District shall be established by a P.U.D.

3-31-05-02-08 *MINIMUM ARTERIAL SETBACK*

The minimum setback for all structures in an Aviation District from an arterial right-of-way shall be fifty (50) feet except a section line arterial right-of-way where the minimum setback shall be eighty (80) feet, or as otherwise established by a P.U.D. Variations may be permitted if full right-of-way has already been acquired by the County for section lines.

3-31-05-02-09 *MAXIMUM HEIGHT*

The maximum height of structures in an Aviation District shall be one hundred (100) feet or as restricted by FAA requirements. Air Traffic Control Towers and Navigation Aids are subject to FAA requirements.

3-31-05-03 GENERAL SITE DESIGN AND PERFORMANCE STANDARDS

The following general site design and performance standards shall be met by all uses within an Aviation District.

3-31-05-03-01 *MANUFACTURING AND DISTRIBUTION FACILITIES*

No manufacturing or distribution operation shall:

1. Conduct an activity that involves the generation or storage of animal, vegetable, or other wastes, which attract insects, rodents, or birds, or otherwise create a hazard to aircraft operations.
2. Conduct an activity, which emits smoke, fly ash, dust, vapor, gases, or other forms of air pollution, which would interfere with the safe operation of aircraft, or may conflict with present or planned operations of the airport.
3. Conduct an activity, which involves water impoundments, solid waste disposal, or other uses, which attract birds or other animal species, which may present a hazard to aircraft operations.
4. Conduct an activity, which emits glaring light or employs highly reflective surfaces, which interfere with a pilot’s ability to locate runways or landing pads.
5. Conduct an activity, which creates electronic interference with communications among aviators and ground control personnel.

3-31-05-03-02 *ACCESSORY STORAGE*

3-31-05-03-02-01 *Enclosed*

Accessory storage shall be enclosed and concealed by a six (6) foot to eight (8) foot-closed fence to prevent views of the interior.

3-31-05-03-02-02 *Screening Materials*

Screen fencing shall be maintained in an attractive condition. Fencing material shall be approved in advance by the Director of Community and Economic Development.

3-31-05-03-02-03 *Height of Storage Materials*

Outside storage shall not exceed the height of the fence, except for operable vehicles, trailers, and other equipment designed to be towed or lifted as a single component.

3-31-05-03-03 *FENCING*

A perimeter fence sixty (60) inches or taller shall be erected to surround the Aviation District area.

3-31-06 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Aviation District.

3-32 DENVER INTERNATIONAL AIRPORT (DIA)

3-32-01 PURPOSE

This section is intended to provide for non-residential land uses associated with aviation operations, roadways, or passive uses while minimizing risks to public safety and hazards to aviation users including those employed at public aviation facilities. The uses and standards established and enforced in the DIA District are enumerated below and in Article IV of the Intergovernmental Agreement on the New Airport.

3-32-02 BOUNDARIES

The boundaries of the DIA District are limited to those areas described in Exhibit 'A' in Article IV entitled "Annexation and Land Acquisition"; A Part of the Adams County/Denver Intergovernmental Agreement on a new Airport signed and dated April 21, 1988.

3-32-03 PERMITTED PRINCIPAL USES

The following uses are permitted uses in a DIA District, subject to building permit review and approval:

1. Easements to permit public rights-of-way for roads and trails
2. Farming, No structures
3. Installation, operation, or maintenance of aviation-related weather reporting equipment
4. Installation, operation, or maintenance of navigation or other aids used by aircraft for landing at or taking off from the New Airport
5. Installation, operation, or maintenance of noise monitoring equipment
6. Installation, operation, or maintenance of other equipment required by the FAA for the safe operation of the New Airport
7. Passive uses, including utilities
8. Ranching, No structures
9. Traditional Farming, No structures
10. Solar energy facilities

3-32-04 GENERAL SITE DESIGN AND PERFORMANCE STANDARDS

The following general site design and performance standards shall be met by all uses within the DIA District.

3-32-04-01 ROAD AND TRAILS

No road or trail may be closer than twenty-seven hundred (2,700) feet from the end of any runway.

3-32-04-02 INTERFERENCE OF USE

Uses may not interfere with airport operations, nor interfere with aerial approaches.

3-33 AIRPORT HEIGHT OVERLAY (AHO)

3-33-01 PURPOSE

The Airport Height Overlay is intended to provide for protection of residential and non-residential land uses in areas which may be subjected to frequent overflights by aircraft flying low to the ground upon an approach to landing, upon takeoff, or operating in a traffic pattern at an aviation facility. Within this area, the hazards of natural and man-made objects may create severe hazards to aviation and must be regulated accordingly.

3-33-02 BOUNDARIES

The Airport Height Overlay area includes all land where the height of structures or natural features may obstruct or otherwise influence aviation activities. The extent of this area is determined by applying the standards and criteria listed in Title 14 of the Code of Federal Regulations, Subchapter E, F.A.R. Part 77 entitled "Objects Affecting Navigable Airspace". Figure 3-2 illustrates how the geographic extent of the navigable airspace is determined. The geographic extent of the Airport Height Overlay for each aviation facility affecting Adams County is drawn to the nearest quarter-section of land lying outside the Airport Height Overlay as illustrated on the Adams County Zoning Map.

3-33-03 PERMITTED USES

All uses permitted by the underlying zone as permitted uses or conditional uses are permitted in the Airport Height Overlay unless specifically prohibited, subject to building permit review and approval.

3-33-04 GENERAL SITE DESIGN AND PERFORMANCE STANDARDS

The following general site design and performance standards shall be met by all uses within an Airport Height Overlay District.

3-33-04-01 PROPOSED DEVELOPMENT TO COMPLETE AERONAUTICAL STUDY

Applicants requesting zone changes, conditional uses, temporary and special uses, certificates of designation, site plans, site specific development plans, and building permits must complete an FAA aeronautical study on obstructions to determine if the proposed development could be a hazard to air navigation. If no

hazard is determined, the proposed development may proceed, pending compliance with other County requirements. If a hazard to air navigation is found to exist by the FAA, then:

1. The applicant may alter the proposal in a manner which does not present a hazard to air navigation and may proceed subject to compliance with other County requirements; or
2. If alternative designs or locations do not pose compelling reasons to allow the use or structure within the Airport Height Overlay District, the County will prepare Findings of Fact, to be entered in the application record by the Director of Community and Economic Development citing the reasons why the use is compatible with the intent of the Airport Height Overlay District. Factors to consider in these findings include the importance of services provided by the proposed facility to the community, and the compatibility of the proposed use with the airport layout plan, and the Adams County Comprehensive Plan. The Director of Community and Economic Development or Manager of the pertinent aviation facility shall be notified of the denial.

3-33-04-02 PROPOSED DEVELOPMENT TO DOCUMENT ELEVATIONS

Applicants for development shall fully document site elevations in relation to the F.A.R. Part 77 height restrictions. Documentation of site elevations shall consist of a topographic map of the site showing contours for every five (5) feet of elevation change to illustrate the elevation above mean sea level; the location and height of any proposed buildings or structures, as well as natural features that impinge upon the Part 77 surfaces; and the elevation of the aviation facility affecting the applicant's property.

3-33-04-03 LANDOWNERS TO INSTALL MARKERS

Landowners may be required to install, operate, and maintain, at the owner's expense, such markers and lights which may be necessary to indicate to flyers the presence of a hazard which affects the aviation facility. This marking and lighting requirement may also extend to objects of natural growth (trees, primarily) on site.

3-33-04-04 AIRPORT MANAGER GIVE OPPORTUNITY TO REVIEW APPLICATIONS

Applications for zone changes, conditional uses, temporary and special uses, certificates of designation, site plans, and site-specific development plans will be forwarded to the director of the aviation facility(ies) for review and comment concerning the impact of the proposal on aviation operations.

3-33-04-05 EASEMENT REQUIRED TO OBTAIN BUILDING PERMIT

A signed and recorded aviation easement must be filed prior to issuance of a building permit.

3-33-05 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in an Airport Height Overlay District unless inconsistent with a provision contained in Section 3-33, in which case the specific standard or requirement contained in Section 3-33 shall apply.

3-34 AIRPORT INFLUENCE ZONE (AIZ)

3-34-01 PURPOSE

The Airport Influence Zone Overlay District is intended to provide areas within the County suitable for the economical development and safe operation of air carrier and/or general aviation airports for public use without adversely affecting the activities upon surrounding properties.

The Airport Influence Zone is also intended to provide for notice and disclosure of the airport location to owners of residential and non-residential properties in areas which may be subjected to aircraft activities of such duration and frequency which would constitute a nuisance to residential and other uses.

3-34-02 BOUNDARIES

The Airport Influence Zone includes all land impacted by the location of the Colorado Air and Space Port and the noise created by low-flying aircraft. The general boundaries of the Airport Influence Zone are as follows: 80th Avenue on the north, Interstate 70 (County line) on the south, Harback Mile Road on the east, and Hayesmount Mile Road on the west.

The Airport Influence Zone also contains two Restriction Areas, which further restrict the land uses within the overlay zone district. The geographic extent of the Airport Influence Zone and the Restriction Areas are delineated on the official Adams County Zoning Map.

3-34-03 PERMITTED USES

All uses permitted by the underlying zone are permitted in the Airport Influence Zone unless specifically prohibited or restricted by Restriction Area One or Restriction Area Two, subject to building permit review and approval.

3-34-04 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in the underlying zone district; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited.

3-34-05 GENERAL SITE DESIGN AND PERFORMANCE STANDARDS

The following general site design and performance standards shall be met by all uses within an Airport Influence Zone Overlay District.

3-34-05-01 RESTRICTION AREA ONE

No structures designed for full or part-time occupation for residential, commercial, institutional, or industrial uses shall be permitted.

3-34-05-02 RESTRICTION AREA TWO

Prohibits the construction of residences, except existing residences may be occupied and new homes may be built on lots or parcels created prior to the adoption of the Airport Influence Zone, August 1, 1983 or on 35 acre parcels, which meet the requirements of the A-3 Zone District, regardless of creation date.

3-34-05-03 FEDERAL AVIATION ADMINISTRATION STANDARDS

All uses and building plans are subject to FAA Obstruction and Approach Zone Regulations (Part 77).

3-34-05-04 AFFIDAVIT REQUIRED TO OBTAIN SUBDIVISION OR BUILDING PERMIT

A signed "Aircraft Activity Covenant with Disclosure" must be filed prior to approval of a subdivision, if applicable, or the issuance of a building permit.

3-34-05-05 USES NOT TO INTERFERE WITH AVIATION

3-34-05-05-01 *NO EMISSIONS*

Uses must not produce steam, smoke, or otherwise pose a hazard to aviators.

3-34-05-05-02 *NO GLARE*

Uses must not emit glaring light or employ highly reflective surfaces which may impair the visibility of aviators, nor shall the use create interference with the electronic communication among aviators and ground control.

3-34-05-05-03 *NOT ATTRACTIVE TO WILDLIFE*

Uses must lack the potential of attracting birds and other wildlife species which may pose a hazard to flight operations.

3-34-06 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Noise Overlay District unless inconsistent with a provision contained in Section 3-34, in which case the specific standard or requirement contained in Section 3-34 shall apply.

3-35 AIRPORT NOISE OVERLAY (ANO)

3-35-01 PURPOSE

The Airport Noise Overlay is intended to provide for protection of residential and non-residential land uses in areas which may be subjected to noise levels of such duration and frequency which would constitute a nuisance to residential and other uses.

3-35-02 BOUNDARIES

The Airport Noise Overlay includes all land heavily impacted by the noise created by low-flying aircraft, and lying within the sixty (60) Ldn or greater noise contour area. The extent of this area is determined based upon the measurements of sound computed by the methods contained in Title 14 of the Code of Federal Regulations, Subchapter I, Federal Aviation Regulations (F.A.R., hereafter) Part 150, "Airport Noise Compatibility Planning". These computations are based upon the fleet mix that forms the "worst case scenario" for the type and volume of aircraft activity proposed at full build-out of the facility. The geographic extent of the noise overlay for each aviation facility affecting Adams County is delineated on the official Adams County Zoning Map.

3-35-03 PERMITTED USES

All uses permitted by the underlying zone as permitted uses or conditional uses are permitted in the Airport Noise Overlay unless specifically prohibited, subject to building permit review and approval.

3-35-04 PROHIBITED USES

All uses: (1) not expressly identified as permitted uses in the underlying zone district; or (2) determined to be permitted by the Director of Community and Economic Development pursuant to Section 3-05-01 of these standards and regulations, are prohibited. In addition, the following uses are specifically prohibited in an Airport Noise Overlay Zone:

1. Neighborhood Indoor Uses
2. Institutional Care
3. Universities

3-35-05 GENERAL SITE DESIGN AND PERFORMANCE STANDARDS

The following general site design and performance standards shall be met by all uses within an Airport Noise Overlay District.

3-35-05-01 RESIDENTIAL USES

3-35-05-01-01 *NO NEW RESIDENTIAL ZONING*

No residential rezoning shall be considered or approved.

3-35-05-01-02 *EXISTING LOTS DEVELOPABLE*

One single family dwelling may be constructed per lot in existence at the effective date of these standards and regulations, or as may be created per Article 28, Title 30, Section 101 (10) of the Colorado Revised Statues, as amended.

3-35-05-01-03 *EXISTING RESIDENTIAL USE NON-CONFORMING*

Existing residential uses may continue, but shall be limited by the non-conforming use provisions of these standards and regulations.

3-35-05-01-04 *APPROVED RESIDENTIAL USES*

Residential uses allowed in accordance with an approved Site-Specific Development Plan, or building permit effective at the time airport construction commences may be allowed if the use conforms with the performance standards listed below

3-35-05-01-05 *NOISE REDUCTION REQUIRED*

All newly established residential uses must incorporate noise level reduction measures sufficient to achieve an interior noise level of 45 dB on the A-weighted scale. Assurance that these measures have been incorporated into the structure is illustrated by submission of noise reduction plans certified by a registered professional engineer at the time of application for a building permit, and implemented prior to issuance of a Certificate of Occupancy.

3-35-05-02 AFFIDAVIT REQUIRED TO OBTAIN BUILDING PERMIT

A signed “Aircraft Activity Covenant with Disclosure” must be filed prior to issuance of a building permit.

3-35-05-03 COMMERCIAL AND INDUSTRIAL USES TO INCORPORATE NOISE REDUCTION

The portions of the commercial or industrial structures devoted to office uses, or occupied by members of the public must incorporate noise level reduction measures sufficient to achieve an interior noise level of 45 dB on the A-weighted scale. The noise reduction measures cited above are described in Chapter 35 of the Appendix of the Uniform Building Code, and as adopted by Adams County. Assurance that these measures have been incorporated into the structure is illustrated by submission of noise reduction plans certified by a registered professional engineer at the time of application for a building permit, and implemented prior to issuance of a Certificate of Occupancy.

3-35-05-04 USES NOT TO INTERFERE WITH AVIATION

3-35-05-04-01 *NO EMISSIONS*

Uses must not produce steam, smoke, or otherwise pose a hazard to aviators.

3-35-05-04-02 *NO GLARE*

Uses must not emit glaring light or employ highly reflective surfaces which may impair the visibility of aviators, nor shall the use create interference with the electronic communication among aviators and ground control.

3-35-05-04-03 *NOT ATTRACTIVE TO WILDLIFE*

Uses must lack the potential of attracting birds and other wildlife species which may pose a hazard to flight operations.

3-35-06 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Noise Overlay District unless inconsistent with a provision contained in Section 3-34, in which case the specific standard or requirement contained in Section 3-34 shall apply.

3-36 FLAMMABLE GAS OVERLAY (FGO)

3-36-01 PURPOSE

It is the purpose of the Flammable Gas Overlay District to establish reasonable and uniform limitations, safeguards, and controls over uses of land designated as and/or adjacent to an operating or former solid waste disposal site. Any building, excavation, construction, or other use proposed in this zone district shall require testing and/or mitigation related to flammable gas, as specified in this section, prior to obtaining a building permit and after receiving a certificate of occupancy. The requirements of this section are intended to assure the protection of life and property from such related hazards as flammable gas, gas migration, asphyxiation, and explosion.

3-36-02 LOCATION AND BOUNDARIES OF KNOWN FLAMMABLE GAS HAZARD AREA (SOLID WASTE DISPOSAL SITES)

Those areas identified in the report dated April 19, 1978 titled "Landfills in Which Methane Generation Has Been Documented", prepared by Tri-County Health Department, as well as the surrounding property to within one thousand (1,000) feet are located within the Flammable Gas Overlay District. These areas are defined as:

1. Berkeley Village. The hazardous area is bounded by the Adams County line on the south and west, Clear Creek on the north, and the north-south line 500' east of the centerline of Tennyson Street. This area corresponds to No. 1 on the Zoning Restriction Map: Overlay Restriction Flammable Gas hereinafter called Zoning Restriction Map.
2. Adams County Landfill. The hazardous area is bounded beginning at the intersection of Federal Blvd. and the Denver Salt Lake Railroad Crossing tracks, thence 6375' east along the Denver Salt Lake Railroad tracks, thence north 1800', thence west 2250', thence south 1000', thence west 3350', thence north 200' to Clear Creek, thence west along Clear Creek to the centerline of Federal Blvd., thence south to the point of beginning. This area corresponds to No. 2 on the Zoning Restriction Map.
3. Adams County Landfill. The hazardous area is bounded beginning at Clear Creek 900' from the centerline of Federal Blvd., thence east along Clear Creek 3500', thence east 300', thence south 1700', thence west 3350', thence north 200' to the point of beginning. This area corresponds to No. 3 on the Zoning Restriction Map.
4. Property Improvements, Inc. The hazardous area is bounded by the area beginning at the point of intersection of West 62nd Avenue and Huron Street, thence north along Huron 2300', thence east 3300', thence south 3300',

thence west 2600' along West 60th Avenue, thence north 1000', thence west 700', to the point of beginning. This area corresponds to No. 4 on the Zoning Restriction Map.

5. Property Improvements, Inc. The hazardous area is bounded beginning at a point 900' east from the centerline of Pecos Street at Clear Creek, thence south 2300', thence east 250', thence south 650', thence east 1500', thence north 3350' along Huron Street, thence west 500' to Clear Creek, thence west 1400' along Clear Creek to the point of beginning. This area corresponds to No. 5 on the Zoning Restriction Map.
6. Landfill, Inc. The hazardous area is bounded beginning at a point at Clear Creek 150' west from the centerline of I-25, thence west along Clear Creek 4100', thence south 150', thence east 3300', thence south 650', thence east 300', thence north 2500' to the point of beginning. This area corresponds to No. 6 on the Zoning Restriction Map.
7. Western Paving. The hazardous area is bounded beginning at a point 900' east from the centerline of Pecos Street at Clear Creek, thence west along Clear Creek, thence south 1100', thence east 1750', thence north 2300' to the point of beginning. This area corresponds to No. 7 on the Zoning Restriction Map.
8. Fiore & Sons. The hazardous area is bounded by the area beginning at a point at the intersection of West 62nd Avenue and Huron, thence 700' east, thence 950' south, thence 1000' east on 60th Avenue, thence 1050' south, thence 2700' west, thence 1000' north, thence 1000' east, thence 950' north to the point of beginning. This area corresponds to No. 8 on the Zoning Restriction Map.
9. Property Improvements, Inc. The hazardous area is bounded by the area beginning at the intersection of the Brantner Ditch and East 144th Avenue, thence north 2300' along the Brantner Ditch, thence west 3000', thence south 2350', thence 1700' east to the Brantner Ditch, thence north 500' to the point of beginning. This area corresponds to No. 13 on the Zoning Restriction Map.
10. Eaton Industrial Subdivision. The hazardous area is bounded by the area beginning at a point 950' north of the intersection of 56th Avenue and Washington Street, thence 1250' east, thence 850' southeast, thence 950' south, thence 1750' southwest, thence 900' west of Washington Street, thence 1200' northwest, thence 1200' north of 56th Avenue, thence 1400' northeast to the point of beginning, excluding those areas within the City and County of Denver. This area corresponds to No. 15 on the Zoning Restriction Map.

3-36-03 UNKNOWN FLAMMABLE GAS HAZARD AREAS (SOLID WASTE DISPOSAL SITES)

The Flammable Gas Overlay District restrictions shall also apply to any site discovered to have been a solid waste disposal site or to any site which is located within one thousand (1,000) feet of a former solid waste disposal site.

3-36-04 REFERRALS OF PROPOSED CONSTRUCTION ON SOLID WASTE DISPOSAL SITE

Any proposal to construct or change the use of any lot which is or has been a solid waste disposal site shall be referred to the Community and Economic Development Department, the applicable fire district, Tri-County Health Department, and the Colorado Department of Public Health and Environment* for review and comment.

3-36-05 REVIEW RESPONSIBILITIES

3-36-05-01 TRI-COUNTY HEALTH DEPARTMENT

Tri-County Health Department is primarily responsible for reviewing the plan for and the results of the flammable gas investigation for the site and reviewing the plans for flammable gas control systems and shall supply safety information related to construction on or within one thousand (1,000) feet of any solid waste disposal site.

3-36-05-02 APPLICABLE FIRE DISTRICT

The applicable fire district is primarily responsible for reviewing the building plans; reviewing the design, operation and maintenance plans for the flammable gas control system; and reviewing the emergency procedures for buildings constructed in the Flammable Gas Overlay District. All construction or excavation is subject to inspection by the applicable fire district.

3-36-05-03 COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

The Community and Economic Development Department is primarily responsible for reviewing the proposed land use. The Community and Economic Development Department shall review and keep for record a final copy of the engineering design, the plan for the flammable gas investigation and the plan for the flammable gas control system.

3-36-05-04 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT*

The Colorado Department of Public Health and Environment is primarily responsible for reviewing and approving the plans in accordance with their rules and regulations.

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

3-36-05-05 COMMENTS CONCERNING DEVELOPMENT PROPOSALS

The Community and Economic Development Department, Tri-County Health Department the applicable fire district, and the Colorado Department of Public Health and Environment shall prepare and submit comments and recommendations to the Chief Building Official for review within 30 days following receipt of the request for review and comments.

No new residential zoning shall be considered or approved unless the property owner demonstrates, based on the criteria in Section 3-36-06-01, flammable gas is not present and the potential does not exist for the buildup of flammable gases to reach twenty (20) percent of the lower explosive limit in the soil surrounding the proposed building(s).

3-36-06 BUILDING PERMITS AND CONSTRUCTION ON OR WITHIN ONE THOUSAND (1,000) FEET OF A FORMER SOLID WASTE DISPOSAL SITE

The Chief Building Official shall issue a building permit for construction within a Flammable Gas Overlay District within the boundaries of or within one thousand (1,000) feet of a former solid waste disposal site only after receiving comments from the Community and Economic Development Department, Tri-County Health Department the applicable fire district, and the Colorado Department of Public Health and Environment after determining the property owner has met the specified safety criteria (Note: These standards are based on the 20% lower explosive limit (LEL) standard formulated by the National Institute of Occupational Safety and Health of the Bureau of Mines of the U.S. Department of the Interior):

3-36-06-01 SAFETY CRITERIA FOR BUILDING PERMITS

Property owners may meet safety criteria by doing either of the following:

1. Completing a flammable gas investigation demonstrating no flammable gas is present and there is no potential for flammable gas to reach 20% of the lower explosive limit in the soil surrounding the proposed building(s).

2. The owner shall receive prior approval of the flammable gas investigation plan from the Chief Building Official. The flammable gas investigation plan shall be done by, or under the direct supervision of, a registered professional engineer with experience in evaluation and control of subsurface gas. At a minimum, the plan shall include the following:

    a) A description of representative soils at the site.

    b) Monitoring for flammable gas to the depth of the fill material or to bedrock, whichever is more applicable, and a rationale for the number and location of proposed monitoring probes. Tri-County Health Department shall be given the opportunity to oversee installation of the probes, and probes shall remain undisturbed, intact and accessible for a minimum of three weeks to provide Tri-County Health Department the opportunity to conduct sampling for flammable gas.

    c) A detailed description of the sampling methodology and data collection techniques to be utilized.

    d) If any flammable gas is detected, a rationale for why there is no potential for flammable gas to reach 20% of the lower explosive limit in the soil surrounding proposed building(s).

3. Submitting building plans to include all necessary flammable gas control systems to protect against buildup of over 1% of flammable gas in the buildings. The building plans shall also include an automatic gas detection system to alert building occupants in the event of buildup of 1% of flammable gas in the structure. An operation and maintenance plan for the flammable gas control system, including emergency procedures, shall also be submitted with the building plan. The building plans and operation and maintenance plan for the flammable gas control system shall be prepared by a registered professional engineer with experience in the design of subsurface gas control systems.

    a) The building plans for all buildings shall meet the following minimum standards, or propose an equivalent design which will prevent flammable gas migration into the building:

        i. A geomembrane or equivalent system with low permeability to flammable gas shall be installed between the concrete floor slab of the building and the subgrade;

        ii. A venting system to provide venting to the outside of the building. The system shall consist of a permeable layer of

open graded material of clean aggregate with a minimum thickness of 12 inches;

iii. A geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;

iv. Perforated venting pipes shall be constructed with the ability to be connected to an induced draft exhaust system;

v. Automatic methane gas sensors shall be installed inside the building to trigger an audible alarm when methane gas concentrations are detected.

vi. Unenclosed buildings are exempt from requirements i. through v. above. Enclosed rooms located within the unenclosed building shall comply with all of the above requirements.

b) The operation and maintenance plan for the flammable gas control system shall address testing, maintenance and service procedures consistent with the manufacturer's current written specifications.

c) All buildings which are required to have a flammable gas control system shall have established emergency procedures which shall be subject to the approval of the fire department. The emergency procedures shall include, but not be limited to, the following:

i. Assignment of a responsible person as safety director to work with the fire department in the establishment, implementation and maintenance of an emergency plan.

ii. Conspicuous posting of the fire department's telephone number in areas designated by the fire department.

iii. Conspicuous posting of emergency plan procedures approved by the fire department.

3-36-06-02 SAFETY PRACTICES DURING CONSTRUCTION

If it has not been demonstrated flammable gas is not present, the following health and safety practices shall be followed:

1. A flammable gas indicator will be utilized at all times during trenching, excavation, drilling, or when working within ten (10) feet of an open excavation.

2. Before personnel are permitted to enter an open trench or excavation, the trench or excavation will be monitored to ensure flammable gas is not present in concentrations exceeding one (1) percent and oxygen is present at a minimum concentration of nineteen and one-half (19.5) percent. When in an excavation or trench, each work party will work no more than five (5) feet from a continuous flammable gas and oxygen monitor.

3. When trenching, excavating, or drilling deeper than two (2) feet into the fill, or in the presence of detectable concentrations of flammable gas, the soils will be wetted and the operating equipment will be provided with spark proof exhausts.

4. A dry chemical fire extinguisher, ABC rated, will be provided on all equipment used in the landfill.

5. Personnel within or near an open trench or drill hole will be fully clothed, and wear shoes with non-metallic soles, a hard hat and safety goggles or glasses.

6. Exhaust blowers will be used where trenches show a concentration of 1% flammable gas or a concentration of less than 19.5% oxygen.

7. Smoking will not be permitted in any area within one hundred (100) feet of the excavation.

8. Personnel will be kept upwind of any open trench unless the trench is continuously monitored.

9. All other applicable Safety and Health Regulations for Construction, as promulgated in 29 CFR by the Occupational Safety and Health Administration, shall be met. Applicable regulations include, but may not be

limited to, the confined space standard (Part 1926.21(b)(6)(i) and (ii) in Subpart C); gases, vapors, fumes, dusts and mists (Part 1926.55 in Part 1926 Subpart E); fire protection and prevention (Part 1926 Subpart F); and trenching and excavation (Part 1926 Subpart P).

10. Compliance with the Occupational Safety and Health Administration's confined space requirements for general industry, as promulgated in 29 CFR 1910.146 and Appendices A- F.

3-36-06-03 INSPECTION AND CERTIFICATION OF GAS CONTROL SYSTEM

The registered engineer who designed the flammable gas control system shall be responsible for supervising installation of the approved system. After completion of the work, the engineer shall certify in writing that all flammable gas control systems designed to mitigate hazardous concentrations of flammable gas have been installed in accordance with the approved plans and specifications. The written certification shall be submitted to the Chief Building Official.

3-36-06-04 POST CONSTRUCTION MAINTENANCE OF FLAMMABLE GAS CONTROL SYSTEMS

The property owner shall be responsible for maintenance of flammable gas control systems to include post-construction testing, calibration and service of automatic gas detection systems in buildings, consistent with the approved operation and maintenance plan. These activities shall be conducted on a schedule to be determined by the applicable fire district, but shall occur at least quarterly. System calibration and maintenance records shall be submitted to the fire district on a schedule determined by the district, but shall be submitted at least quarterly.

3-36-07 ADDITIONAL REMEDIAL MEASURES

In the event the concentration of flammable gas in any building located in the FGO reaches or exceeds 1%, the owner shall hire a qualified engineer to investigate, recommend and implement mitigation measures. Such measures shall

be subject to approval of the Chief Building Official and the fire department.

3-36-07-01 APPEAL OF FLAMMABLE GAS HAZARD BOUNDARIES

Boundaries of the Flammable Gas Overlay District may be appealed to the Board of Adjustment based on completion of a flammable gas investigation as specified in Section 3-33-06-01(1).

3-36-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Flammable Gas Overlay District unless inconsistent with a provision contained in Section 3-33 in which case the specific standard or requirement contained in Section 3-33 shall apply.

3-37 FLOOD CONTROL OVERLAY (FCO)

3-37-01 PURPOSE

The purpose of the Flood Control Overlay Zone District is to establish reasonable limitations and controls of land uses within the 100-year floodplain. The requirements of this section reduce flood hazards, protect the public health, safety, and general welfare, minimize flood losses, promote wise use of the floodplain, and protect the storage capacity and hydraulic character of the floodplain. The Flood Control Overlay Zone District is established with the following specific intentions:

1. Reduce flood-related hazards to life and property by restricting the use of land within flood prone areas.
2. Provide notice to floodplain occupants of the type and location of hazards by delineating areas subject to flooding and regulating the manner in which buildings and utilities are constructed.
3. Protect the public from financial burden by avoiding public expenditures on flood control and minimizing damage to property.
4. Protect the flood storage capacity of floodplains by regulating the filling and modification of the floodplain and watercourses.
5. Protect the natural hydraulic characteristics of watercourses by regulating the modification of watercourses and prohibiting encroachment into watercourses.

3-37-02 APPLICABILITY

The Flood Control Overlay Zone District applies to any land located within the 100-year (1% frequency) floodplain of a water course, to land located in an area of special flood hazard, and to land located in an area of shallow flooding.

3-37-03 BOUNDARIES

The Flood Control Overlay Zone District shall include all areas delineated on the maps and profiles for the 100-year floodplain limits for the watercourse within these studies as adopted by the Board of County Commissioners. The applicable reports are listed in Appendix B-16 and declared to be part of these standards and regulations.

3-37-03-01 LOCATION OF STUDIES

The flood hazard area delineation studies listed above are on file at the Adams County Department of Public Works.

3-37-03-02 FLOOD HAZARD DISTRICTS

The Flood Control Overlay Zone District has been divided into the floodway and flood storage area in some flood hazard area delineation studies. Where a floodway has been delineated by a flood hazard area delineation study, greater restrictions may be placed on development or uses proposed in the floodway.

3-37-03-03 CONFLICT BETWEEN STUDIES

Where conflicts between the Flood Insurance Study, Adams County, Colorado, and other studies approved by the Board of County Commissioners exist, the more restrictive data shall apply.

3-37-03-04 INTERPRETATION OF BOUNDARIES

If for any reason the location of any Flood Control Overlay Zone District boundary line is not readily determinable from the flood hazard area delineation studies, the location of the overlay district boundary line shall be determined by the Director of Community and Economic Development in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:

1. Where a Flood Control Overlay Zone District boundary line is located with reference to a fixture, monument, elevation, or natural feature, the location of such fixture, monument, elevation, or natural feature shall control.
2. In all other circumstances, the location of the Flood Control Overlay Zone District boundary line shall be determined by scaling from the district maps.

3-37-03-04-01 OBTAINING A BOUNDARY INTERPRETATION

3-37-03-04-01-01 Boundary Interpretation Procedure

Before a boundary interpretation may be provided by the Director of Community and Economic Development, a request for interpretation must be submitted to the Community and Economic Development Department. After the Director of Community and Economic Development receives the

request of interpretation, the Director of Community and Economic Development shall determine whether the request is complete, specific, clear and ready for review. If the Director of Community and Economic Development determines the request is not complete, a written notice shall be sent to the applicant specifying the deficiencies. The Director of Community and Economic Development shall take no further action on the request until the deficiencies are remedied.

After the request has been determined to be sufficient, the Director of Community and Economic Development shall review and evaluate the request in light of the terms and provisions of these standards and regulations and the flood hazard delineation study maps, and render a written interpretation. The Director of Community and Economic Development may consult the County Attorney and other departments before rendering an interpretation. The written interpretation shall be sent to the applicant by U.S. Mail.

3-37-03-04-01-02 *Contesting a Boundary Interpretation*

After receiving a written boundary interpretation from the Director of Community and Economic Development, a person may contest the location of the boundary. The person contesting shall submit an application, required fees, and supporting documentation demonstrating the correct Flood Control Overlay Zone District boundary and water surface profile. The documentation shall be certified by a registered professional engineer or land surveyor. After receiving a complete application and all supporting materials, the Director of Community and Economic Development may refer the application for review and comment to outside government agencies. The Director of Community and Economic Development shall have sixty (60) days from the date of receipt of a complete application to make a determination.

The Director of Community and Economic Development shall only allow a deviation from the boundary as mapped where the evidence clearly and conclusively establishes the mapped location is incorrect. In all cases, flood profiles and elevations shall control. Upon final determination, a written interpretation shall be sent to the applicant by U.S. Mail.

3-37-03-04-01-03 *Effect of Boundary Interpretation*

Interpretations not in writing shall have no force or effect. Written interpretations set no precedent and shall be limited to the property identified in the interpretation.

3-37-03-05 BASE FLOOD ELEVATION DETERMINATION

The base flood elevation shall be determined from the flood hazard area delineation studies. When base flood elevation data is not available from the flood hazard area delineation studies, the Director of Community and Economic Development may obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for determining if proposed new construction, substantial improvements, or other development complies with these standards and regulations.

3-37-03-06 AMENDMENTS AND REVISIONS TO FLOOD HAZARD BOUNDARY MAPS

3-37-03-06-01 *FLOOD CONTROL OVERLAY MAP AMENDMENTS**

The boundaries of the Flood Control Overlay Zone District may be amended by resolution of the Board of County Commissioners. A Flood Control Overlay Zone District map amendment shall be processed as an amendment to the text of these Standards and Regulations (Section 3-35-03 Boundaries) in accordance with the provisions of Section 2-02-12-03-03.*

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

Applications for amendment of the Flood Control Overlay Zone District shall be submitted by December 31 each year and shall be processed and scheduled for hearing before the Planning Commission in February of each year. Applications for map amendment shall be submitted with a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) issued by the Federal Emergency Management Agency (FEMA). Conditional Letters of Map Amendment (CLOMA) and Conditional Letters of Map Revision (CLOMR) will not be accepted as supporting documentation for a map amendment. Any LOMA or LOMR resulting from an application not reviewed by the Director of Community and Economic Development prior to submittal to FEMA shall be required to submit a copy of all documentation used to support the LOMA or LOMR application prior to consideration of a map amendment.

3-37-03-06-02 *LETTERS OF MAP AMENDMENT AND REVISION*

Individuals who own structures located in an area designated part of the Flood Control Overlay may request FEMA to remove the floodplain designation, and to waive the requirement to purchase flood insurance through a LOMA or LOMR. All requests for LOMAs or LOMRs shall be supported by sufficient technical or scientific data to demonstrate the structures are not subject to inundation by the base flood. A LOMA or LOMR may exempt a property owner from having to obtain flood insurance, but shall not change the Flood

Control Overlay Zone District boundary unless a Flood Control Overlay map* amendment is sought and obtained from Adams County. All applications for LOMA and LOMR shall be submitted to the Director of Community and Economic Development for review. After completing a review, the Director of Community and Economic Development shall submit the application to FEMA along with any comments. Requests for LOMA or LOMR shall be filed by the Director of Community and Economic Development to be accepted by FEMA. LOMA and LOMR cannot be issued for proposed structures.

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

3-37-03-06-03 *CONDITIONAL LETTERS OF MAP AMENDMENT AND REVISION*

If construction is proposed on land within the Flood Control Overlay, a CLOMA or CLOMR can be issued by FEMA provided the proposed structure meets the criteria for issuing a LOMA or LOMR on an existing structure. A CLOMA and CLOMR represent only comments on a proposed plan, and do not amend the Flood Insurance Rate Map, waive the insurance requirement, or change the Zoning Map. Individuals seeking a CLOMA or CLOMR from FEMA shall first file their request with the Director of Community and Economic Development. The Director of Community and Economic Development shall decide whether to endorse the request and file it with FEMA. Requests for CLOMA or CLOMR shall be endorsed and filed by the Director of Community and Economic Development to be accepted by FEMA. No work shall be performed after a CLOMA or CLOMR is issued by FEMA unless a floodplain use permit is obtained from the Director of Community and Economic Development. After construction of improvements proposed in a CLOMA or CLOMR, the applicant shall seek a LOMA or LOMR for the improvements. ***.**

* Work shall not commence on any improvements within the boundaries of the Flood Control Overlay that change any of the following prior to obtaining a CLOMR from FEMA:

1. Base flood elevation;
2. Floodway width; or
3. Floodplain width.

3-37-03-06-04 *COUNTY-INITIATED MAP AMENDMENTS*

Whenever FEMA publishes new flood insurance rate maps or new flood hazard boundary maps, the Director of Community and Economic Development may initiate a zone map amendment.

3-37-04 GENERAL ADMINISTRATION

3-37-04-01 RECORD KEEPING

The Director of Community and Economic Development shall obtain and record the actual elevation (in relation to the National Geodetic Vertical Datum 1929 or North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures, verify and maintain floodproofing certifications, and maintain for public inspection all records pertaining to these Flood Control Overlay Zone District standards and regulations. All records of variances, appeals, boundary interpretations, map amendments and floodplain use permits shall also be maintained by the Director of Community and Economic Development.

3-37-04-02 REPORTING

3-37-04-02-01 *REPORTING WATERCOURSE ALTERATIONS*

Before approval of any watercourse alterations, major or minor development, the Director of Community and Economic Development, as appropriate, shall refer the case to the adjacent communities, the Urban Drainage and Flood Control District, the Colorado Water Conservation Board, and FEMA for their comments.

3-37-04-02-02 *REPORTING VARIANCES*

Variances to these standards and regulations shall be reported to FEMA annually by the Director of Community and Economic Development.

3-37-04-03 FLOODPLAIN ADMINISTRATOR

The Director of Community and Economic Development or his designee shall be responsible for administering the Flood Control Overlay Zone District.

3-37-05 DISCLAIMER OF LIABILITY

The degree of flood protection required by these standards and regulations is considered reasonable for the protection of life and property and is based on engineering and scientific methods of study. Larger floods may occur periodically or the flood height may be increased by man-made or natural causes. These standards and regulations do not imply areas outside the designated Flood Control Overlay Zone District or land use permitted within such district will be free from flooding or

flood damages. These standards and regulations shall not create liability on the part of Adams County, any officer or employee thereof, or FEMA for any flood damages resulting from reliance on these standards and regulations or any administrative decision lawfully made thereafter.

3-37-06 RELATIONSHIP TO OTHER REGULATIONS

The Flood Control Overlay Zone District standards and regulations supplement all land use restrictions associated with the underlying zone, which remain in full force and effect. Restrictions associated with the Flood Control Overlay Zone District apply to the use, performance, and design of property located within the district. In the case of conflicting requirements, the most restrictive provision shall apply.

3-37-07 GENERAL PROVISIONS

3-37-07-01 PERMIT REQUIRED

A floodplain use permit is required for any structure, facility, fill, development, storage or processing of materials or equipment, or change in the channel of a watercourse in the Flood Control Overlay Zone District. These uses may only be permitted if the use meets the requirements of these standards and regulations including all applicable performance standards.

3-37-07-02 PERMIT EXEMPTIONS

The following open and accessory uses shall be allowed within a Flood Control Overlay Zone District to the extent the use is allowed in the underlying zone district, do not require any structures, facilities, fill, storage of materials or equipment, or change in a channel of a watercourse, and meet the requirements of other County regulations. These uses are allowed without a floodplain use permit provided the use meets all other requirements and standards.

1. Agricultural uses not requiring structures, facilities, fill, storage or processing of materials, or change in the channel of a watercourse, such as general farming, pasture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Industrial-commercial uses not requiring structures, facilities, fill, storage or processing of materials, or change in the channel of a watercourse, such as loading areas, parking areas, airport landing strips, runways and taxiways, railroad rights-of-way (not including freight yards or switching, storage or industrial sidings).

3. Accessory residential uses, such as lawns, gardens, driveways, and play areas.
4. Public and private recreational uses not requiring structures, facilities, fill, storage or processing of materials, or change in the channel of a watercourse, such as parks, swimming pools, golf course, driving ranges, picnic grounds, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, and hunting, fishing and hiking areas.
5. Utility facilities such as: flowage areas, transmission lines, (not including support towers), pipelines, water monitoring devices, and roadways (which do not require fill and not including bridges).
6. Barbed wire and split rail fence. Other types of fences such as wooden privacy and other solid screen types are allowed only if necessary for safety or security reasons provided the fence is specially designed to minimize impeding the flow of flood waters, accumulation of debris or being subject to being easily moved during flood periods. The Developer shall obtain a building permit for all fences. Fence designs which meet the above criteria, such as certain "breakaway" fencing or fencing with slatted design allowing water to pass through will be allowed if properly certified by a registered professional engineer as meeting the identified performance standards. *All fences in the floodway shall require a floodplain use permit.**

3-37-07-03 CERTIFICATE OF OCCUPANCY REQUIRED FOR FLOOD CONTROL OVERLAY ZONE DISTRICT ACTIVITIES

A Certificate of Occupancy shall be applied for upon completion of any project construction or site preparation for which a floodplain use permit was granted, and the approved land use shall not commence until a Certificate of Occupancy is issued.

3-37-07-04 CERTIFICATION OF ENGINEER REQUIRED

The applicant shall submit a certification by a registered professional engineer indicating the finished fill and building floor elevations, floodproofing measures, or other flood protection factors were accomplished in compliance with the provisions of these standards and regulations. Only after the Director of Community and Economic Development has received such certification shall a Certificate of Occupancy be issued.

3-37-07-05 GENERAL PERFORMANCE STANDARDS

3-37-07-05-01 *USE OF FLOOD CONTROL OVERLAY ZONE DISTRICT AS OPEN SPACE*

Development outside the urban developed areas of unincorporated Adams County shall maximize the use of Flood Control Overlay Zone District areas for open space and recreational/wildlife preservations uses, in accordance with policies of the Adams County Comprehensive Plan for use of Flood Control Overlay Zone District areas as open space corridors with minimal and no channelization of waterways allowed.

3-37-07-05-02 *CHANNELIZATION IN URBANIZED AREAS**

In those existing urbanized areas with utilities, streets, and nonconforming structures, channelization to remove these areas from the Flood Control Overlay Zone District in accordance with a major drainageway plan adopted by the Board of County Commissioners shall be encouraged subject to the following provisions:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization projects that do not convey the entire base flood flow rate must evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a Colorado Registered Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable federal, state and County floodplain requirements and regulations.
6. Stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a Colorado Registered Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project. This requirement only applies on stream reaches with Base Flood Elevations established.

7. A CLOMR shall be obtained for all proposed channelization or other stream alteration activity that increases or decreases the established Base Flood Elevation in excess of 0.3 vertical feet in areas for which BFE have been established and without an established floodway.
8. A CLOMR shall be obtained for all proposed channelization or other stream alteration activity that increases the established BFE more than 0.00 vertical feet or decreases the established BFE in excess of 0.3 vertical feet
9. In areas without an established floodway, whenever channelization or other stream alteration activity is known or suspected to increase or decrease the established BFE in excess of 0.3 vertical feet, a LOMR showing such changes shall be obtained in order to accurately reflect the changes on FEMA's regulatory floodplain map for the stream reach.
10. In areas with an established floodway, whenever channelization or other stream alteration activity is known or suspected to increase the established BFE in excess of 0.00 vertical feet or decrease the established BFE in excess of 0.3 vertical feet, a LOMR showing such changes shall be obtained in order to accurately reflect the changes on FEMA's regulatory floodplain map for the stream reach.

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

3-37-07-06 PERFORMANCE STANDARDS IN FLOODWAY

3-37-07-06-01 *MAINTENANCE OF ALTERED WATERCOURSES*

Watercourses may be realigned and reworked provided there is:

1. No decrease in the efficiency or the capacity of a channel or floodway of any river, stream, tributary, drainage ditch, or any other drainage facilities or systems.
2. No increase in the base flood elevation.

The Director of Community and Economic Development shall require maintenance to be provided within any altered or relocated portion of said watercourse so the resulting flood carrying capacity is not diminished over time.

A drainageway maintenance plan shall be submitted and approved as part of any floodplain use permit for the alteration of a watercourse. The maintenance plan shall meet the Adams County Engineering Design and Construction Standards and Specifications. The maintenance plan shall provide an enforcement mechanism for failure to maintain the watercourse to the

standards identified within the maintenance plan. The enforcement mechanism shall include penalties and reimbursement mechanisms to cover the costs of enforcement or maintenance for failure to maintain the watercourse. The enforcement mechanism shall be approved by the County Attorney prior to approval of the floodplain use permit.

3-37-07-06-02 *NO REDUCTION IN FLOODWAY EFFICIENCY OR CAPACITY*

No new construction, substantial improvement, fill, (including fill for roads and levees), deposit, obstruction, storage of materials, or other floodplain uses which acting alone or in combination with existing or future floodway uses, shall be permitted which decreases the efficiency or the capacity of a channel or floodway of any river, stream, tributary, drainage ditch, or any other drainage facilities or systems.

3-37-07-06-03 *NO INCREASE IN BASE FLOOD ELEVATION*

Encroachments within the floodway are prohibited, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating the cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not result in any increase in the base flood elevation.

3-37-07-06-04 *NO NEW STRUCTURES OR SUBSTANTIAL IMPROVEMENTS TO STRUCTURES*

No new structures or substantial improvements to an existing structure designed for human occupancy shall be allowed in the floodway.

3-37-07-06-05 *NO MANUFACTURED HOMES*

No manufactured homes (including such structures to be used for non-residential purposes) or any substantial improvement to a mobile home shall be allowed in the floodway.

3-37-07-07 PERFORMANCE STANDARDS IN FLOOD STORAGE AREA AND FLOODWAY (FLOOD CONTROL OVERLAY)

3-37-07-07-01 *FLOODPROOFING*

Any portion of a non-residential* structure located less than one (1) foot above the base flood elevation shall be floodproofed so that the structure is watertight with walls impermeable to the passage of water and structural

components, capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Floodproofing methods must be adequate to withstand the flood depths, pressures, velocities, uplift, and impact forces associated with the base flood as demonstrated by certification by a registered professional engineer. Possible floodproofing methods include: anchorage to resist flotation and lateral movement; installation of watertight doors bulkheads and shutters; reinforcement of walls to resist water pressures; use of paints, membranes or mortars to reduce seepage of water through walls; addition of mass or weight to structures to resist flotation; installation of pumps to lower water levels in structures; construction of water supply and waste treatment systems to prevent the entrance of flood waters; pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures; construction to resist rupture or collapse, caused by water pressure or floating debris; cutoff valves on sewer lines or the elimination of gravity flow basement drains.

The only method of floodproofing allowed for residential structures is the elevation of the lowest floor to one (1) foot or more above the base flood elevation.*

3-37-07-07-02 *ANCHORING REQUIRED*

All new construction and substantial improvements within the Flood Control Overlay shall be anchored to prevent flotation, collapse or lateral movement of the structure, and be capable of resisting the hydrostatic and hydrodynamic loads.

3-37-07-07-03 *CONSTRUCTION MATERIALS AND METHODS*

3-37-07-07-03-01 *Materials and Equipment Resistant to Flooding*

All new construction and substantial improvements within the Flood Control Overlay shall be constructed with materials and utility equipment resistant to flood damage.

3-37-07-07-03-02 *Mechanical Equipment and Service Facilities*

All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, which are designed and/or located

to prevent water from entering or accumulating within the components during conditions of flooding.

3-37-07-07-03-03 *Minimize Flood Damage*

All new construction and substantial improvements shall be constructed using methods and practices to minimize flood damage.

3-37-07-07-03-04 *Below-Grade Crawlspace Construction*

New construction and substantial improvement of any below-grade crawlspace shall:

a. Have the interior grade elevation below base flood elevation, no lower than two (2) feet below the lowest adjacent grade;

a. Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not to exceed four (4) feet at any point;

b. Have an adequate drainage system to allow floodwaters to drain from the interior area of the crawlspace following a flood;

c. Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;

d. Be constructed with materials and utility equipment resistant to flood damage;

e. Be constructed using methods and practices to minimize flood damage;

f. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, which are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

g. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

    1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;

    2. The bottom of all openings shall be no higher than one (1) foot above grade; and

3. Openings must be equipped with screens, louvers, or other coverings or devices and shall permit the automatic entry and exit of floodwaters.

3-37-07-07-04 *UTILITIES*

3-37-07-07-04-01 *Water Supply*

All new and replacement water supply systems within the Flood Control Overlay Zone District shall be designed to minimize or eliminate infiltration of flood waters into the system.

3-37-07-07-04-02 *Sanitary Sewer*

All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

3-37-07-07-04-03 *Individual Sewage Disposal*

Individual sewage disposal systems are prohibited within the Flood Control Overlay Zone District.

3-37-07-07-05 *ROADS, ACCESS, AND PARKING LOT CONSTRUCTION*

Private access drives and parking lots within a proposed development shall be built no lower than eighteen (18) inches above the base flood elevation. Public roads, bridges, and other access ways shall be built in accordance with the standards and regulations for storm drainage design.

3-37-07-07-06 *FILLS AND DEPOSITS*

3-37-07-07-06-01 *Beneficial Purpose*

Fills or deposits of materials shall have some beneficial purpose and the amount shall not be greater than is necessary to achieve the intended purpose. The plans submitted by the owner shall show the final dimensions of the proposed fill or other material and the specific use to which the filled land will be put.

3-37-07-07-06-02 *No Encroachment into Flow Areas*

The fill or deposit of materials shall not encroach on any portion of a Flood Control Overlay Zone District which would have significant flow

during the base flood, and which for that reason would help convey the flood waters (any filling which potentially reduces the hydraulic capacity requires appropriate hydraulic studies and a review of the urban impact of such reduction).

3-37-07-07-06-03 *Not Restrict Flood Waters*

No fill shall restrict floodwaters from reaching the major watercourse in an area.

3-37-07-07-06-04 *Fill Protected by Rip-Rap*

The fill or other materials shall be protected against erosion by riprap, strong vegetative cover or bulkheading.

3-37-07-07-07 *STORAGE AND PROCESSING*

The storage or processing of materials which are buoyant, flammable, hazardous, explosive, or those materials defined as solid waste by the Colorado Health Department, or those materials in times of flooding could be injurious to human, animal, or plant life, shall be located at or above the base flood elevation.

3-37-07-07-08 *RESIDENTIAL STRUCTURES (EXCEPT MANUFACTURED HOMES)*

The lowest floor, including basement, of any new residential construction or substantial improvement to any residential structure shall be elevated at least one (1) foot above the base flood elevation. A registered professional engineer shall certify to the Director of Community and Economic Development the lowest floor of the structure will be elevated to the base flood elevation prior to issuance of a floodplain use permit.

3-37-07-07-09 *MANUFACTURED HOMES*

The following standards apply to all manufactured homes or those to be substantially improved on:

1. Sites located outside of a manufactured home park or subdivision.
2. Sites located in a new manufactured home park or subdivision.
3. Sites located in an expansion to an existing manufactured home park or subdivision.
4. Sites where a manufactured home has incurred substantial damage as the result of a flood.

3-37-07-07-09-01 *Elevation*

All manufactured homes shall be elevated on a permanent foundation with the lowest floor of the manufactured home elevated at least one (1) foot above the base flood elevation.

3-37-07-07-09-02 *Anchoring*

All manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties are provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations. Manufactured homes more than fifty (50) feet long shall require one (1) additional tie per side.
2. Frame ties shall be provided at each corner of the home with, at minimum, five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require, at minimum, four (4) ties per side.
3. All components of the anchoring system shall be capable of carrying a force of five thousand (5,000) pounds.

Any additions to the manufactured home shall be similarly anchored.

3-37-07-07-10 *MANUFACTURED HOMES PLACED/REPLACED IN EXISTING MANUFACTURED HOME PARKS OR MANUFACTURED HOME SUBDIVISIONS DEVELOPED PRIOR TO MAY 1, 1990*

3-37-07-07-10-01 *Elevation*

All manufactured homes placed or replaced in a manufactured home park or subdivision developed prior to May 1, 1990 shall be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation or the manufactured home chassis shall be supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and are securely anchored to foundation to resist flotation, collapse, and lateral movement as certified by a registered professional engineer.

3-37-07-07-10-02 *Anchoring*

All manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties are provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations. Manufactured homes more than fifty (50) feet long shall require one (1) additional tie per side.
2. Frame ties shall be provided at each corner of the home with, at minimum, five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require, at minimum, four (4) ties per side.
3. All components of the anchoring system shall be capable of carrying a force of five thousand (5,000) pounds.

Any additions to the manufactured home shall be similarly anchored.

3-37-07-07-11 *NON-RESIDENTIAL STRUCTURES*

3-37-07-07-11-01 *Critical Facilities**

The lowest floor, including basement for all new non-residential construction or substantial improvement of any non-residential structure shall be: (1) elevated at least two (2) feet above the base flood elevation; or (2) floodproofed so that all portions of the structure less than two (2) feet above the base flood elevation, including the attendant utility and sanitary facilities, are watertight. Walls shall be substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3-37-07-07-11-02 *Non-Critical Facilities**

The lowest floor, including basement for all new construction of non-critical facilities or substantial improvement to any non-critical facility shall be:

(1) Elevated at least one (1) feet above the base flood elevation; or

(2) Floodproofed to an elevation one (1) foot above the base flood elevation, including all attendant utility and sanitary facilities. Floodproofed exterior walls shall be substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) Elevation to one (1) foot or more above the BFE is the only type of floodproofing allowed for residential structures.

A registered professional engineer shall certify to the Director of Community and Economic Development the design and methods of construction are in accordance with accepted standards of practice for meeting these standards prior to the issuance of a floodplain use permit.

3-37-07-07-12 *EXTRACTION/EXCAVATION OF SAND AND GRAVEL*

3-37-07-07-12-01 *No Reduction in Flood Storage Capacity*

Gravel mining or grading/hauling/excavating operations shall meet the specific performance standards and guidelines described in the "Technical Review Guidelines for Gravel Mining Activities Within or Adjacent to 100 Year Floodplains" prepared by Wright Water Engineers, Inc., for Urban Drainage and Flood Control District dated December 1987, or shall meet comparable standards as recommended by the Executive Director of Urban Drainage and Flood Control District for unique situations not anticipated within the "Technical Review Guidelines" referenced above, but which accomplish the same purpose (to protect rivers and streams from erosion and degradation which may result from such operations).

3-37-07-07-12-02 *No Encroachment into Flow Areas*

The storage or deposit of extracted materials, or site grading shall not encroach on any portion of a Flood Control Overlay Zone District which may have significant flow during the base flood, and which may subsequently help convey the flood waters (any filling that potentially reduces the hydraulic capacity requires appropriate hydraulic studies and a review of the urban impact of such reduction).

3-37-07-07-12-03 *Not Restrict Flood Waters*

No storage or deposit of extracted materials, or site grading shall restrict floodwaters from reaching the major watercourse in an area.

3-37-07-07-13 *SUBDIVISIONS*

All subdivision proposals shall be consistent with the need to minimize flood damage. For instance, all subdivisions approved for development shall have adequate land area within each lot for the type of development allowed by the underlying zone district as constrained by the requirements of the Flood Control Overlay Zone District. All subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. Base flood elevation data and floodplain delineation plans shall be provided for all subdivision proposals.

3-37-07-07-14 *OTHER USES NOT IDENTIFIED*

The Director of Community and Economic Development may require any structure, use, or activity being conducted within the Flood Control Overlay Zone District to comply with such conditions and restriction deemed necessary to protect the public health, safety and welfare provided they are consistent with these standards and regulations.

3-37-07-07-15 *NONCONFORMING USES WITHIN THE FLOODWAY OR FLOOD STORAGE AREA (FLOOD OVERLAY DISTRICT)*

The lawful use of an existing structure or premises not in conformity with the provisions of this section may be continued subject to the following provisions.

3-37-07-07-15-01 *No Expansion of Nonconforming Uses*

No such use shall be expanded or enlarged except in conformity with the provisions of these standards and regulations.

3-37-07-07-15-02 *Change in Nonconforming Use Limited*

Any substantial improvement to any nonconforming structure or use in the Flood Control Overlay Zone District shall require the structure or use be converted to a conforming use.

3-37-07-07-15-03 *Discontinued Use*

If a nonconforming use is discontinued for six (6) consecutive months, any future use of the structure and land shall conform to these regulations and standards.

3-37-07-07-15-04 *Public Nuisances*

Uses, or their accessory uses, in the Flood Control Overlay Zone District, which are public nuisances, shall not be permitted to continue as nonconforming uses.

3-37-07-07-15-05 *Floodproofing of Alterations, Additions or Repairs*

Any alteration, addition, or repair to any existing nonconforming structure in a Flood Control Overlay Zone District shall be protected, where applicable, by approved floodproofing measures. Substantial improvements shall be subject to additional restrictions as described in the standards for new construction and improvements in a Flood Control Overlay

3-38 MINERAL CONSERVATION OVERLAY (MCO)

3-38-01 PURPOSE

The purpose of this district is to establish reasonable and uniform limitations, safeguards, and controls for the conservation and wise utilization of natural resources and for rehabilitation of excavated land. Land within this classification is designated as containing commercial mineral deposits in sufficient size parcels and in areas where extraction and rehabilitation can be undertaken while still protecting the health, safety, and welfare of the inhabitants of the area and the County. In cases where the location of the district or use abuts other zoning or use of land, structures, excavation, and rehabilitation may be restricted to be compatible with and protect the adjoining area.

3-38-02 MINERAL CONSERVATION AREA

Pursuant to state law, those areas identified with resource classification "1" on maps contained in Special Publications 5A and 5B "Atlas of Sand, Gravel, and Quarry Aggregate Resources, Colorado Front Range Counties" (1975) prepared by the Colorado Geological Survey are designated to be within the Mineral Conservation Overlay District.

3-38-03 AREAS EXEMPTED FROM THESE RESTRICTIONS

3-38-03-01 AREAS EXEMPTED BY THE DIRECTOR

The Director of Community and Economic Development shall exempt lands meeting the following criteria from the restrictions of the Mineral Conservation Overlay District.

1. Any parcel of land intended for uses that were allowed in the underlying zone district prior to July 1, 1973.
2. Any parcels of land five (5) acres or less in size in existence as a separate parcel prior to July 1, 1973.
3. Any parcel of land in excess of five (5) acres where it can be demonstrated the mineral resource is not of commercial quality and quantity.

The Director of Community and Economic Development may require competent proof a lot meets these criteria, including a written opinion from the State Geological Survey, where deemed appropriate.

3-38-03-02 AREAS EXEMPTED BY THE BOARD OF ADJUSTMENT

The Board of Adjustment may exempt any lot from the restrictions of the Mineral Conservation Overlay District where a property owner can demonstrate the restriction would make it impossible to develop the land for any reasonable economic and compatible use in the area including gravel extraction.

3-38-04 RESTRICTION ON USES

For any land within the Mineral Conservation Overlay, no permanent structures or permanent uses may be allowed except:

1. Fences, not needed during excavation and rehabilitation, subject to the minimum requirements of the underlying zone district. For fencing requirements during excavation and rehabilitation see Section 3-38-06-12.
2. Structures within two hundred (200) feet of a public maintained and constructed road or an existing principal structure subject to the structures and use being in conformance with the requirements of the underlying zone district.
3. Non-permanent use of the land, provided such use is in conformance with the underlying zone district and would not prohibit the eventual extraction of commercial mineral deposits.

3-38-05 EXCAVATION AND REHABILITATION

The extraction of commercial mineral deposits with necessary accessory uses shall be allowed in all zone districts as a conditional use upon approval and in conformance with an approved excavation and rehabilitation plan.

3-38-06 OPERATION AND REHABILITATION STANDARDS FOR ALL MINING OPERATIONS

Mining and necessary accessory uses shall be subject to the restrictions contained in the approved excavation and reclamation plan. In addition, all mineral extraction operations shall comply with the following restrictions.

3-38-06-01 MINING PERMIT REQUIRED

All mining operations shall have a permit to excavate issued by the State of Colorado prior to beginning mineral extraction.

3-38-06-02 EXCAVATION SETBACK FROM ADJACENT PROPERTY

No excavation or deposit of overburden within twenty-five (25) feet of the boundary of adjacent property, easement, irrigation ditch or right-of-way is permitted unless written agreement of the owner(s) of such property, easement, irrigation ditch, or right-of-way is obtained by the mining operation.

3-38-06-03 EXCAVATION SETBACK FROM NEARBY RESIDENCE

No excavation within one-hundred-twenty-five (125) feet of any existing residence is permitted unless written agreement of the owners and occupants of such residence are obtained.

3-38-06-04 ROCK CRUSHERS SETBACK FROM NEARBY RESIDENCE

No excavation involving the use of rock crushers or other similar equipment shall take place within two-hundred-fifty (250) feet of a residence.

3-38-06-05 HAULING ROADS

Hauling roads within the premises shall be maintained in a reasonably dust free condition.

3-38-06-06 HOURS OF OPERATION

Mineral excavation, crushing, hauling, loading, sorting or similar operation shall only occur between the hours of 6:00 a.m. to 10:00 p.m. Shorter hours of operation may be imposed in urbanized areas, as part of conditional use approval.

3-38-06-07 TWO FEET OF WATER BEARING STRATA

All sand and gravel shall be excavated in such a manner as to have an average of two (2) feet of undisturbed sand and gravel to provide a water bearing strata, unless the reclamation plan provides for a permanent lake or a landfill.

3-38-06-08 CUT SLOPES

In no event shall a slope of less than 2:1 be left for dry pits, or a slope of 3:1 to a depth of ten (10) feet and 2:1 thereafter for a wet pit when operations are completed, except as provided herein.

3-38-06-09 HAULING ROUTE

The operator shall submit a route plan to the Director of Community and Economic Development and receive permission to use for haulage any public right-of-way not designated for such haulage by reason of load limit, dust, right-of-way or pavement width or other relevant factors. The Director of Community and Economic Development may place reasonable restrictions on such right-of-way use.

3-38-06-10 EXCAVATION PIT FLOOR

The floor of excavation pits whether wet or dry shall be left in a reasonably smooth condition.

3-38-06-11 FLOODING AND DRAINAGE

The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.

3-38-06-12 FENCING

Prior to starting excavation, the operator shall fence gravel pit operations with a "V" mesh or chain link fence to a height of seventy-two (72) inches topped with three strands of barbed wire canted to a forty-five (45) degree angle outward. Where the operation is adjacent to subdivided and/or developed commercial, residential, or industrial property (except I-3) a solid screen fence will be erected to prevent the visibility of the mining operation if deemed necessary by the Community and Economic Development Department. The operator may fence the entire area immediately, or fence only areas of excavation; however, no fence shall be removed until rehabilitation has been completed.

3-38-06-13 NOISE

All operations shall conform to noise, vibration, and other standards in the performance standards section of these standards and regulations.

3-38-06-14 RECLAMATION OF SPENT AREAS NEAR EXISTING DEVELOPMENT

Where the operation is adjacent to subdivided property and/or to developed commercial, residential or industrial (except I-3), once mining has been completed, said site is not to be used as an area to stockpile sand and gravel resources. The mining operator shall reclaim the area as soon as possible after mining has been completed to prevent soil erosion and nuisance conditions. In all

cases, reclamation shall occur no later than five (5) years after mining has been completed.

3-38-06-15 AIR EMISSIONS

All air emissions shall conform to standards established by the Colorado Department of Public Health and Environment.

3-38-06-16 WATER QUALITY

All water uses and discharges shall conform to standards established by the State Water Quality Control Commission and the water laws of the State of Colorado.

3-38-06-17 SLOPE STABILIZATION

All slopes shall be stabilized and land remaining in the natural water level must be revegetated in a manner compatible with the surrounding area, and subject to the approval of the Adams County Community and Economic Development Department.

3-38-06-18 REVEGETATION

The revegetation plan must meet the standards of the Colorado State University Extension Agency. After revegetation of an area, the area must be maintained for a period of three (3) years or until all vegetation is firmly established in the reclaimed area.

3-38-06-19 RECLAMATION TIME FRAME

A time limit for reclamation will be placed on each project. This time limit will be dependent upon the type of reclamation effort.

3-38-06-20 ANNUAL RECLAMATION REPORT

An annual report shall be submitted to the Community and Economic Development Department to ascertain whether the approved reclamation plan is progressing satisfactorily. This report shall be the same report as is submitted to the Land Reclamation Board.

3-38-07 APPEAL OF MINERAL CONSERVATION DISTRICT BOUNDARIES

The boundaries of the Mineral Conservation Overlay District may be appealed to the Board of Adjustment based on technical information

3-38-08 RELATIONSHIP TO DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

All design requirements and performance standards for specific uses contained in Chapter 4 of these standards and regulations shall apply in a Mineral Conservation Overlay District unless inconsistent with a provision contained in Section 3-38, in which case the specific standard or requirement contained in Section 3-38 shall apply.

3-39 NATURAL RESOURCES CONSERVATION OVERLAY (NRCO) DISTRICT

3-39-01 PURPOSE

The purpose of the Natural Resources Conservation Overlay is to (1) provide for the protection of natural, wildlife, agricultural, and cultural resources, which are an essential component of the community's economic base and establish the character of the community; and (2) preserve and enhance the quality of life for County residents.

3-39-02 NRCO DISTRICT CREATED

There is hereby established a Natural Resources Overlay District, which, in areas where it applies, shall overlay all other base zone districts established by these standards and regulations. Included within the NRCO District are: (1) important wildlife areas; (2) designated floodplains and associated riparian areas; and (3) important reservoir sites to provide wetlands and other habitat areas.

3-39-03 NRCO DISTRICT MAP

3-39-03-01 GENERAL

The general location of (1) important wildlife areas; (2) designated floodplains and associated riparian areas; and (3) important reservoir sites to provide wetlands and other habitat areas are identified on the Natural Resources Conservation Overlay (NRCO) District Map, which is incorporated herein by reference.

3-39-03-02 GENERAL NRCO DISTRICT MAP/SITE SPECIFIC REVIEW IS REQUIRED

The NRCO District Map is a general map, which identifies, on a general scale, the locations of those areas protected by the NRCO District. Its purpose is to place the landowner on notice the land may be within the NRCO District and to assist in the general administration of this Section. A site-specific Resources Review to determine whether land is included within the NRCO District is required, prior to review of the first development application for the land.

3-39-04 DEVELOPMENT EXEMPTIONS IN THE NRCO

In addition to all other standards required by these standards and regulations, all development within the NRCO shall comply with the standards of Section 3-39, unless exempted. Exemptions are as follows:

3-39-04-01 REMODELING OR EXPANSION OF EXISTING STRUCTURES

Remodeling or expansion of structures existing prior to the adoption date of these standards and regulations shall be exempt from the provisions of this subsection.

3-39-04-02 AGRICULTURAL OPERATIONS

Agricultural operations and uses shall be exempt.

3-39-05 STANDARDS

All development within the NRCO District shall comply with the following standards:

3-39-05-01 SITE CAPACITY

The maximum density of any use in any zone district is controlled by the maximum density set forth in the zone district. For lands located within the NRCO District, the density calculations are based on the net available land as determine by applying the Natural Resource Protection Factor to the protected resource area and subtracting the resulting land area from the total area of the property.

3-39-05-02 METHODOLOGY FOR CALCULATING NATURAL RESOURCE CONSERVATION AREA

All land area consisting of natural resources or natural features (i.e., floodplains, hydric soils, wetlands, riparian areas, lakes, and reservoirs) lying within a site proposed for development shall be measured. The total acreage of each resource type shall be multiplied by its respective natural resource protection factor to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. In conducting this calculation, if two (2) or more resources are present on the same area of land, only the most restrictive natural resource protection factor shall be used. For example, if floodplain and riparian area occupy the same space on a site, the resource protection standard would be 1.5, which represents the higher of the two standards.

3-39-05-02-01 *NATURAL RESOURCE PROTECTION FACTORS*

The following natural resource protection factors shall be used to calculate natural resource conservation areas as noted above:

1. 100-Year Floodplains: 1.0
2. Riparian Areas: 1.5
3. Wetlands: 2.0
4. Lakes/Reservoirs: 1.5
5. Hydric Soils: .7

[i] Adopted by the BOCC on December 16, 2014
[ii] Adopted by the BOCC on December 16, 2014

CHAPTER 4—DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

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Chapter 4—DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

4-01 DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

These regulations are applicable to all zone districts, including new and established districts, except as otherwise noted. In addition to compliance with other regulations imposed by these standards and regulations, all uses, structures, buildings, and accessory uses shall comply with the design requirements and performance standards required by this Chapter. Where a design requirement or performance standard for a specific use conflicts with a general design requirement or performance standard, the design requirement or performance standard for the specific use shall control. Where any design requirement or performance standard conflicts with another design requirement or performance standard, the more restrictive design requirement or performance standard shall control. Wherever residential use of adjacent property is related to restrictions or certain non-residential uses, determination of residential use shall be based on the classification of land by the County Assessor. All Variance requests are subject to Section 2-02-19 of the Adams County Standards and Regulations, excluding Sexually Oriented Businesses, Marijuana Establishments and Halfway Houses.[i] These regulations shall be subject to limitations regarding the number of marijuana establishments and/or the type of establishments as set forth by the BOCC in resolution.

4-02 GENERAL PERFORMANCE STANDARDS

4-02-01 CHANGE IN USE*

A change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. All changes in use require zoning review and building permit approval. A change in use is required when:

1. Active and continuous operations are not carried on in a building or property during a continuous period of six (6) months.
2. The change is from one principally permitted use category to another.
3. If the property consists of multiple buildings/tenants:
    a. The required amount of parking stalls is increased by twenty-five (25) percent or more.
    b. The gross floor area is increased by fifty (50) percent or more.
4. As determined within the Nonconforming Conditions Section of Chapter 4.

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

4-02-02 JUNK AND TRASH

4-02-02-01 NO DUMPING

No junk, materials, waste or trash shall be disposed of on any property or public right-of-way except in an authorized landfill or other approved waste or waste recovery facility.

4-02-02-02 NO OUTDOOR STORAGE

No junk or waste shall be stored outdoors except as otherwise authorized by these standards and regulations.

4-02-02-03 TRASH IN THE FRONT YARD AND TRASH CONTAINERS

No trash container, firewood, or other related waste or materials shall be located within the front yard of any dwelling for more than a 24-hour period. All trash containers shall be covered. The requirements of this section do not apply in the A-3 Zone District.

4-02-02-04 TRASH CONTAINERS FOR CONSTRUCTION PURPOSES

Containers for construction waste may be permitted in the front and side yards of a residential dwelling for no more than a 14-day period. All trash containers shall be covered. Containers shall not be located within the public right-of-way.

4-02-02-05 STORAGE AND PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

The storage and parking of motor vehicles shall meet the requirements of Section 4-03-03-02-12.

4-02-02-06 SALE OF PRODUCTS FROM STANDS

The sale of any products from a temporary stand, motor vehicle, or trailer is prohibited, except by Special Use Permit or as otherwise permitted by these standards and regulations.

4-02-02-07 OBSTRUCTION OF VIEWS ALONG A PUBLIC RIGHT-OF-WAY

The erection of any fence, tree, shrub, hedge or any object, which obstructs the view of traffic, authorized traffic control devices, or otherwise constitutes a hazard to drivers or pedestrians is prohibited. Should said obstruction occur, the Director of Public Works shall send a letter requiring the owner of the property abutting the right-of-way to trim or remove within ten (10) days, at the owner's expense, any object which constitutes a traffic hazard.

4-02-02-08 STORAGE CONTAINERS

Portable, movable, or temporary metal, wood and plastic storage containers greater than one hundred twenty (120) square feet for the purpose of outside storage, are not allowed. Any storage container less than one hundred twenty (120) square feet in size is allowed, but shall not exceed ten (10) days on any one property. ***Adopted by the BoCC on December 13, 2010**

4-02-03 GRAFFITI

Graffiti as defined in Chapter 11 shall not be permitted. It shall be the responsibility of the property owner to remove, or conceal the graffiti. If the property owner chooses to conceal the graffiti, the same color of the original surface shall be used. ***Adopted by the BoCC on December 13, 2010**

4-02-04 CONSTRUCTION TRAILERS

4-02-04-01 BUILDING AND ELECTRICAL PERMIT REQUIRED

Construction trailers intended to be in operation shall obtain Building and Electrical Permits from the Community and Economic Development Department.

4-02-04-02 MINIMUM LOT AREA

No construction trailer shall be located on a parcel of land less than one thousand (1,000) square feet in size.

4-02-04-03 LOCATION

The construction trailer shall be located within or adjacent to the development project the trailer is associated with and is only permitted for the duration of the project.

4-02-04-04 PERIOD OF OPERATION

A construction trailer shall expire one year from the date of approval, unless renewed. Renewals of construction trailers may only be issued for a maximum of one year at a time.

4-02-04-05 NO ACCOMMODATIONS IN TRAILER

The construction trailer shall contain no sleeping or cooking accommodations.

4-02-04-06 SETBACK FROM OCCUPIED STRUCTURE

Not applicable.

4-02-04-07 OTHER SETBACKS

The setbacks for the zone district shall apply.

4-02-04-08 WATER AND SANITATION

All construction trailers shall have adequate water and sanitation approved by Tri-county Health Department, which may include bottled water and/or portable toilet facilities.

4-02-04-09 SIGNAGE

All signs associated with Construction and/or Sales Office Trailers shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010, or as amended**

4-02-05 SALES / OFFICE TRAILERS

4-02-05-01 BUILDING AND ELECTRICAL PERMIT REQUIRED

Sales/office trailers intended to be in operation shall obtain Building and Electrical Permits from the Community and Economic Development Department.

4-02-05-02 MINIMUM LOT AREA

No office trailer shall be located on a parcel of land less than one thousand (1,000) square feet in size.

4-02-05-03 LOCATION

The office trailer shall be located within or adjacent to the development project the office or shed is associated with and is only permitted for the duration of the project.

4-02-05-04 PERIOD OF OPERATION

An office/sales trailer shall expire one year from the date of approval unless renewed. Renewals of construction trailers may only be issued for a maximum of one year at a time.

4-02-05-05 NO ACCOMMODATIONS IN OFFICE

The office trailer shall contain no sleeping or cooking accommodations.

4-02-05-06 SETBACKS FROM OCCUPIED STRUCTURE

Not applicable.

4-02-05-07 OTHER SETBACKS

The setbacks of the zone district shall apply.

4-02-05-08 WATER AND SANITATION

All offices shall have adequate water and sanitation approved by Tri-County Health Department, which may include bottled water and/or portable toilet facilities.

4-02-05-09 SIGNAGE

All signs associated with office/sales trailers shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010 or as amended.**

4-02-05-10 COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

All office trailers shall comply with the regulations and requirements of the American with Disabilities Act.

4-03 ACCESSORY USES PERFORMANCE STANDARDS

4-03-01 GENERAL PROVISIONS

4-03-01-01 INCIDENTAL TO MAIN USE

An accessory use shall be customarily incidental to a main use.

4-03-01-02 LOCATED ON SAME LOT AS MAIN USE

An accessory use shall be located on the same lot or zoning lot as the main use, except as otherwise provided in this section.

4-03-01-03 ACCESSORY STRUCTURES

Accessory structures shall meet the following requirements:

1. *Setbacks:* An accessory structure shall meet required setbacks for the zone district in which it is located.
2. *Percentage of Yards:* No accessory structure shall occupy more than fifty percent (50%) of the area of the rear yard.
3. *Height:* An accessory structure shall meet required height limitations for the zone district in which it is located.
4. *Compliance with Building Code:* Any accessory structure on residentially used property exceeding two hundred (200) square feet shall obtain a building permit. Any accessory structure on commercially or industrially used property exceeding one hundred and twenty (120) square feet shall obtain a building permit. All accessory structures shall comply with adopted Building Code, as amended.
5. *Construction of Accessory Structure:* No permit for construction of an accessory structure shall be issued prior to construction of a principal building except in the A-3 Zone District.

4-03-02 ACCESSORY USES, AGRICULTURAL

4-03-02-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Agricultural Districts:

1. Animal Keeping (see Section 4-212 Animal Keeping for detailed performance standards)
2. Animal Slaughter, for Individual Consumption
3. Barns (see Section 4-03-02-02-01 Accessory Uses, Agricultural for detailed performance standards)
4. Class Instruction (see Section 4-03-03 Accessory Uses, Residential for detailed performance standards)
5. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
6. Day Care Homes (see Section 4-03-03-02-02 Accessory Uses, Residential for detailed performance standards)
7. Family Foster Homes
8. Farm Employee Dwelling (see Section 4-03-02-02-03 Accessory Uses, Agricultural for detailed performance standards)
9. Garages (see Section 4-03-03-02-03 Accessory Uses, Residential for detailed performance standards)
10. Garage or Yard Sale (see Section 4-03-03-02-04 Accessory Uses, Residential for detailed performance standards)
11. Greenhouses, Private (see Section 4-03-03-02-05 Accessory Uses, Residential for detailed performance standards)
12. Home Occupations (see Section 4-03-03-02-06 Accessory Uses, Residential for detailed performance standards)
13. Household Pets (see Section 4-03-03-02-07 Accessory Uses, Residential for detailed performance standards)
14. Kennel, Private (see Section 4-03-03-02-08 Accessory Uses, Residential for detailed performance standards)
15. Parking (see 4-12 Parking and Loading for detailed performance standards)
16. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devises for detailed performance standards)
17. Solar Energy Systems (see Section 4-03-03-02-10 Accessory Uses, Residential for detailed performance standards)
18. Stables (see Section 4-03-02-02-04 Accessory Uses, Agricultural for detailed performance standards)
19. Storage, Private (see Section 4-03-03-02-11 Accessory Uses, Residential for detailed performance standards)
20. Swimming Pools, Private (see Section 4-03-03-02-13 Accessory Uses, Residential for detailed performance standards)

21. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
22. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
23. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Agricultural for detailed performance standards)
24. Accessory Dwelling Unit (see Section 4-03-04 Accessory Uses, Commercial for performance standards)
25. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-03-02-02 PERFORMANCE STANDARDS FOR THE GENERAL ACCESSORY USES

4-03-02-02-01 *BARNS*

1. *Setback from Residence on Property:* All barns shall be set back twenty-five (25) feet from any residence on the property.
2. *Setback from Adjacent Property:* All barns shall be set back one hundred (100) feet from any dwelling or pool on an adjacent property.
3. *Height Restrictions:* All barns shall meet the height restrictions for the zone district in which the barn will be located.

4-03-02-02-02 *COMMUNICATION TOWER, NON-COMMERCIAL*

1. *Maximum Height:* Non-commercial communication towers shall be a maximum of ninety (90) feet in height.
2. *Maximum Number of Antennae:* A maximum of two (2) antennae may be mounted on a non-commercial communication tower.
3. *Setback Encroachment Prohibited:* No portion of the non-commercial tower or its antennae may encroach into the required front, side or rear setback. All towers shall be setback from all lot lines or zoning lot lines a minimum of the height of the tower.
4. *Marking of Cables and Wires:* Cables, ropes, or wires used to secure the tower shall be appropriately and conspicuously marked to prevent injury. No cables or wires shall cross any public rights-of-way or properties not owned by the same property owner as the property on which the tower is located.

4-03-02-02-03 *FARM EMPLOYEE DWELLING*

1. Mobile Home as Farm Employee Dwellings (Temporary or Seasonal)
   a. *Permit Required*: A Special Use Permit shall be required for the use of a mobile home as a farm employee dwelling.
   b. *Minimum Unit Size*: The mobile home shall be a minimum of six hundred (600) square feet in size.
   c. *Condition:* All mobile homes shall be provided with potable water meeting the pressure requirements of the 1997 Uniform Building Code, as amended, and meeting the minimum drinking water quality standards established by the Colorado Department of Public Health and Environment. All homes shall be provided with sanitary sewer or an individual sewage disposal system meeting the requirements of the Tri-County Health Department. Mobile homes shall be in sound condition and shall be placed on a concrete pad, blocked, and properly anchored and skirted.
   d. *Setbacks:* All mobile homes shall meet the setbacks for accessory structures.
2. Permanent Structures as Farm Employee Dwellings
   a. *Permit Required*: A Conditional Use Permit approval shall be required for the use of an additional single family or multiple family dwelling as a farm employee dwelling.
   b. *Compliance*: A single family dwelling intended as such must comply with the minimum requirements of the R-1-C District. All permanent structures shall meet the setbacks for accessory structures and the requirements of the 1997 Uniform Building Code, as amended.
   c. *Provision of Water and Sewer:* Proof of adequate provisions for water, sewer, fire protection, other utilities and access shall be provided.
   d. *Conformance to Subdivision and Zoning Code:* No farm employee dwelling shall be deeded, leased, or rented without conforming to Adams County subdivision and zoning standards and regulations.

4-03-02-02-04 *STABLES*

1. *Setback from Residence on Property:* All stables shall be set back twenty-five (25) feet from any residence on the property.
2. *Setback from Adjacent Property:* All stables shall be set back one hundred (100) feet from any dwelling or pool on an adjacent property.
3. *Maintenance:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department. When in use, stables shall be cleaned weekly.

4. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
5. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution. Stables shall be well drained and dry, and shall not be located within or cross drainages whether intermittent or perennial.
6. *Care of Animals:* All animals shall be cared for in a humane and sanitary manner as approved by Adams County Animal Control.

4-03-02-02-05 *VENDING AND PRODUCE STANDS*

1. *Minimum Lot Area:* No vending or produce stand shall be located on a parcel of land less than four hundred (400) square feet in size.
2. *Location:* The stand shall be located on a gravel, recycled asphalt, or paved parking lot or on agricultural land. The stand shall not block or be located within any right-of-way or public sidewalk.
3. *Period of Operation:* The stand shall operate for no more than ninety (90) days annually.
4. *Hours of Operation:* The stand shall limit its hours of operation to 7:00 AM to 7:00 PM.
5. *Setbacks:* The setbacks for the zone district in which the stand is located shall apply.
6. *Signage:* All signs shall be affixed to the stand. The total sign area shall not exceed sixteen (16) square feet in area.
7. *Parking:* Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of stand area.
8. *Access:* All vending and produce stands shall have highway, arterial, or collector road access.
9. *Other Requirements:* All temporary vending and produce stands shall also comply with the requirements of Section 4-05-02-07.

4-03-02-02-06 *WIND POWERED GENERATORS*

1. *Maximum Height of Generator:* The height of the generator, including blades, shall not exceed the height limit of the zone district in which the generator is located, unless a height exemption is granted by the Board of Adjustment. The maximum height of the generator may be further restricted if located within an aviation zone district.
2. *Minimum Height of Blades Above Ground:* Twenty (20) feet.

3. *Minimum Setbacks:* No wind generator shall be located closer than the height of the generator from any property line, unless granted by the Board of Adjustment. ***Adopted by the BoCC on December 13, 2010**

4. *Number of Generators Permitted:* Only one (1) generator per lot or parcel is permitted unless a Conditional Use Permit is approved.

5. *Location:* The generator serving the structure shall be located on the same lot as the structure it serves.

6. *Liability Coverage:* The County shall be provided with a copy of rider to owner's insurance showing coverage of liability prior to issuance of a building permit for construction of a wind powered generator.

7. *High Wind Mitigation:* The County shall be provided with assurance from the manufacturer all safety features to mitigate the effects of high wind conditions have been designed for the particular generator prior to issuance of a building permit for construction of a wind powered generator.

8. *Storage Batteries:* Storage batteries, if applicable, shall be housed in accordance with the following standards:

   a. *Location:* The structure shall be accessory to and detached from the residence by a minimum of twenty (20) feet.

   b. *Ventilation:* Adequate ventilation shall be provided in the structure to eliminate the accumulation of explosive gases.

9. *Noise Levels:* Permitted noise levels shall meet the performance standards of these standards and regulations.

10. *Electromagnetic and Electrical Interference:* No equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio or television equipment. No use may be made of land or water within the County, which will create electrical interference with navigational signals for radio communications between an aviation facility and aircraft.

11. *Manual Shut-off Required:* Any individual wind powered generator shall include a manual shut-off, which may be utilized by utility company personnel.

12. *Utility Company Approval:* The local utility provider of gas and electric service shall provide written approval prior to construction.

4-03-03 ACCESSORY USES, RESIDENTIAL

4-03-03-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Residential Districts:

1. Animal Keeping (see Section 4-21 Animal Keeping for detailed performance standards)
2. Barns (see Section 4-03-02-02-01 Accessory Uses, Agricultural for detailed performance standards)
3. Class Instruction (see Section 4-03-03 Accessory Uses, Residential for detailed performance standards)
4. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
5. Day Care Homes (see Section 4-03-03-02-02 Accessory Uses, Residential for detailed performance standards)
6. Family Foster Homes
7. Garages (see Section 4-03-03-02-03 Accessory Uses, Residential for detailed performance standards)
8. Garage or Yard Sale (see Section 4-03-03-02-04 Accessory Uses, Residential for detailed performance standards)
9. Greenhouses, Private (see Section 4-03-03-02-05 Accessory Uses, Residential for detailed performance standards)
10. Home Occupations (see Section 4-03-03-02-06 Accessory Uses, Residential for detailed performance standards)
11. Household Pets (see Section 4-03-03-02-07 Accessory Uses, Residential for detailed performance standards)
12. Kennel, Private (see Section 4-03-03-02-08 Accessory Uses, Residential for detailed performance standards)
13. Parking (see Section 4-12 Parking and Loading for detailed performance standards)
14. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devises for detailed performance standards)
15. Solar Energy Systems (see Section 04-03-03-02-10 Accessory Uses, Residential for detailed performance standards)
16. Stables (see Section 04-03-02-02-04 Accessory Uses, Agricultural for detailed performance standards)

17. Storage, Private (see Section 04-03-03-02-11 Accessory Uses, Residential for detailed performance standards)
18. Storage, Vehicle and Machine (see Section 04-03-03-02-12 Accessory Uses, Residential for detailed performance standards)
19. Swimming Pools, Private (see Section 04-03-03-02-13 Accessory Uses, Residential for detailed performance standards)
20. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
21. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
22. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Agricultural for detailed performance standards)
23. Accessory Dwelling Unit (see Section 4-03-04 Accessory Uses, Commercial for performance standards)
24. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-03-03-02 PERFORMANCE STANDARDS

4-03-03-02-01 *CLASS INSTRUCTION*

1. *Incidental Use:* The class instruction shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the dwelling.
2. *Indoor Activities:* All activities related to the class instruction shall be conducted entirely within a dwelling.
3. *Employees:* The class instruction shall be conducted by the inhabitants of the dwelling and shall have only one (1) additional employee.
4. *Exterior Advertising:* There shall be no exterior advertising other than identification of the class instruction with a sign not exceeding 6 square feet which must be located on the face of the home.
5. *No Sales on Premises:* There shall only be incidental sales of stocks, supplies or products conducted on the premises.
6. *No Outdoor Storage:* There shall be no exterior storage on the premises of material or equipment used as a part of the class instruction.

7. *No Offensive Impacts:* There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

4-03-03-02-02 *DAY CARE CENTERS AND HOMES (ADULT* AND CHILD)*

1. General
   a. *Licensing:* Day care facilities must be properly licensed by the State of Colorado.
   b. *Drop-Off/Pick-Up Areas:* Day care facilities must provide adequate drop-off and pick-up areas. The required area shall be based upon the maximum number of individuals cared for at a single time. Specifically, there shall be one-hundred-sixty (160) square feet of signed off-road drop-off/pick-up area for every eight individuals. All drop-off space shall meet the requirements of these standards and regulations and be approved by the Director of Community and Economic Development.
   c. *Outdoor Recreation Facilities:* Where outside recreation facilities are provided, a six-foot high sight-obscuring fence around the recreation area shall be required to be maintained and the recreation area shall be situated in the rear half of the site.
   d. *Residential Appearance:* Existing residential structures shall not be significantly modified in appearance.
   e. *New Construction in Residential Area:* Any new construction allowed in an agricultural or residential zone district for the operation of a day care center shall substantially resemble a conventional single-family dwelling.
2. Child Day Care Home
   a. *Maximum Number of Children not Attending School Fulltime:* The maximum number of children shall be twelve (12), including the caretaker's children under sixteen (16) years of age not attending full-day school.
3. *Adult Day Care Home* ***Adopted by the BoCC on December 13, 2010**
   a. *Maximum Number of Adults*: Elderly day care homes shall be permitted as an accessory use, provided the maximum number of elderly persons receiving care, protection, and supervision in any such home shall not exceed four (4) at any given time.
   b. *Criminal Background Investigation*: The Adams County Sheriff's Office shall complete a Criminal Background Investigation and shall issue identification cards to all employees/operators.
   c. *Annual Reporting*: The applicant/operator shall provide an annual report for review by the Director of Community and Economic Development and the Adams County Sheriff's Office. Reports shall include

recertification of any education requirements, revised Criminal Background Investigation, and issuance of identification cards to any new employees.

4-03-03-02-03 *GARAGES*

1. *Maximum Height:* Twenty-four (24) feet unless otherwise restricted by the zone district.
2. *Maximum Rear Yard Coverage:* A garage may not occupy more than thirty percent (30%) of any rear yard.

4-03-03-02-04 *GARAGE OR YARD SALES*

1. *Maximum Sales Permitted per Year:* No more than two (2) garage or yard sales shall be permitted per calendar year for any one residence.
2. *Period of Operation:* A garage or yard sale shall not exceed a period of three (3) consecutive days.
3. *Hours of Operation:* The garage or yard sale shall limit its hours of operation to 7:00 AM to 7:00 PM.
4. *Signage:* The total sign area shall not exceed sixteen (16) square feet in area. All signage shall be located on private property and not within the public right-of-way.

4-03-03-02-05 *GREENHOUSES, PRIVATE*

1. *Location:* The greenhouse shall not be located in any front yard.
2. *Setback from Residential Zone:* Not applicable.

4-03-03-02-06 *HOME OCCUPATIONS*

1. *Maximum Floor Area:* The area to be used for home occupation activities shall not exceed one-half (1/2) the floor area of the dwelling unit.
2. *Incidental Use:* A home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the dwelling.
3. *Indoor Activities:* All activities related to a home occupation shall be conducted entirely within a dwelling, garage or other accessory building. If conducted in an accessory building, the building shall meet the accessory building requirements of these standards and regulations.
4. *Employees:* A home occupation shall be conducted by the inhabitants of the dwelling.

5. *Exterior Advertising:* There shall be no exterior advertising other than identification of the business with a sign not exceeding six (6) square feet which must be located on the face of the home.
6. *No Sales on Premises:* There shall only be incidental sales of stocks, supplies or products conducted on the premises.
7. *No Outdoor Storage:* There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
8. *No Truck Storage:* There shall be no interior or exterior keeping, parking, or storage on the premises of any vehicles in excess of seven thousand (7,000) pounds Gross Vehicle Weight (G.V.W) , used for a commercial purpose in the Agricultural and Residential Zone Districts in conjunction with a home occupation.
9. *No Offensive Impacts:* There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
10. *Permitted Home Occupations:* The following uses are examples permitted of home occupations:
    a. Art Studio
    b. Class Instruction (See Section 4-03-03-02-01 for detailed performance standards for class instruction)
    c. Dressmaking or Millinery Work
    d. Professional Office
    e. Office for Insurance or Real Estate Sales
    f. Teaching
11. *Uses Not Considered Home Occupations:* The following uses are not considered home occupations:
    a. Animal Hospital
    b. Long-Term Care Facility
    c. Restaurant
    d. Bed & Breakfast (A bed and breakfast is considered a principally permitted use.)
    e. Group Living Facility (A group home is considered a principally permitted use, depending upon occupancy.)
    f. Auto Painting, Repair, Sales, Service, or Storage
    g. Truck Repair, Sales, Service, or Storage

4-03-03-02-07 *HOUSEHOLD PETS*

1. *Permitted Number of Household Pets:* See the Animal Density in Section 4-20 to calculate the number of permitted household pets.
2. *Less than 35 Acre Parcel:* All household pets shall be penned or confined to their owner's property, except when on a leash and in the control of the owner.
3. *Conformance with Private Kennel Standards:* The keeping of more than ten (10) dogs and/or cats, shall conform to private kennel performance standards (See Section 4-03-03-02-08).
4. *Other Standards:* All animal keeping shall conform to Section 4-20 of these standards and regulations.

4-03-03-02-08 *KENNELS, PRIVATE*

1. *Permitted Number of Dogs and/or Cats:* See the Animal Density in Section 4-21 to calculate the number of permitted household pets.
2. *Building Permit Required:* A building permit shall be obtained for all kennels, pens, shelters or other similar structures.
3. *Prohibited Animals:* Boarding dogs and/or cats other than those animals owned by the resident and/or owner and immediate family shall be prohibited.
4. Minimum Space Requirements
   a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:
      (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
      (2) Length of Kennel = Width of Kennel + 2 feet.
      (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.
   b. *Cats:* Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
5. *Garbage Disposal:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
6. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
7. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.

8. *Mixing of Dogs and Cats:* Dogs and cats shall not be housed in the same primary enclosure.
9. *Care of Animals:* All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Animal Control.
10. *Other Standards:* All animal keeping shall conform to Section 4-21 of these standards and regulations.

4-03-03-02-09 *PIGEON AND ANIMAL KEEPING*

1. *Permitted Number of Pigeons or Animals:* See the Animal Density Table in Section 4-20 to calculate the number of permitted household pets.
2. *Loft Floor Space:* There shall be at least one (1) square foot of loft floor space for each mature pigeon.
3. *Loft Design:* The pigeon loft shall be of such sufficient size and design, and constructed of such material, so it can be easily maintained in a clean and sanitary condition.
4. *Loft Compliance:* The loft shall be in compliance at all times with all applicable Tri-County Health regulations.
5. *Setback from Residential Structure:* The loft shall be set back a minimum of twenty-five (25) feet from any residential structure.
6. *Lot Line Setbacks:* The loft shall be set back from all lot lines in accordance with the accessory setbacks for the zone district in which it is located.
7. *Pigeon Feed:* All pigeon feed shall be stored in such containers as to protect against intrusion by rodents and other vermin.
8. *Pigeon Feeding:* All pigeons shall be fed within the confines of the loft.
9. *Pigeon Release for Flying:* Pigeons will not be released for flying for four (4) hours after feeding.
10. *Pigeon Confinement:* All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of the pigeons.
11. *Other Standards:* All pigeon and animal keeping shall conform to Section 4-20 of these standards and regulations.

4-03-03-02-10 *SOLAR ENERGY SYSTEM, ACCESSORY*

1. *Site Plan:* A site plan shall be submitted with the building permit which demonstrates compliance with setback and height requirements.

2. *Lot coverage:* The area covered by ground-mounted solar energy systems, where the ground beneath is permeable or pervious, shall not be included in calculations for lot coverage for purposes of zoning.
3. *Location:* All solar panels and equipment (excluding fencing, poles, and wires necessary to connect to facilities of the electric utility) shall meet the minimum accessory structure setbacks for the applicable zone district or shall meet the minimum structure setbacks for the applicable zone district when an accessory structure setback is not specified. Additional setbacks may be required to mitigate noise and visual impacts, or to provide for designated road or utility corridors, as identified through the review process.
4. *Maximum Height*:
   i. Ground-mounted: The height of ground-mounted solar energy systems shall be measured from the highest grade below each solar panel. In residential zone districts, solar panels shall not exceed fifteen (15) feet in height. In all other zone districts, solar panels shall not exceed twenty (20) feet in height.
   ii. Roof-mounted: The height of roof-mounted solar energy systems shall not exceed the maximum permitted height of the structure type by more than five (5) feet.
   iii. Parking Lot or Parking Canopy: The height of systems will be measured from the highest grade below each solar panel. Parking lot cover solar panels shall not exceed twenty (20) feet in height. Parking lot cover solar panels shall be no less than fourteen (14) feet in height to allow clearance for emergency vehicles.
5. *Signage:* For ground-mounted solar energy systems, clearly visible warning signs shall be placed on the fence, barrier, or facility perimeter to inform individuals of potential voltage hazards.
6. *Security:* Except parking lot or parking canopy solar energy systems, all solar panels and equipment (excluding poles and wires necessary to connect to facilities of the electric utility) shall be enclosed by a fence at least six (6) feet high. Wildlife-friendly fence options are encouraged.
7. *Lighting:* If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel. Motion sensor control is preferred.
8. *Decommissioning:* Any solar energy system which is no longer producing energy or has been abandoned shall be removed. The owner or operator shall physically remove the installation within 150 days after the date of discontinued operations. The owner or operator shall notify the Adams County Community & Economic Development Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

i. Physical removal of all solar energy systems, structures, and equipment from the site.

ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. Adams County may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

4-03-03-02-11 *STORAGE, PRIVATE*

1. *Maximum Height:* Twenty-four (24) feet
2. *Maximum Rear Yard Coverage:* A storage structure may not occupy more than thirty percent (30%) of any rear yard.

4-03-03-02-12 *STORAGE, AND PARKING OF VEHICLES*

1. *Prohibited Vehicles:* No vehicle in excess of seven thousand (7,000) pounds gross vehicle weight (G.V.W.) shall be kept, stored, or parked in a residential or agricultural zone district except by Conditional Use Permit. This shall include, but is not limited to, tractor trailers, over-the-road semi-trucks, road cleaners, motor graders, tow trucks, and similar maintenance or construction equipment. This prohibition does not apply to recreational vehicles, personal non-commercial vehicles, and agricultural equipment used for agricultural purposes.
2. *Storing and Parking Vehicles:* Vehicles that are allowed to be stored or parked in agricultural and residential zone districts, include but are not limited to boats, boat trailers, trailers, campers, fifth-wheel trailers, motor homes, stock cars, ski mobiles. The storage or parking of any vehicle in any zone district must meets the standards listed in this section.
3. *Total Number Vehicles Stored*
   a. *Lots less than 1 Acre:* A total of two (2) vehicles, may be stored outdoors.
   b. *Lots of 1 Acre or More:* A total of two (2) vehicles per acre, with a maximum of five (5) vehicles may be stored outdoors.
   c. A vehicle is “stored” on a property when it is located on the same property for a period of seventy-two (72) hours or more.
4. *Vehicles Stored on or Attached to a Trailer:* Recreational vehicles stored on a trailer, and any vehicle attached to a trailer, shall be counted as one (1) vehicle.
5. *Inhabiting Recreational Vehicles:* Motor homes, trailers, 5th wheels, and other recreational vehicles may be inhabited one time for a maximum of thirty (30)

consecutive days within a calendar year. The use of a motor home, trailer, 5th wheel, or other recreational vehicle must be in conjunction with a residence.

6. *Right-of-Way Parking:* Recreational vehicles and any type of trailer may only be parked on any public right-of-way for a maximum period of twenty-four (24) hours. The same recreational vehicle or trailer may not be moved and re-parked within a five (5) mile vicinity for six (6) months. Unlicensed and inoperable vehicles may not be stored or parked on any public right-of-way for any time period.
7. *Inoperable and Unlicensed Vehicles:* Inoperable vehicles and unlicensed vehicles without a properly displayed and valid State Motor Vehicle Registration Certificate may not be stored or parked outdoors.
8. *Storage on an approved surface:* In residential zone districts, all storage of vehicles and machines listed in this section shall be located on an approved, hard surface of asphalt or concrete and no parking of vehicles is allowed in the back yard or any landscaped area. In the A-1 zone district, all storage of vehicles and machines listed in this section may be located on gravel or recycled asphalt and no parking of vehicles is allowed in the back yard or on any landscaped area. Gravel or recycled asphalt areas within the rear or side setback is not considered part of the back yard and parking is permitted.

4-03-03-02-13 *SWIMMING POOL*

1. *Location:* No swimming pool shall be located in the area from the right-of-way to the front structure line.
2. *Fencing:* All swimming pools shall be completely enclosed by a fence not less than forty-eight (48) inches in height with no opening large enough to permit children to pass through other than gates or doors equipped with self-latching devices placed on the inside top of the gate.
3. *Pre-Existing Pools:* All pre-existing pools shall be completely enclosed by a fence no later than six (6) months following adoption of these standards and regulations.
4. *Wading Pools:* Wading pools with a maximum possible water depth of twenty (20) inches or less are not required to be fenced.

4-03-04 ACCESSORY USES, COMMERCIAL

4-03-04-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Commercial Districts:

1. Accessory Dwelling Unit (see Section 4-03-04 Accessory Uses, Commercial for detailed performance standards)
2. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
3. Guard Dogs (see Section 4-03-04-02-02 Accessory Uses, Commercial for detailed performance standards)
4. Outdoor Storage, Loading and Garbage Areas (see Section 4-03-04-02-03 Accessory Uses, Commercial for detailed performance standards)
5. Parking (see Section 04-21 Parking and Loading for detailed performance standards)
6. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devises for detailed performance standards)
7. Solar Energy Systems for use on Property (see Section 4-03-03-02-10 Accessory Uses, Residential for detailed performance standards)
8. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
9. Vending and Produce Stands (see Section 04-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
10. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Residential for detailed performance standards)
11. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-03-04-02 PERFORMANCE STANDARDS

4-03-04-02-01 *ACCESSORY DWELLING UNIT (ADU)*

1. *Purpose:* The purpose of the accessory dwelling unit (ADU) provisions are to: (1) provide homeowners with an opportunity for companionship and security; (2) better utilize existing infrastructure and community resources; (3) provide a housing type that responds to changing needs and lifestyles (e.g., small families, retirees, caretakers); (4) add to the County's stock of affordable dwelling units; and (5) protect neighborhood character and stability by ensuring that visible ADUs are compatible with surrounding land uses.

2. *Applicability:* One ADU on an existing legal lot is permitted as an accessory use to single family residential uses in any zoning districts, in addition to legal nonconforming single-family structures in those zones as allowed by these regulations. As the purpose of an ADU is to be an accessory use/structure to a primary dwelling, an ADU shall not be platted for individual sale through the condominium platting process.

3. *Process:*

   a. New ADU. Subject to review, public notification and approval through a building permit and shall conform to all of the following standards.

   b. Existing (Undocumented) ADUs. If an ADU was created without being part of a project for which a building permit was finalized, the County shall require a building permit and public notification to determine if the structure meets the requirements of this section and building code. Adherence to these development standards is required.

4. *Public Notification:* At time of review of building permit application, the County shall notify by mail residents and property owners directly adjacent to the property for which a complete building permit application has been submitted. Notified parties, and other interested parties, may comment on items concerning the required development and design standards for ADUs. The comment period shall close when the building permit application is resolved in issuance or denial.

5. *Development Standards:*

   a. Building Type: ADU building types shall not include mobile or manufactured homes. Site built and modular construction is allowed.

   b. Number: One ADU shall be allowed in each residential lot as a subordinate use in conjunction with any new or existing detached single-family dwelling unit,

   c. Provision of Water and Sewer: Proof of adequate provisions for water, sewer, fire protection, other utilities and access shall be provided.

   d. Size:

      i. Attached or Internal. ADUs shall not exceed 40% of the principal dwelling unit's residential floor area in addition to the underlying development standards for the lot, including, but not limited to, lot coverage, height and setback requirements for the zone in which they reside.

      ii. Detached. ADUs shall not exceed 1,500 square feet of the residential floor area or 40% of the primary dwelling unit's residential floor area, whichever is less.

   e. Location: The ADU may be added to or included within the primary unit, or located in a detached structure on the same lot as the primary dwelling

unit. If detached, the ADU is required to meet all accessory structure setbacks for the zone district.

f. Parking: One off-street parking space is required for an ADU in addition to the parking required for the primary dwelling unit. Parking spaces must be paved and may include private garages, carports, or all weather-surfaced, off-street areas reserved for vehicles. Tandem parking is allowed.

g. Home Occupations: The ADU and/or primary residence may contain a home occupation if the home occupation is reviewed and approved per these regulations.

h. Other development standards:

i. Accessory Dwelling Units shall meet all other development standards (e.g. setbacks, lot coverage etc.) for buildings in the zoning district, except in the following circumstances:

1. The gross floor area of the ADU shall not count towards the maximum accessory building coverage, but rather the maximum principal structure.

2. The height of a detached ADU shall not exceed twenty-five (25) feet.

3. If detached the ADU shall be setback at least 10' to the rear of the front structure line of the principal dwelling unit.

ii. For legal nonconforming situations, ADUs shall also adhere to the following requirements:

1. Legal Nonconforming Primary Single-Family Uses:

a. It is recognized that in some zones, an existing primary single-family use may be considered legal nonconforming. In the event that an existing, legal nonconforming, single family use requests an ADU per these standards, it shall be an allowed accessory use to the legal nonconforming use. If the legal nonconforming primary use ceases to exist, the ADU, shall also cease to exist.

b. Conformance with Section 4-24-03 Extension or Enlargement of Nonconforming Conditions applies to the primary use.

2. ADUs in Existence Prior to these Regulations:

a. Existing ADUs shall meet the requirements of these regulations.

b. A building permit is required for the Building Official to determine if the structure meets the adopted building code requirements. As-built information about the existing structure shall be required as part of the building permit submittal.

c. Additional improvements may be required by the applicant in order for the ADU to meet adopted building codes.

3. Previously approved Caretaker Dwelling Units may be extended in accordance with Section 2-02-08 Conditional Use Permit.

6. *Design Standards:*

a. New Detached Structures, Exterior Alterations and Additions to Existing Structures: The development of a newly constructed detached ADU and exterior alterations and additions to existing structures for ADU development shall be designed consistent with the existing color, façade treatment, roof pitch, siding, lighting, and windows of the primary dwelling unit.

4-03-04-02-02 *GUARD DOGS*

1. *Number of Guard Dogs Permitted:* See the Animal Density Table in Section 4-20 to calculate the number of permitted household pets.

2. *Confinement of Guard Dog(s):* The area being patrolled by a guard dog(s) shall be fenced with a minimum seventy-two (72) inch high chain link or solid screen fence.

3. *Notice of Guard Dog(s):* A sign warning of the presence of said dog(s) stating what hours the dog(s) is on patrol shall be posed in plain view of the public around the perimeter of the fenced area. The sign must also state the name of the owner and the handler of the dog(s), with a phone number where the handler can be reached.

4. *Garbage Disposal:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.

6. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.

7. *Care of Animals:* All dogs shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Control.

4-03-04-02-03 *OUTDOOR STORAGE, LOADING, GARBAGE, AND MECHANICAL EQUIPMENT AREAS*

1. *Location:* No outdoor storage, loading or garbage collection or compaction areas shall be located within twenty (20) feet of any public road, public sidewalk or pedestrian way.
2. *Incorporation into Overall Design:* Loading docks, truck parking, outdoor storage, utility meters, HVAC and other mechanical equipment, garbage collection, garbage compaction, and other service functions shall be incorporated into the overall design theme of the building and the landscape so the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment.
3. *Screening:* All outdoor storage, loading or garbage collection or compaction areas shall be located and screened so the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public roads. No attention shall be attracted to these by use of screening materials different from or inferior to the principal materials of the principal structure and landscape. If areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the principal structure.
4. *Rooftop Equipment:* All rooftop mechanical equipment shall be screened from public view from both above and below by integrating it into building and roof design to the maximum extent feasible.

4-03-05 ACCESSORY USES, INDUSTRIAL

4-03-05-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Industrial Districts:

1. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
2. Guard Dogs (see Section 4-03-04-02-02 Accessory Uses, Commercial for detailed performance standards)
3. Outdoor Storage, Loading and Garbage Areas (see Section 4-03-04-02-03 Accessory Uses, Commercial for detailed performance standards)
4. Parking (see Section 4-21 Parking and Loading for detailed performance standards)
5. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devises for detailed performance standards)

6. Solar Energy Systems for use on Property (see Section 4-03-03-02-10 Accessory Uses, Residential for detailed performance standards)
7. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
8. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
9. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Residential for detailed performance standards)
10. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-04 SPECIAL USES PERFORMANCE STANDARDS

4-04-01 GENERAL PROVISIONS

4-04-01-01 OBTAIN A SPECIAL USE PERMIT

All special uses shall obtain a Special Use Permit prior to beginning operation. All special uses shall comply with the performance standards established by Section 4-04 for the special use. The permit issuing authority shall be the Board of Adjustment. Special uses shall also conform to all zone district standards contained in these standards and regulations.

4-04-01-02 DURATION OF SPECIAL USE

No special use shall be permitted for a period exceeding five (5) years, unless otherwise noted. Renewals of special uses may be granted in one (1) year increments, following the same procedures as the original permit issuance. Temporary Use/ Special Use Permits may only be issued for maximum of ninety-days (90) days administratively. Any operation proposed to operate greater than ninety-days (90) shall be processed as a Special / Temporary Use Permit before the Board of Adjustment.

4-04-01-03 ZONE DISTRICT STANDARDS AND REQUIREMENTS APPLY

Setbacks and all other standards and requirements of the zone district in which the special use is located shall apply to all structures connected with the special use.

4-04-01-04 NO UNDUE DISTURBANCE TO RESIDENTIAL NEIGHBORHOODS

Lighting, activities, noise, or increased traffic associated with a special use shall not unreasonably disturb surrounding residential neighborhoods.

4-04-01-05 NO DISRUPTION TO COMMERCIAL OR INDUSTRIAL USES

Lighting, activities, noise, or increased traffic associated with a special use shall not unreasonably disrupt the operation of nearby commercial or industrial uses.

4-04-01-06 SIGNAGE

Any signs associated with an approved Special Use Permit shall be considered a permanent sign and are required to obtain a sign permit and, if applicable, a building permit. ***Adopted by the BoCC on December 13, 2010**

4-04-02 PERFORMANCE STANDARDS FOR SPECIFIC SPECIAL USES

4-04-02-01 CONCRETE AND ASPHALT MIXING PLANTS

4-04-02-01-01 *SPECIAL USE PERMIT REQUIRED*

All concrete or asphalt mixing plants intended to be in operation shall obtain a Special Use Permit. However, concrete or asphalt mixing plants may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment. Industrial Zone Districts, which allow concrete or asphalt mixing plants may be allowed with a Building Permit only.

4-04-02-01-02 *MINIMUM LOT AREA*

No temporary cement or asphalt mixing plants shall be located on a parcel of land less than one-half (½) acre in size.

4-04-02-01-03 *LOCATION*

The use shall be located on the same property or right-of-way, or directly adjacent to the same property or right-of-way, as the construction project.

4-04-02-01-04 *PERIOD OF OPERATION*

Temporary cement and asphalt mixing plants shall only be permitted as an accessory use to the construction of roads or other public improvements.

4-04-02-01-05 *HOURS OF OPERATION*

The temporary cement and asphalt mixing plants shall limit the hours of operation to 7:00 AM to 7:00 PM.

4-04-02-01-06 *SETBACK FROM OCCUPIED STRUCTURE*

Not applicable.

4-04-02-01-07 *USE AREA SETBACK*

Vehicle use areas, material storage areas, and structures shall be setback at least one hundred (100) feet from the property boundary.

4-04-02-01-08 *ACCESS*

All temporary mixing plants shall have highway, arterial, or collector road access.

4-04-02-01-09 *DUST CONTROL*

It is the responsibility of the temporary plant operator to control dust, dirt, and any other debris from blowing from the site on to other properties.

4-04-02-01-10 *ROAD DAMAGE*

Any road damage to the roads providing access to the site of the temporary plant shall be repaired by the temporary plant operator as deemed necessary by the Director of Public Works. The Director of Public Works shall require the plant operator to post a performance bond to cover all potential repair costs.

4-04-02-01-11 *TRUCKING*

Due to the magnitude of the use, the Director of Public Works may add additional standards regarding trucking routes and the size of loads to protect the general welfare of the citizens.

4-04-02-02 INERT FILL OPERATIONS

4-04-02-02-01 *SPECIAL USE PERMIT REQUIRED*

Inert fill operations intended to be in operation for more than six (6) months shall obtain a special use permit. Inert fill operations may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of six (6) months. Importation of less than 10 cubic-yards of inert fill is exempt from the requirement to obtain a temporary use or special use permit. The exempted volume of fill material must meet inert fill for grading definition.

4-04-02-02-02 *MAXIMUM FILL AREA*

No Special Use Permit for inert fill shall be issued if the area to be filled is greater than ten (10) acres. Any operation proposed to fill greater than ten (10) acres shall be processed as a Conditional Use Permit (see Chapter 2).

4-04-02-02-03 *MAXIMUM AMOUNT OF FILL MATERIAL*

A Conditional Use Permit (see Chapter 2) for inert fill is required if the amount of material is greater than five-hundred thousand (500,000) cubic yards. Any operation proposed to fill a site with less than five-hundred thousand (500,000) cubic yards may be processed as a Temporary Use/Special Use Permit, depending on the duration of the project.

4-04-02-02-04 *PERIOD OF OPERATION*

Special Use Permits for inert fill may only be issued for a maximum of five (5) years. Any operation proposed to operate less than six (6) months may be processed as a Temporary Use Permit. Any operation proposed to operate for greater than five (5) years shall be processed as a Conditional Use Permit (see Chapter 2). ***Adopted by the BoCC on December 13, 2010**

4-04-02-02-05 *HOURS OF OPERATION*

The inert fill operation shall limit its hours of operation from 6:00 AM to 10:00 PM, unless otherwise restricted by the Board of Adjustment.

4-04-02-02-06 *SOURCE OF MATERIAL*

The site operator shall have sole discretion of the source of fill material and shall provide details of the source material with the permit application. Proof of clean, inert material may be provided by any one of the following:

1. A signed letter from the source providing the fill material certifying that the material is clean
2. Phase I environmental site assessment or due diligence report for the borrow site demonstrating no Recognized Environmental Conditionsinert (REC)
3. Sampling and analysis of the material to be used as fill demonstrating the material does not contain contaminants in excess of respective EPA residential screening levels. Specifically, two composite samples each consisting of 3 discrete samples shall be collected from 1,000 cubic yards of material with one composite sample collected for each additional 1,500 cubic yards. Laboratory analysis of the following contaminants must be provided:
    a. VOCs and SVOCs
    b. 8 RCRA metals (As, Ba, Cd, Cr, Pb, Hg, Se, Ag)
    c. Polycyclic Aromatic Hydrocarbons
    d. PCB at the Director of Community and Economic Development's discretion
    e. Pesticides at the Director of Community and Economic Development's discretion

4-04-02-02-07 *GROUNDWATER IMPACTS*

Fill material is not likely to contaminate ground water. ***Adopted by the BoCC on December 13, 2010**

4-04-02-02-08 *TRAFFIC/HAUL ROUTE*

The haul route for the traffic to and from the fill operation shall be provided with the permit application and may be jointly reviewed and a recommendation forwarded to the Board of Adjustment for their consideration and decision.

4-04-02-02-09 *GRADING AND DRAINAGE*

The final grading and drainage plan shall be provided with the permit application and may be approved by the Community and Economic Development Department.

4-04-02-03 TEMPORARY STRUCTURES (TENTS)*

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

4-04-02-03-01 *SPECIAL USE PERMIT REQUIRED*

A Special Use Permit shall be obtained for any temporary structure intended to be located on a property for more than ninety (90) days. Any structure intended to be used for less than ninety (90) days may obtain a Temporary Use Permit.

4-04-02-03-02 *PERIOD OF OPERATION*

Special Use Permits for temporary structures may only be issued for a maximum of two and a half (2.5) years.

4-04-02-03-03 *CODE REQUIREMENTS*

All Temporary Structures shall meet the building and fire code requirements prior to approval of any Temporary or Special Use Permit.

4-04-02-03-04 *MAXIMUM SIZE*

Temporary Structures shall not exceed a gross floor area of eight hundred (800) square feet per structure.

If multiple temporary structures are located on one site, all requirements of the Adams County Temporary Structures under Section 4-07-02-03 shall be followed.

4-04-02-03-05 *LOCATION*

The temporary structure shall be located on gravel, recycled asphalt, or paved parking lot or on agricultural land. The structure shall not block or be located within any right-of-way or public sidewalk. The structure shall not be located within any required parking spaces. The structure shall meet all zone district requirements for which the structure is located.

4-04-02-03-06 *HEIGHT*

The temporary structure shall not exceed the height limit of the zone district in which the structure is located.

4-04-02-03-07 *EXITS*

Stands (wood-built structures)

Any stand measuring more than twenty-five (25) feet in length across the face shall have two (2) exits. Exit doors shall be a minimum of twenty (20) inches in width and six (6) feet in height and swing in the direction of egress. Stands with floor areas between three hundred (300) and four hundred (400) square feet must have three (3) exits.

Tents

All aisles within a tent shall measure no less than 48 inches in width. All tents shall have at least two sides of the tent open and unobstructed for use as an exit.

4-04-02-03-08 *CONSTRUCTION MATERIALS*

All temporary structures shall be constructed of wood, metal, fire retardant tent as approved by the Community and Economic Development Department or other approved materials. Stands shall not have wheels or tires. Combustible construction materials shall be painted with a water based latex paint.

4-04-02-03-09 *ANCHORING*

All temporary structures shall be properly anchored to the ground as approved by the Community and Economic Development Department.

4-04-02-03-10 *WIRING*

Electrical wiring shall meet all requirements of the State of Colorado.

4-04-02-04 VENDING AND PRODUCE STANDS

4-04-02-04-01 *SPECIAL USE PERMIT REQUIRED*

Vending and/or produce standards intended to be in operation shall obtain a Special Use Permit. However, vending and/or produce stands may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment.

No Special Use Permit shall be required for a produce stand located on agriculturally zoned land provided the stand is an accessory use and meets the performance standards in Section 4-03-02-02-05. In addition, no Special Use Permit shall be issued if the stand has been erected on the subject site without a Temporary Use Permit from the Community and Economic Development Department.

4-04-02-04-02 *MINIMUM LOT AREA*

No vending or produce stand shall be located on a parcel of land less than four hundred (400) square feet in size.

4-04-02-04-03 *LOCATION*

The stand shall be located on a gravel, recycled asphalt, or paved parking lot or on agricultural land. The stand shall not block or be located within any right-of-way or public sidewalk.

4-04-02-04-04 *PERIOD OF OPERATION*

The stand shall operate for no more than ninety (90) days annually.

4-04-02-04-05 *HOURS OF OPERATION*

The stand shall limit its hours of operation to 7:00 AM to 7:00 PM.

4-04-02-04-06 *SETBACKS*

The setbacks for the zone district shall apply.

4-04-02-04-07 *PARKING*

Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of stand area.

4-04-02-04-08 *ACCESS*

All vending and produce stands shall have highway, arterial, or collector road access.

4-05 TEMPORARY USES PERFORMANCE STANDARDS

4-05-01 GENERAL PROVISIONS

4-05-01-01 OBTAIN A TEMPORARY USE PERMIT

All temporary uses shall obtain a Temporary Use Permit prior to beginning operation. All temporary uses required by these regulations to obtain a Temporary Use Permit, shall comply with the performance standards established by Section 4-05 for the temporary use. Specified temporary uses may be issued by the Director of Community and Economic Development. Temporary uses shall also conform to all zone district standards contained in these standards and regulations. If a Temporary Use Permit is denied by the Community and Economic Development Department, an applicant may request a Special Use Permit from the Board of Adjustment.

4-05-01-02 DURATION OF TEMPORARY USE

No temporary use shall be permitted for a period exceeding ninety-days (90), unless otherwise noted. Renewals of Temporary Use Permits may only be issued for a maximum of ninety-days (90) days administratively. Any operation proposed to operate greater than ninety-days (90) shall be processed as a Special Use Permit before the Board of Adjustment.

4-05-01-03 ZONE DISTRICT STANDARDS AND REQUIREMENTS APPLY

Setbacks and all other standards and requirements of the zone district in which the temporary use is located shall apply to all structures connected with the temporary use.

4-05-01-04 NO UNDUE DISTURBANCE TO RESIDENTIAL NEIGHBORHOODS

Lighting, activities, noise, or increased traffic associated with a temporary use shall not unreasonably disturb surrounding residential neighborhoods.

4-05-01-05 NO DISRUPTION TO COMMERCIAL OR INDUSTRIAL USES

Lighting, activities, noise, or increased traffic associated with a temporary use shall not unreasonably disrupt the operation of nearby commercial or industrial uses.

4-05-01-06 SIGNAGE

Any sign associated with an approved Temporary Use Permit shall be depicted on the site plan and allowed for the duration of the permit. The maximum sign size shall be thirty-two (32) square feet. Signs shall be placed on private property, outside any right-of-way or easement and shall be placed to avoid any sight obstruction for motorists, cyclists and pedestrians. Signs shall not be illuminated. Signs for Temporary Use Permits do not require a sign permit, but may require a building permit. ***Adopted by the BoCC on December 13, 2010**

4-05-02 PERFORMANCE STANDARDS FOR SPECIFIC TEMPORARY USES

4-05-02-01 CARNIVAL OR CIRCUS

4-05-02-01-01 *TEMPORARY USE PERMIT REQUIRED*

All carnivals or circuses shall obtain a Temporary Use Permit before operating.

4-05-02-01-02 *MINIMUM LOT AREA*

No carnival or circus shall be located on a parcel of land less than five (5) acres in size.

4-05-02-01-03 *PERIOD OF OPERATION*

No carnival or circus shall be allowed to operate for a period exceeding fourteen (14) days, exclusive of a three (3) day period, before and after the operation, during which amusement rides, concessions, etc. are erected or removed from the site.

4-05-02-01-04 *HOURS OF OPERATION*

The carnival or circus shall limit its hours of operation to 9:00 AM to 10:00 PM.

4-05-02-01-05 *ACCESS*

All carnivals and circuses shall have highway or arterial road access.

4-05-02-01-06 *SETBACK FROM RESIDENTIAL ZONE*

Not applicable.

4-05-02-01-07 *PARKING*

Every carnival or circus shall provide either paved or dust treated off-road parking for not less than three hundred (300) automobiles per acre of area used for amusement purposes.

4-05-02-01-08 *SIGNAGE*

All signs associated with a Carnival or Circus shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-02 CHRISTMAS TREE SALES

4-05-02-02-01 *TEMPORARY USE PERMIT REQUIRED*

All Christmas tree sales lots shall obtain a Temporary Use Permit before operating and shall comply with the performance criteria of Section 4-05-02-02.

4-05-02-02-02 *MAXIMUM LOT AREA*

The sales lot shall not occupy more than ten percent (10%) of a gravel, recycled asphalt, or paved parking lot on which the sales lot is located. In no case shall the sales area exceed ten thousand (10,000) square feet.

4-05-02-02-03 *LOCATION*

Christmas tree sales lots shall be located on a gravel, recycled asphalt, or paved parking lot in a commercial zone district or on agricultural land. The sales area shall not block or be located within any right-of-way or public sidewalk.

4-05-02-02-04 *PERIOD OF OPERATION*

Christmas tree sales shall not exceed a period of sixty (60) days.

4-05-02-02-05 *HOURS OF OPERATION*

The Christmas tree sales lot shall limit its hours of operation to 7:00 AM to 7:00 PM.

4-05-02-02-06 *SETBACKS*

The setbacks for the zone district shall apply.

4-05-02-02-07 *SIGNAGE*

All signs associated with Christmas Tree Sales shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-02-08 *PARKING*

Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of sales area.

4-05-02-02-09 *ACCESS*

All Christmas tree lots shall have highway, arterial, or collector road access.

4-05-02-02-10 *TREE DISPLAY RESTRICTIONS*

No Christmas tree shall be displayed within fifty (50) feet of an intersection of the curb line of any two (2) roads or within any sight distance triangle required to be maintained by these standards and regulations.

4-05-02-03 CONCRETE AND ASPHALT MIXING PLANTS

4-05-02-03-01 *TEMPORARY USE PERMIT REQUIRED*

All concrete or asphalt mixing plants intended to be in operation shall obtain a Special Use Permit. However, concrete or asphalt mixing plants may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment. Industrial Zone Districts, which allow concrete or asphalt mixing plants may be allowed with a Building Permit only.

4-05-02-03-02 *MINIMUM LOT AREA*

No temporary cement or asphalt mixing plants shall be located on a parcel of land less than one-half (½) acre in size.

4-05-02-03-03 *LOCATION*

The use shall be located on the same property or right-of-way, or directly adjacent to the same property or right-of-way, as the construction project.

4-05-02-03-04 *PERIOD OF OPERATION*

Temporary cement and asphalt mixing plants shall only be permitted as an accessory use to the construction of roads or other public improvements.

4-05-02-03-05 *HOURS OF OPERATION*

The temporary cement and asphalt mixing plants shall limit the hours of operation to 7:00 AM to 7:00 PM.

4-05-02-03-06 *SETBACK FROM OCCUPIED STRUCTURE*

Not applicable.

4-05-02-03-07 *USE AREA SETBACK*

Vehicle use areas, material storage areas, and structures shall be setback at least one hundred (100) feet from the property boundary.

4-05-02-03-08 *ACCESS*

All temporary mixing plants shall have highway, arterial, or collector road access.

4-05-02-03-09 *DUST CONTROL*

It is the responsibility of the temporary plant operator to control dust, dirt, and any other debris from blowing from the site on to other properties.

4-05-02-03-10 *ROAD DAMAGE*

Any road damage to the roads providing access to the site of the temporary plant shall be repaired by the temporary plant operator as deemed necessary by the Director of Public Works. The Director of Public Works shall require the plant operator to post a performance bond to cover all potential repair costs.

4-05-02-03-11 *TRUCKING*

Due to the magnitude of the use, the Director of Public Works may add additional standards regarding trucking routes and the size of loads to protect the general welfare of the citizens.

4-05-02-03-12 *SIGNAGE*

All signs associated with Concrete and Asphalt Mixing Plants shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-04 CONSTRUCTION SITE FENCING

4-05-02-04-01 *TEMPORARY USE PERMIT REQUIRED*

A Temporary Use Permit shall be obtained before locating any construction site fencing and shall comply with the performance criteria of Section 4-05-02-04.

4-05-02-04-02 *MAXIMUM HEIGHT*

The maximum height of construction site fencing shall be ninety-six (96) inches.

4-05-02-04-03 *FENCING MATERIAL*

Land under development may be surrounded by a chain link fence or solid wood fence.

4-05-02-04-04 *LOCATION*

Construction site fencing shall be installed within or along the property lines of the development.

4-05-02-04-05 *SIGN POSTING*

Construction site fencing shall be posted with the name and phone number of the responsible party for emergency and trespassing purposes.

4-05-02-04-06 *PERIOD OF PLACEMENT AND REMOVAL*

Construction site fencing may exist during the period of construction for the project. It shall be removed within thirty (30) days of issuance of a certificate of occupancy.

4-05-02-05 PERMISSIBLE FIREWORKS STAND/TENT

4-05-02-05-01 *TEMPORARY USE PERMIT REQUIRED*

A Temporary Use Permit shall be obtained for each stand/tent before locating any permissible fireworks stand/tent and shall comply with the performance criteria of Section 4-05-02-06. Only the sale of "permissible fireworks", as that term is defined by Colorado Revised Statutes, is permitted with temporary use permit for permissible fireworks stand/tent. Fireworks that do not meet the definition of "permissible fireworks" shall not be sold or stored at permissible fireworks stands/tents.

4-05-02-05-02 *SUBMITTAL DEADLINE*

All Temporary Use Permit Applications for permissible fireworks stands/tents shall be submitted no later than the last business day in May. All applications shall be complete at the time of submittal.

4-05-02-05-03 *INSURANCE*

The applicant shall submit to Adams County a certificate of insurance. The minimum coverage for the property damage and/or bodily injury is $1,000,000.00.

4-05-02-05-04 *MAXIMUM SIZE OF STAND/TENT*

If multiple stands/tents are located on one site, all requirements of the Adams County Permissible Fireworks Stands/Tents under Section 4-05-02-06 shall be followed.

Permissible Fireworks stands/tents shall not exceed a gross floor area of eight hundred (800) square feet per stand/tent.

4-05-02-05-05 *PERIOD OF OPERATION*

Permissible fireworks stands/tents may be operated between June 15 and July 5.

4-05-02-05-06 *DISMANTLE AND REMOVAL DATE*

All stands/tents shall be dismantled and removed no later than July 15.

4-05-02-05-07 *HOURS OF OPERATION*

Permissible fireworks stands/tents shall limit their hours of operation to 7:00 AM to 10:00 PM.

4-05-02-05-08 *CLEAR AREA*

A clear area is a minimum area in which the permissible fireworks stand or tent shall be setback from property lines, fences, vehicles, detached firework storage, and all permitted banners. The clear area shall be measured from the supporting wall of the stand or from the anchor point of the tent.

4-05-02-05-09 *VEGETATION AND WEEDS WITHIN CLEAR AREAS*

Vegetation within the required clear areas shall be a maximum of two (2) inches above the ground with the exception of trees and shrubs.

4-05-02-05-10 *CLEAR AREAS AROUND STAND/TENT AND DETACHED PERMISSIBLE FIREWORKS STORAGE*

Front(s)	30 feet
Sides	30 feet
Rear	30 feet

4-05-02-05-11 *SEPARATION BETWEEN STANDS/TENTS AND DETACHED PERMISSIBLE FIREWORKS STORAGE*

A clear and unobstructed distance of thirty (30) feet is required between the stand/tent and detached fireworks storage.

4-05-02-05-12 *SETBACKS FROM PERMANENT BUILDINGS, FLAMMABLE LIQUIDS, AND FUEL DISPENSING OPERATIONS*

A clear and unobstructed distance of fifty (50) feet is required between the stands/tents and permanent buildings, flammable liquids, and fuel dispensing operations.

4-05-02-05-13 *EXITS*

1. Stands: Any stand measuring more than twenty-five (25) feet in length across the face shall have two (2) exits. Exit doors shall be a minimum of twenty (20) inches in width and six (6) feet in height and swing in the direction of egress. Stands with floor areas between three hundred (300) and four hundred (400) square feet must have three (3) exits.
2. Tents: All aisles within a permissible fireworks stand shall measure no less than 48 inches in width. All fireworks tents shall have at least two sides of the tent open and unobstructed for use as an exit.

4-05-02-05-14 *"NO SMOKING" SIGNS*

"No Smoking" signs shall be conspicuously placed both inside and outside of the stand/tent.

4-05-02-05-15 *CONSTRUCTION MATERIALS*

All stands/tents shall be constructed of wood, metal, fire retardant tent as approved by the Community and Economic Development Department or other approved materials. Stands shall not have wheels or tires. Combustible construction materials shall be painted with a water-based latex paint.

4-05-02-05-16 *ANCHORING*

All tents and stands shall be properly anchored to the ground as approved by the Community and Economic Development Department.

4-05-02-05-17 *WIRING*

Electrical wiring shall meet all requirements of the State of Colorado.

4-05-02-05-18 *DISPENSING PERMISSIBLE FIREWORKS*

A person of twenty-one (21) years of age or older shall be present on the property at all times to provide supervision. It is illegal for any person under sixteen (16) years of age to purchase or vend any permissible fireworks. All permissible fireworks stands/tents shall operate in conformance with state law.

4-05-02-05-19 *DISCHARGING FIREWORKS*

No fireworks shall be discharged within a three hundred (300) foot radius of a stand/tent or within one hundred (100) feet of the property line on which the stand/tent is located.

4-05-02-05-20 *WHOLESALE FIREWORKS*

Sale of fireworks at wholesale shall not be conducted from stands/tents or portable, moveable, or temporary metal, wood, or plastic containers.

4-05-02-05-21 *PENNANTS*

Strings of flags, pennants, and streamers are allowed to define the clear area or the parking area. Pennants shall not be attached to a stand or tent. Pennants shall be depicted on the site plan.

4-05-02-05-22 *SIGNAGE*

All signs associated with a Permissible Firework Tent/Stand shall be consistent with Section 4-05-01-06.

4-05-02-05-23 *TRASH*

The site shall be kept clean of trash and debris at all times. Trash dumpsters shall be utilized and located on the site during operations.

4-05-02-06 CHILE STAND/TENT *

***Adopted by the BoCC on April 21, 2008**

4-05-02-06-01 *TEMPORARY USE PERMIT REQUIRED*

A Temporary Use Permit shall be obtained for each stand/tent before locating any chile stand/tent and shall comply with the performance criteria of Section 4-05-02-07.

4-05-02-06-02 *INSURANCE*

The applicant shall submit to Adams County a certificate of insurance. The minimum coverage for the property damage and/or bodily injury is $400,000.00.

4-05-02-06-03 *MAXIMUM SIZE OF STAND/TENT*

If multiple stands/tents are located on one site, all requirements of the Adams County Chile Stand/Tent under Section 4-05-02-07 shall be followed.

Chile stands/tents shall not exceed a gross floor area of eight hundred (800) square feet per stand/tent.

4-05-02-06-04 *HOURS OF OPERATION*

Chile stands/tents shall limit their hours of operation to 7:00 AM to 10:00 PM.

4-05-02-06-05 *CLEAR AREAS AROUND TENT/STAND*

A clear area is a minimum area in which the chile stand or tent shall be setback from property lines, fences, vehicles, propane tanks, burners, and all permitted banners. The clear area shall be measured from the supporting wall of the stand or from the anchor point of the tent.

4-05-02-06-06 *CLEAR AREAS*

Front(s)	30 feet
Sides	30 feet
Rear	30 feet

4-05-02-06-07 *CLEAR AREAS AROUND PROPANE TANKS AND BURNERS*

A clear area is a minimum area in which the propane tanks and burners shall be setback from property lines, fences, vehicles, tents/stands, and all banners.

4-05-02-06-08 *VEGETATION AND WEEDS WITHIN CLEAR AREAS*

Vegetation within the required clear areas shall be a maximum of two (2) inches above the ground with the exception of trees and shrubs.

4-05-02-06-09 *ANCHORING*

All tents and stands shall be properly anchored to the ground as approved by the Community and Economic Development Department.

4-05-02-06-10 *WIRING*

Electrical wiring shall meet all requirements of the State of Colorado.

4-05-02-06-11 *PENNANTS*

Strings of flags, pennants, and streamers are allowed to define the clear area or the parking area. Pennants shall not be attached to a stand or tent. Pennants shall be depicted on the site plan***Adopted by the BoCC on December 13, 2010**

4-05-02-06-12 *SIGNAGE*

All signs associated with a Chile Tent/Stand shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-06-13 *TRASH*

The site shall be kept clean of trash and debris at all times. Trash dumpsters shall be utilized and located on the site during operations.

4-05-02-07 INERT FILL OPERATIONS

4-05-02-07-01 *TEMPORARY USE PERMIT REQUIRED*

Inert fill operations shall obtain a Temporary Use Permit. A Temporary Use Permit for inert fill may be issued for a maximum of six (6) months. Importation of less than 10 cubic-yards of inert fill is exempt from the requirement to obtain a temporary use or special use permit. The exempted volume of fill material must meet inert fill for grading definition.

4-05-02-07-02 *MAXIMUM FILL AREA*

No Temporary Use Permit for inert fill shall be issued if the area to be filled is greater than ten (10) acres. Any operation proposed to fill greater than ten (10) acres shall be processed as a Conditional Use Permit (see Chapter 2).

4-05-02-07-03 *MAXIMUM AMOUNT OF FILL MATERIAL*

No Temporary Use Permit for inert fill shall be issued if the amount of material is greater than five-hundred thousand (500,000) cubic yards. Any operation proposed to fill a site with more than five-hundred thousand (500,000) cubic yards shall be processed as a Conditional Use Permit (see Chapter 2).

4-05-02-07-04 *PERIOD OF OPERATION*

Temporary Use Permits for inert fill may only be issued for maximum of six (6) months. Any operation proposed to operate greater than six (6) months shall be processed as a Special Use Permit. Any operation proposed to operate greater than five (5) years shall obtain a Conditional Use Permit (see Chapter 2). ***Adopted by the BoCC on December 13, 2010**

4-05-02-07-05 *HOURS OF OPERATION*

The inert fill operation shall limit its hours of operation from 6:00 AM to 10:00 PM, unless otherwise restricted by the Director of Community and Economic Development.

4-05-02-07-06 *SOURCE OF MATERIAL*

The site operator shall have sole discretion of the source of fill material and shall provide details of the source material with the permit application. Proof of clean, inert material may be provided by any one of the following:

1. A signed letter from the source providing the fill material certifying that the material is clean
2. Phase I environmental site assessment or due diligence report for the borrow site demonstrating no Recognized Environmental Concerns (REC)
3. Sampling and analysis of the material to be used as fill demonstrating the material does not contain contaminants in excess of respective EPA residential screening levels. Specifically, two composite samples each consisting of 3 discrete samples shall be collected from 1,000 cubic yards of material with one composite sample collected for each additional 1,500 cubic yards. Laboratory analysis of the following contaminants must be provided:
    a. VOCs and SVOCs
    b. 8 RCRA metals (As, Ba, Cd, Cr, Pb, Hg, Se, Ag)
    c. Polycyclic Aromatic Hydrocarbons
    d. PCB at the Director of Community and Economic Development's discretion
    e. Pesticides at the Director of Community and Economic Development's discretion

4-05-02-07-07 *GROUNDWATER IMPACTS*

Fill material is not likely to contaminate ground water. ***Adopted by the BoCC on December 13, 2010**

4-05-02-07-08 *TRAFFIC/HAUL ROUTE*

The haul route for the traffic to and from the fill operation shall be provided with the permit application and may be jointly reviewed and approved by the Community and Economic Development Department.

4-05-02-07-09 *GRADING AND DRAINAGE*

The final grading and drainage plan shall be provided with the permit application and may be approved by the Community and Economic Development Department.

4-05-02-08 TEMPORARY STRUCTURES (TENTS)*

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

4-05-02-08-01 *TEMPORARY USE PERMIT REQUIRED*

A Temporary Use Permit shall be obtained for any temporary structure intended to be located on a property for up to ninety (90) days.

4-05-02-08-02 *PERIOD OF OPERATION*

Temporary Use Permits for temporary structures may only be issued for a maximum of ninety (90) days. Any structure intended to be used for more than ninety (90) days shall obtain a Special Use Permit.

4-05-02-08-03 *CODE REQUIREMENTS*

All Temporary Structures shall meet the building and fire code requirements prior to approval of any Temporary or Special Use Permit.

4-05-02-08-04 *MAXIMUM SIZE*

Temporary Structures shall not exceed a gross floor area of eight hundred (800) square feet per structure.

If multiple temporary structures are located on one site, all requirements of the Adams County Temporary Structures under Section 4-05-02-09 shall be followed.

4-05-02-08-05 *LOCATION*

The temporary structure shall be located on gravel, recycled asphalt, or paved parking lot or on agricultural land. The structure shall not block or be located within any right-of-way or public sidewalk. The structure shall not be located within any required parking spaces. The structure shall meet all zone district requirements for which the structure is located.

4-05-02-08-06 *HEIGHT*

The temporary structure shall not exceed the height limit of the zone district in which the structure is located.

4-05-02-08-07 *EXITS*

1. Stands (Wood built structures): Any stand measuring more than twenty-five (25) feet in length across the face shall have two (2) exits. Exit doors shall be a minimum of twenty (20) inches in width and six (6) feet in height and swing in the direction of egress. Stands with floor areas between three hundred (300) and four hundred (400) square feet must have three (3) exits.
2. Tents: All aisles within a tent shall measure no less than 48 inches in width. All tents shall have at least two sides of the tent open and unobstructed for use as an exit.

4-05-02-08-08 *CONSTRUCTION MATERIALS*

All temporary structures shall be constructed of wood, metal, fire retardant tent as approved by the Community and Economic Development Department or other approved materials. Stands shall not have wheels or tires. Combustible construction materials shall be painted with a water based latex paint.

4-05-02-08-09 *ANCHORING*

All temporary structures shall be properly anchored to the ground as approved by the Community and Economic Development Department.

4-05-02-08-10 *WIRING*

Electrical wiring shall meet all requirements of the State of Colorado.

4-05-02-08-11 *SIGNAGE*

All signs associated with a Temporary Structure shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-09 VENDING AND PRODUCE STANDS

4-05-02-09-01 *TEMPORARY USE PERMIT REQUIRED*

Vending and/or produce standards intended to be in operation shall obtain a Special Use Permit. However, vending and/or produce stands may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment.

No Special Use Permit shall be required for a produce stand located on agriculturally zoned land provided the stand is an accessory use and meets the performance standards in Section 4-03-02-02-05. In addition, no Special Use Permit shall be issued if the stand, which is subject to the current permit has been erected on the subject site without a Temporary Use Permit from the Community and Economic Development Department.

4-05-02-09-02 *MINIMUM LOT AREA*

No vending or produce stand shall be located on a parcel of land less than four hundred (400) square feet in size.

4-05-02-09-03 *LOCATION*

The stand shall be located on a gravel, recycled asphalt, or paved parking lot or on agricultural land. The stand shall not block or be located within any right-of-way or public sidewalk.

4-05-02-09-04 *PERIOD OF OPERATION*

The stand shall operate for no more than ninety (90) days annually.

4-05-02-09-05 *HOURS OF OPERATION*

The stand shall limit its hours of operation to 7:00 AM to 7:00 PM.

4-05-02-09-06 *SETBACKS*

The setbacks for the zone district shall apply.

4-05-02-09-07 *SIGNAGE*

All signs associated with a Vending and Produce Stand shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-09-08 *PARKING*

Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of stand area.

4-05-02-09-09 *ACCESS*

All vending and produce stands shall have highway, arterial, or collector road access.

4-06 AGRICULTURAL USES PERFORMANCE STANDARDS

4-06-01 GENERAL PERFORMANCE STANDARDS

4-06-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance to be applied to all agricultural development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

4-06-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Fencing and Walls

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-15-10)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handing Facilities (See Section 4-21)
8. Off-Premise Signs (See Section 4-15)

4-06-01-02-01 *FENCING, WALLS AND SCREENING*

4-06-01-02-01-01 *Maximum Height*

The maximum height of fencing, walls, and screening shall be ninety-six (96) inches, which may include four (4) strands of barbed wire forming the top eighteen (18) inches. All fences and walls more than forty-two (42) inches in height require a building permit.

4-06-01-02-01-02 *Fencing Material*

Fencing consisting of only barbed wire is permitted.

4-06-01-02-01-03 *Retaining Wall*

Any retaining wall over four (4) feet in height shall require preparation by a professional engineer as a condition for a building permit, except where waived by the Director of Public Works.

4-06-01-02-01-04 *Subdivided Agricultural Zone Districts*

In addition, the other standards contained in this Section, the following fence standards shall apply to subdivided agriculturally zoned lands:

1. *Maximum Fence Height:* Fifty-four (54) inches between the front setback line and a front property line.
2. *Fencing in the Front Setback:* All fencing between the front setback line and front property line greater than forty-two (42) inches shall not be screen fencing and shall adhere to sight distance requirements.
3. *External Boundary Electric Fence:* An external boundary electric fence shall require a Conditional Use Permit.

4-06-01-02-01-05 *Traffic View Obstruction*

Traffic view obstruction, as outlined in these standards and regulations, is prohibited.

4-06-01-02-01-06 *Screen Fencing*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
   a. Install heavy gauge PVC or vinyl inserts.
   b. The inserts shall achieve a minimum of ninety (90) percent opacity.
   c. Color of the inserts is at the discretion of the applicant.

d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.

2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight-foot solid wood fence or masonry wall.
3. If the property is not feasible screened by a fence from an adjacent road due to topography, the property owner shall:
   a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
   b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
   a. Structural integrity and being functionally sound under the Uniform Building Code; and
   b. Substantially the same condition as originally permitted or constructed.

4-06-01-02-01-07 *Garbage Area Screening*

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-06-01-02-01-08 *Outdoor Storage Screening*

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-06-01-02-01-09 *Masonry Wall*

All walls specified to be masonry fencing shall be constructed out of a brick or stone material which does not permit the contents within the fenced area to be seen from the outside.

4-06-01-02-01-10 *Noise Barrier Fencing*

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed residential or commercial development the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Highways (Colorado Department of Transportation) and these standards and regulations.

4-06-01-02-01-11 *Sidewalk Maintenance*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access

4-06-01-02-01-12 *Oil and Gas Well Waiver*

Where a new home is constructed within three hundred (300) feet of an existing oil or gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

4-06-02 PERFORMANCE STANDARDS BY USE CATEGORY

The following specific performance standards are included in this section:

1. Agricultural Support Businesses and Services (See Section 4-06-02-01 for specific requirements)
   a. Auction Yards, With Livestock (See Section 04-06-02-01-01 for specific requirements)
   b. Biosolids Application (See Section 04-05-02-01-02 for specific requirements)
   c. Commercial Livestock and Poultry Confinement Operations (See Section 04-06-02-01-03 for specific requirements)
   d. Equestrian Arena, Commercial (See Section 4-06-02-01-04 for specific requirements)
   e. Equestrian Arena, Personal (See Section 4-06-02-01-05 for specific requirements)
   f. Farm Machinery Sales and Services (See Section 04-06-02-01-06 for specific requirements)
   g. Fish Hatcheries (See Section 04-06-02-01-07 for specific requirements)
   h. Livestock and Poultry Keeping (See Section 04-06-02-01-09 for specific requirements)
   i. Railroad Yards (See Section 04-06-02-01-10for specific requirements)
   j. Truck Stops (See Section 04-06-02-01-11 for specific requirements)
2. Nurseries *
3. Performance standards for residential uses, institutional uses, commercial uses and industrial uses permitted in an agricultural zone district may be found in Sections 4-07, 4-08, 4-09, and 4-10.

4-06-02-01 AGRICULTURAL SUPPORT BUSINESSES AND SERVICES

4-06-02-01-01 *AUCTION YARDS, WITH LIVESTOCK*

1. *Minimum Parcel Area:* One (1) acre
2. *Location:* All auction yards shall be located at least fifty (50) feet away from any on-property occupied residential structure, fifty (50) feet from any right-of-way and five hundred (500) feet from any off-property occupied residential structure.
3. *Sale of Livestock:* Livestock sale rings are permitted. However, all livestock sale rings and yards shall be located no less than one thousand (1,000) feet from any occupied residential structure.
4. *Animal Care:* All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture and the State Veterinarian's Office.
5. *Manure Handling:* Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department.

4-06-02-01-02 *BIOSOLIDS APPLICATION*

1. *Biosolids Regulations:* The applier must operate in compliance with the Colorado Department of Public Health and Environment Biosolids Regulations, Reg. No. 64.
2. *Monitoring Reports:* Monitoring reports (2 copies) are required as a condition of the State Permit and shall be forwarded to the Adams County Community and Economic Development Department as they are forwarded to the Colorado Department of Public Health and Environment.
3. *Conditions of Approval:* The applier shall operate in accordance with all approved plans and required conditions of approval as stated in the permit issued by Adams County.
4. Sewage, Sewage Sludge, and Septage: Land applications of sewage, sewage sludge, or septage are prohibited. ***Adopted by the BoCC on December 13, 2010**

4-06-02-01-03 *COMMERCIAL LIVESTOCK AND POULTRY CONFINEMENT OPERATIONS*

1. *Minimum Parcel Area:* Ten (10) acres

2. *Location:* All such operations shall be located at least one hundred (100) feet away from any on-property occupied residential structure and two hundred (200) feet from any right-of-way.
3. *Setback from Residential Properties:* No new livestock or poultry confinement operation shall be permitted within one (1) mile of the lot line of a residential use except one which occurs in association with the livestock confinement operation and unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property.
4. *Animal Care:* All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture and the State Veterinarian's Office.
5. *Grazing:* Grazing lands shall be maintained in accordance with standards and specifications outlined by the United States Department of Agriculture and the local Soil Conservation Service.
6. *Conformance with "Confined Animal Feeding Operations Control Regulations":* All Operations shall comply with the "Confined Animal Feeding Operations Control Regulations" specified by the Colorado Department of Public Health and Environment.
7. *Environmental and/or Chemical and Scientific Controls:* Environmental and/or chemical and scientific controls shall be provided as approved by Tri-County Health Department.
8. *Manure Handling:* Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department.
9. *Drainage Facilities:* Drainage facilities or improvements, as approved by the Tri-County Health Department, shall be constructed to protect any adjacent rivers, streams or other bodies of water.
10. *Scraping, Grading, and Cleaning:* Adequate means of scraping, grading and cleaning shall be provided at all times as approved by the Tri-County Health Department.
11. *Tabulation of Animal Unit Densities:* To determine the maximum number of animals allowed on a given property, the types, and densities of animals allowed are detailed in Section 4-21.
12. *Combination of Animals:* Any combination of allowed animals may be kept, but at no time shall the maximum number of any specific type of animal be exceeded, nor shall the total maximum number of livestock be exceeded.
13. *Animals Not Categorized:* If an animal is not listed or does not clearly fall into one of the listed animal categories, the Director of Community and Economic Development shall determine the number permitted.

4-06-02-01-04 *EQUESTRIAN ARENA, COMMERCIAL*

1. *Minimum Lot Size:* 35 acres
2. *Location:* The arena and related structures shall be located at least one hundred twenty (120) feet from any road right-of-way line.
3. *Setback from Residential Properties:* No commercial equestrian arena shall be permitted within one (1) mile of the lot line of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
4. *Development and Operating Plan:* A development and operating plan shall be submitted and approved with the Conditional Use Permit application. This plan shall include:
    a. A site plan drawn to scale depicting activity areas, improvements, access, driveways, parking areas, and sanitary facilities;
    b. A description of facilities for animals involved in activities on site.
    c. The methods proposed to control dust, erosion, odor, noise, glare, waste disposal (manure, trash, etc.), and congestion;
    d. A traffic control plan approved by Adams County;
    e. The hours of operation;
    f. Fees, admission, and other compensation paid or charged during activities;
    g. The projected number of people on the property during activities;
    h. A description of any items for sale during activities (liquor and other beverages, food, souvenirs, etc.)
    i. Additional information as required by the Director of Community and Economic Development.

4-06-02-01-05 *EQUESTRIAN ARENA, PERSONAL*

1. *Accessory Status:* The arena shall be accessory and incidental to the ranch, farm, or home site on which it is located.
2. *Construction of Equestrian Arena, Personal:* No permit for construction of an equestrian arena, personal shall be issued prior to construction of a principal building except in the A-3 Zone District where the parcel is at least (35) thirty-five acres in size and a principal structure is already constructed.

3. *Number of Guests Permitted:* The use of the arena is limited to the family and invited guests of the farmer/rancher/home occupant but shall not exceed twenty (20) people in addition to the inhabitants of the farm/ranch/home on the property.
4. *Conditional Use Permit Required:* A Conditional Use Permit shall be required if one or more of the following occurs:
    a. More than twenty people in addition to the inhabitants of the property attend activities.
    b. Monetary or other compensation is collected or exchanged for admittance or participation.
    c. Food is bought or sold on the premises.
    d. Alcohol is bought or sold on the premises.
    e. Livestock is brought to the site from a provider for the purpose of hosting a rodeo.
5. *No Commercial Activities:* No commercial competition or commercial entertainment, user fees, dues or other compensation are permitted.
6. *No Offensive Impacts:* The arena shall be operated in such a manner so that there is no adverse impact on surrounding properties relating to dust, erosion, odor, noise, glare, off-site illumination (more than one foot candle of illumination measured at the property line), waste disposal, traffic or parking congestion. Neither a nuisance nor noxious activity shall be conducted on the property, which is caused by the use of the property as a personal equestrian arena.

4-06-02-01-06 *FARM MACHINERY SALES AND SERVICE*

1. *Maximum Lot Coverage:* The maximum lot coverage allowed is 80%.
2. *Display Area Setback:* The display area shall be set back a minimum of fifteen (15) feet from the road right-of-way and ten (10) feet from all other property lines.
3. *Setback from Residential Zone:* Not applicable.
4. *Indoor Activities:* All repair, parts storage, and work activities shall take place within a completely enclosed structure or screen yard enclosed by a six (6) foot high solid screen fence or wall.
5. *Storage of Vehicles:* All storage of vehicles awaiting repair shall be within the enclosed structure or within a compound yard enclosed by a six (6) foot high solid screen fence or wall, except for driveway openings.

4-06-02-01-07 *FISH HATCHERIES*

1. *Minimum Parcel Area:* Five (5) acres
2. *Setback from Residential Zoning:* Not Applicable.
3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building, with the exception of fish hatching ponds.

4-06-02-01-08 *LIVESTOCK AND POULTRY KEEPING*

1. *Drinking Facilities:* Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property.
2. *New Shed Location:* Any new shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be setback twenty-five (25) feet from the side lot line and fifty (50) feet from the front lot line.
3. *Rodent Control:* All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
4. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
5. *Parcels Under Five (5) Acres in Size:* On parcels less than five (5) acres in size, all livestock shall be kept within a fenced area.
6. *Colorado Confined Animal Feeding Regulations:* Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission shall be required.
7. *Manure Removal:* All manure shall be removed periodically or incorporated into the soil on a regular basis such that the manure does not draw flies, or other insects, or cause obnoxious odors.
8. *Feed Leftovers:* Spillage and leftovers from livestock feedings must be removed or so disposed of as to prevent fly, bird, or rodent propagation, or creation of odors.
9. Number of Animals Permitted
   a. *Properties Greater than thirty-five (35) Acres:* The keeping of non-commercial livestock and poultry is not regulated, unless the number of animals classify the use as a Livestock Confinement Operation.
   b. *Properties Less than thirty-five (35) Acres:* The keeping of non-commercial livestock and poultry is allowed in accordance with Section 4-

21. The maximum number of allowable livestock per lot does not apply to young animals below weaning age, or six (6) months of age, whichever is less.

4-06-02-01-09 *RAILROAD YARDS*

1. *Minimum Site Area:* Five (5) acres.
2. *Location:* All railroad yards shall be located at least one (1) mile from a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
3. *Access:* All railroad yards shall have arterial road or highway access.

4-06-02-01-10 *TRUCK STOP*

1. *Minimum Site Area:* Five (5) acres.
2. *Access:* All truck stops shall have arterial road or highway access.
3. *Pump Setbacks:* Pump islands may be located a minimum of one hundred (100) feet from all exterior property lines, and pump island canopies may project to within fifty (50) feet of property lines.
4. *Screening:* Truck stops shall be separated from residential uses or residentially zoned properties by five hundred (500) feet. The separation distance shall be measured from the lot line.
5. *Indoor Activities:* The changing of engine oil and filters; the lubrication of motor vehicle chassis; the cleaning of component parts; brake adjustment and replacement; mechanical or hand washing and detailing; front-end alignment; the sale or installation of batteries and minor automotive accessories; the sale or mounting and repair of tires; the testing, adjustment and replacement of parts, the servicing of air conditioners; the servicing of air pollution control devices; the sale of soft drinks, candy, ice and similar items.
6. *Outdoor Activities:* The dispensing of gasoline, oil, air, and water from pump islands; any testing or servicing of automobiles which necessitates a running engine; tire display; trash areas enclosed by walls; public telephones in a well-lighted location, visible from the road; the sale of soft drinks, candy, ice and similar items via vending machines.
7. *Painting and Body Work Prohibited:* Painting or other body work shall be prohibited at all truck stops in agricultural zone districts.

8. *Storage:* All products and merchandise shall be stored indoors with the exception of vending machines and tire display.

4-06-02-02 NURSERIES *

1. A nursery shall consist of living materials grown and/or kept on site. A nursery shall be allowed to contain up to ten (10) percent of the approved living nursery area for hardscape materials. The living area is calculated by the placement of living landscaping (trees, shrubs, flowers, etc.) which is no more than ten (10) feet from one another, or as determined by the Director of Community and Economic Development through a site plan review. Hardscape includes but is not limited to the storage of rock, soil, mulch, and other non-living landscape materials, and equipment.
2. All commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight and/or hardscape used for the nursery business shall be screened from any adjoining residentially zoned or used property with an eight (8) foot solid screen fence.
3. In all Agricultural Zone Districts no more than two (2) commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight used for the nursery business shall be allowed per acre with a maximum of five (5) unless otherwise permitted through a Conditional Use Permit.

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

4-07 RESIDENTIAL USES PERFORMANCE STANDARDS

4-07-01 GENERAL PERFORMANCE STANDARDS

4-07-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance that shall be applied to all residential development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

4-07-01-02 SUBSECTION

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-15-10)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handing Facilities (See Section 4-21)

4-07-01-02-01 *PROJECT COMPATIBILITY*

4-07-01-02-01-01 *Purpose*

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area.

4-07-01-02-01-02 *Architectural Character*

New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a complementary design. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window and door patterns, and /or the use of building materials which have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

4-07-01-02-01-03 *Structure Size, Height, Bulk, Mass, Scale*

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

4-07-01-02-01-04 *Structure Orientation*

To the maximum extent feasible, primary facades and entries shall face the adjacent road. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways.

4-07-01-02-01-05 *Building Materials*

1. *General:* Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.
3. *Windows:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

4-07-01-02-01-06 *Front Width of Residence*

The width of the residence facing the front lot line should appear to be greater than the length of the residence parallel to the side lot line. This will be reviewed by examining whether the width of the residence, including additions to the main body such as garages, carports, utility or living rooms, is a minimum of thirty-five (35) feet in width facing the road frontage.

4-07-01-02-01-07 *Land Use Transition*

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in the best interest of the community, the proposed structure shall, to the maximum extent feasible, achieve compatibility through compliance with the standards set forth regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

4-07-01-02-01-08 *Operational/Physical Compatibility Standards*

The following conditions may be imposed upon the approval of a Conditional Use Permit to ensure new, non-residential development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries;
2. Location of activities generating potential adverse impacts on adjacent uses such as noise and glare;
3. Placement of trash receptacles;
4. Location and screening of loading and delivery zones;
5. Light intensity and hours of full illumination; and
6. Placement and illumination of outdoor vending machines

4-07-01-02-02 *FENCING, WALLS, AND SCREENING*

4-07-01-02-02-01 *Maximum Height*

Seventy-two (72) inches, except when a residential use is adjacent to existing or proposed arterial roads or state highway. Fences bordering such roads may be uniformly built higher with approval from the Director of Community and Economic Development. All fences more than forty-two (42) inches in height require a building permit.

4-07-01-02-02-02 *Retaining Walls*

Any retaining wall over four (4) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Public Works.

4-07-01-02-02-03 *Fences on Corner Lots*

In single family and duplex zone districts, fences up to seventy-two (72) inches in height may be permitted on the common road side of corner lots where houses are back to back with the approval of the Director of Community and Economic Development.

4-07-01-02-02-04 *Prohibited Fences*

1. *Fencing Between Front Setback Line and Front Property Line:* No fence over seventy-two (72) inches in height shall be permitted between the front setback line and a front property line.
2. *Fencing in the Front Setback:* All fencing between the front setback line and front property line greater than forty-two (42) inches shall not be screen fencing and shall adhere to sight distance requirements.
3. *Barbed Wire and Electric Fences:* Barbed wire and electric fences are prohibited as an external boundary fence. Horse enclosures, where permitted, may be constructed of barbed wire or electric fence, but shall be setback from the property line a minimum of five (5) feet.

4-07-01-02-02-05 *Traffic View Obstruction*

Traffic view obstruction as outlined in these standards and regulations is prohibited.

4-07-01-02-02-06 *Fence Bottom*

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-07-01-02-02-07 *Screen Fencing*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following

criteria shall be following in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
   a. Install heavy gauge PVC or vinyl inserts.
   b. The inserts shall achieve a minimum of ninety (90) percent opacity.
   c. Color of the inserts is at the discretion of the applicant.
   d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight-foot solid wood fence or masonry wall.
3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
   a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
   b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
   a. Structural integrity and being functionally sound under the Uniform Building Code; and
   b. Substantially the same condition as originally permitted or constructed.

4-07-01-02-02-08 *Outdoor Storage Screening*

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-07-01-02-02-09 *Masonry Wall*

All walls specified to be masonry fencing shall be constructed out of a brick or stone material which does not permit the contents within the fenced area to be seen from the outside.

4-07-01-02-02-10 *Noise Barrier Fencing*

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed residential development, the Director of Community

and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-07-01-02-02-11 *Sidewalk Maintenance*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

4-07-01-02-02-12 *Oil and Gas Well Waiver*

Where a new home is constructed within three hundred (300) feet of an existing oil or gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

4-07-02 PERFORMANCE STANDARDS BY USE CATEGORY

The following specific performance standards are included in this section:

1. Dwelling, Detached Single-Family
2. Dwelling, Attached Single-Family
3. Dwelling, Townhouse
4. Dwelling, Multi-Family
5. Dwelling, Manufactured Home Park
6. Dwelling, Mobile Home Park

4-07-02-01 DWELLING, DETACHED SINGLE-FAMILY

4-07-02-01-01 *MAXIMUM LOT COVERAGE*

1. *Principal Structure:* 60%
2. *Accessory Structures:* 30%
3. *Structures Combined:* 75%

4-07-02-01-02 *MANUFACTURED HOMES AS DETACHED SINGLE-FAMILY DWELLINGS*

4-07-02-01-02-01 *Manufactured Home Location Criteria.*

A single manufactured home may be used as a single-family dwelling on an individual lot in any residential zone district, which allows single-family dwellings.

4-07-02-01-02-02 *Manufactured Home Site Improvement Standards.*

A manufactured home being placed on an individual lot or parcel must comply with the following minimum site standards:

1. At the time of siting, the unit is no more than five (5) years old.
2. The unit is comprised of two (2) or more fully enclosed parallel sections not less than twelve (12) feet wide by thirty-six (36) feet long (producing a dwelling unit with a minimum of eight hundred sixty-four (864) square feet) or the minimum area permitted in the zone in which the manufactured home is to be placed, whichever is greater.
3. The unit was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof with a nominal pitch of 3:12.
4. The unit has exterior siding similar in appearance and quality to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.
5. The unit is installed on the site by a certified manufactured home installer in accordance with the 1997 Uniform Building Code, as amended.
6. Compliance with the site plan which, drawn to scale, shows the exact footprint and exact location of the specific manufactured home to be placed on the site and the exact location of the required off-road parking spaces.
7. The off-road parking area and driveway are paved prior to occupancy.
8. Compliance with the approved landscape plan which, drawn to scale, indicates the types of plant material and their location. The minimum requirement under this subsection is a front lawn of grass. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after the manufactured home has been placed on the site. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.

9. During the time in which the permit application is being reviewed by County staff, the Director of Community and Economic Development shall certify, prior to placement on the site, the design of the manufactured home is compatible with the character of the neighborhood surrounding the lot or parcel upon which it is being placed, considering at a minimum the following features:

   a. The architectural style;

   b. The roof line;

   c. The window placement;

   d. The location of garages, carports or parking pads;

   e. Front porches, if present on nearby structures; and

   f. Landscaping, including the presence or absence of front yard fencing.

10. The tongue, axles, transporting lights, and removable towing apparatus are removed prior to occupancy.

11. The manufactured home is placed on foundation system footings, foundation system piers, foundation system plates and shims, foundation fascia and an anchoring system as defined in the 1997 Uniform Building Code, as amended, and complies with all weather and fire resistance requirements of the HUD code. The wood of the fascia is at least three (3) inches from the ground unless it is pressure-treated wood. Metal fasteners are galvanized, stainless steel, or other corrosive-resistant material. Ferrous metal members in contact with the earth, other than those, which are galvanized or stainless steel, are covered with an asphalt emulsion.

12. The manufactured home is hooked up to public water and sanitary sewer prior to occupancy, and extension of the pressure relief valve for the water heater is provided.

13. Every exit not at grade has a set of stairs, which complies with the 1997 Uniform Building Code requirements, as amended.

14. A used manufactured home has been inspected and certified by the Community and Economic Development Department prior to placement on the site to assure the unit is the one shown on the approved site plan and it complies with all requirements.

15. Title elimination shall occur within six (6) months of occupancy.

16. Placement on the site complies with all building setbacks, building coverage and height requirements of the zone district in which it is located.

17. Accessory uses for a manufactured home on an individual lot or parcel are subject to the accessory building setback requirements of the zone district

in which it is located, the provisions of the 1997 Uniform Building Code, and limited to the following:

a. one (1) garage or one attached carport,

b. one (1) hot tub,

c. one (1) attached or detached storage room with an area of no more than one hundred fifty (150) square feet,

d. one (1) swimming pool,

e. decks provided they do not encroach into required yards or exceed forty-two (42) inches in height, in the required front yard,

f. one (1) gazebo.

4-07-02-01-03 *LANDSCAPING*

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.

2. *Back Yard Setback:* A minimum thirty percent (30%) of the back yard shall be landscaped.

3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping. Single-family residential uses in eastern Adams County are not required to install landscaping or automatic irrigation systems.

4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.

5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

Plant Type	*Maturity Height*	*Minimum Plant Size at Planting*
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

4-07-02-01-04 *HOUSING MODEL VARIETY*

Any development with one hundred (100) or more single-family dwelling units shall have at least four (4) different types of housing models. Any development between three (3) and one hundred (100) single-family dwelling units shall have at least three (3) different types of housing models.

4-07-02-01-05 *DISTINGUISHING CHARACTERISTICS OF HOUSING MODELS*

Each housing model shall have at least three (3) characteristics which clearly distinguish it from the other housing models, including different floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot, and/or building face.

4-07-02-01-06 *GARAGE DOORS*

Garage doors shall not comprise more than fifty percent (50%) of the ground floor road-facing linear building frontage. Corner lots are exempt from this standard.

4-07-02-02 DWELLING, ATTACHED SINGLE-FAMILY

4-07-02-02-01 *MAXIMUM LOT COVERAGE*

1. *Principal Structure:* 70%
2. *Accessory Structures:* 25%
3. *Structures Combined:* 80%

4-07-02-02-02 *LANDSCAPING*

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum of thirty percent (30%) of the back yard shall be landscaped.

3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

Plant Type	***Maturity Height***	***Minimum Plant Size at Planting***
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

4-07-02-02-03 *HOUSING MODEL VARIETY*

Any development with one hundred (100) or more single-family dwelling units shall have at least four (4) different types of housing models. Any development between three (3) and one hundred (100) single-family dwelling units shall have at least three (3) different types of housing models.

4-07-02-02-04 *DISTINGUISHING CHARACTERISTICS OF HOUSING MODELS*

Each housing model shall have at least three (3) characteristics which clearly distinguish it from the other housing models, including different floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot, and/or building face.

4-07-02-03 DWELLING, TOWNHOUSE

4-07-02-03-01 *SITE COVERAGE*

1. *Principal and Accessory Structures:* Maximum 30%
2. *Paved Area (Driveways):* Maximum 30%
3. *Open Space (Common and/or Public):* Minimum 40%

4-07-02-03-02 *LANDSCAPING*

1. *Minimum Landscaped Area:* Not less than 30% of the site area shall be landscaped.
2. *Required Ground Cover:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (30% - 70%) and ornamental (30% - 70%) trees. Evergreens shall be considered ornamental.
6. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

Plant Type	*Maturity Height*	*Minimum Plant Size at Planting*
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-07-02-03-03 *STRUCTURE SITING*

Structures shall be organized on the site in a clustered, efficient manner. There shall be a continuity of design in structure groupings. In larger projects, the unit type shall vary between groupings. Structures should be grouped in such a way to provide visual interest.

4-07-02-03-04 *UTILITY SCREENING*

Group transformers with utility meters shall be used where possible. Utility appurtenances, including telephone pedestals, utility meters, irrigation system backflow preventers, transformers, and other similar utilities may be screened from adjacent properties, parking areas, public roads and pedestrian walkways where it is technically feasible.

4-07-02-04 DWELLING, MULTI-FAMILY

4-07-02-04-01 *MINIMUM UNIT SIZE*

Each apartment or condominium shall have a minimum of floor area as stated below:

a. *Efficiency:* Four-hundred-fifty (450) square feet

b. *One Bedroom:* Six hundred (600) square feet

c. *Two Bedroom:* Seven-hundred-fifty (750) square feet

d. *Three Bedroom:* Nine hundred (900) square feet

e. *Four Bedroom:* One thousand (1,000) square feet

4-07-02-04-02 *SITE COVERAGE*

1. Apartment/Condominium Developments

a. *Principal and Accessory Structures:* Maximum 40%

b. *Paved Area (including Driveways):* Maximum 30%

c. *Open Space (Common and/or Public):* Minimum 30%

2. Triplex and Fourplex Developments

a. *Principal and Accessory Structures:* Maximum 50%

b. *Paved Area (Driveways):* Maximum 20%

c. *Open Space (Common and/or Public):* Minimum 30%

4-07-02-04-03 *LANDSCAPING*

1. *Minimum Landscaped Area:* Not less than thirty percent (30%) of the site area shall be landscaped.
2. *Required Ground Material:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (10% - 50%) and ornamental (10% - 50%). Evergreens shall be considered ornamental.
6. Minimum size requirements for trees and shrubs shall be:

Plant Type	***Maturity Height***	***Minimum Plant Size at Planting***
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall

Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-07-02-04-04 *OPEN SPACE*

1. *Pedestrian Inclusion:* Open space may include pedestrian pavements and plazas, and any parking lot island greater than four hundred (400) square feet in size.
2. *Active Recreation Areas:* Active recreation areas shall be located where light and noise will not adversely impact adjacent properties.
3. *Coordination with Adjacent Properties:* Open space and trail design shall be coordinated with adjacent properties.

4-07-02-04-05 *BICYCLE PARKING*

Bicycle parking shall be provided for all multi-family development. Bicycle parking areas shall be located near structure entries, but shall not encroach into pedestrian walkways.

4-07-02-04-06 *STRUCTURE SITING*

Structures shall be organized on the site in a clustered, efficient manner. There shall be a continuity of design in structure groupings. In larger projects, the unit type shall vary between groupings. Structures should be grouped in such a way to provide visual interest.

4-07-02-04-07 *UTILITY SCREENING*

Group transformers with utility meters shall be used where possible. Utility appurtenances, including telephone pedestals, utility meters, irrigation system backflow preventers, transformers, and other similar utilities may be screened from adjacent properties, parking areas, public roads and pedestrian walkways where it is technically feasible.

4-07-02-05 DWELLING, MANUFACTURED HOME PARK

4-07-02-05-01 *PURPOSE*

The manufactured home parks and manufactured home subdivisions performance and design standards are intended primarily to accommodate planned manufactured home developments in a desirable residential environment thereby providing a greater range and choice of housing types.

These developments are intended to accommodate individual manufactured homes either on their own individual plot of ground within a subdivision, or within a planned-unit manufactured home park on a condominium lot sale basis or lot rental or lease basis so the park remains in one ownership to comply with the conditions of development.

4-07-02-05-02 *ESTABLISHMENT*

Manufactured home parks may be allowed in most residential zone districts by conditional use permit after a public hearing and examination of the development plans and the location thereof. A manufactured home park will only be allowed after finding it complies with the development standards of this section and the zone district in which it may be located, will not be unduly detrimental to surrounding properties, and will be reasonably compatible with the development or potential development of adjoining land.

The Board of County Commissioners may impose reasonable conditions necessary to protect surrounding properties. It is the intent to permit manufactured home parks under appropriate conditions and at locations within the County where they are reasonably compatible with existing and potential development of the properties in the vicinity. Sites selected should be such they can be developed in accordance with this code. Manufactured home parks should have adequate road access and utility services, including acceptable water and sewer services, and should provide the usual residential amenities of a planned unit development. Camping or recreational vehicles and/or trailers are not intended as dwellings in a manufactured home park, but may be permitted within areas of the park designed to meet the recreational vehicle park and campground standards, as permitted by this Section 4-07-02-05 subject to Conditional Use Permit approval.

4-07-02-05-03 *REQUIREMENTS*

The following conditions and restrictions shall apply to all manufactured home parks:

1. A park must have a minimum area of ten (10) acres and be located where ample road access and utility services are available.
2. At least fifteen (15%) percent of the gross site area must be in open space or recreational areas available for use by all residents. Parking, driving and setback areas and small areas less than five thousand (5,000) square feet in area do not count in the required open space.
3. The density may not exceed seven (7) manufactured homes per gross acre nor shall the overall density exceed the density permitted within the zone district in which the park will be located.

4. A twenty (20) foot strip around the boundary must be landscaped to provide a visual screen. All open spaces and other unimproved areas must be suitably landscaped. All landscaping must be maintained and furnished with an automatic sprinkler system.
5. All manufactured homes, and extensions thereof, accessory structures and other buildings must be set back:
    a. twenty (20) feet from the boundary of the park;
    b. twenty (20) feet from a public way;
    c. ten (10) feet from a private interior drive, walking or parking area; and
    d. sixteen (16) feet from any other manufactured home.
6. One (1) freestanding identification sign may be erected along each major approach to the park so long as such sign:
    a. does not exceed an area of fifteen (15) square feet;
    b. does not exceed eight (8) feet in height;
    c. sets back from the road at least eighteen (18) feet; and
    d. is of low-intensity illumination and not flashing or animated.

7. Public roads to be dedicated must comply with the County's current specifications and standards. Private roads must be improved to the extent and in the manner acceptable to the Director of Public Works. Minimum paving widths for private roads are:
    a. thirty-six (36) feet for entrances and all drives with guest parking on both sides;
    b. twenty-nine (29) feet for two-way drives with parking on one side;
    c. twenty-two (22) feet for two-way drives with no parking; and
    d. eleven (11) feet for one-way drives with no parking.
8. Paved off-road parking must be provided at the ratio of two (2) spaces per manufactured home. At least one (1) space must be at the manufactured home space. Other spaces may be in a common parking area so long as each space is within two hundred (200) feet of the manufactured home space to which it relates. No space shall be located closer than eight (8) feet from any road. One (1) guest parking space shall be provided for each (8) manufactured homes in a common parking area.
9. Maps showing location of all parking spaces, buildable areas, and accessory commercial buildings and common buildings, and for all common open areas, shall be included with and made a part of the Conditional Use Permit approval.

10. The area for buildings, structures, manufactured homes, and accessory buildings shall be shown on a map for each site and hereafter called buildable areas. The maximum length and width of any manufactured home shall be shown on the map for each buildable area.
11. No manufactured home or accessory building may be located in any area in excess of the buildable areas indicated on the map.
12. All manufactured home parks shall be provided with safe, convenient paved vehicular access from abutting roads to each manufactured home space.
13. A manufactured home development shall have two (2) separated direct connections to public roads and shall be designed to allow free movement of traffic on such adjacent roads. Access to a manufactured home development shall not be through a residential area to reach a collector route.
14. No manufactured home site shall have direct frontage on a public road outside of the manufactured home park boundaries.
15. A manufactured home park shall have a minimum of one hundred (100) feet of frontage on a public road.
16. Each manufactured home space shall comply with the following:
    a. The limits of each manufactured home space shall be marked on the ground by suitable means. Location space limits on the ground shall be the same as shown on the required map.
    b. The manufactured home space shall be improved to provide adequate support for the placement and tie-down of the manufactured home.
    c. Each manufactured home space shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. The minimum area shall not be less than three hundred (300) square feet with at least one dimension of fifteen (15) feet. This area shall not be a part of the buildable area. The minimum area within each manufactured home space shall be four thousand (4000) square feet and the minimum space width shall be forty (40) feet.
17. Solid waste collection stands shall be provided for all waste containers. Such stands shall be so designed as to prevent containers from being tipped and minimize spillage and container deterioration and to facilitate cleaning of the area. Solid waste collection stands shall be screened adequately from view.
18. Storage areas shall be provided for the storage of boats, campers, utility trailers and extra vehicles at the following ratio: Three hundred (300) square feet for each four (4) manufactured home spaces. Each storage area shall be enclosed with a chain link or comparable fence six (6) feet in height and shall be screened from exterior view.

19. A properly designed manufactured home park located on a major highway or primary or secondary arterial County road may be designed to utilize a maximum of ten (10) percent of the manufactured home park site to accommodate travel trailers or similar recreational vehicles in accordance with standards for Recreational Vehicle Parks and Campgrounds.
20. All manufactured home parks shall be screened from any adjacent non-manufactured home park or public road with a masonry wall, adequate plantings, or solid material fence of six (6) feet in height.
21. There must be a paved system of walkways, which gives safe and convenient access to every manufactured home and all common facilities.
22. The park must be supplied by central water for domestic use and for fire protection satisfactory to the applicable fire district.
23. The park and each manufactured home must be connected to the central sanitary sewer system or some other system approved by the Director of Community and Economic Development and Tri-County Health Department. Individual sewage disposal systems are prohibited from serving manufactured home parks.
24. There must be a storm sewer system and drainage plan satisfactory to the Director of Community and Economic Development.
25. Utilities (distribution lines within subdivisions) must be underground. High voltage transmission lines are not required to be placed underground.
26. Each manufactured home must be securely installed upon a stand and must be skirted to conceal the undercarriage.
27. At least one-third of the manufactured home spaces in the park must be graded and served with utilities and roads before any units may be located on the site and every unit must be connected with the water and sewer systems before occupancy.
28. The following are allowed in a manufactured home park:
    a. Manufactured homes, either on individual owned plots of ground, on a condominium basis, or on leased lots;
    b. Accessory buildings, such as laundry, grounds maintenance shop, recreation, restroom and swimming pool; and
    c. Those uses permitted in the C-1 zone, not including service stations intended to serve park residents and invited guests, so long as the aggregate floor area of such uses does not exceed the ratio of ten (10) square feet for every manufactured home. All commercial uses shall be approved within the Conditional Use Permit.

4-07-02-05-04 *PLATTING*

A manufactured home park may be platted in accordance with the requirements for plats as provided for in the subdivision standards and regulations, remaining subject to the terms of the Conditional Use Permit. Any manufactured home development involving a subdivision of land into separately owned parcels or lots must be platted as provided in the subdivision standards and regulations. A manufactured home subdivision is subject to all of the requirements of the zone district in which it is located. Lots may be platted within a manufactured home park. All platted lots shall meet the following minimum dimensional requirements:

1. The minimum lot area is seven thousand (7,000) square feet; and
2. The minimum lot width is sixty-five (65) feet.

4-07-02-05-05 *CERTIFICATION*

All manufactured housing shall be certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U. S. C. 5401 et. seq., as amended. Certification shall be demonstrated by a HUD label affixed to the home with a 3 (three) letter identifier (identifying the inspection agency), and 6 (six) digit HUD number. In the alternative the Director of Community and Economic Development Department may approve the equivalent data sheet for the home provided it is identical to the requirements for the State of Colorado or Adams County.

4-07-02-06 DWELLING, MOBILE HOME PARK

4-07-02-06-01 *NO NEW MOBILE HOME PARKS*

No new mobile home parks shall be permitted, except in the MH Zone District. Existing mobile home parks may be expanded and modified subject to a Conditional Use Permit where permitted and in accordance with these standards and regulations.

4-07-02-06-02 *CONDITIONAL USE PERMIT REQUIRED*

A conditional use permit shall be required for all expansions or modifications to existing mobile home parks.

4-07-02-06-03 *MINIMUM MOBILE HOME SIZE*

The minimum unit size of any new or replacement mobile home shall be six hundred (600) square feet.

4-07-02-06-04 *LANDSCAPING*

A landscaping plan shall be submitted for review and approval. The setbacks of the development and any other area not covered by mobile homes, driveways, ingress and egress, or other structures, shall be landscaped.

4-07-02-06-05 *OTHER STANDARDS*

Mobile home parks shall meet all design and performance requirements contained in Section 4-07-02-05 for manufactured home parks except a mobile home park shall not be required to meet the minimum area or certification requirements for manufactured home parks. Variations may be permitted as part of the conditional use permit approval where the requirement would unreasonably restrict the improvement or expansion of the mobile home park. The standards shall only be applicable to those areas of a park being modified or expanded. Areas of an existing mobile home park which are not being modified shall not be required to comply with the standards contained in Section 4-07-02-05.

4-08 INSTITUTIONAL USES PERFORMANCE STANDARDS

4-08-01 GENERAL PERFORMANCE STANDARDS

4-08-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance that shall be applied to all institutional development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

4-08-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-15-10)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handing Facilities (See Section 4-21)
8. Off-Premise Signs (See Section 4-15)

4-08-01-02-01 *PROJECT COMPATIBILITY*

4-08-01-02-01-01 *Purpose*

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area.

4-08-01-02-01-02 *Architectural Character*

New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a complementary design. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window and door patterns, and/or the use of building materials with color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

4-08-01-02-01-03 *Structure Size, Height, Bulk, Mass, Scale*

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

4-08-01-02-01-04 *Structure Orientation*

To the maximum extent feasible, primary facades and entries shall face the adjacent road. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways.

4-08-01-02-01-05 *Building Materials*

1. *General:* Building materials shall either be similar to the materials already being used in the immediate area or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant

adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.

3. *Windows:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Clear glass shall be used for institutional front windows or doors. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

4-08-01-02-01-06 *Land Use Transition*

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in the best interest of the community, the proposed structure shall, to the maximum extent feasible, achieve compatibility through compliance with the standards set forth in this Section regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

4-08-01-02-01-07 *Operational/Physical Compatibility Standards*

The following conditions may be imposed upon the approval of development applications to ensure new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries
2. Location of activities generating potential adverse impacts on adjacent uses such as noise and glare
3. Placement of trash receptacles
4. Location and screening of loading and delivery zones
5. Light intensity and hours of full illumination
6. Placement and illumination of outdoor vending machines

4-08-01-02-02 *FENCING, WALLS, AND SCREENING*

4-08-01-02-02-01 *Maximum Height*

The maximum height of fencing, walls, or screening shall be ninety-six (96) inches, which shall include no more than four (4) strands of barbed wire forming the top eighteen (18) inches or less of the fence, placed at a forty-five (45) degree angle.

4-08-01-02-02-02 *Fence Bottom*

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-08-01-02-02-03 *Electric and Barbed Wire Fencing Prohibited*

Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.

4-08-01-02-02-04 *Screen Fencing*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
   a. Install heavy gauge PVC or vinyl inserts.
   b. The inserts shall achieve a minimum of ninety (90) percent opacity.
   c. Color of the inserts is at the discretion of the applicant.
   d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight-foot solid wood fence or masonry wall.
3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
   a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
   b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
   a. Structural integrity and being functionally sound under the Uniform Building Code; and

b. Substantially the same condition as originally permitted or constructed.

4-08-01-02-02-05 *Garbage Area Screening*

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-08-01-02-02-06 *Outdoor Storage Screening*

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall be not allowed above the height of the fence.

4-08-01-02-02-07 *Masonry Wall*

All walls specified to be masonry shall be solid and constructed out of a brick or stone material. The wall shall not permit the contents within the wall to be seen from the outside.

4-08-01-02-02-08 *Noise Barrier Fencing*

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed commercial development, the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-08-01-02-02-09 *Retaining Walls*

Any retaining wall over four (4) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Public Works.

4-08-01-02-02-10 *Traffic View Obstruction*

Traffic view obstruction as outlined in these standards and regulations by any fence, wall or screen is prohibited.

4-08-01-02-02-11 *Sidewalk Maintenance*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

4-08-02 PERFORMANCE STANDARDS BY USE CATEGORY

The following general performance standards are included in this section:

1. Crematory/Crematorium ***Adopted by the BoCC on December 13, 2010**
2. Institutional Residential
3. Halfway House ***Adopted by the BoCC on December 13, 2010**
4. Neighborhood Indoor Uses
    a. Day Care Centers
    b. Elementary and Secondary Schools
5. Outdoor Public Uses
    a. Cemeteries
    b. Picnic, Parks and Playgrounds
    c. Swimming Pools, Public
6. Places of Worship
7. Public Services
    a. Fire Stations
    b. Police Stations and Post Offices
    c. Utility Substations

4-08-02-01 CREMATORY/CREMATORIUM *

1. All structures used in conjunction with a crematorium shall be setback a minimum of twenty-five (25) feet from all property lines unless required to be greater by the Zone District.

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

4-08-02-02 INSTITUTIONAL RESIDENTIAL

All institutional residential uses shall meet the following standards:

1. *Location:* No institutional residential facility shall be located within five hundred (500) feet of any other institutional residential facility.
2. *New Construction in Residential Area:* Any new construction allowed in a residential zone district for the operation of a group living facility shall substantially resemble a conventional single-family dwelling.

3. *No Administrative Activities on Premises:* No administrative activities of any private or public organization or agency shall be conducted on the premises of the group living facility.
4. *Residential Suites and Assisted Living Units:* Residential suites and assisted living units shall provide bathrooms but shall not provide cooking facilities.
5. *Density:* Residential suites and assisted living units shall be constructed at the same density as the density in the applicable zone district. If the group home has on-site common use dining, recreation, health care, or a convalescent center, the density for any associated multi-family units shall not exceed two (2) times the allowed multi-family base density for the zone district.
6. *Screened Parking:* Off-road parking for the guests shall be screened with landscaping meeting the requirements of a Type C Bufferyard (See Section 4-16-06).
7. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
8. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
9. *Drop-Off/Pick-Up Areas:* All institutional residential uses shall provide an off-road drop-off/pick-up area for patrons or clients. The area shall be provided at a rate of one (1) space per eight (8) individuals. The spaces shall be signed as loading areas and at least ten (10) by twenty (24) feet in area. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.

4-08-02-03 HALFWAY HOUSE *

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

****Amended by the BoCC on January 7, 2013**

All halfway house uses shall meet the following standards:

1. *Licensing:* Halfway houses must be properly licensed by the State of Colorado.
2. *Location:* No halfway house shall be located within five hundred (500) feet of any other halfway house. Halfway houses shall be located within one (1) mile of an RTD bus or rail stop. The method of measurement shall be from property line a point roughly in the center of the bus or rail stop. Setbacks shall be established as of the date of application.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

4. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
5. *Drop-Off/Pick-Up Areas:* All halfway houses shall provide an off-road drop-off/pick-up area for patrons or clients. The area shall be provided at a rate of one (1) space per eight (8) individuals. The spaces shall be signed as loading areas and at least ten (10) by twenty (24) feet in area. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.
6. *Setbacks:* Halfway Houses shall be set back a minimum of one-thousand five hundred (1,500) feet from schools (pre-K through grade 12), residentially zoned property, residentially used property, and state licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the state of Colorado). The method of measurement shall be from property line to property line. Setbacks shall be established as of the date of application.
7. *Waiver from Residential Setback:* No halfway house shall be located within 1,500 of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within 1,500 feet and a disclosure document is recorded against the property. If a waiver cannot be obtained, the applicant may not proceed with a Conditional Use Permit for the subject property.
8. *Number of Occupants*: The number of occupants within the halfway house shall conform to all standards within the applicable state of Colorado rules and regulations, the applicable fire code, and the applicable building code that is in use by Adams County. In the event of a conflict between any state and county standard, the stricter standard shall apply.
9. *Alcohol and Substance Abuse Management Plan*: All halfway houses shall submit an alcohol and substance abuse management plan to the County.
10. *Legal Non-Conforming Halfway Houses:* Existing and legally permitted halfway houses that do not meet one or more of the standards within this section may continue to operate in accordance with the regulations for the duration of the Conditional Use Permit. Existing and legally permitted halfway houses may apply for a Major or Minor Amendment to the Conditional Use Permit without conformance to these standards and regulations. In the event that a Conditional Use Permit for an existing halfway house expires and/or is revoked, conformance with all standards within these standards and regulations shall be required and the use shall no longer be considered legal non-conforming.

4-08-02-04 NEIGHBORHOOD INDOOR USES

All neighborhood indoor uses shall meet the following standards.

4-08-02-04-01 *GENERAL*

1. *Screened Parking:* Off-road parking for the guests shall be screened with landscaping meeting the requirements of a Type C Bufferyard (See Section 4-16-06).
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

4-08-02-04-02 *DAY CARE CENTERS*

1. *Licensing:* Day care centers must be properly licensed by the State of Colorado.
2. *Drop-Off/Pick-Up Areas:* Day care centers must provide adequate drop-off and pick-up areas. The required area shall be based upon the maximum number of individuals cared for at a single time. Specifically, there shall be two-hundred-fifty (250) square feet of signed, off-road, drop-off/pick-up area for every eight (8) individuals. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.
3. *Outdoor Recreation Facilities:* Where outside recreation facilities are provided, a six-foot high sight-obscuring fence around the recreation area shall be required to be maintained and the recreation area shall be situated in the rear half of the site.
4. *Residential Appearance:* Existing residential structures in residential zone districts shall not be significantly modified in appearance.
5. *New Construction in Residential Area:* Any new construction allowed in a residential zone district for the operation of a day care center shall substantially resemble a conventional single-family dwelling.

4-08-02-04-03 *ELEMENTARY AND SECONDARY SCHOOLS (PRIVATE)*

1. *Minimum Lot Size:* one thousand (1,000) square feet per student at maximum occupancy, or three (3) acres, whichever is less.
2. *Setbacks:* Five (5) feet for every foot of height of the structure, up to a maximum setback of seventy-five (75) feet.
3. *Access:* Schools shall be located on collector or arterial roads.
4. *Drop-Off/Pick-Up Areas:* All schools must provide adequate drop-off and pick-up areas. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.

5. *Outdoor Recreation Facilities:* A six-foot high fence shall surround the outside recreation facilities of the school.

4-08-02-05 OUTDOOR PUBLIC USES

All outdoor public uses shall meet the following requirements.

4-08-02-05-01 *CEMETERIES*

1. *Minimum Lot Area:* The minimum lot area is ten (10) acres for a cemetery except for pet cemeteries, where the minimum lot area is three (3) acres.
2. *Height Limits:* Gravemarkers, tombstones, monuments, and memorials shall not exceed ten (10) feet in height. Buildings, including mausolea, columbaria, and crypts, shall not exceed thirty-five (35) feet in height.
3. *Screening:* The property may be screened from all adjacent properties by a sight-obscuring fence, hedge or wall. If the applicant or Community and Economic Development Department requires screening, all common property lines with an adjacent residential use or zone district shall be screened with landscaping meeting the requirements of a Type B Bufferyard (See Section 4-16-06).

4-08-02-05-02 *PICNIC AREAS, PARKS, AND PLAYGROUNDS*

1. *Setbacks:* Picnic areas, parks, and playgrounds shall be setback seventy-five (75) feet from all abutting residentially or commercially zoned properties unless designed as an accessory use to an adjacent use.
2. *Hours of Operation:* Outdoor activities shall not begin before 7:00 a.m. and shall conclude by 11:00 p.m. when abutting residentially zoned or used property.
3. *Lighted Facilities:* Not Applicable
4. *Lighting:* Lighting for all facilities shall be turned off by 11:15 p.m.
5. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
6. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

4-08-02-05-03 *SWIMMING POOLS, PUBLIC*

1. *Setbacks:* Swimming pools shall be set back one hundred (100) feet from abutting residential and commercial zone districts and uses.

2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
4. *Certified Lifeguard:* At least one (1) certified lifeguard shall be on duty during all hours of operation.

4-08-02-06 PLACES OF WORSHIP

All places of worship shall meet the following standards.

1. *Vehicular Access:* When located in a residential district or on a lot contiguous to a residential district or use, a place of worship shall have its principal vehicular entrance and exit on an arterial or collector road or on a local road within one hundred (100) feet of the local road's intersection with an arterial or collector road.
2. *Belfries and Steeples Exempt from Height Limitations:* Belfries or steeples shall be exempt from any height requirements.
3. *Parcels less than 35 acres:* In the A-3 Zone District require Conditional Use Permit approval.

4-08-02-07 PUBLIC SERVICE

All public service facilities shall meet the following standards.

4-08-02-07-01 *GENERAL*

1. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area does not occupy more than twenty-five percent (25%) of the structure area and is screened in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
2. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

4-08-02-07-02 *FIRE STATIONS*

1. *Minimum Parcel Area:* one-half (½) acre
2. *Setback from Residential Zone:* Not Applicable.

4-08-02-07-03 *POLICE STATIONS AND POST OFFICES*

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Zone:* Not Applicable.

4-08-02-07-04 *UTILITY SUBSTATIONS*

1. *Transmission Lines:* Transmission line rights-of-way shall be exempt from bufferyard requirements.
2. *Screening:* Transformers, electric substations, and outdoor storage yards shall be screened with screen fencing a minimum of six (6) feet high and landscaping meeting the requirements of a Type C Bufferyard (See Section 4-16-06).
3. *Setbacks:* Public utility stations or structures in residential areas shall maintain minimum setbacks in accordance with the National Electric Safety Code (NESC) for electrical lines or the U.S. Department of Transportation (USDOT) for gas lines, be fenced, and either be screened from view or assume a residential appearance.

4-09 COMMERCIAL USES PERFORMANCE STANDARDS

4-09-01 GENERAL PERFORMANCE STANDARDS

4-09-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation, and maintenance that shall be applied to all commercial development in Adams County. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.

4-09-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-15-10)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-21)
8. Off-Premise Signs (See Section 4-15)
9. Sexually Oriented Businesses (See Section 4-19)

4-09-01-03 PROJECT COMPATIBILITY

4-09-01-03-01 *Purpose*

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area.

4-09-01-03-02 *Architectural Character*

New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a complementary design. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window and door patterns, and/or the use of building materials with color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

4-09-01-03-03 *Structure Size, Height, Bulk, Mass, Scale*

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

4-09-01-03-04 *Structure Orientation*

To the maximum extent feasible, primary facades and entries shall face the adjacent road. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways.

4-09-01-03-05 *Building Materials*

1. *General:* Building materials shall either be similar to the materials already being used in the immediate area or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant adverse impact

on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.

3. Windows

   a. *Glass:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Clear glass shall be used for commercial storefront display windows or doors.

   b. *Location and Details:* Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

4-09-01-03-06 *Land Use Transition*

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in the best interest of the community, the proposed structure shall, to the maximum extent feasible, achieve compatibility through compliance with the standards set forth in this Section regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

4-09-01-03-07 *Operational/Physical Compatibility Standards*

The following conditions may be imposed upon the approval of Conditional Use Permits to ensure new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries.
2. Location of activities that generating potential adverse impacts on adjacent uses such as noise and glare.
3. Placement of trash receptacles.
4. Location and screening of loading and delivery zones.
5. Light intensity and hours of full illumination.
6. Placement and illumination of outdoor vending machines.

4-09-01-04 FENCING, WALLS AND SCREENING

4-09-01-04-01 *Maximum Height*

The maximum height of fencing, walls and screening shall be ninety-six (96) inches, which may not include more than four (4) strands of barbed wire

forming the top eighteen (18) inches or less of the fence, placed at a forty-five (45) degree angle.

4-09-01-04-02 *Fence Bottom*

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-09-01-04-03 *Fences Prohibited In Landscaped Area*

No fence shall be permitted within any required landscaped area.

4-09-01-04-04 *Electric And Barbed Wire Fencing Prohibited*

Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.

4-09-01-04-05 *RELATIONSHIP TO STRUCTURE DESIGN*

Fencing shall relate to the principal architectural features of the building in design, location and the way in which it connects to the building.

4-09-01-04-06 *LONG RUNS OF FENCING DISCOURAGED*

Long runs of fencing parallel to public roads are discouraged. Where long runs cannot be avoided, the horizontal alignment of the fences shall be varied to create visual variety and to provide planting pockets between the fence and the road. In addition, periodic breaks in fences should be considered to facilitate pedestrian, bicycle, and transit use.

4-09-01-04-07 *SCREEN FENCING*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
   a. Install heavy gauge PVC or vinyl inserts.

b. The inserts shall achieve a minimum of ninety (90) percent opacity.

c. Color of the inserts is at the discretion of the applicant.

d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.

2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight-foot solid wood fence or masonry wall.

3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:

a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.

b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.

4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:

a. Structural integrity and being functionally sound under the Uniform Building Code; and

b. Substantially the same condition as originally permitted or constructed.

4-09-01-04-08 *GARBAGE AREA SCREENING*

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-09-01-04-09 *OUTDOOR STORAGE SCREENING*

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-09-01-04-10 *MASONRY WALL*

All walls specified to be masonry shall be solid and constructed out of a brick or stone material. The wall shall not permit the contents within the wall to be seen from the outside.

4-09-01-04-11 *NOISE BARRIER FENCING*

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed commercial development, the Director of Community and Economic Development may require noise barrier fencing be

installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-09-01-04-12 *RETAINING WALLS*

Any retaining wall over four (4) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Public Works.

4-09-01-04-13 *TRAFFIC VIEW OBSTRUCTION*

Traffic view obstruction as outlined in these standards and regulations, by any fence, wall or screen is prohibited.

4-09-01-04-14 *SIDEWALK MAINTENANCE*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

4-09-02 PERFORMANCE STANDARDS BY USE CATEGORY

4-09-02-01 SUBSECTIONS

The following specific performance standards are included in this section:

1. Airports, Landing Strips and Heliports
2. Animal Hospitals
3. Automobile Service Station
4. Bed and Breakfast Establishments
5. Campground, Commercial
   a. RV Campground
   b. Tent Campground
6. Communication Towers, Commercial
7. Commercial Retail
8. Drive-In Establishments
9. Golf Courses and Driving Ranges, Commercial
10. Heavy Retail and Heavy Services

a. Automobile Dealership
b. Automobile Rental
c. Automobile or Bus Repair, Painting, and Body Work
d. Firewood Sales, Storage and Splitting
e. Flea Markets, Outdoor
f. Truck, Trailer and Horse Trailer Sales and Rental
g. Pawn Shops

11. Indoor Commercial Recreation/Entertainment
    a. Amusement Center, Video Arcade, Pool Arcade
    b. Auditoriums, Assembly Halls, Movie Theaters
    c. Bowling Alleys
    d. Roller Skating Rinks
12. Kennel, Commercial
13. Lodging, Commercial
14. Massage Business
15. Office
16. Outdoor Commercial Recreation
    a. Amusement Parks
    b. Drive-In Theaters
    c. Gun and Archery Range
    d. Ice Skating Rinks
    e. Miniature Golf Courses
    f. Water Slide Courses
17. Racing Facility
    a. Automobile and Truck
    b. Dog and Horse Racing
18. Restaurants
    a. Bars and Cocktail Lounges
    b. Drive-Thru Restaurants
19. Services

4-09-02-02 AIRPORTS, LANDING STRIPS AND HELIPORTS

1. *Private Airport Minimum Parcel Area:* Private airport minimum parcel area shall be thirty-five (35) acres.
2. *Private Heliports Minimum Parcel Area:* Private heliport minimum parcel area shall be two (2) acres.
3. *Access:* All airports, landing strips and heliports shall access collector or arterial roads or highways.
4. *Verification from the FAA:* A private airport or heliport must submit verification from the Federal Aviation Administration documenting the site does not present a hazard to air navigation.
5. *Approach Zone Restrictions:* Compliance with FAA Requirements:
   a. *Approach Zone:* Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, comply with regulations for height restrictions in airport approach zones of the FAA, Division of Aeronautics, or a municipal or other airport authority qualified by law to establish hazard zoning regulations.
   b. *Landing Strip Setbacks:* There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the FAA. If necessary, air rights or easements shall be acquired from the owners of abutting properties in which approach zones fall.
6. *Residential Areas:* No planned approach areas shall be permitted over existing residential areas.
7. *Setbacks:* All airport or heliport related structures shall be set back at least one hundred (100) feet from any property line.
8. *Buffering:* The Director of Community and Economic Development may require buffering in the form of berms around an airport, landing strip or heliport.
9. *Indoor Repair:* All repair of aircraft and machinery shall be done inside hangars.

4-09-02-03 ANIMAL HOSPITAL

1. *Minimum Space Requirements:*
   a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:
      (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
      (2) Length of Kennel = Width of Kennel + 2 feet.
      (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.

b. *Cats:* Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.

2. *Waste Disposal:* All animal and food wastes shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department. Animal wastes shall be removed from the site daily or as otherwise necessary to avoid the spread of objectionable odors, insects, pests, and objectionable surface drainage.

3. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.

4. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.

5. *Care of Animals:* All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Control. Household animals (specifically dogs and cats) boarded overnight shall be kept in climate-controlled, sound-proofed buildings. Where facilities are not sound-proofed, a partially or fully enclosed structure or fenced open area (runs, pens, etc.) shall be used to confine any animals and shall be setback one-hundred-fifty (150) feet from any property line.

4-09-02-04 AUTOMOBILE SERVICE STATIONS

1. *Access:* All service stations shall front collector or arterial roads or highways unless the sites are part of a shopping center.

2. *Pump Setbacks:* Pump islands may be located a minimum of forty (40) feet from all exterior property lines, and pump island canopies may project to within twenty (20) feet of property lines. Islands shall not interfere with any sight distance triangles in accordance with these standards and regulations.

3. *Screening:* Service stations shall be separated from abutting residential properties by a six (6) foot high masonry wall and a Bufferyard as required in Section 4-16-06.

4. *Landscaping:* In addition to all other required landscaping, boundary landscaping is required for a minimum depth of ten (10) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.

5. *Indoor Activities:* The changing of engine oil and filters; the lubrication of motor vehicle chassis; the cleaning of component parts; brake adjustment and replacement; mechanical or hand washing and detailing; front-end alignment; the sale or installation of batteries and minor automotive accessories; the sale mounting and repair of tires; the testing, adjustment and replacement of parts, the servicing of air conditioners; the servicing of air pollution control devices; the sale of the sale of soft drinks, candy, ice and similar items.

6. *Outdoor Activities:* The dispensing of gasoline, oil, air, and water from pump islands; any testing or servicing of automobiles which necessitates a running engine; tire display; trash areas enclosed by walls; public telephones in a well-lighted location, visible from the road; the sale of soft drinks, candy, ice and similar items via vending machines.
7. *Painting and Body Work Prohibited:* Painting or other body work shall be prohibited at all service stations unless approved by Conditional Use Permit.
8. *Storage:* All products and merchandise shall be stored indoors with the exception of vending machines and tire display.
9. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls and Screening section of these standards and regulations.
10. *Restrooms:* One men's and one women's restroom shall be provided to the general public during all hours of operation. All restrooms with exterior entrances shall be located to the side or the rear of the building.

4-09-02-05 BED AND BREAKFAST ESTABLISHMENTS

1. *Owner Occupied:* A Bed and Breakfast shall be operated by the resident property owner.
2. *Maximum Number of Lodging Rooms:* The maximum number of lodging rooms in a bed and breakfast establishment shall be five (5) rooms.
3. *Location:* The establishment shall be located within a dwelling abutting a designated arterial or collector road, or within a dwelling designated in a historical site.
4. *Signage:* Signage shall meet the requirements of Section 4-01 except in a residential or agricultural zone district where a single sign, which may be lighted but not flashing, shall be permitted within ten (10) feet of the front lot line. The sign shall not exceed ten (10) square feet in area and shall not block sight distance triangles. The sign shall not exceed five (5) feet in height.
5. *Screened Parking:* Off-road parking for the guest rooms shall be screened with landscaping meeting the requirements of a Type C Bufferyard (see Section 4-16-06).
6. *Outdoor Storage:* Accessory outdoor storage is prohibited.
7. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls and Screening section of these standards and regulations.

4-09-02-06 CAMPGROUNDS, COMMERCIAL

1. *Minimum Parcel Area:* The minimum parcel area for commercial campgrounds shall be one (1) acre.
2. *Maximum Density:* A maximum density of fifteen (15) campsites per acre is permitted.
3. *Duration of Stay at Campground:* Visitors to a commercial campground shall stay for a maximum of sixty (60) days.
4. *Access:* Commercial campgrounds shall be located on properties with direct access to an arterial road or highway. No direct access from a public road to an individual campsite shall be permitted. Internal drives must be improved to the extent and in the manner acceptable to the Director of Community and Economic Development. Minimum paving widths for internal drives are:
   a. thirty-six (36) feet for entrances and all drives with guest parking on both sides;
   b. twenty-nine (29) feet for two-way drives with parking on one side;
   c. twenty-two (22) feet for two-way drives with no parking; and
   d. eleven (11) feet for one-way drives with no parking.

   When in the opinion of the Director Community and Economic Development, paving is not required for a tent campground, paving may be waived. However, all internal drives shall be constructed of at least an approved all-weather surface approved by the Director of Community and Economic Development and the applicable fire district. In no case shall paving be waived in a recreational vehicle campground.
5. *Common Recreation Area:* Each campground shall have a common recreation area. One hundred (100) square feet of common recreation area shall be provided per campsite.
6. *Landscaping:* In addition to all other required landscaping, interior landscaping of the campground shall require at least one (1) tree and two (2) shrubs per campsite. Each tree shall be at least two (2) inch caliper in size when planted. Shrubs shall be a minimum of five (5) gallon size when planted.
7. *Tent Campgrounds:*
   a. Each tent campsite shall be a minimum of five hundred (500) square feet. A ten (10) foot separation shall be maintained between tent campsites.
   b. One (1) parking space, nine (9) feet by twenty (20) feet, shall be located on each site. No guest parking shall be required for a tent site. Parking spaces shall be provided with an all-weather surface approved by the Director of Community and Economic Development. Paving may be required where in the opinion of the Director of Community and Economic Development it is needed to control dust or water quality.

8. *Travel Trailer and Recreational Vehicle Campground:* All travel trailer and recreational vehicle campgrounds shall meet the following standards:
   a. Zoning: Travel trailer and recreational vehicle campgrounds shall be located in permitted zone districts on property having direct access to an arterial road or highway.
   b. Minimum Area: A travel trailer park shall consist of a minimum of one (1) acre for the parking of travel trailers for human occupancy only.
   c. Paving of Spaces and Drives: All recreational vehicle and guest parking spaces and drives shall be paved with asphalt or concrete to the specifications contained in these standards and regulations.
   d. Tent Sites: Freestanding tent sites may be permitted provided not more than fifteen (15%) percent of a travel trailer and recreational vehicle campground shall be used for tent sites.
   e. Area per Unit: Each unit or site shall be improved with a minimum paved parking space for the travel trailer or recreational vehicle with a minimum area of ten (10) feet by twenty-five (25) feet in addition to the access driveway. Each recreational vehicle space shall be a minimum of twenty-five (25) feet in width and forty-five (45) feet in depth.
   f. Vehicle Parking: One (1) paved parking space, nine (9) feet by twenty (20) feet, shall be located on each site. Guest parking, one (1) space for each ten (10) trailer sites, shall be provided off the interior drives.
   g. Utilities: All public utilities shall be placed underground.
9. *Permitted Accessory Uses:* Recreational facilities, laundry buildings, service retail stores, manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of these standards and regulations and all other applicable County regulations may be permitted as accessory uses.
10. *Manager Housing:* One (1) manufactured home or single-family dwelling may be located in the campground for occupancy of the manager/operator.
11. *Garbage Collection:* At least one (1) garbage pick-up area shall be provided. The garbage pick-up area shall be screened from view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.

4-09-02-07 COMMERCIAL MOBILE RADIO SERVICE (CMRS) TELECOMMUNICATION SITES

1. *Design and Performance Criteria for all CMRS Telecommunication Sites:* The purpose of design review for CMRS telecommunications sites is to ensure the necessary antennae, equipment, and equipment shelters are sited and screened in a

to minimize visual and physical impacts on the surrounding area. The following design criteria and requirements shall apply to all CMRS telecommunication antennae, equipment, equipment shelters, and commercial communication towers:

a. All CMRS telecommunication antennae, equipment, and equipment shelters shall be designed to be compatible with surrounding buildings and existing or planned uses in the area. This may be accomplished through the use of compatible architectural elements such as color, texture, scale, and character.

b. Siting and installation of CMRS telecommunication antennae, equipment, and equipment shelters shall preserve or enhance the existing character of the topography and vegetation of a site. Existing vegetation, if any, and if suitable with natural features, should be preserved and/or improved to provide screening for the facility. If existing topography of the site does not adequately screen equipment from view, fencing may be required. Fencing should not be used exclusively but instead be supplemented with vegetation. Any security fencing should be of a design, which blends into the character of the existing environment, and meet the height limitation for the zone district in which the fencing is located.

c. All CMRS antennae and equipment should be no taller than necessary for the efficient operation of the CMRS antennae and equipment.

d. Applicants shall demonstrate the CMRS telecommunications site is a necessary component of the applicant's overall communication network and communication plan for the community. Such demonstration shall require the applicant to establish at least one (1) of the following criteria: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; or (3) the site is necessary to handle increased capacity due to caller volume. In addition, the applicant shall demonstrate: (1) existing topography and/or structures in the surrounding area preclude other locations in the same area; and (2) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access.

e. All CMRS telecommunication antennae, equipment, and equipment shelters shall be sited, designed, and screened to minimize the visibility of such equipment from surrounding properties, public roads and neighborhoods.

f. The colors of all CMRS telecommunication antennae, equipment, and equipment shelters shall minimize the visibility of the facility.

g. To minimize the visual and physical impact on the surrounding area caused by freestanding and building mounted CMRS telecommunications facilities, the County encourages innovative and multiple use of building

and structures for the location of CMRS telecommunications facilities, antenna, and equipment.

2. *Design and Performance Standards for Structure or Building Mounted CMRS Telecommunications Facilities:* All structure or building mounted CMRS antennae and equipment shall be designed and constructed to blend with and enhance the architectural characteristics of the accompanying building or structure and shall be subject to building permit approval.

   a. Panel Antennae Standards

      (1) Panel antennae shall not protrude horizontally more than two (2) feet from the building wall and shall be painted or treated to match the building or structure to which the panel is attached.

      (2) Panel antennae attached to the side of a building shall not exceed the height of the parapet or the roofline, whichever is greater.

      (3) Panel antennae mounted on an existing penthouse or existing roof-top mounted service equipment for the building shall not exceed the height of the penthouse or service equipment to which the antennae is attached.

      (4) Panel antennae shall not be mounted in a freestanding, sled, or rack-mounted fashion on the top of a building unless: (1) there exists unscreened service equipment on the roof which will be screened from view along with the panel antennae; (2) the screening of the antennae and equipment will be architecturally compatible with the building; and (3) a waiver is obtained from the Director of Community and Economic Development. The construction of artificial penthouses or artificial service equipment on a roof for the purpose of attaching CMRS telecommunication facilities is prohibited.

      (5) No panel antenna shall exceed the maximum height limitation for the zone district in which the panel is located.

   b. Whip Antennae Standards

      (1) Single whip antennas shall not extend more than fifteen (15) feet above the building height.

      (2) Where more than one (1) whip antenna is attached to one (1) building, such antennae shall maintain a minimum separation of fifteen (15) feet between antenna owned by different CMRS telecommunication providers.

      (3) No whip antenna shall exceed the maximum height limitation for the zone district in which the antenna is located.

3. *Design and Performance Standards for Freestanding CMRS Telecommunication Facilities:* All freestanding CMRS telecommunications facilities shall be subject to an Administrative Review Permit Process as outlined in Section 2-02-02. The following design and performance standards shall apply to all freestanding CMRS telecommunication facilities:

a. The height of any freestanding CMRS communication facility shall conform to the height limit of the zone district in which the facility is located unless a height exception is granted through the Administrative Review Permit Process.

b. All freestanding CMRS telecommunications facilities shall meet the landscaping requirements set forth in these standards and regulations including screening of such facilities with vegetation. As a condition of approval of any freestanding CMRS telecommunication facility, the County may require the applicant to provide a performance bond or other surety to the County which is adequate to ensure the completion of all planned and required landscaping and screening associated with the approved CMRS telecommunication facility. A bond may also be required to ensure removal of the facility if it is abandoned or no longer needed. Where the CMRS telecommunications facility is located on a parcel of land leased by the applicant, and which is part of a larger parcel of land under single ownership, reasonable landscaping improvements in accordance with these standards and regulations may be required within the larger unleased parcel where such improvements will bring the facility into conformance with the requirements of these standards and regulations, mitigate the impacts of the telecommunication facility, or enhance the visual qualities and aesthetics of the larger parcel.

c. A freestanding CMRS telecommunications facility, as defined by these standards and regulations, shall not be located closer than the height of the tower from any property line, unless a waiver from this requirement is obtained through the Administrative Review Permit Process.

d. A freestanding CMRS telecommunications facility, as defined by these standards and regulations, shall not be located closer than one thousand (1,000) feet from any other freestanding CMRS telecommunications facility established or proposed by the same or another provider. Co-location of CMRS telecommunication facilities on the same freestanding facility is therefore strongly encouraged. No facility owner or lessee or employee thereof shall act to exclude or attempt to exclude any other provider from the same location. A service provider or lessee or employee thereof shall cooperate in good faith to achieve co-location or antennae with other providers. County staff can be used as a resource to facilitate this co-location. Should co-location not be acceptable to existing providers, the service provider wanting to locate on the existing facility shall be required to prove to the satisfaction of the Director of Community and Economic Development co-location is not feasible.

e. During the Administrative Review Permit process, the applicant shall demonstrate: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; (3) the site is necessary to handle increased capacity due to

caller volume; (4) existing topography and/or structures in the surrounding area preclude other locations in the same area; (5) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access; (6) screening and design of the freestanding facility will make the site compatible with surrounding land uses; and (7) the structure will not block a significant view, including, but not limited to the Front Range of the Rocky Mountains, the South Platte River, the Rocky Mountain Arsenal Wildlife Refuge, Barr Lake, and other significant water bodies.

f. Non-Small Cell facilities are discouraged in the right-of-way. Applicants requesting approval of a new non-small cell facility shall apply for Administrative Review Permit pursuant to this chapter and demonstrate that:

1. There are exceptional circumstances which prohibit installation of a small cell facility; and
2. There are no feasible alternatives to locate the wireless facility outside the right-of-way.

g. Applications that do not meet the standards in this Chapter shall require a waiver. The Director of Community and Economic Development shall issue a waiver subject to the following criteria:

1. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of the development of adjacent property.
2. There are no reasonable design alternatives that would remove the need for the requested waiver or would reduce the amount of waiver required.
3. The waiver is warranted by the design incorporated in the proposal and the benefit of the County provided through the approval of the waiver.

4. *Design and Performance Standards for Small Cell Wireless Facilities:* All Small Cell Wireless Facilities shall be subject to an Administrative Review Permit Process as outlined in Section 2-02-02. The following design and performance standards shall apply to all freestanding CMRS telecommunication facilities:

a. Small Cell Wireless Facility Shall mean any of the following:

1. A wireless service facility that meets the following qualifications:

i. Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all

of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet;

AND

ii. Primary equipment enclosures are no larger than 17 cubic feet in volume as measured on the exterior surface of the enclosure. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch;

OR

iii. A micro wireless facility

b. Applicants shall work with the County and relevant third parties to locate small cell wireless facilities based on the following order of preference for location and deployment:

1. Small cell facilities shall be collocated and attached to existing and previously approved small cell facilities.
2. Small cell facilities shall be attached to or replace available structures previously approved in the County Right-of-Way (ROW).
3. New freestanding small cell facility poles shall be built in a manner that allows for collocation.

c. Any new pole with an antenna must be architecturally consistent with the surrounding area by utilizing one of the following:

1. Replacing existing permitted facilities (including without limitation, traffic signals, light poles, or light standards) so that the presence of the small cell facility is not readily apparent;
2. Integrating the equipment in an architectural feature of an existing structure; integrating or attaching equipment to an outdoor fixture such as a traffic signal, light standard, utility pole or flagpole.

   AND

3. Using a design which mimics or is consistent with the nearby natural or architectural features, this includes compatibility with color and shape of the proposed structure; and

4. Using a design that is consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles within three hundred feet of the facility.

d. The facility height shall not be more than:

1. 30 feet when the facility is within 250 feet from a property, as measured from the property line, in Residential zone districts.
2. 35 feet when the facility is within 250 feet of a property, as measured from the property line, in Agricultural zone districts, Public Lands, or Parks and Open Space.
3. 40 feet in all other zone districts.

e. The facility shall be separated from all other freestanding wireless facilities within the right-of-way by a distance of at least 600 feet, unless the facility replaces an existing traffic signal, street light pole, or other similar structure as determined by the Director of Community and Economic Development. The Director of Community and Economic Development may reduce this requirement if the applicant demonstrates through technical network documentation that the minimum separation requirement cannot result in a feasible network or that the separation distance requested results in a facility that meets the following criteria:

1. The separation distance will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.
2. The reduced distance is warranted by the design incorporated in the proposal and the benefit to the County provided though the reduced separation distance.

f. When placed near a residential property, the facility shall be placed adjacent to a common property line between adjoining residential properties, such that the facility minimizes visual impacts, unless landscaping, topography, other structures, or other considerations minimize visual impacts to a greater extent at a different location.

g. Poles and related appurtenances shall not interfere with traffic operations, legally permitted parking, or approved Traffic Control Devices.

h. Facilities shall be located in alignment with existing tress, utility poles, and streetlights whenever possible.

i. Facilities shall be located so as not to create a new obstruction or unreasonable visual blight to primary property sight lines beyond that expected of other legally permitted encroachments or utility infrastructure.

j. Facilities shall not be located in traffic sight triangles at the intersections of roadways, alleys, or driveways.

k. Poles and related facilities shall not encroach into or interfere with pedestrian ways such as sidewalks, trails, or transit stops or facilities.

l. Small cells shall be located to ensure minimal impacts to view protection corridors such as: The Front Range of the Rocky Mountains, the South Platte River, The Rocky Mountain Arsenal Wildlife Refuge, Riverdale Regional Park, Barr Lake, and other significant water bodies.

m. Small cell wireless facilities must not conflict with the Adams County Comprehensive Plan goals, policies, and mapped features.

n. All small cell wireless facilities shall meet the current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate small cell facilities. If the standards and regulations are changed, then the owners shall bring the facilities into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency.

o. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the County, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to the public health, safety, or welfare.

5. *Design and Performance Standards for CMRS Telecommunication Equipment Shelter:* All CMRS telecommunications equipment shelters shall be screened so they are not visible from any adjacent public roads or public areas.

a. Equipment shelters associated with roof or building mounted CMRS antennae are encouraged to be located in one of the following areas, which are listed in order of preference from most (1) to least (7) preferred:

(1) Inside the building or structure to which the panel or whip antennae are attached.

(2) Inside an existing equipment penthouse on the roof of a building.

(3) Immediately adjacent to the exterior of an existing equipment or elevator penthouse if the shelter can be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.

(4) If no penthouse exists, consideration may be given to the creation of a screen, which is deemed architecturally compatible with the associated

building by the Director of Community and Economic Development, screening both the equipment shelter and the existing service equipment associated with the building such as heating and air-conditioning equipment.

(5) Outside of a penthouse on the roof of a building if a parapet exists taller than the CMRS equipment shelter. If the parapet is not taller than the CMRS equipment shelter, consideration will be given to increase the height of the parapet provided the building materials used are the same as those existing and if the design of the parapet is found acceptable to County standards and the parapet extension is architecturally compatible with the building.

(6) Painted or treated the same color and located in such a manner so that an additional protrusion is not created on the roof.

(7) On the ground and screened according to the design criteria for CMRS telecommunications facilities.

b. *Equipment Shelters Associated with Freestanding CMRS Antennae:* CMRS telecommunications equipment shelters associated with freestanding CMRS telecommunications facilities shall:

(1) Either be located in an enclosed building architecturally compatible with the surrounding environment; or

(2) Be screened completely with an architecturally compatible wall or fence so the shelter is not visible from adjacent properties, roads or public areas;

(3) In addition, all CMRS telecommunication equipment shelters associated with freestanding CMRS telecommunications facilities shall:

(a) Have enclosed buildings, walls, or fencing, the appearance of which is enhanced by vegetation;

(b) Be grouped as closely as technically possible to each other and the freestanding facility;

(c) Cover a surface area not to exceed four-hundred-fifty (450) square feet per provider;

(d) Use designs, materials, and colors compatible with structures and vegetation on the same parcel and adjacent parcels; and

(e) Not reduce the parking or landscaped areas below the minimum zone district requirements for other principal uses on the parcel.

4-09-02-08 COMMERCIAL RETAIL

4-09-02-08-01 *GENERAL*

1. *Setback from Residential Zone:* Not Applicable.
2. *Entrances:* The building elevation of principal structures shall have at least one (1) road-oriented entrance.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited, except temporary display of items for sale provided the display does not interfere with traffic or limit parking. Otherwise, all facilities for storage of supplies shall be located within a building in accordance with Section 4-03-04-02-03.

4-09-02-09 DRIVE-IN ESTABLISHMENTS

4-09-02-09-01 *GENERAL*

1. *Drive-In Lanes:* Drive-in lanes shall be separate from the circulation lanes needed for access and parking.
2. *Setback from Residential Zone:* Not Applicable.
3. *Landscaping:* Planting requirements for the drive-up window and access lanes shall be the same as those required for parking area landscaping in accordance with the Parking Performance Standards in Section **Error! Reference source not found.** of these standards and regulations.
4. *Communications Equipment:* None.
5. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

4-09-02-10 GOLF COURSES AND DRIVING RANGES, COMMERCIAL

1. *Setback from Residential Zone:* Not applicable.
2. *Driving Range Location:* Driving ranges shall be located so adjoining properties are not adversely affected by the activity due to noise, glare, traffic or other factors.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building in accordance with Section 4-03-04-02-03.
4. *Supporting Commercial Uses:* Supporting commercial activities shall be designed for patrons of the golf course or driving range only.

4-09-02-11 HEAVY RETAIL AND HEAVY SERVICES

4-09-02-11-01 *GENERAL*

1. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls and Screening section of these standards and regulations. ***Adopted by the BoCC on December 13, 2010**
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.
4. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-09-02-11-02 *AUTOMOBILE DEALERSHIP*

1. *Maximum Lot Coverage:* The maximum lot coverage by parking, vehicle areas and buildings is seventy percent (70%).
2. *Access:* Automobile dealerships shall be located on properties with direct access to a collector or arterial road or highway.
3. *Display Area Setback:* The display area shall be set back a minimum of fifty (50) feet from the road right-of-way and fifteen (15) feet from all other property lines.
4. *Setback from Residential Zone:* Not applicable.
5. *Landscaping:* Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.
    b. *Noise Control:* No loud speaker or music shall be audible from adjacent properties.

4-09-02-11-03 *AUTOMOBILE RENTAL*

1. *Minimum Parcel Area:* two (2) acres
2. *Maximum Lot Coverage:* The maximum lot coverage by parking lots, vehicle areas, storage and buildings shall be seventy percent (70%).
3. *Access:* Automobile rental businesses shall be located on properties with direct access to a collector or arterial road or highway.

4. *Car Storage Area Setback:* The car storage area shall be set back a minimum of fifty (50) feet from the road right-of-way and fifteen (15) feet from all other property lines.
5. *Setback from Residential Zone:* Not applicable.
6. *Gas Pump Setbacks:* Gas pump islands may be located a minimum of twenty (20) feet from all exterior property lines, and pump island canopies may project to within ten (10) feet of property lines. Islands shall not interfere with any sight distance triangles in accordance with these standards and regulations.
7. *Landscaping:* In addition to all other landscaping, boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.
8. *Noise Control:* No loud speaker or music shall be audible from adjacent properties.

4-09-02-11-04 *AUTOMOBILE OR BUS REPAIR, PAINTING, AND BODY WORK*

1. *Outdoor Activities Prohibited:* All repair and work activities shall take place within a completely enclosed structure.
2. *Setback from Residential Zone:* Not applicable.
3. *Storage of Vehicles:* All storage of vehicles awaiting repair shall be within the enclosed structure or within a compound yard enclosed by a six (6) foot high solid fence or wall, except for driveway openings.
4. *Landscaping:* Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.
5. *Exhaust Fumes and Odor Control:* Exhaust and odor shall be controlled and treated by filter, scrubbers, fans, or other means.
6. *Noise Control:* No loud speaker or music shall be audible from adjacent properties.

4-09-02-11-05 *FIREWOOD SALES, STORAGE AND SPLITTING*

1. *Minimum Lot Size:* Five thousand (5,000) square feet
2. *Setback from Residential Zone:* Not applicable.
3. *Display of Firewood:* Firewood shall be stacked and displayed for sale in an organized fashion.

4. *Setbacks:* The area where firewood is cut and split must be set back twenty-five (25) feet from any property line.
5. *Sawdust and Debris Control:* Sawdust, woodchips, and any other debris shall be kept from blowing from the site on to other properties.

4-09-02-11-06 *FLEA MARKETS, OUTDOOR*

1. *Minimum Lot Size:* one-half (1/2) acre
2. *Location:* Flea markets shall be located on vacant parcels or parking lots.
3. *Setback from Residential Zone:* Not applicable.
4. *Period of Operation:* Flea markets shall be permitted to operate on Saturdays and Sundays during the months of May through August. Additional hours may be permitted by Conditional Use Permit.

4-09-02-11-07 *TRUCK, TRAILER AND HORSE TRAILER SALES AND RENTAL*

1. *Maximum Lot Coverage:* The maximum lot coverage by parking areas, vehicle areas and buildings is eighty percent (80%).
2. *Display Area Setback:* The display area shall be set back a minimum of fifteen (15) feet from the road right-of-way and ten (10) feet from all other property lines.
3. *Setback from Residential Zone:* Not applicable.
4. *Landscaping:* Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.
5. *Noise Control:* No loud speaker or music shall be audible from adjacent properties.

4-09-02-11-08 *PAWN SHOPS*

1. *Pawn Shops only allowed with a Conditional Use Permit:* Pawn shops are only permitted in the C-4 and C-5 Zone Districts after Conditional Use Permit approval by the Board of County Commissioners.
2. *Outdoor Activities Prohibited:* All activities shall be performed or carried out entirely within an enclosed building.
3. *Outdoor Display Prohibited:* The display of items outdoors is prohibited.
4. *Screened Loading Areas:* Loading areas shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.

4-09-02-12 INDOOR COMMERCIAL RECREATION/ENTERTAINMENT

4-09-02-12-01 *GENERAL*

1. *Setback from Residential Properties:* Not applicable.
2. *Setback from School Properties:* No amusement shall be permitted within five hundred (500) feet of the lot line of a public or private school serving students in the 12th grade or under.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.
5. *Outdoor Activities Prohibited:* All activities shall be performed or carried out entirely within an enclosed building.
6. *Full-Time Management:* The owner of the premises shall maintain a full-time adult manager responsible for the premises during all hours of operation.
7. *Nuisance Violation:* Any place of indoor commercial recreation/entertainment which becomes the location of frequent or repeated violations of County regulations or public disturbance, shall be declared to be a nuisance, and may be cited for a nuisance violation under this section.

4-09-02-12-02 *AMUSEMENT CENTER, VIDEO ARCADE, POOL ARCADE*

1. *Location:* No amusement center shall be established within five hundred (500) feet of a public or private school serving students in the 12th grade or under.
2. *Hours of Operation:* An amusement center shall not be open to the public before 11:00 a. m. or after 11:00 p.m.
3. *Security:* The owner shall maintain one (1) full-time security guard for every twenty (20) coin operated amusement devices.

4-09-02-12-03 *EVENT CENTERS, MOVIE THEATERS*

1. *Minimum Parcel Area:* one-half (½) acre
2. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of event center or movie theater.

4-09-02-12-04 *BOWLING ALLEYS*

1. *Minimum Parcel Area:* one (1) acre

2. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of bowling alley.

4-09-02-12-05 *ROLLER SKATING RINKS*

1. *Minimum Parcel Area:* one (1) acre
2. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of roller skating rink.

4-09-02-13 KENNEL, COMMERCIAL

1. *Number of Dogs and/or Cats Permitted:* The maximum number of dog and/or cats permitted in a commercial kennel can be found in Section 4-22. The maximum number of dogs and/or cats allowed does not apply to offspring under five (5) months of age, belonging to one of the adult animals.
2. *Minimum Space Requirements:*
   a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:
      (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
      (2) Length of Kennel = Width of Kennel + 2 feet.
      (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.
   b. *Cats:* Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
3. *Waste Disposal:* All animal and food wastes shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
4. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
5. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
6. *Washroom:* A washroom consisting of a basin or sink and a lavatory shall be provided to maintain the cleanliness among animal caretakers.
7. *Mixing of Dogs and Cats:* Dogs and cats shall not be housed in the same primary enclosure.
8. *Care of Animals:* All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Animal Control and Tri-County Health Department.
9. *Operator License Required:* All breeding and boarding kennel operators shall be licensed by the Colorado Department of Agriculture.

10. *Permanent Resident on Property Required:* A person responsible for the commercial kennel, whether the owner of the facility or an employee, shall reside permanently on the subject property. If a responsible party is not available on site, the name and phone number of a responsible party shall be posted on the front of the kennel, on the front door of the caretaker's residence, and in an area visible to any person initially entering the premises. Any dwelling unit constructed to house the owner or employee shall meet the applicable zone district requirements.

4-09-02-14 LODGING, COMMERCIAL

1. *Access:* The parcel shall be accessed by a collector or arterial road or highway.
2. *Setback from Residential Zone:* Not applicable.
3. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
4. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
5. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.
6. *Accessory Uses:* Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a residential zone or use.

4-09-02-15 MASSAGE BUSINESS

4-09-02-15-01 *GENERAL*

1. *Required Education:* The applicant/operator shall demonstrate proof of 1,000 hours of completed training in massage therapy with major study in theory, method, profession or work of massage, which includes principles of anatomy and physiology. Employees are only required to complete 500 hours of completed training. Training shall be completed at a massage therapy school or equivalency program accredited by the state board of education or division charged with the responsibility to approving private occupational schools.
2. *Criminal Background Investigation:* The Adams County Sheriff's Department shall complete a Criminal Background Investigation and shall issue identification cards to all employees/operators.
3. *Zoning Required:* A Conditional Use Permit is required to operate a Massage Business in the C-0, C-1, C-2, C-3, C-4 or C-5 Zone District. Massage Businesses are prohibited in all other Zone Districts.

4. *Time Limitation:* Conditional Use Permits for Massage Businesses may only be issued for a maximum of five (5) years. Renewals shall be considered a Major Amendment and require approval by the Board of County Commissioners. Applications for renewals shall be made not less than ninety (90) days and not more than one-hundred-twenty (120) days prior to the date of expiration.
5. *Annual Reporting:* The applicant/operator shall provide an annual report for review by the Director of Community and Economic Development and the Adams County Sheriff's Department. Reports shall include re-certification of educational requirements, revised Criminal Background Investigation, and issuance of identification cards to any new employees.
6. *Location:* In determining compatibility with the surrounding area, the Board of County Commissioners may consider locating Massage Businesses meeting the following geographic criteria:
   a. Adjacent to arterial roads as listed in the Adams County Transportation Plan;
   b. Adjacent to medical offices or other health-related businesses; and
   c. In commercial/business areas visible to the traveling public.
7. *Denial of a Conditional Use Permit:* Applicant/operator shall not be eligible for a Conditional Use Permit within one (1) year of a denial by the Board of County Commissioners for the same location.
8. *Failure to Comply with Requirements:* May necessitate a show cause hearing before the Board of County Commissioners where the action taken on the Conditional Use Permit may include, but is not limited to suspension or revocation.

4-09-02-16 OFFICE

4-09-02-16-01 *GENERAL*

1. *Access:* Entrances to the site shall be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
2. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.

5. *Outdoor Activities Prohibited:* All uses shall be performed or carried out entirely within an enclosed building.

4-09-02-17 OUTDOOR COMMERCIAL RECREATION

4-09-02-17-01 *GENERAL*

1. *Access:* All outdoor commercial recreation shall have collector or arterial road or highway access. No direct access points through a residential road or along a collector serving only residential areas shall be allowed.
2. *Residential Zone Setback:* Not applicable.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.
5. *Full-Time Management:* The owner of the premises shall maintain a full-time adult manager responsible for the premises during all hours of operation.
6. *Nuisance Violation:* Any outdoor commercial recreation which becomes the location of frequent or repeated violations of County regulations or public disturbance shall be declared to be a nuisance.
7. *Noise Control:* No central outdoor loudspeakers shall be permitted.

4-09-02-17-02 *AMUSEMENT PARKS*

1. Minimum Lot Area: five (5) acres
2. Hours of Operation: The amusement park shall limit its hours of operation to 9:00 AM to 10:00 PM.
3. Setback from Residential Properties: No amusement shall be permitted within one (1) mile of the lot line of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver can not be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
4. Security: The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of amusement.

4-09-02-17-03 *DRIVE-IN THEATERS*

1. *Minimum Parcel Size:* one (1) acre
2. *Maximum Screen Size:* fifteen hundred (1,500) square feet
3. *Projection Screen Visibility:* The projection screen shall not be visible from any public road within fifteen hundred (1,500) feet.
4. *Accessory Uses:* Accessory uses such as snack bars associated with the theater shall be designed for use by patrons of the drive-in theater only.
5. *Screening:* Vehicle parking areas shall be screened so lights will not shine onto adjacent property.
6. *Vehicle Stacking Lanes:* three hundred (300) foot vehicle stacking lanes shall be provided outside the theater entrance.
7. *Dust Control:* If the vehicle parking area is not paved, the theater owner shall spray the lot to control dust from blowing onto adjacent properties.
8. *Property for Daytime Uses:* The use of the theater property for day time uses, including but not limited to, flea markets, vending stands, and fireworks stands, shall require a Temporary Use Permit.

4-09-02-17-04 *GUN AND ARCHERY RANGES*

1. *Minimum Parcel Area:* two (2) acres
2. *Setback from Residential Properties:* No shooting range shall be located within one (1) mile of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
3. *Fencing:* The entire range shall be enclosed by a fence a minimum of six (6) feet high.
4. *Warning Signs:* Warning signs that read “Warning: Shooting Range” shall be posted every one hundred (100) feet on the fence.
5. *Bufferyard:* Two (2) Type D Bufferyards shall encircle the perimeter of the gun range to provide a natural noise barrier. A ten (10) foot berm shall be incorporated into the bufferyard around the site.
6. *Line of Fire:* Line of fire shall be as close to horizontal as possible, but never below horizontal.
7. *Certified Instructor:* The shooting range shall be supervised by a range officer or a National Rifle Association certified instructor.

4-09-02-17-05 *ICE SKATING RINKS*

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Properties:* Not applicable.

4-09-02-17-06 *MINIATURE GOLF COURSES*

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Properties:* Not applicable

4-09-02-17-07 *WATER SLIDE COURSES*

1. *Minimum Parcel Area:* two (2) acres
2. *Setback from Residential Properties:* Not applicable.
3. *Certified Lifeguard:* One (1) certified lifeguard shall be on duty during all hours of operation.

4-09-02-18 RACING FACILITIES

4-09-02-18-01 *GENERAL*

1. *Minimum Parcel Area:* forty (40) acres
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Setback from Residential Properties:* No racing facility shall be permitted within one (1) mile of the lot line of a residentially zoned or used property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
4. *Nuisance Violation:* Any racing facility which becomes the location of frequent or repeated violations of County regulations or public disturbance, shall be declared to be a nuisance, and may be cited for a nuisance violation under this section.

4-09-02-18-02 *AUTOMOBILE AND TRUCK RACING*

1. *Location:* All automobile and truck racing facilities shall be located at least one (1) mile from any residentially used or zoned property. If night racing is proposed and the track will be lighted, the automobile and truck racing facility shall be located at least two (2) miles from any residentially zoned or used property. If a waiver cannot be obtained but every reasonable effort has been

made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.

2. *Screening:* All racing facilities shall be enclosed by an eight (8) foot high minimum screen fence or wall.

4-09-02-18-03 *DOG AND HORSE RACING*

1. *Location:* All dog racing facilities shall be located at least one (1) mile from any residentially zoned or used property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
2. *Screening:* All racing facilities shall be enclosed by a six (6) foot high minimum screen fence or wall.
3. *Dog Kennels:* If kennels are provided on the premises, the kennels shall meet all requirements for a commercial kennel as established in these standards and regulations.

4-09-02-19 RESTAURANTS

4-09-02-19-01 *GENERAL*

1. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building in accordance with Section 4-03-04-02-03.
2. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls and Screening in Section 4-09-01-04 of these standards and regulations.
3. *Smoke and Odor Control:* Smoke and odor shall be controlled by kitchen exhaust fans, or other means.

4-09-02-19-02 *BARS AND COCKTAIL LOUNGES*

1. *Effect of Bar or Cocktail Lounge on Neighborhood:* Operation of the establishment shall not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or be injurious to property or improvements in the area.
2. *Established Need:* The use shall serve public convenience and necessity.

3. *Liquor License Required:* A Liquor License is required from the Board of County Commissioners prior to operation pursuant to state law.

4-09-02-19-03 *DRIVE-THRU RESTAURANTS*

1. *Limited Number of Establishments:* The use shall not contribute to a disproportionate number of drive-thru establishments in the area or contribute to a land use mix inconsistent with the specific purpose of the zone district in which it is proposed.
2. *Hours of Operation:* Drive-thru establishments within two-hundred-fifty (250) feet of any residentially zoned or used property shall be open for business no earlier than 6:30 AM and close no later than 12:00 AM.
3. *Drive-Thru Window Approval:* The Director of Community and Economic Development shall determine pedestrian safety, the welfare of the adjacent neighborhood, and maintenance of traffic circulation have been adequately addressed before approving the drive-thru window.
4. *Drive-Thru Lanes:* Drive-thru lanes shall be separate from the circulation lanes needed for access and parking.
5. *Drive-Thru Setbacks from residentially zoned or used property:* Not applicable.
6. *Landscaping:* Planting requirements for the drive-up window and access lanes shall be the same as those required for parking area landscaping.

4-09-02-20 SERVICES

4-09-02-20-01 *GENERAL*

1. *Access:* Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
2. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.

4-09-02-20-02 *OUTDOOR ACTIVITIES PROHIBITED*

All uses shall be performed or carried out entirely within an enclosed building.

4-09-02-20-03 *OUTDOOR STORAGE*

Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

4-10 INDUSTRIAL USES PERFORMANCE STANDARDS

4-10-01 GENERAL PERFORMANCE STANDARDS

4-10-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance to be applied to all industrial development in Adams County. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.

4-10-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-16)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handing Facilities (See Section 4-21)
8. Off-Premise Signs (See Section 4-15)
9. Sexually Oriented Businesses (See Section 4-19)

4-10-01-03 FENCING, WALLS AND SCREENING

4-10-01-03-01 *MAXIMUM HEIGHT*

Ninety-six (96) inches, which may include more than four (4) strands of barbed wire forming the top eighteen (18) inches or less of the fence, placed at a forty-five (45) degree angle.

4-10-01-03-02 *FENCE BOTTOM*

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-10-01-03-03 *FENCES PROHIBITED IN LANDSCAPED AREA*

No fence shall be permitted within any required landscaped area.

4-10-01-03-04 *ELECTRIC AND BARBED WIRE FENCING PROHIBITED*

Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.

4-10-01-03-05 *RELATIONSHIP TO STRUCTURE DESIGN*

Fencing shall relate to the principal architectural features of the building in design, location and the way in which it connects to the building.

4-10-01-03-06 *LONG RUNS OF FENCING DISCOURAGED*

Long runs of fencing parallel to public roads are discouraged. Where long runs cannot be avoided, the horizontal alignment of the fences shall be varied to create visual variety and to provide planting pockets between the fence and the road. In addition, periodic breaks in fences should be considered to facilitate pedestrian, bicycle, and transit use.

4-10-01-03-07 *SCREEN FENCING*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
   a. Install heavy gauge PVC or vinyl inserts.
   b. The inserts shall achieve a minimum of ninety (90) percent opacity.
   c. Color of the inserts is at the discretion of the applicant.

d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.

2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight foot solid wood fence or masonry wall.

3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:

   a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.

   b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.

4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:

   a. Structural integrity and being functionally sound under the Uniform Building Code; and

   b. Substantially the same condition as originally permitted or constructed.

4-10-01-03-08 *GARBAGE AREA SCREENING*

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-10-01-03-09 *OUTDOOR STORAGE SCREENING*

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-10-01-03-10 *MASONRY WALL*

All walls specified to be masonry shall be solid and constructed out of a brick or stone material. The wall shall not permit the contents within the wall to be seen from the outside.

4-10-01-03-11 *NOISE BARRIER FENCING*

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed commercial development, the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-10-01-03-12 *RETAINING WALLS*

Any retaining wall over four (4) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Community and Economic Development.

4-10-01-03-13 *TRAFFIC VIEW OBSTRUCTION*

Traffic view obstruction as outlined in these standards and regulations, by any fence, wall or screen, is prohibited.

4-10-01-03-14 *SIDEWALK MAINTENANCE*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

4-10-02 PERFORMANCE STANDARDS BY USE CATEGORY

4-10-02-01 SUBSECTIONS

The following specific performance standards are included in this section:

1. Business Park Uses
    a. Research, Development and Testing
2. Extraction and Disposal Uses
    a. Extraction Uses
    b. Solid and Hazardous Waste Disposal
    c. Oil and Gas Well Drilling and Production
3. Heavy Industrial
    a. Auction Yards, With Livestock
    b. Chemical, Petroleum and Explosive Manufacturing
    c. Metal Industries, Automobile Manufacturing
    d. Paper, Pulp and Saw Mills
    e. Salvage Yards
    f. Recycling Facilities, including Scrap Tire
    g. Solid Waste Transfer Stations

h. Outdoor Storage in excess of 100% of the building area

4. Light Industrial
   a. Auction Houses, Without Livestock
   b. Dry Cleaning Plants
   c. Electronic, Fabric, Furniture, Medical Supply Production
   d. Food Product Processing and Manufacturing
   e. Landscape Contractor Storage Yard
   f. Accessory Outdoor Storage (Not to Exceed100% of the building area)
5. Energy Facilities
   a. Solar Energy System
6. Moderate Manufacturing or Processing
   a. Cement, cinder block, concrete, lime or plaster manufacturing

4-10-02-02 BUSINESS PARK USES

4-10-02-02-01 *GENERAL*

1. *Access:* Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls and Screening section (See Section 4-10-01-03) of these standards and regulations. ***Adopted by the BoCC on December 13, 2010**
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from the view of the public.
4. *Outdoor Activities Prohibited:* All equipment, material storage, and uses shall be performed or carried out entirely within an enclosed building.

4-10-02-02-02 *RESEARCH, DEVELOPMENT AND TESTING*

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine existing services provide adequate protection for citizens.
3. *Setback from Residential Zoning:* Not applicable.

4. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
5. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-10-02-03 EXTRACTION AND DISPOSAL USES

4-10-02-03-01 *EXTRACTION USES*

1. *Compliance with Colorado Department of Natural Resources:* Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the requirements of Colorado Department of Natural Resources. Prior to the approval of a Conditional Use Permit by the Board of County Commissioners, a reclamation contract shall be signed and approved by the owner or operator and the Colorado Department of Natural Resources.
2. *Site Size:* The site of an extractive industry shall be of sufficient size and dimensions to accommodate the proposed operations.
3. *Blasting Hours:* Operations utilizing explosive devices shall be restricted to Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.
4. *Stagnant Water:* Pockets and stagnant pools of water resulting from surface drainage shall either be:
   a. Sprayed to eliminate breeding places for mosquitoes and other insects using methods and chemicals approved by the Colorado Department of Agriculture; or
   b. Drained to prevent the creation of such breeding places.
5. *Plan for Development of the Site:* A plan for the Mining Phase and the Reclamation Phase shall be approved by the Director of Community and Economic Development.
6. *Standards of the MCO Zone District:* All other operation and rehabilitation standards of the Mineral Conservation Overlay (MCO) Zone District shall apply as outlined in Section 3-35-06.
7. *Recreational Prospecting in Creeks and Rivers:* In stream recreational prospecting using non-motorized equipment is not regulated by the County. It is incumbent upon the operator of a non-motorized in stream recreational prospecting site to notify and gain permission of the property owner. The use of motorized equipment for such an operation is considered mining. Any operation using motorized equipment is prohibited.

4-10-02-03-02 *SOLID AND HAZARDOUS WASTE DISPOSAL*

1. *General Operating and Performance Standards:* The following General Operating and Performance Standards are applicable to all Solid Waste Disposal Sites and/or Processing Facilities:

   a. Compliance with Colorado Solid Waste Act: Operators shall comply with the Colorado Solid Waste Act (C.R.S. 30-20-100 et. seq.), and all regulations promulgated pursuant to said Act by the Colorado Department of Public Health and Environment.

   b. Compliance with State Standards and Regulations: Operators shall comply with all adopted State and Federal regulations, whether such regulations are adopted prior to, or after, approval of a Certificate of Designation under these standards and regulations.

   c. Performance Bond Required: Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County.

   d. Liability Insurance Required: All solid waste disposal site and/or processing facility operators shall maintain adequate liability insurance in the amount of one million dollars and submit evidence of such insurance upon request from the Director of Community and Economic Development.

   e. Outdoor Processing Prohibited: All solid waste processing facility operations shall take place completely enclosed within a building unless otherwise specifically provided for in the approved plan.

   f. User Service Charges Required: All solid waste disposal site and/or processing facility operators shall collect service charges from users for the purpose of solid waste management in the County. Such charges shall be collected pursuant to the Board of County Commissioners Resolution of August 28, 1985, as amended.

   g. Uncovered Loads: All uncovered loads shall be charged double the normal disposal rate.

   h. Waste Along Public Rights-of-Way Control: Operators shall remove trash, or other waste material, disposed of or treated at their facility, along all public rights-of-way within one (1) mile of the facility and up to five (5) miles along the approved haul routes, or as otherwise specified.

   i. Odor Control: At no time shall a waste disposal site or waste processing facility create malodorous conditions.

   j. Erosion Control: At no time shall a waste disposal site or processing facility allow soil loss or erosion beyond that provided for in the erosion control measures approved in the design and operations plan.

k. Storage of Untreated or Unprocessed Waste: Storage of authorized untreated or unprocessed waste shall not exceed the time limit described in the approved plan, conditions of approval required with the Certificate of Designation, or otherwise required by the Colorado Department of Public Health and Environment.

l. Outside Storage: All allowed accessory outside storage shall be concealed by an eight (8) foot solid screen fence or other effective screening material as approved by the Director of Community and Economic Development.

m. Right-of-Way Screening: All new facilities shall provide and maintain attractive visual screening from any public right-of-way from which the facility is visible.

n. Waste Minimization Program: All operators shall conduct a waste minimization program both with the community and with generators, providing public information and assistance for waste reduction, recycling, and reuse programs.

o. Certification of Special Structures and Equipment: Special structures not addressed in these standards and regulations, and processing equipment which has the potential to create external environmental impacts (through air emissions, groundwater impacts, etc.), shall be certified by a registered professional engineer or other qualified expert, as determined by the Director of Community and Economic Development, as to proper installation and construction in accordance with the approved design and operations plan prior to start of operations.

p. Quarterly Reports: Operators shall submit quarterly reports no later than thirty (30) calendar days following the end of the calendar quarter to the Director of Community and Economic Development, Tri-County Health Department, and the Colorado Department of Public Health and Environment, summarizing:

(1) Results of Monitoring Data: The results of air and water monitoring data, monitoring of landfill gas, and other environmental monitoring data, as applicable, prepared by a qualified independent firm or other qualified professionals, including in-house certified staff and laboratories acceptable to the Director of Community and Economic Development.

(2) Received Waste Figures: Daily average and cumulative figures for the quantity and types of waste received. The cumulative figure shall be related to a percentage completion figure for the current phase of operation, or approved operating capacity.

(3) Gross Quarterly Revenues: Gross quarterly revenues for calculation of the County's Solid Waste Management Fee.

q. Annual Reports: Operators shall submit annual reports to the Director of Community and Economic Development, Tri-County Health Department, and the Colorado Department of Public Health and Environment.

(1) Purpose of Annual Reports: The annual reports shall be used to determine if the amount of the performance bond is still adequate and whether timely progress is being made toward completion or closure, if applicable to the specific operation.

(2) Content of Annual Reports: The annual reports shall summarize the following information

(a) Waste Types and Volumes: The waste types and volumes handled throughout the year.

(b) Operation Completion: The percentage of operation completion to date.

(c) Monitoring Information: An interpretation of all monitoring information on a yearly basis.

(d) Reclamation Activities: A tabulation of reclamation activities to date.

(e) Operational Plans for Following Year: A description of operational plans for the following calendar year.

2. *Landfill Standards (required in addition to General Standards):*

a. Quality Assurance (QA) Program Required: All operators shall fund an independent quality assurance (QA) quality control program to ensure construction of synthetic or clay liners for cells meet required specifications in the approved design and operations plan. The QA program shall be performed by a qualified professional, approved by the Director of Community and Economic Development, representing the County. The expense shall be charged to the operator.

b. Radiation Monitoring Program: The landfill operator shall operate a radiation monitoring program in accordance with an approved plan.

c. Quantity of Paper Permitted: The quantity of paper permitted in a demolition and construction debris landfill is limited and is established by the Board of County Commissioners for each landfill. This standard shall be followed during operations.

3. *Incinerator Standards (required in addition to General Standards):*

a. Monitoring Program: The specific monitoring program approved by the County for on-site soils and air monitoring shall be followed.

b. Waste Minimization Program: The waste minimization program approved by the County shall be followed.

c. Ash Transportation: All ash will be transported in a manner minimizing the release of fugitive dust.

d. Pollution Control Device Residue Collection: The program for residue collection from air pollution control devices approved by the County shall be followed.

e. Incinerator Operation: The incinerator shall be operated in accordance with the approved design and operations plan.

f. Radioactivity Monitoring: The operator shall operate a low level radioactivity monitoring program in accordance with an approved plan.

4. *Inert landfill Operation Standards (required in addition to General Standards):*

a. *Materials Acceptance Plan:* Operators shall develop and implement a Materials Acceptance Plan detailing procedures for certifying incoming loads as inert, including material acceptance, load inspection, and load rejection procedures for all waste material brough to the fill site.. Loads containing trash, organic material, metal material, and other waste material not meeting the definition of inert fill for landfilling shall be rejected and documentation of hauler, source, and haul date shall be kept onsite for at least one-year. A visual inspection screening shall be made where loads are offloaded and incidental amounts of materials not meeting the definition of inert material shall be removed. All materials removed from the waste stream shall be disposed of at an approved waste disposal facility and records kept of such disposal.

b. *Fencing:* An eight (8) foot solid screen fence or security fence, with additional screening material, as approved by the Director of Community and Economic Development, shall enclose all outside storage.

c. *Traffic Control Plan:* Provisions of the traffic control plan shall be followed.

d. *Nuisance Control Plan:* Provisions of the nuisance control plan detailing measures to mitigate those off-site impacts as specified in Section 4-13, General Operations, shall be followed.

e. *Appearance:* All sites shall maintain a clean, neat, and orderly appearance. Stockpiles of materials may only be placed as specified in the design and operation plan.

f. *Performance Bond:* Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be $2,000.00 per acre. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or

conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

5. *Composting Operation Standards (required in addition to General Standards):*

   a. *Removal of Trash from Right-of-Way:* Operators shall remove trash, or other waste material, of the type which is brought to the composting facility, along all public rights-of-way within one-half (1/2) mile of the facility.

   b. *Performance Bond:* Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Said bond shall be sufficient to ensure compliance with operating conditions of the Permit, the amount of which shall be established by the Board of County Commissioners. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

   c. *Environmental Bond:* Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post a bond sufficient to ensure compliance with the closure plan, and to effect remedial measures if environmental damage is found to be taking place.

   d. *Traffic Control Plan:* Provisions of the approved traffic control plan shall be followed.

   e. *Appearance:* All sites shall maintain a clean, neat, and orderly appearance. Litter, dust, and odors may not leave the boundaries of the site.

   f. *Vehicle Parking:* Transfer vehicles may not be parked on public streets.

   g. *Vector Controls:* All sites shall maintain vector controls as prescribed by the approved plan.

   h. *CDPHE Regulations:* Colorado Department of Public Health and Environment Regulations 6CCR 1007-2, Section 14 are hereby incorporated in these Zoning Regulations.

6. Infectious Waste Disposal Site and/or Processing Facility Standards (required in addition to General Standards)

   a. Radiation Monitoring Program: The operator shall operate a radiation monitoring program in accordance with an approved plan.

b. General Monitoring Program: The general monitoring program, approved by the County for each infectious waste disposal and/or processing facility, shall be adhered to.

c. Temperature Operating Charts: Temperature operating charts from an infectious waste disposal and/or processing facility shall be retained for two (2) years for review by the Director of Community and Economic Development. The County may require additional monitoring if a facility has problems maintaining a temperature or other operational standard.

d. Truck Washing: All trucks shall be washed at least once a week with a detergent and disinfectant to minimize nuisance conditions, unless spills or leaks are detected which must be disinfected immediately. All wash water shall be properly controlled to prevent runoff.

e. Waste Incineration: Infectious waste incineration facilities shall be permitted to burn infectious waste only. Incineration of waste paper, contraband, or other materials is not permitted unless specifically approved as part of the wastestream.

7. *Hazardous Waste Disposal Site and Facility Standards:* All hazardous waste disposal sites and facilities shall meet the standards established by State and Federal regulatory requirements.

4-10-02-03-03 *OIL AND GAS FACILITY*

4-10-02-03-03-01 *Purpose*

This Section is enacted to protect and promote the health, safety, values, convenience, order, prosperity and general welfare of the current and future residents of the County. It is the County's intent by enacting this Section to facilitate the development of oil and gas resources within the unincorporated area of the County while avoiding or mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests from a consenting surface owner, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse impacts upon their property, associated with the development of the mineral estate, avoided or mitigated through compliance with this Section.

4-10-02-03-03-02 *Definitions*

Oil and Gas Facility means an oil and gas facility as defined by the rules and regulations of the Colorado Oil and Gas Conservation Commission.

For any other definition not listed in this section, the definitions listed in Chapter 11 of the Adams County Development Standards and Regulations and the COGCC's regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the COGCC's definitions, the COGCC's definitions shall prevail. If the term is not found in the COGCC's definitions or in Chapter 11, the term shall have its common meaning along with the spirit and intent of the Development Standards and Regulations and may be subject to interpretation by the Director of Community and Economic Development or his or her designee.

4-10-02-03-03-03 *General Provisions*

1. Access: Oil and gas well installation shall be located to provide convenient access, shall accommodate the traffic and equipment related to the oil and gas operations and emergency vehicles, and shall comply with COGCC rules and Adams County Development Standards and Regulations. Oil and gas operations must avoid or minimize impacts to the physical infrastructure of the county transportation system.
2. Building Permit Required: For all new or substantially modified wells, a building permit is required for the installation of permanent electrical, pumps, tank batteries, and all other above-ground structures as well as any other applicable permits including, but not limited to, culvert permits, oversized-load permits, and floodplain use permit.
3. Setbacks: Oil and Gas Facilities shall be at least 1,000 feet from the property line of any existing residences or platted residential lots, schools or future school facilities, state licensed daycares, high occupancy building units, and environmentally sensitive areas.
    a. Administrative Waiver from Setback Requirements: an administrative waiver may be obtained from the setback requirements if the Operator receives a written waiver from each primary resident and property owner located within the setback.
4. Fees and Permits: All applicable County fees adopted by the County, including postage fees and inspection fees, must be paid at time of application and prior to issuance of a building permit, including for all applicable permits required by the Adams County Development Standards and Regulations.
5. Oil and Gas Road Impact and Maintenance Fees:
    a. Operators must pay oil and gas road impact and maintenance fees, as approved by the Board of County Commissioners, for all proposed oil

and gas wells and pads. This fee shall be paid at the time of issuance of an Oil and Gas Facilities Permit Any person or entity required to pay the oil and gas road impact fee may elect to submit an independent study and fee calculation to demonstrate that the nature, timing, or location of the proposed oil and gas development is likely to generate impacts costing less to mitigate than the amount of the fee that would be generated by the use of the fee schedule. Any independent fee study for oil and gas development shall generally follow the methodology established in the Adams County Oil & Gas Traffic Impact Study.

i. The preparation of the independent fee calculation study shall be the sole responsibility of the electing party.

ii. Any person or entity who requests to perform an independent fee calculation study shall pay an application fee for administrative review. An administrative decision related to the independent study may be appealed to the Board of County Commissioners. The appeal shall be filed within 14 days of staff decision and shall follow the appeal process established for OGF Permit Waivers.

6. Safety Standards:

a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes. Upstream facilities consisting of a standard, repeatable design may be covered with a single safety management plan. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes:

ii. Process safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;

iii. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process

safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;

iv. Employee participation. Plan for ensuring employee participation in conduct and development of process hazards analysis and access to process hazards analysis;

v. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;

vi. Mechanical integrity. Written procedures designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;

vii. Management of change. Written procedures to manage changes to covered processes, technologies, equipment and procedures;

viii. Pre-startup reviews. Written procedures regarding pre-startup safety reviews;

ix. Compliance audits. Written procedures requiring an audit every five years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;

x. Incident investigation. Written procedures requiring investigations of all near-misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.

xi. Hot work. The facility shall ensure that all hot work complies with local and state fire prevention and protection requirements.

xii. Contractors. Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;

xiii. Process hazard analysis. Process hazard analysis for each covered process;

xiv. Incident history. List of all reportable safety events as defined by the COGCC rules and regulations that have occurred at the operator's facilities within the last five years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;

xv. Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and

xvi. Inherently safer systems analysis. Require analysis at least every five years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or root cause analysis, and during the design of new processes, equipment or facilities.

xvii. Operator shall make available the safety management plan to Adams County at the County's request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator must reimburse County for any costs associated with retaining outside consultants.

b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a surface safety valve or a wellhead master control valve and shall be able to remotely shut in wells on demand. Surface safety valve or a wellhead master control valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.

c. Incident and accident reporting.

i. Incidents. Within a week of any reportable safety event as defined by the COGCC, operator shall submit a report to the County including the following, to the extent available:

1. Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time.

ii. County may require operator to conduct root cause analysis of any incidents or Grade 1 gas leaks, as defined by the COGCC.

iii. Operator shall keep a daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County's LGD and applicable fire district.

iv. Notification to the County's LGD of all spills of one barrel or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.

v. Notification of the surface owner or the surface owner's tenant, and the water rights holder if applicable, of spills and releases in conformance with COGCC Rules.

d. Worker Training and Records

i. Workers at an OGF shall have nationally recognized certifications for the work they are performing. This includes, but is not limited to, Hazard Communications Training, Hazardous Waste Operations Certifications, heavy equipment operator training, and welding certifications per API 1104 and/or ASME Section 9.

ii. All workers at an OGF shall have completed a nationally recognized occupational safety and health training program.

iii. Upon request from the County, the Operator shall supply the County written procedures detailing employee training requirements and training records.

7. Spill Prevention and Containment. Oil and gas operations shall be in compliance with COGCC safety and spill and release requirements.

a. Requirements to minimize liquid spills and releases include the following:

i. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 110% of the largest single tank.

ii. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material.

iii. Inspection of all berms and containment devices at regular intervals, but not less than monthly. Berms shall be inspected within forty-eight (48) hours of a precipitation event of 1.0" or

more, and Operator shall make necessary repairs as soon as possible, but not more than seventy-two (72) hours after the event.

iv. Maintain all berms and containment devices to ensure they are in good condition.

v. A prohibition on the storage or use of ignition sources inside the secondary containment area unless the containment area encloses a fired pressure vessel.

vi. Construction of containment berms using steel rings, designed and installed to prevent leakage and resist degradation from erosion or routine operation.

vii. Construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment vessels and flowlines and is mechanically connected to the steel ring to prevent leakage.

viii. For locations within 500 feet and upgradient of a surface water body or ground water source , tertiary containment, such as an earthen berm, around oil and gas facilities. Alternatively, the County may require Operator to install retention ponds for stormwater management.

ix. Discharge valves shall be secured, inaccessible to the public and located within the secondary containment area. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.

b. Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.

8. Chemical Handling and Requirements

a. The owner or operator of any installation that is required to prepare or have available a safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a safety data sheet (SDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the Local Emergency Planning Commission (LEPC) and the local fire district. A comprehensive and universal listing of all hazardous chemicals stored, handled, and/or used on site must be maintained in an inventory list and must be made available to the County upon request. .

b. Drilling and completion chemicals shall be removed at most sixty days after completion.

c. Operator shall provide to the County a copy of the chemical disclosure registry form provided to the COGCC pursuant to the COGCC's "Hydraulic Fracturing Chemical Disclosure" rule prior to conducting hydraulic fracturing.

d. The following toxic, including orally toxic chemicals shall not be added to the hydraulic fracturing fluid:

1. Benzene
2. Lead
3. Mercury
4. Arsenic
5. Cadmium
6. Chromium
7. Ethylbenzene
8. Xylene
9. 1,3,5-trimethylbenzene
10. 1,4-dioxane
11. 1-butanol
12. 2-butoxyethanol
13. N,N-dimethylformamide
14. 2-ethylhexanol
15. 2-mercaptoethanol
16. Benzene, 1, 1'-oxybis-,tetrapropylene derivatives, sulfonated, sodium salts
17. Butyl glycidyl ether
18. Polysorbate 80
19. Quaternary ammonium compounds, dicoco alkyldimethyl, chlorides
20. Bis hexamethylene triamine penta methylene phosphonic acid
21. Diethylenetriamine penta
22. FD&C blue no 1.
23. Tetrakis (triethanolaminato) zirconimum (IV) (TTZ)

9. Emergency Preparedness and Response
    a. In General. Oil and gas operations shall not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
    b. Emergency Preparedness Plan. Each Applicant with an operation in the County is required to implement an emergency preparedness plan for each specific oil and gas facility. The plan shall be referred to the Office of Emergency Management (OEM), and the applicable fire district, filed with the County and updated on an annual basis or as conditions change (responsible field personnel change, ownership changes, etc.). The emergency preparedness plan shall consist of at least the following information:
        i. Name, address and phone number, including 24-hour emergency numbers for at least two persons located in or near Adams County who are responsible for emergency field operations.
        ii. An as-built facilities map in a format suitable for input into the County's GIS system depicting the locations and type of above and below ground facilities including sizes, and depths below grade of all oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for emergency response and management purposes. The information concerning pipelines and isolation valves shall be held confidentially by the County's OEM , and shall only be disclosed in the event of an emergency. The County shall deny the right of inspection of the as-built facilities maps to the public pursuant to C.R.S. § 24-72-204.
        iii. Detailed information addressing each potential emergency that may be associated with the operation. This may include any or all of the following: explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills. For each potential emergency, threshold / trigger levels shall be pre-identified that govern when an emergency state is declared by the Applicant.
        iv. The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility or to threaten a water body shall be reported to the emergency dispatch and the Director immediately.

v. Detailed information identifying site access, evacuation routes as determined by first responders, impact zones for each emergency scenario identifying impacted facilities, and buildings and health care facilities anticipated to be used.

vi. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.

vii. The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency.

viii. Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations. Supplies can include adsorption boom, granulated materials, and coordination of foam supplies with the local first responders.

ix. The plan shall include provisions that obligate the Applicant to keep onsite and make immediately available to any emergency responders the identification and corresponding Safety Data Sheets (SDS) of all products used, stored or transported to the site. The SDS sheets shall be provided immediately upon request to the Director, a public safety officer, or a health professional. In cases of spills or other emergency events, the plan shall include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.

x. The plan shall establish a process for informing surrounding neighbors and schools identified as being within the emergency impact zone of applicable emergency response plan and procedures.

10. Recycle, Reuse and Disposal of Fluids:

a. Operator shall recycle drilling, completion, flowback and produced fluids unless technically infeasible.

b. Exploration & Production (E&P) Waste may be temporarily stored in tanks while awaiting transportation to licensed disposal or recycling sites.

c. Produced Water must be transported by pipelines unless economically or technically infeasible.

11. Stormwater Controls:

a. Oil and gas operations shall be in compliance with COGCC rules related to stormwater management regulations and Adams County Stormwater Quality Regulations as contained in the Adams County Development Standards and Regulations / Ordinances and other applicable federal, state, and county requirements.

b. The Owner or Operator must provide a stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices, sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate any possible water quality impacts.

12. Water Bodies and Water Quality:

a. General. Oil and gas operations shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Rules, specifically with respect to spills and releases in floodplains and/or water bodies, and applicable water quality standards set by the Colorado Department of Public Health and Environment.

b. Water quality plan. Operators shall implement a water quality plan and make available to Adams County upon request. Such plan shall include details such as operator's plans for water quality testing, prevention of illicit or inadvertent discharges, stormwater discharge management, containment of pollutants, and spill notification and response as required by the County and federal and state agencies. The owner or operator shall provide the County with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. The owner or operator shall provide all water source test results to the county and maintain records of such results. The owner or operator shall make available to the County upon approval by the COGCC, its plans concerning downhole construction details and installation practices, including casing and cementing design selected to protect surface waters and source water aquifers from contamination..

c. Wastewater Injection Wells used for produced water disposal are prohibited in Adams County.

d. Floodplain. Any disturbance within a 100-year floodplain will be allowed if the Operator has obtained a Floodplain Use Permit from the County and has complied with all of the County's legally adopted floodplain and engineering regulations. A "100-year floodplain" shall be, for purposes of this Section, a "Special Flood Hazard Area" as identified and mapped by the Federal Emergency Management Agency's National Flood Insurance Program and adopted by the County.

13. Well Plugging and Abandonment:

a. An operator shall comply with all COGCC rules regarding well abandonment and reclamation, including, but not limited to, removal of all equipment from the location and restoring the surface of the land to its original state. Notice of well plugging and abandonment shall be submitted by the operator to the Community and Economic Development Department within forty-eight (48) hours. Notice shall include surveyed coordinates of the decommissioned well.

b. Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, the operator must perform assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one-quarter mile of the projected track of the borehole of a proposed well. The assessment and monitoring includes:

    i. Identification of all abandoned wells located within one-quarter mile of the projected track of the borehole of a proposed well based upon examination of COGCC and other publicly available records,

    ii. A Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account plugging and cementing procedures described in any recompletion or plugged and abandoned (P&A) report filed with the COGCC.

    iii. Notification to the County and COGCC of the results of the risk assessment of the plugging and cementing procedures.

    iv. Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.

    v. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing

    vi. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within ninety (90) days after completion, and then every year after production has commenced if initial survey results suggest increased risk of leaking gas or water from the abandoned well.

    vii. Notification of the results of the soil gas survey to the County and the COGCC within three weeks of conducting the survey

or advising the County that access to the abandoned wells could not be obtained from the surface owner.

viii. In the event that contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the County has given its approval for additional operations to continue.

c. Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required by the COGCC and the County.

14. Noise. The Operator shall control noise levels as follows:

a. Prior to operations operator will obtain a baseline noise study that encompasses at least three days, one of those days being a weekend.

b. Beginning with construction and up to production, the County may require continuous noise monitoring and may require that this be conducted by an approved third party consultant based on the location, nature, and size of the facility.

c. The Operator must follow COGCC Regulations for noise level.

d. The Operator shall post 24-hour, 7 days per week contact information to deal with all noise complaints arising from Operator's oil and gas facility. Such posting shall be visible from the public rights-of-way.

e. To ensure the Operator controls noise to the allowable levels set forth above, one or more of the following may be required based on the location, nature, and size of the facility:

i. Acoustically insulated housing or cover enclosing the motor or engine;

ii. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;

iii. Obtain all power from utility line power or renewable sources;

iv. Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions;

v. Sound walls around well drilling and completion activities to mitigate noise impacts;

vi. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;

vii. Any abatement measures required by COGCC for high-density areas, if applicable.

viii. The use of electric drill rigs.

ix. Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.

x. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.

xi. The use of liquefied natural gas dual fuel hydraulic fracturing pumps.

15. Air Emissions: Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. § 25-7-101 et seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The Operator shall employ the following control measures and operating procedures to avoid or minimize all emissions into the atmosphere.

a. Air quality action days. Operator shall respond to air quality action day advisories posted by the CDPHE for the front range area by implementing suggested air emission reduction measures as feasible. Emissions reduction measures shall be implemented for the duration of an air quality action day advisory and may include measures such as:

i. Minimize vehicle and engine idling;

ii. Reduce truck traffic and worker traffic;

iii. Delay vehicle refueling;

iv. Suspend or delay use of fossil fuel powered ancillary equipment; and

v. Postpone construction or maintenance activities, if feasible.

vi. Postpone well maintenance and liquids unloading activities that would result in emission to the atmosphere.

b. Leak Detection and Repair (LDAR). Operator shall develop and maintain an LDAR program using modern leak detection technologies for equipment used at the facility that complies with the following requirements:

i. Inspections must occur at least semi-annually; more frequent inspections may be required based on the nature , location and size of the facility.

ii. Any leaks discovered by operator, including any verified leaks that are reported to operator by a member of the public, shall be reported to the County no later than twenty-four hours after discovery. The operator shall maintain a weekly log of all reported leaks and shall make that log available upon request from the County.

iii. Operator shall repair leaks as soon as possible, but at least within seventy-two hours, unless technically or operationally infeasible. If the leak presents an imminent hazard to persons or property, the operator may not operate the affected component, equipment or pipeline segment until the operator has corrected the problem and notified the County of the successful repair.. In the event of leaks that do not pose an imminent hazard to persons or property, if more than 48 hours repair time is needed after a leak is discovered, operator shall contact the County and provide an explanation of why more time is required.

iv. Plan shall include detailed recordkeeping of the inspections for leaking components.

v. At least once per year, the operator shall notify the County five business days prior to an LDAR inspection of its facilities to provide the County the opportunity to observe the inspection.

c. Well Completions and Emissions Control

i. Operators shall utilize EPA Reduced Emission Completions for oil wells and gas wells.

ii. Operators must utilize closed loop, pitless drilling, completions systems without permanent on-site storage tanks for containment and/or recycling of all drilling, completion, and flowback fluids. Any emissions must be routed to and controlled by a flare or combustor operated with at least a 98% destruction removal efficiency.

d. Combustion Devices

i. For any flares or combustion devices used, manufacturer test or other data must be maintained and demonstrate that the device has a destruction removal efficiency of 98% for hydrocarbons.

ii. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:

1. The flare and or combustor shall be fired with natural gas.

2. The flare and or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.
3. The flare and or combustor shall be operated with a flame present at all times when emissions may be vented to it.
4. All combustion devices shall be equipped with an operating auto-igniter.
5. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm in the case that the pilot goes out.
6. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.

e. Well Liquids Unloading

i. Best management practices during liquids unloading activities are required including the installation of artificial lift, automated plunger lifts and at least 90% emissions reductions when utilizing combustion to control any venting.

ii. If manual unloading is permitted, operator shall remain onsite.

f. General air quality protection measures.

i. Operators should work to limit truck traffic to and from the site.

ii. Hydrocarbon emissions control of at least 98% or better for crude oil, condensate, and produced water tanks with uncontrolled actual emissions of Volatile Organic Compounds (VOCs) greater than two tons per year (TPY) VOCs.

iii. No venting other than if necessary for safety or during an emergency

iv. Operators should consolidate product treatment and storage facilities within a facility.

v. Operators should centralize compression equipment within a facility.

g. Site-specific air quality protection measures. To eliminate or minimize air emissions, the County may require any or all of the following depending on the size, location and nature of the facility:

i. Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring during the drilling, completion and production phases of development. The plan may include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), and Fine Particulate Matter (PM 2.5). Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.

ii. Implementation of tankless production techniques.

iii. The use of zero emission dehydrators.

iv. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.

v. Pipeline infrastructure for produced water, natural gas, crude oil and condensate constructed and placed into service prior to the start of any fluid flow from any wellbore.

vi. The use of no-bleed continuous and intermittent pneumatic devices. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop-system or process.

vii. Automated tank gauging.

viii. Flaring shall be eliminated other than during emergencies or upset conditions; all flaring shall be reported to the county

16. Odors:

a. Operator must implement and maintain and make available to the County upon request, an odor mitigation plan that demonstrates how operator will minimize odors from its operations and comply with Colorado Department of Public Health and Environment, Air Quality

Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII. The plan shall also provide a plan for timely responding to odor complaints from the community, and for identifying and implementing additional odor control measures to control odors emanating from the oil and gas facility.

b. Operator must notify the County's LGD no later than 24 hours after receiving odor complaint.

c. Operator must prevent odors from oil and gas facilities from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.

d. To ensure compliance with the odor mitigation plan, the County may require the Operator to implement any of the following measures depending on the size, location and nature of the facility:

i. Adding an odorant which is not a masking agent or adding chillers to the mud systems.

ii. Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances.

iii. Enclose shale shaker to contain fumes from exposed mud, where safe and feasible

iv. Wipe down drill pipe each time drilling operation "trips" out of hole

v. Increasing additive concentration during peak hours provided additive does not create a separate odor. Additive must be used per manufacturer's recommended level.

vi. Use of at a minimum low odor Category III drilling fluid.

17. Water source sampling and testing: Using records of the Colorado Division of Water Resources, the applicant will be required to identify and offer to sample all available water sources located within one-half mile of the proposed well or facility. All sampling must be conducted by third-party consultant approved of by the County. Sampling requirements include:

a. Initial baseline samples and subsequent monitoring samples.

b. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.

c. Post-stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:

    1. One sample within six months after completion;
    2. One sample between twelve and eighteen months after completion; and
    3. One sample between sixty and seventy-two months after completion.
    4. For multi-well pads, collection shall occur annually during active drilling and completion.

d. Operator shall collect a sample from at least one up-gradient and two down-gradient water sources within a one-half mile radius of the facility. If no such water sources are available, operator shall collect samples from additional water sources within a radius of up to one mile from the facility until samples from a total of at least one up-gradient and two down-gradient water sources are collected. Operators should give priority to the selection of water sources closest to the facility.

e. An operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.

f. The operator shall make reasonable efforts to obtain the consent of the owner of the water source. If the operator is unable to locate and obtain permission from the surface owner of the water source, the operator shall advise the CED Director that the applicant could not obtain access to the water source from the surface owner.

g. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.

h. Standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan, shall be followed.

i. Reporting the location of the water source using a GPS with sub-meter resolution.

j. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.

k. Test results. Provide copies of all test results described above to the County, the COGCC, and the water source owners within three months after collecting the samples.

l. Subsequent sampling. If sampling shows water contamination, additional measures may be required including the following:

1. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).
2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
3. Immediate notification to the County , the COGCC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
4. Immediate notification to the County , the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes.
5. Further water source sampling in response to complaints from water source owners.
6. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the CED Director, the COGCC and the water source owners.

Table 1. Water Quality Analytes	
GENERAL WATER QUALITY	Alkalinity Conductivity & TDS Ph Dissolved Organic Carbon (or Total Organic Carbon)Bacteria Hydrogen Sulfide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate

	Nitrate + Nitrite as N (total)
METALS	Arsenic Barium Boron Chromium Copper Iron Lead Manganese Selenium Strontium
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon) Phosphorus

18. Dust:
    a. Operator shall minimize dust pollution associated with onsite activities and traffic.
    b. No untreated produced water or other process fluids shall be used for dust suppression.
    c. The operator will avoid creating dust or dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.
        i. Safety Data Sheets (SDS) for any chemical-based dust suppressant shall be submitted to the County prior to use.
19. Visual Aesthetics.
    a. Operator shall submit a visual mitigation plan in compliance with COGCC Rules, including but not limited to, a list of the proposed colors for the Facilities, regardless of construction date, which are observable from any public highway, providing for paint that is uniform, noncontrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape, a listing of the operations' equipment, proposed fencing, and screening. Plan shall

indicate the location of all outdoor lighting on the site and any structures and include cut sheets of all proposed fixtures. Fencing shall be required around all well site equipment, including, but not limited to, storage tanks, well heads, and meters if the well site is visible from a subdivision west of Imboden Road. Such fencing shall screen equipment, provide safety precautions, and be compatible with the surrounding environment. Should fencing apply to a well site, the design and construction of such fencing shall be approved by the Community and Economic Development Department prior to the construction of any site. If a chain link fence is required to achieve safety requirements set by the COGCC, then landscaping and other screening mechanisms shall be required that comply with the County's Development Standards and Regulations and the Operator's safety requirements. Operator shall be responsible for obtaining consent by surface owner allowing any required fencing.

b. Operator shall submit landscaping and berming plan that includes maintenance and irrigation requirements for planted vegetation throughout the duration of operations, including production. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep. Weed control is required at the facility and along access roads until final reclamation and abandonment. Required sound walls shall be included in the visual mitigation plan and shall comply with the color scheme approved by the County, blending with natural background. All landscaping shall be in compliance with County requirements and in compliance with the safety requirements of the Operator. Existing vegetation shall be minimally impacted. Motorized equipment shall be restricted to the well sites and access roads to the well sites. Operator is responsible for obtaining consent by surface owner allowing landscaping as well as automatic irrigation for landscaping in urban mitigation areas and/or parks/recreation areas. All plant materials shall be kept in a healthy growing condition at all times.

c. Operator shall submit lighting mitigation plan for all phases of development and operation, which adheres to best management practices to minimize light escaping the facility including making all lighting downward-facing and fully shielding bulbs to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. Operator shall conduct a photometric study prior to start of construction to indicate impact on surrounding properties and measure the lumens emitted from the facility outside of the walls.

d. Site access and security. Site shall be properly secured, including, but not limited to, security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of

drilling. Proposed fencing, barriers, and screening shall be included in the visual mitigation plan.

20. Flammable material. The area twenty-five feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's conceptual review application and application shall be reviewed by the serving fire district.
21. Mud tracking. Operator shall take all practical measures to prevent mud and dirt tracking onto public right of ways and shall remove tracked mud and dirt within a reasonable time not to exceed two hours.
22. Private Roads. The Operator shall construct (unless already constructed) and maintain an access road designed to meet County and fire district standards and support an imposed load of 75,000 pounds that will accommodate emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus during construction and operation of new tank batteries, new drilling activity and reworks or recompletions of existing wells, unless a local fire department or fire district agrees to a different or lesser standard or waived by the County. With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least twenty (20') feet wide (unless waived by the local fire district and the County's Public Works Department) with a Class 6 road base, or as approved by the local fire district, at least nine inches (9") thick. Best efforts will be made to improve inadequate access to existing tank battery sites identified by the fire district or County, based on service calls and demonstrated problems of accessing the site. Operator and County agree that spot inspections of access roads may be done by the County and/or appropriate emergency response agency, at such County or agency's sole risk and expense, to ensure that emergency access in accordance with this section is maintained. Operator is required to maintain and repair any damaged roads within ten (10) days of County notice. Operator will assure that temporary access roads are reclaimed and revegetated within sixty days of discontinued use. Erosion shall be controlled in accordance with the Erosion and Sediment Control Plan while the roads are in use.
23. Public Roads. Operator shall utilize existing roads and access points where practical and apply for and obtain access permits for its oil and gas facilities from the County's Public Works Department. Requirements for the access permit may include the following: a) access location providing for a safe entrance/exit and utilization of main roadways to minimize impact /conflict with residents on local roadways; b) haul route and traffic data; c) pre/post inspection of roadways used by the Operator; d) collateral or bond to insure that road damage caused by the Operator is repaired; e) dust control (material used for dust control must be pre-approved by the County); f) road maintenance agreement during drilling phase; and g) payment of all applicable fees. Operator shall exercise reasonable efforts to minimize heavy truck traffic on local roads within residential neighborhoods between the hours of 9 p.m.

and 6 a.m., and shall work with and show written evidence that the applicable school district(s) has been consulted to minimize traffic conflicts with school buses when schools are in session. Operator shall obtain any legally valid and applicable oversize and/or overweight moving permit from the County's Public Works Department. for all vehicles that exceed legal vehicle dimensions or weights as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations.

24. Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times during operations. Burning of debris and other materials is strictly prohibited at all times.
25. Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless a Temporary Use Permit for said storage is obtained from the County.
26. Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.
27. Burning. No open burning of trash, debris or other flammable materials.
28. Chains. Traction chains shall be removed from heavy equipment on public streets.
29. Off-location flow lines and crude oil transfer lines
    a. Off-location flow lines and crude oil transfer lines regulated by the COGCC shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and designated open space.
    b. Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
    c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
    d. Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues.
    e. Operator must make available to County upon request all records required to be kept by COGCC
    f. Buried pipelines shall have a minimum of four feet cover.
30. Gathering Lines

a. Gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and designated open space.

b. Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.

c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.

d. Operator must make available to County upon request all records submitted to the Pipeline and Hazardous Materials Safety Administration (PHMSA) or the Public Utilities Commission (PUC) including those related to inspections, pressure testing, pipeline accidents and other safety incidents.

e. Well Connects. Well connects do not require a separate permit as long as the well connect was permitted under the original permit for the Oil and Gas Facility. Well connects are defined as a pipeline, 10” or less inside diameter and 2 miles or less in length, laid running from the custody transfer point or production facility for a new well(s) to an existing gathering line connection point.

31. Temporary surface water lines

a. Operator shall use temporary surface water lines, unless infeasible.

b. Operator may use County Road Right-of-Way, and County drainage culverts for the laying and operation of temporary water lines on the surface and in accordance with Adams County Standards and Regulations, unless infeasible.

c. Operator will bury temporary water lines at existing driveway and gravel road crossings, or utilize existing culverts, if available, with County approval.

32. Financial Assurance.

a. Operators shall be required to maintain environmental liability insurance to cover gradual pollution events.

b. Operator shall be required to file and maintain financial assurance as determined on a site-specific basis prior to commencing operations, and thereafter during the active life of the facility, the operator shall

post and maintain a performance bond or other approved financial instrument with Adams County. Should any corrective actions be required by the County in order to protect the health, safety, welfare, and the environment which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

33. Mapping Information. Operator shall agree to provide coordinates and/or exact location of well sites to the County's GIS Department within forty-eight (48) hours of final completion of a well site in a format acceptable to the County. Any subsequent changes to a well site location shall also be provided to the County within forty-eight (48) hours of such changes.

4-10-02-03-03-04 *INSPECTION AND ENFORCEMENT*

1. Inspection: In recognition of the potential impacts associated with oil and gas facilities, all wells and accessory equipment and structures may be examined by the inspectors of the County at reasonable times to determine compliance with applicable provisions of this chapter, the International Fire Code, the International Building Code, and all other applicable standards in these Regulations.. The County reserves the right in its discretion to make spot inspections or to inspect without notice in the event of an issue potentially involving an immediate risk to public health, safety, welfare, the environment, or wildlife, or damage to the property of another. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property. The County may use the information collected on the inspections to enforce the requirements of this chapter. The County may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Operator shall make available to County, upon request, all records required to be maintained by these regulations or to show compliance with these regulations, and the rules and regulations promulgated by the COGCC and the CDPHE, including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by the COGCC, CDPHE and these regulations. The County shall charge a yearly inspection fee for all Oil and Gas Facilities in the County. Fees for Oil and Gas Facility inspections shall be assessed according to the County's adopted fee schedule.

2. State Notification of Violations: Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.

3. Delinquent Taxes: One condition of any oil and gas well building permit is that all taxes as provided by statute, shall be paid.

4. Penalties and Fines: The County has authority under C.R.S. § 29-20-104, as amended, to impose fines for leaks, spills, and emissions.[1] The following table summarizes the fine schedule for violations of these Development Standards and Regulations:

		Rule Classification		
		Class 1: Paperwork other ministerial regulations, a violation of which presents no direct risk of harm to public health, safety, welfare, and the environment.	Class 2: Regulations related at least indirectly to promoting the public health, safety, welfare, and the environment and wildlife resources, a violation of which presents a possibility of distinct, indentifiable actual or threatened adverse impacts to those interests	Class 3: Regulations directly related to protecting public health, safety, welfare, the environment, and wildlife resources, a violation of which presents a significant probability of actual or threatened adverse impacts to those interests.
Degree of threatened or actual impact to public health, safety, welfare, the environment, or wildlife	Major: Actual significant adverse impacts	$5,000	$10,000	$15,000
	Moderate: Threat of significant adverse impacts, or moderate actual adverse impacts	$1,500	$5,000	$10,000
	Minor: No actual adverse impact and little or no threat of adverse impacts	$200	$2,500	$5,000

[1] Violations of Section 4-10-02-03-03-03(15) are capped at $300/day per violation in accordance with the State Air Pollution Control Act, C.R.S. § 25-7-128.

6. County Violations: In addition to the fines outlined above, the County has authority to cite violations under its control pursuant to Section 1-05-06 Criminal Remedies and Enforcement.

7. Legal Non-conforming: Adams County recognizes that there are oil and gas operations that were legally established prior to the effective date of these regulations that may or may not conform to these regulations. These operations may continue, provided the facility is not substantially modified.
8. Hearing, Enforcement and Appeal Procedures for Air Quality Violations
    a. **Hearings:**
        i. Operators of OGFs may request a hearing in front of the BOCC to contest any alleged violations of the provisions contained in the Air Quality section of these Development Standards and Regulations or to contest permitting decisions involving the provisions contained in the Air Quality section of these Development Standards and Regulations. The BOCC shall grant request for a hearing within 15 days of receipt of such request.
        ii. Hearing date must be set within 90 days
        iii. Notice must be printed in a newspaper of general circulation in the area where the OGF is located.
        iv. Director of CED shall appear as a party in all hearings adjudicating decisions of the CED.
        v. The Director of CED shall have the same right to judicial review as other parties.
        vi. All testimony must be under oath or affirmation.
        vii. A full and complete record of proceedings and testimony presented shall be taken and filed.
        viii. Information related to secret processes or methods of manufacture or production must be kept confidential. The person seeking to keep information confidential has the burden of proof. Except as provided in the Clean Air Act, information claimed to be related to secret processes or methods of manufacture or production which is emissions data may not be withheld as confidential; except such information may be submitted under a claim of confidentiality and the County shall not disclose such information unless required under the Clean Air Act
        ix. Any person who is affected and not adequately represented shall have an opportunity to be a party upon prior application to and approval by the BOCC in its discretion; such party shall have the right to be heard and cross-examine witnesses
        x. BOCC shall make a decision within 30 days of completion of the hearing
        xi. Burden of proof is on Director of CED with respect to any hearings involving alleged violations.
        xii. Where the Operator requests a hearing before the BOCC on a Permit involving provisions contained in the Air Quality section of these

Development Standards and Regulations, the permit applicant bears burden of proof with respect to justification therefor and information, data, and analysis supportive thereof or required with respect to the application

b. Judicial Review:

i. Final orders or determinations of the Community and Economic Development Director or the BOCC are subject to judicial review

ii. Any party may move the court to remand the case to the CED Director or the BOCC in the interests of justice for purpose of adducing additional evidence and findings; such party shall show reasonable grounds for failure to adduce such evidence previously

iii. Any proceeding for judicial review shall be filed in the district court in which the OGF is located

c. Injunctions:

i. If any person fails to comply with a final order of the CED Director or the BOCC that is not subject to a pending administrative or judicial review, or in the event of a violation of an emission control regulation, or term or condition of a permit, the CED Director or the BOCC may request the District Attorney for the district court in which the air pollution source is located to bring suit for an injunction

ii. In proceedings brought to enforce an order of the of the CED Director or BOCC, a temporary restraining order or preliminary injunction, if sought, shall not issue if there is probable cause to believe granting such order or injunction will cause serious harm to the affected person or any other person and; (1) that the alleged violation or activity will not continue or be repeated; or (2) the granting of such temporary restraining order or preliminary injunction would be without sufficient corresponding public benefit.

d. Coordination with the Air Quality Control Commission

i. Pursuant to section 25-7-128(4), C.R.S., upon the issuance of any enforcement order or granting of any permit, the County shall transmit to the AQCC a copy of the order or permit. Pursuant to section 25-7-128(6), C.R.S., the County shall confer and coordinate its activities regarding efforts to control or abate air pollution consistent with that provision.

4-10-02-03-03-05 *RESIDENTIAL CONSTRUCTION Standards*

1. **Residential Construction Standards**: The Director of Community and Economic Development may impose any one (1) or more of the following standards on a specific site basis as a condition of subdivision approval and/or building permits on platted or unplatted land:

   a. The oil and gas well location shall include a two-hundred-fifty (250) foot buffer in the form of an easement on the

Final Plat. No structures may be constructed within the buffer area.

b. Access to the oil and gas well location shall be provided by a public street or recorded easement for private access.

c. The Final Plat shall include notice to prospective buyers of the location of the oil and gas well and associated easements.

d. All oil and gas well flow lines and/or easements shall be graphically depicted on the Final Plat.

e. All surface and subsurface agreements shall be noted on the Final Plat by the recorded book and page number.

f. Pursuant to Section 4-06-01-02-01-12, where a new home and/or other permanent structure with plumbing is constructed within three hundred (300) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

2. **Plugged and Abandoned, and Former Oil and Gas Production Sites:** This Section is enacted to protect and promote the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future residents of the County. These regulations are based upon the land use authority of the County.

a. Prior to submittal of a final plat or site-specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent benchmark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.

b. As a condition of review of any final plat or site specific development plan which contains a plugged and abandoned well or former oil and gas production site or is within 200 feet of such well or site, the owner shall submit a location diagram of the location of the well.

c. On every final plat or site-specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the

setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.

d. Every final plat and site specific development plan which contains a plugged and abandoned well or a site specific development that includes a property that is less than 200 feet from a plugged and abandon well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose for the well maintenance and workover setback."

e. As a condition of building permit review, no dwelling shall be constructed within fifty (50) feet of a plugged and abandoned well.

f. Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the International Building Code.

g. No utility lines shall be installed within ten feet of any plugged and abandoned well.

4-10-02-03-03-06 *COGCC AND COUNTY APPROVALS REQUIRED*

Development of the OGF shall not commence unless and until applicant receives an approved OGF Permit, including any approved waiver(s), and receives all required approvals and permits from COGCC.

4-10-02-04 HEAVY INDUSTRY

4-10-02-04-01 *GENERAL*

1. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls and Screening section (See Section 4-10-01-03) of these standards and regulations. ***Adopted by the BoCC on December 13, 2010**
2. *Garbage Storage:* Any garbage storage area located outside shall be screened from the view of the public in accordance with the Fencing, Walls, and Screening section of these standards and regulations.

3. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-10-02-04-02 *AUCTION YARDS, WITH LIVESTOCK*

1. *Minimum Parcel Area:* one (1) acre
2. *Location:* All auction yards shall be located at least fifty (50) feet away from any on-property residence, fifty (50) feet from any right-of-way and five hundred (500) feet from any off-property residence.
3. *Operation in Accordance to County Tax Regulations:* The yard shall operate in accordance with the County Sales and Tax Department Regulations.
4. *Animal Care:* All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture and the State Veterinarian's Office.
5. *Manure Handling:* Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department.

4-10-02-04-03 *CHEMICAL, PETROLEUM AND EXPLOSIVE MANUFACTURING*

1. *Minimum Parcel Area:* three (3) acres
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine existing services provide adequate protection for citizens.
3. *Setback from Residential Properties:* Not applicable.
4. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
5. *Security Fence and Fireproof Building:* The use shall be totally enclosed by a security fence or wall at least eight (8) feet high and enclosed within a fireproof building.
6. *Prohibited Accessory Uses:* Service stations, dwellings, or research laboratories are not considered accessory uses involved in the manufacture and storage of chemicals, petroleum products, or explosives.

4-10-02-04-04 *METAL INDUSTRIES, AUTOMOBILE MANUFACTURING*

1. *Minimum Parcel Area:* three (3) acres
2. *Setback from Residential Properties:* Not applicable.
3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

4. *Security Fence:* The use shall be totally enclosed by a security fence or wall at least eight (8) feet high.

4-10-02-04-05 *PAPER AND PULP AND SAWMILLS*

1. *Minimum Parcel Area:* two (2) acres
2. *Setback from Residential Properties:* Not applicable.
3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

4-10-02-04-06 *SALVAGE YARDS*

1. *Screening:* The salvage operations and yards shall be enclosed by a screen fence at least eight (8) feet high, measured from the lowest point of grade. The fence shall be maintained in good condition. No stored materials shall be visible from ground level immediately outside the fence.
2. *Stored Materials:* The applicant shall demonstrate the stored materials will not pose a danger to surrounding properties or residents, due to noise, runoff, animal or insect populations or other factors.
3. *Setback from Residential Properties:* Not applicable.
4. *Additional Conditions:* The Director of Community and Economic Development may add additional conditions in order to protect the general welfare of citizens.

4-10-02-04-07 *RECYCLING FACILITIES, INCLUDING SCRAP TIRE*

1. *Fencing:* An eight (8) foot solid screen fence or security fence, with additional screening material, as approved by the Director of Community and Economic Development, shall enclose all outside storage.
2. *Traffic Control Plan:* Provisions of the traffic control plan shall be followed.
3. *Nuisance Control Plan:* Provisions of the nuisance control plan shall be followed.
4. *Appearance:* All sites shall maintain a clean, neat, and orderly appearance. Stockpiles of materials may only be placed as specified in the design and operation plan.
5. *Recordkeeping:* All operators shall maintain records showing amounts of stockpiled materials both processed and unprocessed that are consistent with the amounts allowed in the Permit. In addition, records containing customer lists and records showing amounts of recycled material shipped off site shall be maintained.

6. *Performance Bond:* Prior to commencing operations, and thereafter during the active life of the facility, and for one (1) year after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be $3.00 per tire including unprocessed and processed tire amounts allowed in the Permit for tire recycling facilities and the amount necessary to remove materials from recycling facilities for disposal at an appropriate disposal facility. The amount of the bond shall be calculated to include removal, tipping fees, and transportation costs. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
7. *Removal of Trash from Right-of-Way:* Operators shall remove trash, or other waste material, of the type which is brought to the facility, along public rights-of-way within one-half (1/2) mile of the facility.

4-10-02-04-08 *SOLID WASTE TRANSFER STATIONS*

1. *Removal of Trash from Right-of-Way:* Operators shall remove trash, or other waste material, of the type which is brought to the transfer station, along all public rights-of-way within one-half (1/2) mile of the facility.
2. *Performance Bond:* Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Said bond shall be sufficient to ensure compliance with operating conditions of the Permit, the amount of which shall be established by the Board of County Commissioners. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
3. *Environmental Bond:* Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post a bond sufficient to ensure compliance with the closure plan, and to effect remedial measures if environmental damage is found to be taking place.
4. *Traffic Control Plan:* Provisions of the approved traffic control plan shall be followed.
5. *Fencing:* Eight (8) foot solid screen fencing or other screening material as approved by the Director of Community and Economic Development shall enclose all transfer stations.

6. *Appearance:* All sites shall maintain a clean, neat, and orderly appearance. Litter, dust, and odors may not leave the boundaries of the site.
7. *Vehicle Parking:* Transfer vehicles may not be parked on public streets.
8. *Vector Controls:* All sites shall maintain vector controls as prescribed by the approved plan.
9. *Storage of Solid Waste:* All solid wastes not transferred within 24 hours shall be stored in closed containers or in totally enclosed buildings. In no case may solid waste be stored longer than seven (7) days.
10. *CDPHE Regulations:* Colorado Department of Public Health and Environment Regulations 6CCR 1007-2, Section 7 are hereby incorporated in these Zoning Regulations.
11. *Non-Conforming Facilities:* All trash transfer stations in existence, or approved through a public hearing process specifically to operate a trash transfer station, prior to the adoption of this amendment, are considered legally non-conforming. Existing trash transfer station owners and operators meeting said specification will not be required under these regulations to obtain a Conditional Use Permit to continue operations.

4-10-02-04-09 *OUTDOOR STORAGE IN EXCESS OF 100% OF THE BUILDING AREA*

1. All outdoor storage shall be screened in accordance with the fencing, walls, and screening section (see Section 4-09-01-03) of these standards and regulations.

2. All outdoor storage shall not exceed the height of the fence, unless specifically approved by the board of county commissioners as part of the conditional use permit.

3. All outdoor storage shall consist of non-hazardous materials as determined by the Colorado Department of Public Health and Environment.

4. All outdoor storage shall be designed with adequate access areas and shall meet all requirements of the local fire district.

5. Outdoor storage in excess of 100% of the building area within the Industrial-2 and Industrial-3 zone districts shall meet the following:

   A. Outdoor storage in excess of eighty percent (80%) of the entire lot or 10 acres shall require an approved conditional use permit.

   B. Outdoor storage consisting of less than eighty percent (80%) of the entire lot or 10 acres shall be considered a use-by-right in the I-2 and I-3 zone district and shall meet the above criteria.

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

4-10-02-05 LIGHT INDUSTRY

4-10-02-05-01 *GENERAL*

1. *Outdoor Activities Prohibited:* All equipment, material storage, and uses shall be performed or carried out entirely within an enclosed building.
2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls and Screening section (See Section 4-10-01-03) of these standards and regulations. ***Adopted by the BoCC on December 13, 2010**

3. *Garbage Storage:* Any garbage storage area located outside shall be screened from the view of the public.
4. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-10-02-05-02 *AUCTION HOUSES, WITHOUT LIVESTOCK*

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Properties:* All auction houses shall be located at least fifty (50) feet away from any on-property residence, fifty (50) feet from any right-of-way and two hundred (200) feet from any off-property residence.

4-10-02-05-03 *DRY CLEANING PLANTS*

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine the existing services provide adequate protection for citizens.
3. *Setback from Residential Zoning:* Not applicable.
4. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

4-10-02-05-04 *ELECTRONIC, FABRIC, FURNITURE, AND MEDICAL SUPPLY PRODUCTION*

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Properties:* Not applicable.
3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
4. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-10-02-05-05 *FOOD PRODUCT PROCESSING AND MANUFACTURING*

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine the existing services provide adequate protection for citizens.
3. *Setback from Residential Zoning:* Not applicable.
4. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

4-10-02-05-06 *LANDSCAPE STORAGE YARD **

1. *Outdoor Storage:* Outdoor storage of rock, soil, mulch, and other non-living landscaping materials, and equipment, is permitted. Equipment and material storage areas must be screened from view from adjacent parcels and road right-of-way by an eight-foot high minimum screen fence. Only products, materials, and equipment owned and operated by the landscape business may be stored on the site.
2. Any nursery which contains ten (10) percent or more of the approved living nursery area for hardscape materials shall be classified as a Landscape Storage Yard. Hardscape includes but is not limited to the storage of rock, soil, mulch, and other non-living landscape materials and equipment.
3. All commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight and/or hardscape used for the landscape storage yard business shall be screened from any adjoining residentially zoned or used property with an eight (8) foot solid screen fence in accordance with the approved landscape plan.
4. In all Agricultural Zone Districts no more than two (2) commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight used for the landscape storage yard business shall be allowed per acre with a maximum of five (5) unless otherwise permitted through a Conditional Use Permit.

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

4-10-02-05-07 *ACCESSORY OUTDOOR STORAGE (NOT TO EXCEED 100% OF THE BUILDING AREA)*

1. All outdoor storage shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-10-01-03) of these standards and regulations.
2. All outdoor storage shall not exceed the height of the fence, unless specifically approved by the Board of County Commissioners as part of the Conditional Use Permit.
3. All outdoor storage shall consist of non-hazardous materials as determined by the Colorado Department of Public Health and Environment.
4. All outdoor storage shall be designed with adequate access areas and shall meet all requirements of the local fire district.

4-10-02-06 ENERGY FACILITIES

4-10-02-06-01 SOLAR ENERGY SYSTEM, PRINCIPAL

1. *Site Plan:* A site plan review is required for large-scale solar energy systems prior to building permit approval. Site Plan documents shall include:
    a. Property lines and physical features, including roads, for the project site;
    b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
    c. Blueprints or drawings of the solar energy system showing the proposed layout of the system, the distance between the proposed solar collector and all property lines, and the tallest finished height of the solar collector;
    d. Name, address, and contact information for proposed system installer; and
    e. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; Lot Coverage: The area covered by ground-mounted solar energy systems, where the ground beneath is permeable or pervious, shall not be included in calculations for lot coverage for purposes of zoning.
2. *Location:* All solar panels and equipment (excluding fencing, poles, buried cables, and wires necessary to connect to facilities of the electric utility) shall meet the minimum setbacks for the applicable zone district. Additional setbacks may be required to mitigate noise and visual impacts, or to provide for designated road or utility corridors, as identified through the review process.
3. *Maximum Height:* The height shall be measured from the highest grade below each solar panel. Ground-mounted solar energy systems shall not exceed twenty (20) feet in height.
4. *Signage:* Clearly visible warning signs shall be placed on the fence, barrier, or facility perimeter to inform individuals of potential voltage hazards.
5. *Security:* All solar panels and equipment (excluding poles and wires necessary to connect to facilities of the electric utility) shall be enclosed by a fence at least six (6) feet high. Wildlife-friendly fence options are encouraged.
6. *Landscape Requirements:* Ground-mounted solar energy systems shall be evaluated on a site-specific basis and landscaping may be required. Native grasses and wildflower mixes are encouraged.

7. *Fire Code:* The solar energy system shall conform to all requirements of the currently adopted fire code. Landscape requirements per this section are in addition to any fire break requirements of the adopted fire code.
    a. Vegetation Management Plan: A site-specific plan will be provided by the operator that outlines how vegetation will be kept to minimum levels on the perimeter of the facility. This may include treatment, mowing, and/or other methods of fuel-reduction.
8. *Lighting:* If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel. Motion sensor control is preferred.
9. *Stormwater/Erosion Mitigation Plans:* For ground mounted systems, regardless of size, applicant must provide plan(s) showing what measures or best management practices will be used to prevent and/or contain erosion under the drip line of the solar panels.
10. *Wildlife Corridors:* For Medium and Large Energy Systems, wildlife corridors shall be maintained within natural drainages by leaving those areas open and free of obstruction.
11. *Decommissioning:* Any solar energy system which is no longer producing energy or has been abandoned shall be removed, not including a temporary cease in production for maintenance or force majeure. The owner or operator shall physically remove the installation within 150 days after the date of discontinued operations. The owner or operator shall notify the Adams County Community & Economic Development Department by certified mail within 30 calendar days of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
    a. Physical removal of all solar energy systems, structures, and equipment from the site.
    b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
    c. For ground-mounted solar energy systems, stabilization or re-vegetation of the site as necessary to minimize erosion. Adams County may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

4-10-02-07 MODERATE MANUFACTURING AND PROCESSING

4-10-02-07-01 *CEMENT, CINDER BLOCK, CONCRETE, LIME OR PLASTER MANUFACTURING*

1. *Outdoor Activities:* Manufacturing shall be performed or carried out entirely within an enclosed building. If an accessory outdoor storage permit is obtained, no more than ten percent (10%) of that area may be used for assembly of products. Any outdoor assembly area must be screened in accordance with the Fencing, Walls and Screening section (See Section 4-10-01-03) of these standards and regulations. When this use is located in an Industrial-2 or Industrial-3 zone district, the manufacturing does not need to be performed or carried out entirely within an enclosed building.
2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls and Screening section (See Section 4-10-01-03) of these standards and regulations. Separate permits are required for accessory outdoor storage.
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from the view of the public.
4. *Dust and other off-site impacts:* Dust, noise and other off-site impacts must be appropriately mitigated to reduce the effects on adjacent parcels.
5. *Lighting:* Lighting shall be shielded and downcast such that the light does not spill onto adjacent parcel(s) or rights-of-way.
6. *Hours of operation:* When abutting residentially zoned or used property, hours of operation shall be restricted to 7:00 a.m. to 7:00 p.m.
7. *Conditional use permit required in the I-1 zone district:* When cement, cinder block, concrete, lime or plaster manufacturing cannot meet any of the items 1-5 above in the I-1 zone district, then a conditional use permit shall be required. If items 1-5 above can be met in the I-1 zone district, then the use shall be a permitted use.

4-11 OTHER DESIGN STANDARDS AND CONSIDERATIONS

4-11-01 OPEN SPACE RESIDENTIAL DEVELOPMENTS

4-11-01-01 DESIGN STANDARDS

In order to preserve open space, tree cover, scenic views and other natural features, the Board of County Commissioners may permit a property owner to increase the density of development of an area by as much as fifty percent (50%) and allow a reduction in the minimum size of lots by not more than fifty percent (50%) provided the development conforms to all applicable regulations for residential subdivisions and the following requirements. This reduction is implemented as part of a P.U.D.

4-11-01-02 OPEN SPACE/CONSERVATION AREA REQUIRED

The owner shall commit a minimum of thirty percent (30%) of the property to open space or conservation. No lot committed to open space/conservation shall be less than two (2) acres in area.

4-11-01-03 ACCEPTABLE OPEN SPACE/CONSERVATION AREA

No open area may be accepted as common open space or conservation area within an open space residential development unless it meets the following requirements:

1. The location, size, and character of the common open space/conservation area is suitable for the residential development or agricultural use;
2. The common open space/conservation area is for preservation of natural flora and fauna, amenity or recreational purposes, or agricultural use; and
3. The uses authorized within the open space/conservation area are appropriate to the scale and character of the development, considering its size, density, expected population, topography and the number and type of dwellings provided, or appropriate for agricultural use.

4-11-01-04 IMPROVEMENT OF OPEN SPACE

Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses, which are authorized for the common open space.

4-11-01-05 USE OF OPEN SPACE/CONSERVATION AREAS

No more than twenty-five percent (25%) of the minimum required open space shall be designated for active recreation purposes in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented.

Conservation areas zoned Conservation (CO) may be used based on the use restrictions in said zone district.

4-11-01-06 CONCENTRATION OF OPEN SPACE/CONSERVATION AREAS

Where practical, open space/conservation areas shall be concentrated in large usable areas.

4-11-01-07 CONTIGUITY OF OPEN SPACE/CONSERVATION AREAS

Where possible, open space/conservation areas shall connect to adjacent off-site open space areas and designated greenways. Where the intended use of the conservation area is agricultural, the conservation area shall be connected to adjacent off-site agricultural area.

4-11-01-08 PRIORITIZATION OF OPEN SPACE TYPES

The following list represents the relative desirability of different types of open space/conservation areas, and should be used as the basis for determining the optimum location for open space/conservation areas within a proposed Open Space Subdivision:

1. Critical areas including riparian areas and floodplain.
2. Pastures and farmland currently or traditionally used for agriculture.
3. Trails and greenways.
4. Significant stands of trees.
5. Mature vegetation on ridgelines.

4-11-01-09 CALCULATION OF OPEN SPACE/CONSERVATION AREA

The calculation of open space/conservation areas shall include all common public or privately held open space/conservation areas, but shall exclude all right-of-way for public roads and the easement width for private roads, and storm water facilities. Individual private residential lot areas shall not be included in the open space/conservation area calculation.

4-11-01-10 OWNERSHIP OF OPEN SPACE

Land shown on the final plat as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space acceptable to the County in providing for the continuing care of the space.
2. A public agency or district, which agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it.

4-11-01-11 OWNERSHIP AND ZONING OF CONSERVATION AREAS

Land shown in the final plat as a conservation area shall be rezoned Conservation (CO) and shall be maintained by and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the conservation area. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the conservation area acceptable to the County in providing for the continuing care of the space.
2. A public agency or district, which agrees to maintain the conservation area and any buildings, structures or other improvements, which have been placed on it.

The conservation area may be held in private ownership where the intended purpose of the conservation area is agricultural use. The maintenance of the conservation area in private ownership shall be approved by the Board of County Commissioners based on the appropriateness of the land's continued agricultural use and the adequacy of the proposed maintenance plan.

4-11-01-12 MAINTENANCE OF OPEN SPACE/CONSERVATION AREAS

A maintenance plan shall be submitted and approved as part of the Open Space Subdivision process. The maintenance plan shall meet the landscape and open space/conservation maintenance requirements contained in Section 4-23. Where the Conservation Area is intended to be used for agriculture, the maintenance plan shall be approved by the Conservation District and shall meet the requirements of Section 4-23.

4-11-01-13 RELATIONSHIP TO PARKS AND OPEN SPACE REQUIREMENTS

All Open Space Subdivisions shall also meet the parkland dedication requirements of the Adams County Subdivision Regulations. Open space/conservation areas established for the purpose of meeting the requirements of this Section shall not be counted toward the parkland dedication requirements contained in the Adams County Subdivision Regulations.

4-11-02 NATURAL, AGRICULTURAL, AND CULTURAL RESOURCES PROTECTION

4-11-02-01 PURPOSE

The purpose of the Natural, Agricultural, and Cultural Resources Protection standards is to: (1) provide for the protection of natural, wildlife, agricultural, and cultural resources, which are an essential component of the community's economic base and establish the character of the community; and (2) preserve and enhance the quality of life County residents enjoy.

4-11-02-02 OVERVIEW

There are four (4) subsections to accomplish the purpose of this Section.

1. Resources Review
   a. *Purpose:* The purpose of this subsection is to coordinate the application of all resource protection standards, the standards of the Natural Resources Conservation Overlay (NRCO), and agricultural and cultural resources preservation objectives.
   b. *Methodology:* This subsection specifies the types of projects for which a Resources Review must be performed, the content of the Resources Review, and the procedure by which projects requiring a Resources Review are processed.
2. Natural Resources Protection and Natural Resources Conservation Overlay (NRCO)
   a. Individual Protected Resources
      (1) *Purpose:* The purpose of this subsection is to protect the following individual natural resources:
         (a) Waterbodies
         (b) One Hundred (100) Year Floodplains
         (c) Wetlands

(2) *Methodology:* The above listed resources and their subcategories are specifically defined by these standards and regulations. The subsection specifies the mechanisms used to protect the identified resources.

b. Natural Resources Conservation Overlay (NRCO) District

(1) *Purpose:* The purpose of the Natural Resources Conservation Overlay District (NRCO) is to protect areas of identified exceptional environmental value, such as wildlife habitat areas, or areas hazardous for development, such as floodplains. The overlay zone district is established as a means of assuring these lands are treated in a particularly sensitive manner so as to protect the associated natural resources.

(2) *Methodology:* The NRCO District specifies the mechanisms used to protect the identified resources. Specifically, the standards are established to help assure natural resources are identified and adequate mitigation is implemented in association with development to assure the long-term protection of important habitat for wildlife as a cohesive and functional system throughout the County. Development is to be designed to protect the areas wildlife needs to survive; therefore, development is to be kept outside of the NRCO, as much as possible.

(3) *Mapping:* The areas within the NRCO District are shown on the Adams County Zoning Map, which has been adopted as part of these standards and regulations. These boundaries are approximate due both to the scale of the map and the difficulty in identifying vegetation and other land characteristics for a large area.

3. Cultural Resources Preservation

a. *Purpose:* The purpose of this subsection is to identify and protect important cultural resources in association with proposed development.

b. *Methodology:* This subsection describes what cultural resources are significant and a series of mechanisms and their objective of cultural resources protection.

4. Agricultural Preservation:

a. *Purpose:* The purpose of this subsection is to identify the mechanisms in these standards and regulations and otherwise utilized by Adams County for the purpose of promoting agricultural preservation.

b. *Methodology:* This subsection describes the following mechanisms and their objective of agricultural preservation. These mechanisms include agricultural district zoning, conservation district zoning, land uses permitted in agricultural zone districts, exemptions for regulations for agricultural uses, and open space subdivision standards.

4-11-02-03 RESOURCES REVIEW

4-11-02-03-01 *PURPOSE*

This subsection establishes a Resources Review to coordinate the application of all resource protection standards, the standards of the Natural Resources Conservation Overlay District (NRCO), and agricultural and cultural resource preservation objectives. This subsection further defines the methodology and standards for conducting the Resources Review. The review shall identify the natural, scenic, cultural, and agricultural resources defined in these standards and regulations, and describe how the proposed development will be designed in order to preserve these resources and to meet the standards of this subsection.

4-11-02-03-02 *APPLICABILITY*

All development proposals subject to the provisions of the NRCO District, and any activity, including subdivisions, which disturb an area of one (1) acre or more, shall comply with the provisions of this subsection unless specifically exempted below.

4-11-02-03-03 *EXEMPTIONS*

The following activities and development shall be exempt from this subsection.

1. *Agriculture:* Activities conducted for agricultural purposes.
2. *Development within an Approved Project:* All development pursuant to a project approval already received from Adams County.
3. *Single-Family Home:* Development of a single-family home provided:
   a. The location proposed for the single-family home is not within the NRCO;
   b. The single-family home is the only residence on the individual lot or parcel or the density on the site is less than or equal to one (1) dwelling unit per thirty-five (35) acres of base site area; and
   c. The application for development demonstrates compliance with all setback/buffer standards specified in the Individual Protected Resources and NRCO District subsections of these standards and regulations.
4. *Expansion:* Expansion of an existing building or the addition of an accessory structure to a residential single-family dwelling.

4-11-02-03-04 *METHODOLOGY*

1. *General Content:* A Resources Review shall describe the existing conditions of the property, describe the development proposal and the rationale for the

location of proposed open space, if applicable, and a description of how the proposal meets all the applicable standards and objectives of this Section and the Adams County Comprehensive Plan.

2. *Site Specific Content:* A Resources Review for all proposed developments not otherwise exempted, shall contain the following components, as applicable to the property proposed for development and the proposed project.

   a. *Individual Protected Resources Component:* The Resources Review for property containing protected resources shall contain an individual protected resources component including maps and/or plans depicting the location of water bodies, one hundred (100) year floodplains, and wetlands. This component also shall describe the level to which all resources are either conserved or developed, depict the setbacks/buffers of all resources for which setbacks/buffers are required, and contain a mitigation plan, if applicable.

   b. *NRCO Component:* A Resources Review shall contain a NRCO component including a site specific review identifying the location of areas used by wildlife as habitat or migration routes and any area protected by the NRCO District, and plans identifying how the proposed development on the land complies with the standards of the NRCO District.

   c. *Cultural Resources Component:* A Resources Review shall contain a cultural resources component including a written review of the proposed development, depicts the locations of all cultural resources and includes plans identifying how the proposed development on the land complies with the standards of the Cultural Resources subsection.

   d. *Agricultural Component:* A Resources Review shall contain an agricultural component identifying the location of agricultural land and describes related agricultural operations, such as irrigation practices, occurring on the land.

3. *Recommendations:* A Resources Review shall contain recommendations for mitigating any negative impacts of the proposed development on the natural, cultural and agricultural resources. The review also shall contain recommendations for resolving conflicting objectives when the Resources Review identifies areas where such conflicts exist.

4. *Priorities:* In reviewing and approving, approving with conditions, or denying an application containing lands regulated by more than one (1) resource category, the Standards for Development in the NRCO District shall be achieved to the maximum extent practical first. The requirements of the individual protected resources shall generally receive second priority but may receive first priority in instances where the individual protected resource would be greatly damaged by development and the damage can be avoided by a change in development design creating a minimal impact to the NRCO.

5. *Professional Consultant(s) Required:* The Resources Review shall be prepared by one (1) or more professionals who have been certified as "qualified" by the Community and Economic Development Department. Individuals may be certified to prepare one (1) or more components of a Resources Review depending upon their qualifications. Each professional shall be deemed qualified by the Department of Community and Economic Development based on education, professional certifications, experience in the field, and their understanding of these standards and regulations, and the Adams County Comprehensive Plan. The Department of Community and Economic Development may form a multi-departmental committee to assist in the certification of consultants.
6. *Selection of Consultant(s):* The County shall maintain a list of qualified professional consultants. The developer of a project requiring a Resources Review shall select one (1) or more individuals from the list of certified consultants to prepare the review. The County also can select a consultant from the same list to review the work of the developer's consultant. In these instances, the County's consultant shall be paid by the County.

4-11-02-03-05 *PROCEDURE*

The Resources Review shall be consolidated and considered with the review necessary to obtain the first development permit for the proposed development for which the review is conducted.

4-11-02-04 INDIVIDUAL PROTECTED RESOURCES AND NRCO DISTRICT

4-11-02-04-01 *PURPOSE*

Waterbodies and wetlands provide critical functions in controlling flood waters, providing wildlife habitat, cleansing water resources and contributing to the special scenic quality of Adams County. Reserving the one hundred-year (100) year floodplain protects against the loss of life and property during flood events. The purposes of this Section are to define critical resources, and establish protection standards for waterbodies, floodplains and wetlands.

4-11-02-04-02 *INDIVIDUAL PROTECTED RESOURCES (WATERBODIES, ONE HUNDRED (100) YEAR FLOODPLAINS, AND WETLANDS)*

1. *Purpose:* This Section establishes the protection standards for waterbodies, floodplains, and wetlands, in order to protect the community as a whole from potential negative impacts caused by development which may affect these resources or their functions. This Section prohibits development on and within a certain distance of these resources.

2. Resource Definitions

   a. *Waterbodies:* "Waterbodies" means natural features or manmade reservoirs (i.e., rivers, streams, lakes), which convey or contain surface water.

   b. *River:* "River" means the South Platte River and Clear Creek.

   c. *Stream:* "Stream" means a body of running water which is neither one of the identified rivers nor an irrigation ditch, and has one (1) or more of the following characteristics:

      (1) Has an average annual flow of three (3) cfs or greater including return water from subirrigation practices.

      (2) Provides a habitat area for one (1) or more species of fish or waterfowl.

   d. *Natural Lake/Pond:* A "natural lake/pond" means a body of standing water, usually at least six (6) feet deep, which was created by natural processes.

   e. *Riparian Plant Community:* Riparian plant communities associated with watercourses in Adams County shall be delineated using "Riparian Community Type Classification of Colorado", USDA Forest Service, 1990.

   f. *Floodplains:* "Floodplains" means land adjacent to a watercourse which is subject to flooding as a result of the occurrence of the 100-year or one percent (1%) frequency flood of a watercourse. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

   g. *Wetlands:* "Wetlands" means an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Delineation of wetlands in the County shall be according to the 1989 Army Corps of Engineers definition of jurisdictional wetlands. This definition excludes irrigation induced wetlands.

3. *No Development or Setbacks/Buffers Required:* Due to the risk of severe negative impacts on the community at large, if waterbodies, floodplains, and wetlands are wholly or partially developed, and the necessity to protect the natural functions of these resources, development of these resources is prohibited in most cases and a setback/buffer is required.

4. *Development Prohibited:* Development in waterbodies, the one hundred (100) year floodplain, wetlands, and significant wildlife habitat is prohibited except for essential facilities as specified below.

a. Setback/Buffers Required

(1) *Measurement:* Setbacks shall be measured from the mean high water or top of bank, whichever is farthest from the thread of the watercourse or the center of the waterbody.

b. Setback/Buffer Definitions

(1) *Buffer:* The area protected by the setback is the "buffer" and shall remain free from development, parking, open storage of vehicles, refuse, or any other material. Terrain disturbance for bona fide agricultural purposes, flood protection, wildlife habitat enhancement, or pathways are permitted in the buffer upon receipt of applicable permits.

5. *Minimum Setback/Buffer Required:* All development is required to be setback from specified resources as follows:

a. *Rivers:* Minimum one-hundred-fifty (150) feet.

b. *Streams:* Along streams, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.

c. *Natural Lake/Pond:* Adjacent to natural lakes or ponds, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.

d. *Wetlands:* Minimum fifty (50) feet.

4-11-02-04-03 *DEVELOPMENT OF ESSENTIAL FACILITIES*

1. *Essential Facilities in or Adjacent to Waterbodies and Floodplains:* Certain water dependent uses must be located in or adjacent to waterbodies and/or in floodplains. These may be permitted provided all structures meet the following requirements:

a. *Flood Control, Irrigation, or Essential Crossings:* Only structures, which are essential to flood control, irrigation or essential road or utility crossings, shall be permitted.

b. *Not for Human Habitation:* Structures in the floodplain shall not be intended or designed for human habitation.

c. *Elevation of Structures and Utilities:* Any generally horizontal element not part of the support structure shall be at least one (1) foot above the one hundred (100) year flood elevation. All service and utility connections, such as electrical and heating equipment, water, sewer, electric, or gas, shall be similarly located.

d. *Floodway:* Except for crossings for access, no structures shall intrude into the floodway.

e. *Minimum Obstruction of Flood Waters:* Structures constructed in the flood fringe shall not cause any rise more than one-half (1/2) foot in the 100-year water surface elevation and structures constructed in the floodway shall cause zero (0) feet of rise. Should a development cause more rise than allowed, a Conditional Letter of Map Revision (CLoMR) shall be submitted. Any increase in flood height shall be confined to the subject property and shall cause no increase in the flood height on adjacent properties.

f. *Compliance with Floodplain Overlay District:* All development within the floodplain shall comply with the Adams County Floodplain Overlay District standards. In the event of a discrepancy between the Floodplain Overlay District standards and these standards, the more stringent standard shall control.

g. *Minimize Negative Impacts on Wildlife:* All development shall be designed to minimize negative impacts on wildlife.

h. *Fill in Floodplains:* Fills or deposition of materials in floodplains may be allowed provided the following standards are met:

(1) Fill shall be allowed only for essential crossings, water dependent uses, or flood control.

(2) No fill shall be in the floodway or within twenty (20) feet of the floodway.

(3) Fill or other materials shall be protected against erosion by riprap, vegetative cover, sheet piling, or bulkhead sufficient to prevent erosion.

(4) Fill shall be clean and compacted to minimize erosion potential.

2. *Essential Facilities in or Adjacent to Wetlands:* Wetlands may be developed under the following circumstances. Notwithstanding, receipt of a local permit for developing wetlands does not absolve a developer from obtaining all other State or Federal permits necessary to develop wetlands.

a. *High-Intensity Use Degrades Wetland/Wetland Agriculture-Induced:* Where the intensity of adjoining uses causes the retained wetlands to become degraded habitats and the wetland area is suitable for development due to planning, location, and other factors, or where the wetland is induced by agricultural irrigation, a wetland may be developed.

b. *Necessary to Reshape Wetland to Provide Building Site:* Where, due to parcel shape and interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope, a wetland may be

redeveloped. Filling up to five (5) percent of the wetland on the parcel, not to exceed one (1) acre, is permitted.

c. *No Alternate Site:* Development shall be permitted only where it is demonstrated the proposed activity cannot be practically located at an alternative, non-wetland site.

d. *Practical Measures to Reduce Impact:* It shall be demonstrated reasonable project modification measures have been taken to reduce wetland loss and degradation.

e. *On-Site Mitigation Wherever Possible:* On-site mitigation shall be provided wherever possible. On-site mitigation shall be at a ratio of one and one-half (1.5) acres of new wetland for every one (1) acre of wetland filled. All off-site mitigation shall be at a ratio of two and one half (2.5) acres of new wetland for every one (1) acre filled. It shall also be demonstrated these new wetlands will restore lost wetland functions and values.

f. *Wetland Replanting:* The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.

g. *Persistence:* It shall be demonstrated the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.

h. *Buffers:* Buffers shall be provided around wetlands created pursuant to this subsection.

4-11-02-04-04 *NATURAL RESOURCES CONSERVATION OVERLAY (NRCO) DISTRICT*

See Chapter 3 for NRCO District standards and open space requirements.

4-11-02-05 AGRICULTURAL RESOURCES PRESERVATION

4-11-02-05-01 *PURPOSE*

Ranching and farming are agricultural uses, which formed the original basis for the communities in Adams County. In all areas of the County, the agricultural industry is threatened by residential development and urbanization. Paradoxically, much of the attraction for residents of Adams County is the open space created by agricultural operations, the very operations threatened by increasing urbanization. The purpose of this Section is to identify the mechanisms in these standards and regulations, which have been adopted for the purpose of promoting agricultural preservation.

4-11-02-05-02 *SUMMARY OF MECHANISMS TO PROMOTE AGRICULTURAL PRESERVATION*

The following mechanisms are available through application of these standards and regulations as incentives for land in Adams County to be maintained in agricultural production.

1. *Agricultural Assessment:* By Colorado Statute, agricultural uses in Adams County do not pay property taxes on the market value of land upon which they are located. If they did, agriculture in Adams County would have disappeared long ago. Agricultural assessments are a conscious decision in order to retain agriculture for as long as possible.

2. *Open Space Subdivisions and P.U.D.s:* Developments in the Agricultural Districts are required to cluster homes and to provide either thirty percent (30%) or sixty percent (60%) open space. If the property proposed for development has an existing agricultural operation, or a landowner wishes to establish an agricultural operation on the portion of the property proposed as open space, agriculture is an accepted and encouraged use of the required open space.

3. *Agricultural Zoning Density:* Developments in the Agricultural Districts are kept at a low density. Residential development and agriculture are generally incompatible. The more the permitted form of development can either prevent or mitigate such conflicts, the more likely it is that agricultural operations can continue. Low development densities can help to mitigate some conflicts.

4. *Agricultural Land Uses:* Certain uses generally compatible with agricultural uses have been permitted in the Agricultural Districts in order to provide opportunities for agricultural families to diversify their income base, yet retain their primary way of life--agriculture. The following uses have been permitted in the Agricultural Districts, in many cases, specifically to promote agriculture: Agricultural employee housing, mobile home, nurseries, bed and breakfasts, agricultural support and service uses, produce stands, campgrounds, outdoor recreational uses, home businesses, cottage industries including small food manufacturing operations, etc.

4-11-02-05-03 *STANDARDS*

Any conversion of agricultural land shall comply with the following standards.

1. *Site Evaluation:* Farm and ranch lands shall be assessed according to the USDA Agricultural Soil Capability Classifications. The site shall be mapped and the soils with the lowest classifications shall be developed first.

2. *Agricultural Connectivity and Efficiency:* Agricultural lands or operations proposed for development shall be reviewed to determine what impacts

the proposed development will have on the continued agricultural use of the undeveloped portions of the tract. Development shall be located so as to ensure the agricultural continuity is maintained and the remaining agricultural tracts are able to be used efficiently.

4-11-02-06 CULTURAL RESOURCES PRESERVATION

4-11-02-06-01 *PURPOSE*

The purpose of this subsection is to identify and protect important cultural resources in association with proposed development.

4-11-02-06-02 *METHODOLOGY*

A survey for important cultural and historic resources meeting the criteria of the Colorado State Historic Preservation Office (SHPO) shall be conducted in all cases where more than five (5) acres will be disturbed. The survey shall meet the requirements of the SHPO and be conducted by a professional approved to conduct historic and cultural resource surveys by the SHPO Office.

4-11-02-06-03 *STANDARDS*

1. *No Development or Setbacks/Buffers Required:* Due to the risk of severe negative impacts to cultural resources from development, and the necessity to protect these historic resources for future generations, development which would destroy the historic and cultural significance of these resources is prohibited in most cases and a setback/buffer is required.
2. *Development Prohibited:* Development of a site, which would result in the destruction of a cultural or historic resource, is prohibited except as specified below.
   a. *Use Degrades Value:* Where the intensity of adjoining uses causes the retained resource to be placed at significant risk or to become degraded, the resource may be relocated or excavated pursuant to a plan approved by the SHPO.
   b. *Necessary to Reshape the Land to Provide Building Site:* Where, due to parcel shape and interaction with topography, it is necessary to remove the resource in order to develop the remainder of the site, the resource may be relocated or excavated pursuant to a plan approved by the SHPO.
   c. *Practical Measures to Reduce Impact:* It shall be demonstrated all reasonable project modification measures have been taken to reduce the chance of loss and degradation.

3. *Setback/Buffers Required:* A setback from all identified resources shall be provided.

   a. *Measurement:* Setbacks shall be measured from the boundaries of the resource identified.

   b. Setback/Buffer Definitions

      (1) *Buffer:* The area protected by the setback is the "buffer" and shall remain free from development, parking, open storage of vehicles, refuse, or any other material.

   c. *Minimum Setback/Buffer Required:* All development is required to be setback from identified cultural resources by at least one hundred (100) feet unless an alternative setback is justified by the Resource Review Recommendations.

   d. *Setback Standards from Section Lines and Section Line Roads:* Setbacks from Section Lines and Section Line Roads shall be one hundred (100) feet from the right-of-way centerline or the Section Line where a road right-of-way is not established. The Section Line and Section Line Road setback may be varied at the discretion of the Director of Community and Economic Development where the Director of Community and Economic Development determines:

      (1) A new Section Line Road could not be reasonably aligned within one hundred (100) feet of the Section Line;

      (2) The existing Section Line Road can be reasonably expanded within the existing right-of-way;

      (3) The existing right-of-way is adequate for construction of a new Section Line Road; or

      (4) Due to the prevailing development pattern, future road construction or expansion is generally precluded such that the setback would have limited or no effect on future road expansion or construction options.

      In no case shall the Director of Community and Economic Development reduce the setback below the minimum right-of-way setback required within the applicable zone district.

4-12 PARKING, LOADING, AND CURB CUT REQUIREMENTS

4-12-01 APPLICABILITY

Off-road parking and loading requirements in all new developments shall comply with the general access, circulation, and parking standards set forth in this Section.

4-12-02 GENERAL STANDARDS

4-12-02-01 SAFETY BARRICADES

A curb, rail, fence, guard, or other continuous safety barricade of a height or design sufficient to retain vehicles within the parking area shall be provided except for single-family residences and duplexes.

4-12-02-02 COMMERCIAL AND INDUSTRIAL PARKING LOT SCREENING/FENCING REQUIRED

For each boundary line of a commercial or industrial parking area abutting directly on a residential lot a wall, fence, or screen planting of a year-round nature shall be installed at least forty-eight (48) inches high to serve as a barrier for passage of persons and waste material, to conceal glare from headlights, and to reduce noise, fumes, and pavement heat.

4-12-02-03 PLANTINGS PROTECTED

Wheel or bumper guards shall be located so no part of any vehicle extends beyond the boundary lines of the parking area or comes in contact with walls, fences, plantings, or any other structures.

4-12-02-04 PARKING AREA LANDSCAPING REQUIREMENTS

Parking areas are required to meet standards for landscaping within the parking area and around the perimeter of the parking area. Landscaping requirements are found in Section **Error! Reference source not found.** of these standards and regulations.

4-12-02-05 SURFACE OF PARKING AREA

Except for agricultural areas, off-road parking areas shall be surfaced and maintained with a portland or asphalt concrete surface, or other suitable surface as determined by the

Director of Community and Economic Development. Drainage shall be subject to the approval of the Director of Community and Economic Development.

The surface of the parking area shall be maintained with the following minimum requirements:

1. Potholes shall not exceed six (6) inches deep or six (6) inches wide.
2. Cracks shall not exceed three (3) inches in width.
3. The parking area shall be maintained in a weed free condition pursuant to Section 4-16.
4. All striping shall be evident at the property line.

4-12-02-06 DESIGN AND LAYOUT OF PARKING LOTS

Parking stall designs, driveways, and other details of a plan for parking shall be subject to the approval of the Director of Community and Economic Development.

4-12-02-07 LIGHTING

Any lighting used to illuminate required off-road parking areas shall be arranged in conformance with the following:

1. Lights shall be shielded so directly emitted light shall not shine directly onto surrounding properties;
2. Light shall be arranged so neither direct nor reflect light may create a traffic hazard and no color light(s) may be used in a manner which would be confused with traffic control devises;
3. No blinking, flashing, rotating or otherwise animated lights shall be permitted except temporary holiday lighting displays or safety devices required by federal, state, county or local regulations;
4. The maximum lighting level shall not exceed one (1.0) foot-candle for parking areas and twenty (20.0) foot-candle in loading areas and unloading platforms; and
5. Light levels measured twenty (20) feet beyond the property line shall not exceed one-tenth (0.1) foot-candle as a direct result of on-site lighting.

4-12-02-08 SIGNS

Only signs indicating entrances and exits or designating conditions of use, direction, or identification shall be maintained within a parking area. Signs indicating entrances, exits, or conditions of use shall not exceed four (4) square feet in area, nor shall there be more than one (1) such sign for each entrance or exit.

4-12-02-09 ENTRANCES AND EXITS, CURB CUTS, CURB RETURNS:

All curb cuts are subject to approval of the Director of Community and Economic Development or the Colorado Department of Transportation for State Highways and are not a use by right. Their placement, size, use, signing, and construction shall conform (at the developer's expense) to the Director of Community and Economic Development written requirements. An Access Permit for all entrances, curb cuts, and curb returns shall be obtained from the Director of Community and Economic Development.

4-12-02-10 EXPANSION OR ENLARGEMENT OF USE

Whenever any building or use is enlarged in height or in ground coverage, off-road parking for said expansion or enlargement shall be in accordance with the requirements of these standards and regulations.

4-12-03 SINGLE- AND TWO-FAMILY DWELLINGS

4-12-03-01 GENERAL

Off-road parking for one- and two-family dwellings shall be designed to meet the following objectives:

1. Provide an adequate number of parking spaces for the use.
2. Minimize conflicts with traffic on adjacent roadways.

4-12-03-02 AMOUNT OF PARKING REQUIRED

One- and two-family dwellings shall provide a total of two (2) off-road parking spaces per dwelling unit.

4-12-03-03 ACCESS TO PARKING

Access to the off-road parking shall comply with the provision of these standards and regulations, including but not limited to, the following:

1. Obtaining an Access Permit.
2. Limiting the number and spacing of accesses based on the functional classification of the roadway.

4-12-03-04 PAVED PARKING REQUIRED

Whenever an access to off-road parking spaces is adjacent to a paved road, the access shall be paved with asphaltic concrete, concrete, or similar material from the edge of the roadway to the right-of-way line for the roadway.

4-12-03-05 ADDITIONAL PARKING SPACES

Any area used to park vehicles on a single-family or duplex lot, shall be clearly delineated, improved with concrete, asphalt, stone pavers, or minimum ¾" rock (provided the installation is sufficient to support the vehicles), maintained free of weeds, and display no visible dirt surface. Parking vehicles or trailers behind the house or on any landscape is prohibited. At least 30% of the front and side yards must be covered in living material and may not be used for parking (4-16-09-01-02(3)). Access permits may be required if a new driveway from the right-of-way is created (8-01-10).

4-12-04 MULTI-FAMILY RESIDENTIAL AND NON-RESIDENTIAL

4-12-04-01 GENERAL

Off-road parking for multi-family and non-residential developments shall be designed to meet the following objectives:

1. Provide for the safe and convenient movement of vehicles, bicycles, and pedestrians to and from the site and through the site.
2. Efficiently provide an adequate number of parking spaces for the site.
3. Minimize the interference of drive-in facilities and loading zones with access and circulation within the site.

4-12-04-02 ACCESS STANDARDS

Parking areas shall be designed with clearly defined and unobstructed points of ingress and egress rather than continuous access from an adjacent roadway. No parking space or lot will be permitted which would require a vehicle to back into the roadway to exit the space or lot.

Entrances and exits to the parking lot shall be sited with the objectives of minimizing disruption to traffic flows on the access road. When a parking lot is adjacent to both an arterial road and a road of lower functional classification such as a collector, access shall be from the lower classification road to avoid interfering with the primary function of the arterial road, which is to move traffic rather than to provide access.

When entrances and exits must be located off of higher classification roads, they shall be sited so as to create the least interference with intersections and to preserve the traffic

carrying capacity of the road. Speed change lanes or auxiliary lanes shall be provided if required by the Director of Public Works. Wherever possible, entrances and exits shall be separated from intersections per the criteria set forth in Chapter 8 of these regulations.

Entrances and exits to the parking lot should also be sited with the objective of minimizing conflicts within the parking lot and encouraging efficient circulation patterns. The property owner is responsible for all maintenance of the access to and from a public right-of-way.

In cases where there are adjacent and compatible land uses, parking areas shall be designed with circulation between the uses in mind, providing internal connections between the parking areas for the adjacent uses.

4-12-04-03 SPACES REQUIRED

In connection with every institutional, commercial, and industrial use, there shall be provided, at the time any building or structure is erected, enlarged, or increased in capacity, off-road parking spaces in accordance with the following requirements:

Use	Minimum Required Off-Road Parking Spaces
Art galleries	1 space for each 300 sq. ft. of gross floor area
Auto repair shops	2 spaces for each service bay
Banks and other financial institutions	1 space for each 200 sq. ft. of gross floor area used by general public and 1 space for each 600 sq. ft. not used by general public
Bed and breakfast inns	1 space per rental unit and 1 space per 4 employees
Boarding houses	1 space for each rental unit
Car wash, automatic or self-service	5 spaces per bay automatic and 2 for self-service
Churches	See "Places of worship"
Clubs and lodges	1 space for 200 sq. ft. of gross floor area used by the general public or membership and 1 space for every 600 sq. ft. not used by the general public or membership
Colleges and universities	as determined by Director of Community and Economic Development
Commercial dormitory	1 space for each rental unit
Contractor's offices	1 space for each 10,000 sq. ft. of gross floor area
Contractor's yards, building	1 space for each 10,000 sq. ft. of yard materials, storage
Convalescent centers	1 space per 4 beds plus 1 space for each 2 staff members
Correctional facilities	Sufficient spaces to supply 1 space for each employee per shift and 1 space for every 5 occupants. The requirement may be modified with the use permit.

Use	Minimum Required Off-Road Parking Spaces
Day care facility	1 space for each employee on a major shift, plus 2 drop off spaces for patrons
Dormitories, fraternity, and sorority houses	1 space for each 2 beds

Dwellings	
Single family	2 spaces for each dwelling unit
Two-family	2 spaces for each dwelling unit. The Planning Commission may require up to 1 space for every 2 units for visitor parking.
Multifamily	
Studio/ Efficiency	0.75 spaces per unit type
1 Bedroom	1.0 spaces per unit type
2 Bedroom	1.5 spaces per unit type
3+ Bedroom	2.0 spaces per unit type
Visitor	Minimum of 15% of the required parking shall be provided for visitors in addition to the minimum required off-road parking
Efficiency units	1 per unit
Retirement communities, elderly housing	1 space for every 2 multi-family units plus 1 space for each 4 staff members whose work is associated with the units or with the occupants of the units. 1 space for each single-family unit
Event Center	1 space for each 4 seats or 1 space for each 40 sq. ft. of gross floor area available for the accommodation of movable seats in the event center, whichever is greater.
Fairgrounds	1 space for each 600 sq. ft. of gross floor area
Funeral homes	1 space for each 4 seats in chapel
Golf courses	Based on review by the Director of Community and Economic Development considering site size, topography and supporting facilities
Government buildings	Based on review by the Director of Community and Economic Development considering site size, topography and supporting facilities
Hospitals	1 space for every 2 beds; 1 space for each doctor and nurse; and 1 space for every 4 additional employees
Hotels	1 space per rental unit
Junk yards	1 space plus 1 space for each 10,000 sq. ft. of yard
Laboratories, research	1 space per 1,000 sq. ft. of floor and area facilities
Manufacturing, processing, assembly, distribution, bottling works, machine	1 space for each 1,000 sq. ft. of floor area

shop, metal, wood-working, plumbing, electrical, printing shop, roofing shop	
Medical, dental and similar offices	4 spaces for each doctor or nurse and 1 space for each employee
Meeting rooms, exhibit halls	1 space for each 4 seats or 1 space for each 40 sq. ft. of floor area available for the accommodation of movable seats or exhibits
Mobile home park	2 spaces for each mobile home site
Motels	1 space per rental unit
Museums	1 space for each 300 sq. ft. of gross floor area
Night clubs	1 space for each 3 seats
Offices	1 space for each 300 sq. ft. of gross floor area
Nursing homes	See: "Convalescent center"
Places of worship	1 space for every 5 seats
Radio, TV recording studio	1 space for each 300 sq ft of gross floor area

Recreation, indoor	Based on review by the Planning Commission considering site size, topography and type of use
Recreation, outdoor	Based on review by the Planning Commission
Restaurants, cafeterias, dining rooms including drive-up windows	1 space for every 3 seats
Retail spaces or other unspecified	See: "Service establishments"
Schools	
Kindergarten, elementary	1 space for each classroom and 1 space per 300 sq. ft. of administrative office space
High school, college, vocational, business	6 spaces for each classroom and 1 space per 300 sq. ft. of administrative office space
Service establishments and retail	
Dealing infrequently with public such as furniture repair, secretarial services.	1 space for each 600 sq. ft. of gross floor area
Dealing frequently with public such as barber shops, beauty shops, laundromats, video stores, drug stores, groceries, etc.	1 space for each 200 sq. ft. of gross floor area
Transportation terminals	
Freight	1 space per 1,000 sq. ft. of gross floor space
Passenger	1 space per 200 sq. ft. of gross floor space
Veterinary establishments	4 spaces for each doctor and 1 for each employee

Warehouses	1 space for each 5,000 sq. ft. of gross floor area
Wholesale establishments	1 space for each 900 sq. ft. of gross floor area

4-12-04-04 PARKING LOT LAYOUT

1. In general, surface parking lots shall be beside or behind the land use they serve. Circulation patterns around parking lots can be established using various stall types, angled parking, one or two-way drive aisles, signing, or pavement marking.
2. Parking Stall Options by Type. Required parking may choose the following mix of parking stalls types and sizes:
    a. Standard stalls: up to 100% of total required parking;
    b. Compact stalls: up to 20% of total required parking;
    c. Micro stalls: up to 5% of total required parking.
3. Fraction: If the calculation of the number of vehicular parking spaces in the Table 8.10-1 Table of Vehicular Parking Spaces contains a fraction, such number shall be rounded up or down to the next whole number:
    a. Fractions less than one-half (.5) shall be rounded down to the whole number; and
    b. Fractions which are one-half (.5) and greater shall be rounded up to the next higher whole number.
4. Motorcycle stalls: Automobile parking requirements may be reduced one (1) space for every four (4) motorcycle spaces, provided up to a maximum five (5) percent of the total required automobile spaces.
5. Tandem Stalls.
    a. Tandem parking may be permitted for up to fifty percent (50%) of the total residential parking requirement of multifamily developments if all of the following criteria are met:
        i. Each residential unit may have only one (1) tandem parking stall (equaling two (2) parking spaces) for each multifamily dwelling unit requiring two (2) parking spaces.
        ii. Ingress and egress for the tandem parking stalls do not interfere with the safety of residents or adjacent property owners, and the functionality of adjacent parking.
    b. For calculating the percentages of allowed parking stall options: Tandem parking is equivalent to two (2) standard parking spaces.
    c. Design Standards.

i. Tandem parking stalls are permitted when their size equals two (2) standard stall dimensions (9 feet by 37 feet), and when storage space is provided in the garage area for items which typically occupy garage space (e.g. bicycles, garbage cans and other gear).

ii. Parking spaces are assigned to each unit in the development.

iii. Adequate visitor parking is provided.

iv. Tandem parking shall not be used for the storage of boats, trailers, recreational vehicles, or materials.

6. Parking Stall Length in Surface Parking or Non-Parallel Parking. Parking stalls which have low landscape or additional hardscape (such as a raised walkway) at the head of the stall, may reduce the paved portion of the stall length by two (2) feet as long as the vehicle can hang into the landscape or hardscape by two (2) feet without reducing or impacting pedestrian walkway widths or the proposed landscape. Vehicle overhang must be indicated on all construction drawings using this technique.

7. Location Criteria.

a. Head-in Compact and Micro stalls may not be located on a fire lane unless their length is equivalent to a Standard stall;

b. Single loaded parking stall lengths and the fire lane widths are equal to at least thirty-seven (37) feet with two (2) lanes that are a minimum of nine (9) feet wide;

c. Double loaded parking stall lengths and fire lane widths are equal to at least fifty-six (56) feet with two (2) lanes that are a minimum of nine (9) feet wide; or, as otherwise approved by the Director.

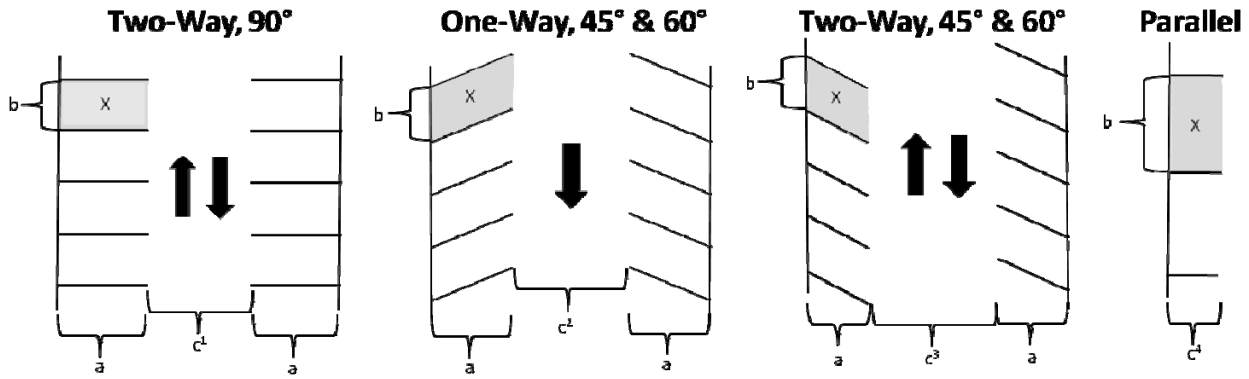
d. Parking spaces which are closest to the building's entrances shall not be Compact spaces.

e. Motorcycle spaces shall be located according to the same criteria and standards that are applicable to Micro parking spaces.

f. Visitor parking shall be provided in a location that is convenient to visitors and shall be accessible at all times. Visitor parking shall not be located within a secured private or common parking garage that requires a key, handset, or other electrical or mechanical device to gain access to such spaces.

4-12-04-05 PARKING SPACE SIZE

Standard parking spaces shall conform to the dimensions shown on the following table:



Stall Type[1]	Angle	Stall Size (x)	Stall Length (a)	Stall Width (b)	Automobile Drive Aisle Width[2, 3]			
					Two-Way, 90° (c^1)	One-Way (c^2)	Two-Way, Angled (c^3)	Parallel (c^4)
Standard	90°	18.5’ x 9’	18.5’	9’	24’	-	-	-
	60°	18.5’ x 9’	20.5’	7’	-	18’	22’	-
	45°	18.5’ x 9’	19.5’	6.5’	-	18’	20’	-
Compact	90°	16’ x 8’	16’	8’	22’	-	-	-
	60°	16’ x 8’	18’	7’	-	18’	20’	-
	45°	16’ x 8’	17’	5.5’	-	18’	20’	-
Micro	90°	12’ x 7’	12’	7’	18’	-	-	-
	60°	12’ x 7’	14’	6’	-	16’	18’	-
	45°	12’ x 7’	13.5’	5’	-	16’	18’	-
Parallel	-	20’ x 7’	-	20'	-	-	-	7'
Motorcycle	-	8’ x 4’	-	-	Shall meet Automobile Drive Aisle Width			

[1] When wheelstops are provided, they shall be positioned eighteen (18) inches into the parking stall. Wheelstops shall not be used in conjunction with curbs.
[2] The automobile drive aisle width is based on the largest stall type and its required drive aisle width when a mix of stall types is utilized along a drive aisle.
[3] Drive aisle widths may be modified for emergency access as required by the adopted Fire Code.

4-12-04-06 PARKING FLEXIBILITY OPTIONS AND ADJUSTMENTS

The intent of providing flexible standards and adjustments to parking requirements in order to provide methods, incentives and techniques that will enable development to decrease the reliance on the automobile, diminish the percentage of land dedicated to parking and reduce the amount of parking needed to support the development while providing adequate parking for the its uses and users in order to minimize spillover into adjacent neighborhoods.

4-12-04-06-01 *PARKING FLEXIBILITY*

The total or a portion of the required off-road parking spaces may be provided through alternative measures including:

1. Off-Site Parking. Required parking may be provided by off-street parking within six hundred (600) feet of the development for which the parking is required. Off-site parking may be shared between multiple uses if those uses meet the parking requirements associated with each use and the Shared Parking requirements in this Section.
2. Shared Parking. Required parking may be shared between uses if the all of the following requirements are met:
   a. Shared parking will only be permitted if principal operating hours do not overlap, or if the overlap is less than one-half hour. Principal operating hours are defined as the time span during which a business or facility has its highest level of activity from employees, clients, customers and/or other users.
   b. Spaces Required. If the businesses have non-overlapping principal operating hours, the property owner(s) shall provide parking spaces equal to those required for each use for which parking is being shared.
   c. Location. The location of the parking facilities must be:
      1) Within a reasonable walking or sight distance or otherwise associated with the uses involved in the shared parking contract. The location may not be more than six hundred (600) feet from the property line of the business it is serving; and
      2) The parking facilities are a permitted use in the applicable zoning district.
   d. Pedestrian Connection. A convenient pedestrian connection shall be provided between the shared uses and the parking facilities. This pedestrian connection shall be designed as barrier free and built with appropriate lighting and safety considerations.
   e. Shared Parking Contract. A contract is enacted, signed by all the owners/operators of the shared uses and the County, which provides for County enforcement. The shared parking contract shall:
      1) Provide that the land comprising the required shared parking facilities shall not be encroached upon, used, sold, leased, or conveyed for any purpose except in conjunction with the building or use which the required parking serves, so long as the shared parking facilities are needed. The contract terms shall be for as long as any of the shared uses continues in existence;
      2) Indicate Prime Hours of Operation for shared uses;
      3) Assign maintenance provisions for the parking facilities and landscaping;

4) The parking contract approved by the Director shall be filed with the deed of the parcels involved, so that the agreement is binding upon successors; and
5) Changes to the contract, redrafting of the original enacted contract or termination of the contract shall be reviewed and approved by the Director.

3. Electric Vehicle Charging Parking. For every electric vehicle charging station provided, the required number of parking spaces may be reduced by an equivalent number, provided the total reduction does not exceed five percent (5%) of the total required parking spaces.
4. Other Parking Measures. The Director may consider and approve other parking measures that fulfill the intent and purpose of the parking code such as Vertical Stacking Spaces and Family Friendly parking (priority parking after ADA parking, for pregnancy, young children, etc.)

4-12-04-06-02 *PARKING ADJUSTMENTS*

1. Transportation Demand Management Study. The Development may receive additional reductions in required parking by providing a Transportation Demand Management Study (Study) that reviews multiple comparable projects in the region. The Study must be prepared by a traffic or parking professional. Additional parking reductions up to 25% of the total required off-road parking as recommended by the Study may be approved by the Director, based on the following criteria:
   a. Demonstrable pedestrian, bicycle, or mass transit facilities, including train stations and Park & Ride facilities, or services provided to encourage and promote use by employees, residents or customers which replaces single occupant automobile use, including:
      i. On-site Car and Bike Sharing
      ii. Van Pool service
      iii. Shuttle service
      iv. Transit passes
      v. Transit-supportive site design, including the provision of one of the following to improve transit access:
         1) Bus stops adjacent to the development;
         2) Loading space on-site for transit;
         3) Transit information centers;
         4) Enhanced pedestrian routes within one-half (1/2) mile of a Park & Ride or Rail Station, where all of the following requirements shall apply:
            i. Generally continuous weather protection (50% of property frontage not including crossings of vehicular routes);

ii. Continuous, direct sidewalks or walks to/from the Park & Ride or Rail Station;
iii. Generally continuous street lighting; and, minimized and/or enhanced pedestrian crossings of vehicular routes.

b. Density of more than 14 dwelling units per acre;
c. Presence or provision of basic daily uses within 1,300 feet (i.e. ¼ mile) such as grocery/corner store, drug store, and childcare; and/or weekly uses such as bank, convenience store, restaurant, or theater;
d. Other criteria accepted by the Director as supported by the Study and the intent of this Section.

4-12-04-07 HANDICAP PARKING SPACES

Each parking lot shall contain at the least, the minimum number of handicap spaces shown in the following table:

Total Parking Spaces in Lot	**Minimum Number of Accessible Spaces Required**
Less than 25	1
26-50	2
51-75	3
76-100	4
101-450	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2 percent of total spaces
Greater than 1000	20 spaces plus 1 space for every 100 spaces or fraction thereof over 1000

Parking spaces for the physically handicapped shall have a stall width of thirteen (13) feet unless the space is parallel to a pedestrian walkway. All other dimensions for the space shall be the same as those for standard parking spaces.

Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance using the shortest accessible route of travel. Whenever possible, the accessible route should not cross lanes for vehicular travel.

Each handicap space shall be clearly designated as being reserved for the use of the physically handicapped with the appropriate signing and/or pavement marking.

4-12-04-08 SETBACKS

Parking lots shall be setback from road rights-of-way and from side and rear lot lines in accordance with the approved landscaping plan. ***Adopted by the BoCC on December 13, 2010**

4-12-04-09 PEDESTRIAN FACILITIES

Parking lots shall be designed to minimize conflicts between vehicles or bicycles and pedestrians. Pedestrian routes, which provide direct and convenient access through the site, should be identified and incorporated into the layout of the parking lot. To the extent practical, pedestrian improvements shall be provided within the parking lot, which collect and channel pedestrians safely through the lot, minimizing the need to use driving aisles for walkways.

Pedestrian routes shall be highly visible, incorporating design elements such as grade separation, special paving, pavement marking, or other means to clearly delineate the routes for both pedestrians and vehicles. Where pedestrian routes cross driving aisles, consideration should be given to providing pedestrian refuge areas.

Pedestrian drop-off areas shall be provided where needed, particularly for land uses serving children and the elderly. Pedestrian drop-off areas shall not be sited in any rights-of-way for public roads.

4-12-04-10 BICYCLE FACILITIES

A minimum number of bicycle parking spaces shall be provided, equal in number to five percent (5%) of the total number of automobile parking spaces provided, but not less than one (1) space. However, this requirement for bicycle parking spaces may be reduced by the Director of Community and Economic Development for sites which are unlikely to be accessed by bicycles.

Bicycle parking spaces shall be located near building entrances, but not so close as to interfere with pedestrian or automobile traffic near the entrances.

Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to the parking structure, which shall be of permanent construction materials such as heavy gauge tubular steel permanently attached to the pavement.

4-12-04-11 DRIVE-IN FACILITIES

Drive-in facilities shall be designed to minimize interference with access and circulation on public roadways and within the parking lot. In order to accomplish this, drive-in facilities shall be located on separate routes off of the primary circulation routes for vehicles, bicycles and pedestrians, such as the sides or rear of the parking lot. Drive-in facilities shall be clearly signed and marked to provide efficient flow through the facility.

Drive-in facilities shall provide adequate stacking spaces for automobiles entering and exiting the facility.

4-12-04-12 LOADING ZONES

Loading zones and service areas shall be designed to minimize interference with access and circulation on public roadways and within the parking lot. When possible, loading zones and service areas shall be located on separate routes off of the primary circulation routes for vehicles, bicycles and pedestrians, such as at the sides or rear of the building.

Accesses to parking lots, which will also be used by delivery and service vehicles, shall be designed to minimize conflicts with the movements of other vehicles, bicycles, and pedestrians. Loading zones shall meet the following requirements:

1. *Location:* No loading spaces shall be located within thirty (30) feet of road intersections nor in any required yard space.
2. *Surfacing:* All open off-road loading areas shall be surfaced with an all-weather material such as concrete or asphalt designed to carry the heaviest vehicle loads commonly expected. Consideration should be given to the weight of fire and sanitation equipment as well as delivery vehicles.
3. *Repair and Service:* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any zone district.
4. *Utilization:* Space allocated to any off-road loading space, accessory drives, or aisles, shall not be used to satisfy the space requirements for any off-road parking or trash handling facilities.
5. *Ingress and Egress:* Each required off-road loading space shall be provided with a means of unobstructed ingress and egress to an alley or onto a public road wide enough to accommodate expected vehicles. Where such ingress and egress is made into a public road, it shall be through driveways or openings, which meet required standards. Permanent wheel stops or curbing shall be provided to prevent any vehicle using the loading area from encroachment either on the required front yards, side yards, or adjacent property.
6. *Off-Road Loading Requirements:* Loading spaces shall be required for uses which normally handle large quantities of goods, including but not limited to, industrial plants, wholesale establishments, warehouses, freight terminals, hospitals and retail establishments. Off-road loading spaces may be either inside or outside the building and on the same or adjoining premises. The loading spaces shall be of sufficient size and number to allow normal loading and unloading operations appropriate to the property to be served. In no case shall the loading space hinder the movement of traffic or pedestrians. The loading spaces shall be indicated on site plans submitted for approval. The Director of Community and Economic Development may require one (1) or more additional loading areas if the magnitude of the use would anticipate the need for more loading or standing space. Loading berths shall be ten (10) feet by twenty-five (25) feet with fourteen

(14) feet of vertical clearance. The size may be modified by the Director of Community and Economic Development where site or use conditions warrant changes to this standard. Generally, one (1) loading space shall be provided for every twenty-five thousand (25,000) square feet of gross floor area.

7. *Landscaping Requirements:* Loading areas shall be screened from public roads and adjacent residential property in accordance with the screening requirements of Section 4-15-10.

8. *Vehicle stacking requirements:* Vehicle stacking is the minimum required length of an on-site drive aisle necessary to allow for the movement of vehicles within a parking lot to a drive-up window service or other drive-through services without impeding the flow of traffic on-site and off-site. Stacking distance shall be measured from the point of service within a designated drive aisle. The required stacking distance may be distributed between accesses serving the site, provided a minimum stacking distance of twenty (20) feet is provided at each access point. The minimum required stacking distances shall be as follows:

Type of Facility	**Stacking Distance**
Drive-up bank	120 feet per window
Drive-up restaurant	200 feet per window
Drive-up liquor store	60 feet per window
Drive-up cleaners	60 feet per window
Automatic car wash	200 feet per wash line
Self-service car wash	60 feet per wash line
Service station	50 feet per service position

4-13 OPERATIONAL STANDARDS

These operational standards are designed to limit or eliminate conditions, which may negatively impact the environment and use of surrounding properties. These standards shall apply in all zone districts and to all uses of lands in Adams County.

4-13-01 LIGHTING

1. *Position of Lighting Facility:* Lighting facilities shall be arranged and positioned so no direct light or reflection creates a nuisance or hazard on any adjacent property or right-of-way. Exterior lighting shall be compatible with that of adjacent properties.
2. *Consideration of Pilots:* No lighting facility shall make it difficult for pilots to distinguish airport lights from others, result in glare in the eyes of the pilots using an aviation facility, impair visibility in the vicinity of an aviation facility or, in any way create a hazard or endanger the landing, take-off, or maneuvering of aircrafts intending to use an aviation facility.
3. *Lighting Fixtures:* All lighting fixtures shall be located so as to shield direct rays from adjoining properties. Luminaries shall be of a low level, indirect, diffused type and shall not exceed a height of greater than twenty (20) feet above finished grade.
4. *Upward Lighting:* Upward lighting for architectural, landscape or decorative purposes, shall have at least ninety percent (90%) of the total distribution pattern within the profile of the illuminated structure. Light fixtures used to illuminate flags, statues, or any other object mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light not to extend beyond the illuminated object.

4-13-02 VIBRATION

Every use shall be so operated so the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the property on which the use is located except those activities typically performed as part of an agricultural operation in an Agricultural Zone District, which shall be exempt.

4-13-03 NOISE

1. The maximum permissible sound pressure levels of any continuous source of sound are established for a time period within each zone district listed. Sound pressure levels shall be measured at the property line or boundary of a public right-of-way, at a height of at least four (4) feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the “A” weighting network.

Zone District	*Day* *7 AM–10 PM*	*Night* *10 PM–7 AM*
Residential Estate (RE) Residential-1-A (R-1-A) Residential-1-C (R-1-C) Residential Two-Family (R-2) Residential Moderate Density (R-3) Residential High Density (R-4) Mobile Home Dwelling (MH) Commercial-0 (C-0) Conservation (CO) Public Lands, Parks, Open Space, and Facilities (PL)	55	50
Commercial-1 (C-1) Commercial-2 (C-2) Commercial-3 (C-3) Commercial-4 (C-4) Commercial-5 (C-5) Industrial-1 (I-1)	60	55
Agricultural-3 (A-3) Agricultural-2 (A-2) Agricultural-1 (A-1) Industrial-2 (I-2) Industrial-3 (I-3)	80	75
Other Overlay Zones	Same as Underlying Zone District	Same as Underlying Zone District
Aviation (AV) Denver International Airport (DIA)	None	None

2. *Limits of Construction Activities:* No person shall engage in outdoor construction activities in any zone district between the hours of 10 PM and 6 AM. Construction projects shall be limited to a maximum permissible noise level of 80 dBA in all zone districts. Construction activities directly connected with abatement of an emergency are excluded from this time restriction. Any construction activity which will be performed outdoors between the hours of 10 PM and 7 AM shall be required to obtain a special use permit.

4-13-04 DUST AND DEBRIS CONTROL

1. *Prohibition of Blowing Dust and Debris:* The blowing of dirt, sand, or debris from one property to an adjacent, or surrounding property, or right-of-way is not permitted.

Agricultural operations in Agricultural Zone Districts are exempt from this prohibition.

2. *Prevention of Blowing Dust and Debris:* The prevention of blowing of dirt, sand, or debris may be accomplished by oiling, placement of base course, asphalting, application of calcium chloride, watering and wetting down the area, installation of a snow fence or barrier, chiseling the ground, and/or other effective means. Agricultural operations in Agricultural Zone Districts while exempt from this requirement generally may be required to take actions where blowing dust is determined by the Tri-County Health Department or the Director of Public Works which constitutes a hazard to motorists or the public health.

4-13-05 ELECTROMAGNETIC AND ELECTRICAL INTERFERENCE

No equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio or television equipment. No use may be made of land or water within the County, which will create electrical interference with navigational signals for radio communications between an aviation facility and aircraft.

4-13-06 HUMIDITY, HEAT, GLARE, SMOKE, OR RADIATION

Every use shall be operated so it does not emit any offensive, harmful, hazardous, or annoying amount of heat, glare, humidity, smoke, or radiation at any point on any boundary line of the lot on which the use is located.

4-13-07 ODOR

Every use shall be operated so it does not create a malodorous condition except those odors, which may typically be associated with an agricultural operation in an Agricultural Zone District.

4-13-08 MOVING BUILDINGS OR STRUCTURES

4-13-08-01 PERMIT REQUIRED

No building or structure shall be moved into, within, or set down in the unincorporated area of Adams County or transported upon any public right-of-way within said area until a moving permit and a building permit have been obtained.

4-13-08-02 INSPECTION AND CONFORMANCE REQUIRED

Buildings or structures proposed to be moved shall meet all the regulations of Adams County and shall be compatible in size, structure, age, value, and general architectural design to the neighborhood in which they are proposed to be moved. A building proposed to be moved, is required to be inspected prior to being moved.

4-13-09 MOVING AND CULVERT INSTALLATION PERMIT FOR OIL AND GAS WELLS

4-13-09-01 PERMIT REQUIRED

A Moving and Culvert Installation Permit must be obtained each time a County road is used for the transportation of a drilling rig. The names of both the Operator and Mover shall appear on the application for the permit. The Director of Public Works must be notified of the day and time of the move prior to commencing the move. The Oil and Gas Well Inspector may temporarily postpone moves due to inclement seasonal weather conditions where road or bridge damage might occur. If a move is temporarily postponed due to inclement seasonal weather conditions, the life of the permit shall be extended for the number of days during which the move was temporarily postponed.

4-13-09-02 PERMIT WITHHELD

A Moving and Culvert Installation Permit shall be withheld unless a copy of the drilling permit issued by the State of Colorado Oil and Gas Conservation Commission and evidence of insurance is submitted by both the Operator and Mover meeting the following requirements and are submitted to the Director of Public Works:

1. A policy of liability insurance obtained by each of the parties named on the application wherein the County shall be named as an insured party. The endorsement of Adams County as an insured party shall be obtained by each applicant. The policy shall specify damage to County roads, bridges, and other property of the County is an insured item, with a minimum liability coverage of $100,000 to guarantee payment for damage to any County roads, bridges, and/or property of Adams County during any moving operations and under all Moving and Culvert Installation Permits issued hereunder.
2. In lieu thereof, the applicant may request the County to substitute a letter of indemnity or self-insurability in place of a liability policy. If in the determination of the Board of County Commissioners, a letter of indemnity or self-insurability provides sufficient coverage for damages, which might occur, the substitution shall be allowed.
3. No policy or liability insurance shall be permitted to lapse, be canceled, or be withdrawn unless ten (10) days written notice from the insurance company is given to Adams County prior to any lapse, cancellation, or withdrawal. In the event of any

such lapse, cancellation, or withdrawal, the Moving and Culvert Installation Permit shall be deemed canceled and no further moves shall be allowed until reinstatement of this policy of liability or letter of indemnity. The policy or letter of indemnity shall be kept valid and in force as long as the drilling rig remains in the County and until such rig leaves the County.

4-14 SIGNS AND OUTDOOR COMMERCIAL ADVERTISING DEVICES

4-14-01 PURPOSE

The purpose and intent of these sign standards are to provide each property owner an opportunity for effective identification while limiting the number and area of all signs permitted and maintaining the visual appearance of scenic corridors and all other areas of Adams County by avoiding clutter.

4-14-02 APPLICABILITY

These sign standards apply to all signs and attractive devices of whatever nature and wherever located, within the unincorporated portions of Adams County except off-premise signs which are regulated by Section 4-15 of these Development Standards and Regulations. All signs or attractive devices not specifically permitted or excepted by this Section are prohibited.

Provided any sign or attractive device complies with all standards in this Section and allows on-premise commercial messages, the sign or attractive device shall also be permitted to allow non-commercial messages to the same extent.

In conjunction with these Development Standards and Regulations, the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. seq, and the Colorado Rules and Regulations promulgated there under by the Colorado Department of Transportation shall be adhered to. Nothing in these Standards and Regulations shall be construed to allow advertising devices which are prohibited, or otherwise non-conforming with the Colorado Outdoor Advertising Act.

4-14-03 EXEMPTED SIGNS

The provisions of this Section do not apply to the following, which are therefore excepted from obtaining a sign permit.

1. *Art:* Works of art not used in connection with a commercial promotion or as an advertising device.
2. *Merchandise:* Merchandise or models of products or services, which are incorporated as an integral part of an indoor window display. Merchandise includes photographic window displays of real estate available for sale, lease or rental from a licensed real estate broker.
3. *Signs on Vehicles:* Signs displayed on motor vehicles or trailers which are being operated or stored in the normal course of business, such as signs indicating the name of the owner or business which are located on delivery trucks, trailers and the like; provided, the primary purpose of such vehicles is not for the display of

signs, and provided such vehicles are parked or stored in areas appropriate to their use as vehicles.

4. *Cornerstones:* Cornerstones, tablets, and the like which identify the name of the building or the date of erection, when carved into stone, concrete, bronze or other permanent material and are made an integral part of a building or structure.
5. *Menu Display Boxes:* One (1) menu display box of up to two (2) square feet is allowed for each restaurant, bar and lounge for the purpose of displaying menus. A permit shall be obtained for menu display boxes larger than two (2) square feet, and the exceeding two (2) square feet shall be counted against the total allowable sign area.
6. *Small Signs:* Signs not legible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
7. *Interior Signs:* Signs displayed within the interior of a building, which are not legible from the exterior of the building.
8. *Address Numbers:* Address numbers, provided they do not exceed five (5) square feet in area.
9. *Single-family and Two-Family Residential Signs:* Non-illuminated wall-mounted signs for single-family and two-family uses which do not exceed three (3) square feet in area and non-illuminated freestanding signs no more than five (5) feet in height and three (3) square feet in area.
10. *Pennants:* Strings of flags, pennants, and streamers shall be permitted and shall not require a sign permit for properties in the C-4 and C-5 Zone Districts which have frontage on a road in the state highway system, excluding the interstate system.
11. *Official Notices and Warning Signs:* Official notices erected by the government, public utility companies, or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, or similar devices. These signs shall not be legible from the property line unless required to be larger by Federal, State, or local laws. This includes signs in the right-of-way which comply with the current Manual on Uniform Traffic Control Devices (MUTCD) published by the Federal Highway Administration to control traffic, identify roads, warn of danger, or are otherwise required by Federal, State, or local laws.
12. *Temporary Signs:* All temporary signs shall meet the following requirements:
    a. Temporary Signs:
        i. The maximum sign size shall be thirty-two (32) square feet.
        ii. One (1) temporary sign may be displayed for a period not to exceed fourteen (14) consecutive days, a maximum of two times per calendar year for each lot or parcel. For properties with more than one unit or tenant, each unit or tenant may

display one (1) temporary sign for a period not to exceed fourteen (14) consecutive days, a maximum of two times per calendar year. For properties with more than one unit or tenant, no more than five (5) temporary signs shall be displayed on a property at any given time.

iii. Signs shall be placed on private property, outside any right-of-way or easement and shall be placed to avoid any sight obstruction for motorists, cyclists and pedestrians.

iv. Banners, balloons and/or flags may be used for a period of time not to exceed fourteen (14) consecutive days in any calendar year to promote a special event.

v. Signs associated with an approved Temporary Use Permit shall be allowed for the duration of the permit. Signs associated with a Special Use Permit shall be considered permanent signs and are required to obtain a sign permit and a building permit.

vi. Shall not be illuminated.

13. Changing copy on the face of a sign, display encasement, marquee, or maintenance where no structural changes are made, or changing the interchangeable letters on signs designed for use of interchangeable letters does not require a sign permit.

14. Notices posted by governments for public hearings do not require a sign permit.

4-14-04 PROHIBITED SIGN TYPES

Any sign or attractive device not specifically authorized by this Section 4-014 is prohibited unless required by law. The following are examples of signs, conditions, and other attractive devices which are prohibited:

1. Any sign or attractive device located within, on, or projecting over a property line which borders a public or private road, highway, alley, lane, parkway, avenue, road, sidewalk, easement, or other right-of-way, except as provided in this Section 4-14.

2. Any sign which would create a sight obstruction for traffic or create a hazard for motorists, cyclists, or pedestrians.

3. Any sign or attractive device attached to any public utility pole or structure, road light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein.

4. Any sign or attractive device placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device.

5. Any sign or attractive device which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the building and fire codes as adopted by Adams County.
6. Any sign or attractive lighting device, whether on the exterior of the building, or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, scintillating, blinking, or strobe light illumination.
7. Any sign or attractive lighting device with exposed incandescent, metal halide, fluorescent light bulbs, or other exposed light source.
8. Any sign or attractive device which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign which employs any stereopticon, or motion picture projection.
9. Any sign which includes animated images or graphics, scrolling messages, or video moving images similar to television images.
10. Any sign or attractive device animated by any means, including fixed aerial displays, balloons, pennants, including strings of flags, streamers or devices affected by the movement of the air, and inflatable signs or inflated devices, except as provided for in Sections 4-05 and 4-14-03 of these Development Standards and Regulations.
11. Any sign or attractive device with movement of the sign body such as rotating, moving up and down or any other type of action involving a change in position of the sign body or segment thereof, whether by mechanical or any other means.
12. Any banner, temporary, or portable sign or attractive device including, but not limited to: sandwich, A-frame, tire rim or hand-held sign, animated sign or costumed character, stuffed animal, vehicle used as a sign or sign structure, string of lights arranged in the shape of a product, an arrow, or any commercial message with the exception of holiday decorations except as provided for in this Section 4-14.
13. Any sign or attractive device mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract attention of the public for advertising purposes.
14. Any sign or attractive device painted, attached or mounted on fuel tanks, outdoor storage containers and/or solid waste receptacles or their enclosures.
15. Any roof sign or roof mounted attractive device.
16. Any sign or attractive device which includes search lights or beacons.
17. Auditory commercial messages or music.
18. Any sign or attractive device unlawfully erected or maintained.

19. Any sign considered graffiti pursuant to the definition in Chapter 11.

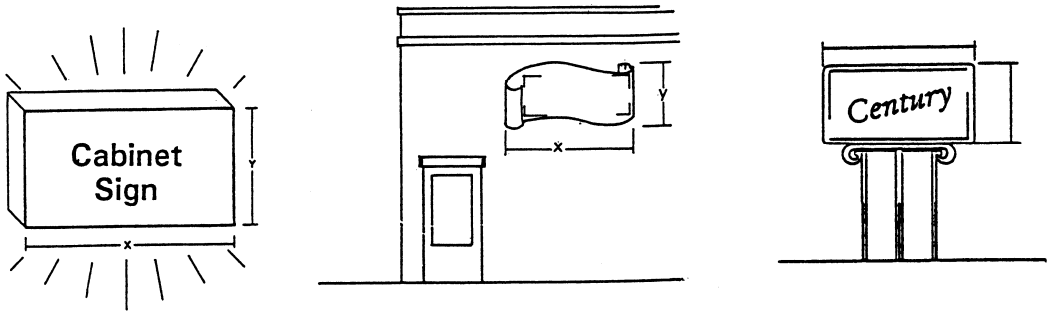
4-14-05 GENERAL SIGN REQUIREMENTS

4-14-05-01 SIGN AREA MEASUREMENT

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework, bracing, or other decorative fence or wall when such fence or wall otherwise conforms to these regulations and is clearly incidental to the display itself. For canopy signs, if the canopy is back-lit, the entire canopy area shall be used to determine sign area.

4-14-05-01-01 *SIGN COPY WITH BACKGROUND*

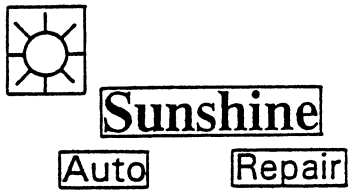
Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured by the area contained within the sum of the smallest rectangle(s) which will enclose both the sign copy and the background.

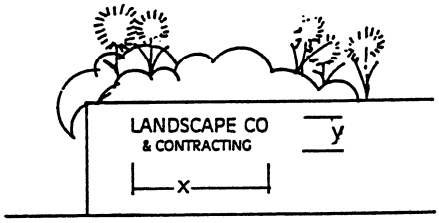


4-14-05-01-02 *INDIVIDUAL LETTERS*

Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for a sign copy, is measured as a sum

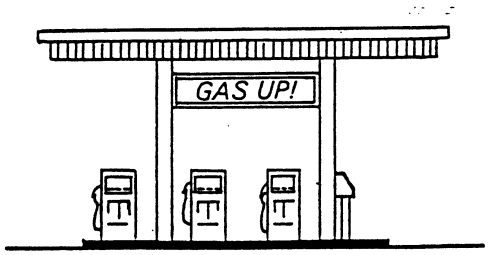
of the smallest rectangle(s) which will enclose each word and each graphic in the total sign.

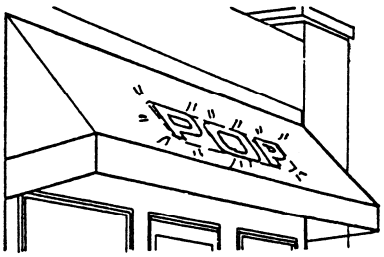




4-14-05-01-03 ***ILLUMINATED SIGNS***

Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs, spanner board signs, and/or interior lit awnings.



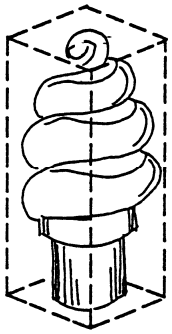


4-14-05-01-04 *MULTI-FACED SIGNS*

Multi-faced signs are measured as a total of all sign faces. However, when two (2) sign faces are placed back to back so that both faces cannot be viewed from any one (1) point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. If the sign area of the faces is not equal, computation will be based on the larger of the two (2) sign faces.

4-14-05-01-05 *SCULPTURAL SIGNS*

Spherical, free-form, sculptural, or other non-planar sign areas are seventy-five percent (75%) of the sum of the areas using only the four (4) vertical sides of the smallest four-sided polyhedron which will encompass the sign structure. Signs with greater than four (4) faces are prohibited.

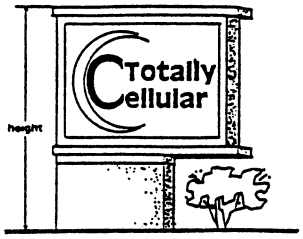


4-14-05-02 SIGN HEIGHT MEASUREMENT

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed based on the elevation of the base of the sign being equal to the elevation of the nearest point of the crown of the adjacent public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.

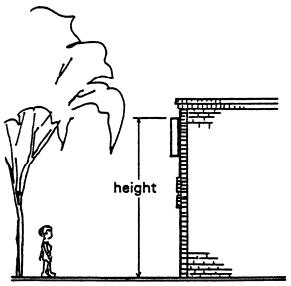
4-14-05-02-01 *FREESTANDING SIGNS*

Sign height is the distance measured from grade at the base of a sign to the topmost portion of a sign, excluding decorative embellishments. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.



4-14-05-02-02 *BUILDING MOUNTED SIGNS*

The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.



4-14-06 TYPES AND AREAS OF PERMANENT SIGNS

4-14-06-01 SIGN PERMIT AND BUILDING PERMIT REQUIREMENTS

A sign permit shall be required to display, erect, relocate, or alter any sign. All applications for sign permits to display, erect, relocate, or alter any sign shall be submitted to the Director of Community and Economic Development on an application form published by the Director of Community and Economic Development. The application shall be accompanied by an elevation drawing of the sign as well as a site plan depicting the location of the sign on the property and applicable fees.

A building permit shall be required to display, erect, relocate, or alter any sign in accordance with the building code as adopted by Adams County. All applications for building permits to display, erect, relocate, or alter any sign shall be submitted to the Director of Community and Economic Development Department on an application form published by the Community and Economic Development Department. The application shall be accompanied by all required submittals including, but not limited to, those materials required by the building code as adopted by Adams County.

4-14-06-02 CRITERIA FOR ISSUANCE OF A SIGN PERMIT

Any application for a sign permit to place or construct a sign may be issued only upon finding the sign meets the following criteria:

1. The size, height, design, location, duration, and characteristics of each sign shall comply with the standards in this Section 4-14.
2. Any light used to illuminate a sign shall be arranged to reflect light away from nearby residential properties and away from the vision of passing motorists. Internal illumination is encouraged.
3. The sign or attractive device provides for on-premise commercial advertising or other non-commercial messages. The sign or attractive device does not permit off-premise commercial advertising, see section 4-15.
4. All signs shall be located completely within an enclosed sign cabinet (except individual letters or graphics against a wall, fascia, or parapet of a building or surface of another structure as allowed by these regulations, that has been painted, textured, or otherwise altered to provide a distinctive background for a sign copy) or other approved method by the Director of Community and Economic Development.

4-14-06-03 ELECTRONIC SIGN STANDARDS*

4-14-06-03-01 *DEFINITION OF ELECTRONIC SIGN**

An electronic sign is a sign which displays electronic static images, static graphics, or static pictures, with or without textual information. Such a sign may be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area where the message is displayed.

All electronic on-premise signs shall only contain information and/or advertising for goods and services specifically available on site. Any

advertising for goods and services not located on the site shall conform to the off-premise (billboard) regulations.

4-14-06-03-02 *ELECTRONIC SIGN RESTRICTIONS**

An electronic sign is permitted to be incorporated into a permanent freestanding or permanent wall sign subject to the following restrictions:

1. *Duration of Message:* Each message displayed shall remain motionless for a minimum of four (4) seconds, with ten (10) seconds optimal. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
2. *Transition of Message:* Each message shall transition to the next message instantaneously.
3. *Prohibited Electronic Signs:* Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sound, employs stereopticon, or includes motion picture projection. Any sign or attractive device which displays its message or portion thereof for less than four (4) seconds before a change occurs shall be considered flashing or intermittent.
4. *Brightness / Luminance:* Electronic signs shall be equipped with and employ the use of light monitors and controls that allow sign brightness to automatically adjust to outside conditions. Electronic signs shall not exceed a maximum of 0.3 foot-candles over ambient lighting conditions when measured at the required distance. A foot-candle is a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. The required distance shall be calculated using the following formula:

$$\text{distance measuring maximum brightness in linear feet} = \sqrt{(\text{sign area in square feet} \times 100)}$$

*Electronic Sign Regulations were adopted by the Board of County Commissioners on May 3, 2010

4-14-06-04 FREESTANDING SIGN STANDARDS

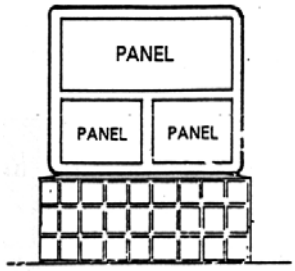
4-14-06-04-01 *DEFINITION OF FREESTANDING SIGN*

A freestanding sign is a sign which is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

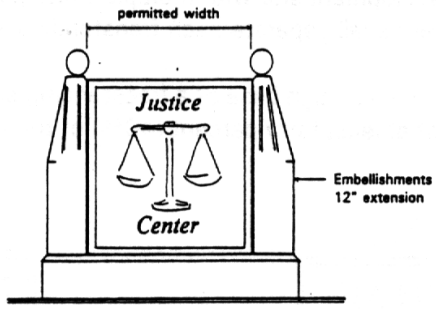
4-14-06-04-02 *FREESTANDING SIGN RESTRICTIONS*

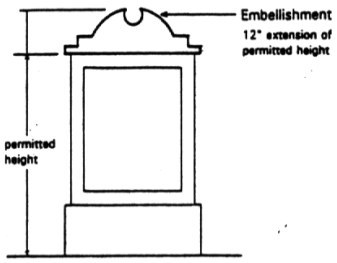
Freestanding signs are permitted subject to the following restrictions:

1. *Number of Freestanding Signs:* One (1) freestanding sign is permitted for lots or parcels with zero (0) feet to four hundred ninety-nine (499) feet of street frontage; one (1) additional freestanding sign is permitted for lots or parcels with five hundred (500) feet of street frontage or more. Additional freestanding signs may be permitted at the discretion of the Director of Community and Economic Development at permitted accesses to enhance wayfinding.
2. *Sign Design:* The permanent sign base of a freestanding sign shall be reviewed at the time of a sign and/or building permit submittal.
3. *Sign Landscaping:* A landscaped area located around the base of the sign equal to two and one-half (2.5) square feet for each square foot of sign area, is required for all freestanding signs. The landscaped area shall contain living landscape material consisting of shrubs, and/or perennial ground cover plants placed throughout the required landscaped area having a spacing of not greater than three (3) feet on center. Where appropriate, deciduous or evergreen trees shall be planted in a manner, which frames or accents the sign structure.
4. *Number of Sign Panels:* A freestanding sign may consist of more than one (1) sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed which does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure.



5. *Embellishments:* Freestanding sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of sign structure enhancement or embellishment, provided such extension does not exceed a maximum of twelve (12) inches on any side.





6. *Setback:* The leading edge of any freestanding sign is required to be set back a minimum of eight (8) feet from the front property or right-of-way line, and a minimum of fifteen (15) feet or the height of the sign from any side or rear lot line, whichever is greater.

7. *Sign Height:* The maximum height of any freestanding sign shall be twenty-four (24) feet for signs in the C-0, C-1, C-2, C-3, C-4, C-5, I-1, I-2, and I-3 Zone Districts, and twelve (12) feet for signs in the R-E, R-1-A, R-1-C, R-2, R-3, R-4, A-1, A-2, A-3, M-H, CO, and PL Zone Districts. For uses permitted by Conditional Use Permit, Special Use Permit, Temporary Use Permit or legal, non-conforming uses, the Director of Community and Economic Development shall determine which sign height allowance best suits the use. In making this determination, the Director of Community and Economic Development shall find one or more of the following: 1) The proposed sign height is compatible with the surrounding area; 2) The type of use and associated sign height is more consistent with a different Zone District; or 3) The Zone District where the use is a principally permitted use is more consistent for the basis of sign height.

8. *Sign Area:* The maximum area of any freestanding sign face shall be one-hundred-sixty (160) square feet for signs in the C-3, C-4, and C-5 Zone Districts, one hundred (100) square feet for signs in the A-1, A-2, A-3, C-0, C-1, C-2, I-1, I-2, and I-3 Zone Districts, and forty (40) square feet for signs in the R-E, R-1-A, R-1-C, R-2, R-3, R-4, M-H, CO, and PL Zone Districts. For uses permitted by Conditional Use Permit, Special Use Permit, Temporary Use Permit, or legal, non-conforming uses, the Director of Community and Economic Development shall determine which sign area allowance best suits the use. In making this determination, the Director of Community and Economic Development shall find one or more of the following: 1) The proposed sign area is compatible with the surrounding area; 2) The type of use and associated sign area is more consistent with a different Zone District; or 3) The

Zone District where the use is a principally permitted use is more consistent for the basis of sign area.

9. *Clearance:* No freestanding sign shall project over any sidewalk, private drive, parking lot, or public road.

10. *Sight Distance Triangle:* Freestanding signs are prohibited in the sight distance triangle as calculated in Chapter 7 of these regulations.

11. *Subdivision Signs:* Permanent subdivision or neighborhood identification signs for neighborhoods which have adopted an Adams County Neighborhood Plan shall be constructed of brick, or other approved material by the Director of Community and Economic Development and reviewed as part of a new subdivision and/or sign permit request. Subdivision or neighborhood identification sign(s) shall not exceed forty (40) square feet in area and shall not exceed twelve (12) feet in height. All subdivision or neighborhood identification signs shall be setback a minimum of eight (8) feet from the front property line and a distance equal to the height of the sign from the side and rear property lines. All subdivision or neighborhood identification signs on the same side of a road or highway shall be separated by a minimum of one thousand three hundred twenty (1,320) linear feet. All subdivision or neighborhood identification signs shall be maintained by a homeowners association, lot owners association, or other County approved management entity. Permanent subdivision or neighborhood identification signs shall also conform to the sign landscaping, clearance, and sight distance triangle provisions of this Section 4-14-06-04-02.

4-14-06-05 BUILDING MOUNTED SIGNS

4-14-06-05-01 *DEFINITION OF BUILDING MOUNTED SIGN*

A building mounted sign is a sign, which is attached to any supporting elements of a building. Building mounted signs include canopies, marquees, projecting, suspended, wall, and window signs.

4-14-06-05-02 *BUILDING MOUNTED SIGN RESTRICTIONS*

Building mounted signs are permitted subject to the following restrictions:

1. *Total Number of Signs:* No more than one (1) building mounted sign shall be permitted per frontage or commercial/industrial user

in the A-1, A-2, A-3, R-E, R-1-A, R-1-C, R-2, R-3, R-4, M-H, C-0, C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-3, CO, and PL Zone Districts.

2. *Projecting and Suspended Signs:* Projecting and suspended signs which extend less than four (4) feet and are hung at least six (6) inches away from the building, and clear the sidewalk by at least eight (8) feet in height are permitted. Such signs are permitted to be placed perpendicular to the building face or corner of the building. Projecting and suspended signs are limited to one (1) sign not to exceed sixteen (16) square feet per business and do not count against the total number of permitted building mounted signs. Projected and suspended signs are counted against the total building mounted sign area.

3. *Building-Mounted Sign Placement*: No building mounted signs are permitted at a location higher than the cornice line of any building. Sign copy on decorative awnings on second story windows shall not be permitted.

4. *Awning/Canopy Signs:* Awning/canopy signs may be used in lieu of projecting signs, and may be used in coordination with flush mounted wall signs. Awning and canopy signs shall be counted as a building mounted sign and shall be limited in area as a building mounted sign.

5. *Building Wall Painting:* Graphics painted directly on the building when the wall surface already has been painted and is presently painted in a uniform manner, are permitted. Signs proposed on unpainted rock or brick are not permitted. Historic ghost graphics shall not be defaced or obscured. Building wall painted signs are counted against the total building mounted sign area.

6. *Sign Area:* The maximum total area of all building mounted signs shall be fifteen percent (15%) of the building wall area on which the sign(s) is(are) placed for signs in the C-3, C-4, and C-5 Zone Districts, five percent (5%) of the building wall area on which the sign(s) is(are) placed for signs in the A-1, A-2, A-3, C-0, C-1, C-2, I-1, I-2, and I-3 Zone Districts, and forty (40) square feet for signs in the R-E, R-1-A, R-1-C, R-2, R-3, R-4, M-H, CO, and PL Zone Districts. For uses permitted by Conditional Use Permit, Special Use Permit, Temporary Use Permit or legal, non-conforming uses, the Director of Community and Economic Development shall determine which sign area allowance best suits the use. In making this determination, the Director of Community and Economic Development shall find one or more of the following: 1) The proposed sign area is compatible with the surrounding area; 2) The type of use and associated sign area are more consistent with a different Zone District; or 3) The Zone District where the use is a

principally permitted use is more consistent for the basis of sign area.

7. *Window Signs:* Window signs shall not exceed fifteen percent (15%) of the total window area per building face. Window signs are counted against the total building mounted sign area. Window signs or attractive devices shall be placed so as not to prevent or inhibit free ingress to or egress from any window, door, or any exit way required by the building and fire codes as adopted by Adams County.
8. *Clearance:* Building mounted signs shall be located so there is a minimum of nine (9) feet of vertical clearance over any sidewalk, private drive, or parking lot and twelve (12) feet of vertical clearance over any public road.

4-15 OFF-PREMISE ADVERTISING DEVICES (BILLBOARD)

4-15-01 PURPOSE

The Purpose of this section is to advance the County's legitimate and substantial interest in limiting the number and area of off-premise advertising devices permitted to maintain the visual appearance of scenic corridors, avoid clutter, and protect the health, safety, and welfare of the citizens of Adams County by mitigating traffic distractions.

4-15-02 APPLICABILITY

Off-premise advertising devices are permitted with an approved Conditional Use Permit in the C-5 and industrial zone districts**.** All off-premise advertising devices shall meet the standards contained in this Section 4-15.

A Conditional Use Permit or a Major Amendment to an existing Conditional Use Permit or Planned Unit Development shall be required to display, erect, relocate, or alter any off-premise advertising device excluding indirect lighting traditionally used and attached to a sign, but not internally located.

Provided any Off-Premise Advertising Device complies with all standards in this Section and allows off-premise commercial messages, the Off-Premise Advertising Device shall also be permitted to allow non-commercial messages to the same extent.

In conjunction with these Development Standards and Regulations, the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. seq, and the Colorado Rules and Regulations promulgated thereunder by the Colorado Department of Transportation shall be adhered to. Nothing in these Standards and Regulations shall be construed to allow advertising devices which are prohibited, or otherwise non-conforming with the Colorado Outdoor Advertising Act.

4-15-03 MAXIMUM NUMBER OF SIGNS

Only one (1) two-faced off-premise advertising device shall be permitted per lot.

4-15-04 MAXIMUM SIZE

No off-premise advertising device shall exceed three hundred (300) square feet per face.

4-15-05 MAXIMUM HEIGHT AND MINIMUM CLEARANCE

No off-premise advertising device shall exceed forty (40) feet in height. Height shall be determined as the distance from the grade of the right-of-way on which the sign fronts to the top of the sign including all projections. If located within one thousand (1,000) feet of an intersection of two (2) or more public rights-of-way, the lowest point of the sign face(s) shall be at least eight (8) feet above the ground.

4-15-06 ELECTRONIC SIGN STANDARDS*

4-15-06-01 DEFINITION OF ELECTRONIC SIGN*

An electronic sign is a sign which displays electronic static images, static graphics, or static pictures, with or without textual information. Such a sign may be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area where the message is displayed.

4-15-06-02 ELECTRONIC SIGN RESTRICTIONS*

An electronic sign is permitted to be incorporated into an off-premise sign subject to the following restrictions:

1. *Duration of Message:* Each message displayed shall remain static for a minimum of four (4) seconds, with ten (10) seconds optimal. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
2. *Transition of Message:* Each message shall transition to the next message instantaneously.
3. *Prohibited Electronic Signs:* Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sound, employs stereopticon, or includes motion picture projection. Any sign or attractive device which displays its message or portion thereof for less than four (4) seconds before a change occurs shall be considered flashing or intermittent.
4. *Brightness / Luminance:* Electronic signs shall be equipped with and employ the use of light monitors and controls that allow sign brightness to automatically adjust to outside conditions. Electronic signs shall not exceed a maximum of 0.3 foot-candles during nighttime hours from sunset to sunrise. A foot-candle is a unit of measure of the intensity of light falling on a surface, equal to one

lumen per square foot. The required distance shall be calculated using the following formula:

$$\text{distance measuring maximum brightness in linear feet} = \sqrt{(\text{sign area in square feet} \times 100)}$$

4-15-07 OTHER LIMITATIONS

All off-premise signs shall meet the following requirements:

1. All off-premise signs on the same side of a road or highway shall be separated by a minimum of two thousand (2,000) linear feet.
2. The minimum right-of-way and property line setback requirements shall be equal to the height of the billboard as measured from the leading edge of the sign face. Variations in the setback requirement may be granted with the issuance of a Conditional Use Permit.
3. Setbacks from residentially zoned or used property: Not applicable.
4. All off-premise signs may be illuminated.
5. Off-premise signs which contain, include, or are illuminated by a changeable message including electronic, digital, LED, fiber optics, light bulbs, or other illumination devices are allowed and shall remain motionless for periods not less than four (4) seconds, with ten (10) seconds optimal. A Conditional Use Permit, Major Amendment to an existing Conditional Use Permit or Planned Unit Development shall be required prior to installing any electronic means to any off-premise sign.
6. Where an off-premise sign has two (2) faces that are designed to be back-to-back, the faces shall not be more than three and one half (3.5) feet from one another. Where an off-premise sign has two (2) faces arranged in a V-shape, the faces shall be: a maximum of 45 degrees at the interior angle, or a maximum of 15 feet apart at its widest point, whichever is less.
7. Before any off-premise sign is erected, a building permit must be approved and issued by the Director of Community and Economic Development.

*Electronic Sign Regulations were adopted by the Board of County Commissioners on May 3, 2010

4-15-08 OTHER USES

An off-premise sign may be classified as a principal or accessory use on the property.

4-15-09 REVIEW PROCESS

The review process for an off-premise sign is as follows:

1. The applicant submits a Conditional Use Permit application to the Adams County Community and Economic Development Department.
2. If the Conditional Use Permit is approved by the Board of County Commissioners, the applicant submits a sign permit application and a Roadside Sign Permit Application from the Colorado Department of Transportation, if applicable, to the Adams County Community and Economic Development Department.
3. The Adams County Community and Economic Development Department reviews the sign permit application for compliance with the Development Standards and Regulations and executes the local jurisdiction approval section of the Roadside Sign Permit Application.
4. If approved by Adams County, the applicant submits the issued sign permit as well as the executed Roadside Sign Permit Application to the Colorado Department of Transportation.
5. 5. Once the Colorado Department of Transportation has issued a Roadside Advertising Permit, the applicant returns the sign permit and Roadside Advertising Permit to Adams County for review, approval, and issuance of a building permit.

4-15-10 ADVERTISING BILLBOARD (HORIZONTAL BILLBOARD)

An Advertising Banner is an 'off-premise sign', horizontal to the ground and of sufficient size to be seen by air passengers either landing or departing Denver International Airport. It must not be legible to the general public at ground level and is solely intended to be viewed by air passengers.

All Advertising Banners shall meet the standards contained in this Section 4-15.

Advertising Banner may be approved by issuance of an approved Conditional Use Permit (CUP) by the Board of County Commissioners. In addition to the general performance standards for Advertising Banners the Board of County Commissioners may impose additional condition, and/or conditions precedent in order to mitigate negative externalities associated with the location or operation of the advertising banner to ensure compatibility with the surrounding area.

4-15-11 LOCATION

Advertising Banners are permitted with an approved Conditional Use Permit in the A-3, agriculture zone district. Advertising Banners are permitted within a five (5) mile perimeter of Denver International Airport. In addition, advertising banners may be located within the area delineated by the Adams County Board of County Commissioners. All Advertising Banners shall be separated by a minimum of two thousand (2,000) linear feet.

4-15-12 MAXIMUM SIZE OF AN ADVERTIZING BANNER AND MINIMUM SIZE OF PROPERTY

The area of an Advertising Banner shall be a maximum of ten (10) acres. An Advertising Banner shall not be located on A-3 zoned property which is less than two and a half (2.5) acres in size.

4-15-13 MAXIMUM HEIGHT OF AN ADVERTIZING BANNER

The maximum height of an Advertising Banner shall be a maximum of six (6) feet.

4-15-14 OTHER LIMITATIONS

All Advertising Banners shall meet the following requirements:

1. The minimum setback requirements for Advertising Banners shall be consistent with the minimum setback requirements of the A-3 Zone District.
2. An Advertising Banner shall not be legible from adjacent public roadways, freeways or adjacent properties. Where the property on which an Advertising Banner is located fronts a public roadway and the Advertising Banner is attached to the ground, the Advertising Banner shall be screened from the public roadway by a wood or brick screen fence, a minimum of six (6) feet high, along the portion of the Advertising Banner that is adjacent to the public roadway. No Advertising Banner may be located within five hundred (500) feet of a residentially zoned or used property (measured from the property line to the leading edge of an Advertising Banner) unless a waiver is obtained from the affected property owner(s) and the waiver is recorded with the Adams County Clerk and Recorder.
3. Advertising Banners may be illuminated provided that such illumination (1) shall not present a hazard to pilots of any type of aircraft, (2) is not directed upward, and (3) has been approved by the County. The FAA and DIA will be important referral agencies and their comments will be considered by the Board of County Commissioners in their decision regarding the issuance of a Conditional Use Permit.
4. Before any Advertising Banner is erected, a building permit and a sign permit must be approved and issued by the County.
5. Advertising Banners shall be made of a non-reflective, flame- retardant material (i.e. mesh) as approved by the County. The FAA and DIA will be important referral agencies and their comments will be considered by the Board of County Commissioners in their decision regarding the issuance of a Conditional Use Permit.

6. Advertising Banners shall be securely fastened to the ground and/or an appropriate support structure shall be constructed to County specifications.
7. Advertising Banners shall be constructed of material which does not allow collection of rainwater or other significant amounts of precipitation which may cause a nuisance to aircraft pilots.

4-15-15 OTHER USES

Once an Advertising Banner is established on a lot, all other use or accessory use of the lot shall cease and no use or accessory use shall be established until such Advertising Banner is removed from the property.

4-16 LANDSCAPING

4-16-01 PURPOSE

The purpose of this Section is to provide landscaping and performance standards which:

1. Enhance and promote a unique image for Adams County.
2. Protect the public health, safety and welfare by:
   a. Increasing parking lot traffic safety by guiding the circulation of cars and people and lowering traffic speeds;
   b. Minimizing noise, air, water and visual pollution;
   c. Screening and buffering incompatible land uses;
   d. Reducing the amount of reflected glare and heat absorbed in and around developments;
   e. Breaking up large expanses of parking lots;
   f. Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses; and
   g. Providing screening from wind.
3. Conserve water resources by:
   a. Promoting the use of xeriscaping and drought-tolerant native plantings; and
   b. Promoting the utilization of stormwater detention as an irrigation source.
4. Ensure landscaping is an integral part of the site design and development process.

4-16-02 APPLICABILITY

Development which satisfies one (1) of the following criteria shall be exempt from this section:

1. Agricultural uses.
2. Submitted or approved plans, building permits and/or development existing prior to the effective date of this Section shall comply with the regulations which were in effect at the time of approval.

The provisions of this article shall apply to development, which meets one (1) of the following and is not exempt:

1. All new development which has not applied for a building permit before the effective date of this Section; or
2. Existing development which requires a change in use permit as determined within the Change in Use Section of Chapter 4. ***Adopted by the BoCC on December 13, 2010**

When there is a change in use, as determined within the Change in Use Section of Chapter 4*, all of the applicable landscape requirements that can reasonably be complied with shall be complied with. Compliance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure on a permanent foundation. Mere financial hardship caused by the cost of meeting the landscaping requirement does not constitute grounds for finding compliance is not reasonably possible. ***Adopted by the BoCC on December 13, 2010**

The Screening and Fencing Standards of Chapter 4, as amended, determine additional standards and regulations for screening and fencing performance standards.

4-16-03 EXISTING VEGETATION

Existing valuable trees, shrubs and grasses shall be preserved within natural drainage areas and areas not needed for development. Healthy, mature trees and younger plants, which would normally succeed older plants, shall be preserved. Trees, which are decayed, diseased, or reaching the end of their natural life span should not be preserved. If valuable trees are destroyed by the development, new trees shall be installed to replace the destroyed trees. Existing vegetation, which is retained as part of the development, may be counted as part of the landscaping requirement, unless prohibited by Section 4-17, Weeds and Dangerous Trees, of these standards and regulations.

4-16-04 LANDSCAPE MATERIALS & LOCATION

All landscape materials shall conform to these standards and regulations. All landscape materials shall be healthy and compatible with the local climate and the site soil characteristics, drainage, and water supply.

4-16-04-01 LANDSCAPE MATERIALS

All landscape materials shall conform to these standards and regulations. All landscape materials shall be healthy and compatible with the local climate and the site soil characteristics, drainage, and water supply.

No artificial trees, plants, or turf shall be used as a landscape material. If an applicant is interested in using artificial turf in their development, they shall meet the minimum standards for required plant materials and submit a request for an alternative turf design with drainage specifications to the Director of Community and Economic Development. Areas for cultivation of crops or pasture shall not be considered landscaped. No noxious weeds, as defined by the Colorado Department of Agriculture, will be permitted in any area designated for landscaping.

4-16-04-02 LANDSCAPE LOCATION

Landscaped areas shall not be enclosed by a fence, which limits its visibility. If a sight obscuring fence is required, it shall be set back from the landscaped area. This will have the effect of having the landscaped area adjacent to the right-of-way and the fence will be located behind the landscaped area.

All landscaping shall be located so it does not interfere with utilities, easements, road lighting or fire hydrants.

4-16-05 XERISCAPING

Xeriscaping is encouraged in all areas of the county. When xeriscaping is proposed, the xeriscape landscape plans shall be developed to assure a successful, low water and low maintenance landscape. The following fundamental principles should be followed in proposing a xeriscape landscape plan:

1. *Planning and Design:* In addition to aesthetics and function of plants, the soils, drainage patterns, exposure to heat and wind, and the manner in which the site is irrigated, must be considered.
2. *Limited Turf Areas:* Where feasible, use less water demanding materials, such as ground covers, low water usage plants, or mulches instead of turf, and locate turf only in areas where it provides functional benefits.
3. *Turf Species:* Areas close to the building or where uniform turf is desired are best planted with fine-bladed, sod-forming turf varieties such as Buffalo grass or Bluegrass. Outlying areas, where soil cover is needed, but foot traffic is limited, can be planted with various coarse grasses such as Tall Fescue, Smooth Brome, and Wheatgrasses. Species of grass, which grow with the average rainfall received by Adams County per year,

include Tall Fescue, Smooth Brome Fairway Crested Wheatgrass, Ephraim Crested Wheatgrass, Buffalograss, Blue Gramma, and others. Some varieties of Bluegrass, which are relatively drought tolerant, include Majestic, America, and Merion. The above listed drought tolerant grasses need water to become established. They also need occasional irrigation during a prolonged dry spell. The key to drought tolerance is deep root development. This is brought about by deep, thorough soil preparation and deep, infrequent watering.

4. *Soil Improvements:* Soil improvement allows for better absorption of water and improved water-holding capacity of the soil. Soils with organic matter also provide nutrients to plants. Improve the soil prior to planting and installation of any irrigation system by digging in a minimum of three (3) cubic yards of organic matter per one thousand (1,000) square feet to be planted. Organic matter could include aged manure, sphaguum peat moss, humus, compost or aged sawdust.
5. *Efficient Irrigation:* When used, well-planned sprinkler systems can save water. For efficient water use, irrigate turf areas separately from other plantings. Landscape plantings should be grouped according to similar water needs. Turf areas are best watered with sprinklers. Trees, shrubs, and groundcovers can be watered efficiently with low volume drip or spray systems.
6. *Mulches:* Mulched planting beds are an ideal replacement for turf areas. Mulches cover and cool the soil, minimize evaporation, reduce weed growth and slow erosion. Mulches also provide landscape interest. Mulches should be placed over geo-textile fabric (filter fabric) where ground cover or shrubs are to be used in order to allow water and air to pass through the fabric and discourage weed growth.
7. *Low Water Use Plants:* Low water use plants can serve nearly every landscape function. Section 4-16-14 includes recommended guides on xeriscape plants for the Front Range area.

4-16-06 BUFFERYARDS

4-16-06-01 BUFFERYARDS

The exterior boundaries of the lot which do not abut a public road right-of-way shall meet the bufferyard requirements shown below, depending upon the adjacent land use. All lesser intensity uses shall be buffered from higher intensity uses with a plant material bufferyard. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use. Plant material used for bufferyards between uses differing in intensity is in addition to the total landscaping requirement.

The following bufferyards and plantings shall be required between the identified land uses at the time of occupancy:

Land Use	Existing Residential Uses	Existing Commercial Uses	Existing Industrial Uses	Existing Institutional Uses	Existing Agricultural Uses
New Residential Uses	A	C	D	A	A
New Commercial Uses	C	A	B	B	C
New Industrial Uses	D	B	none	D	D
New Institutional Uses	A	B	D	A	A

Note: If a use does not conform to one (1) of the above categories, the Director of Community and Economic Development shall determine which category best matches the use.

Bufferyard Classification Requirements:

1. ***Bufferyard A:*** Five (5) foot minimum bufferyard width with one (1) tree per eighty (80) linear feet of lot line.
2. ***Bufferyard B:*** Ten (10) foot minimum bufferyard width with two (2) trees per eighty (80) linear feet of lot line.
3. ***Bufferyard C:*** Fifteen (15) foot minimum bufferyard width with two (2) trees per eighty (80) linear feet of lot line and six (6) foot high sight obscuring fence or wall located on the interior line of the bufferyard.*
4. ***Bufferyard D:*** Fifteen (15) foot minimum bufferyard width with three (3) trees per sixty (60) linear feet and six (6) foot sight obscuring fence or wall located on the interior line of the bufferyard.*

*A continuous hedge may be substituted for the required fence or wall in Bufferyards C and D, as long as it has a minimum height at installation of three (3) feet and will reach six (6) feet or more at maturity.

4-16-06-02 SPECIAL BUFFERYARDS

Any new development abutting any portion of the designated Adams County Trail System, a public park, or limited access highway, shall be buffered from the trail, or park,

using a Type C Bufferyard, unless increased or decreased by the Director of Community and Economic Development.

4-16-07 REQUIRED LOT LANDSCAPING

In addition to the required bufferyards and bufferyard landscaping, the following site landscaping shall also be required:

1. *Minimum Landscape Area:* All developments shall be required to landscape a minimum of ten (10) percent of the lot area. At least fifty (50) percent of the required landscape area shall be placed so it abuts adjoining public rights-of-way, excluding alleys and drives.
2. *Other Requirements:* The placement and design of the landscaping shall be at the discretion of the developer, but shall be approved by the Director of Community and Economic Development. In addition to the plantings required under this Section, both Section 4-16-08, Off-Road Parking Lot Landscaping, and Section 4-16-06, Bufferyards, shall apply. The bufferyard landscaping requirements and the required landscaping adjacent to the front of a lot are required even if the 10% lot coverage is exceeded. The landscape area depth is measured from the property line (generally, the right-of-way line) inward. In eastern Adams County, no shrubs shall be required.
3. All applicants not able to meet the landscaping requirements may submit an Appeal from Administrative Decision. ***Adopted by the BoCC on December 13, 2010**
4. The applicant/owner of land where landscaping is placed with or without County approval is responsible for relocation, alteration, and/or removal if required by the County at the owner's expense. Any landscaping within the right-of-way will not be used in the assessment of the land as part of right-of-way acquisition.

4-16-07-01 STREET FRONTAGE LANDSCAPING

The area along any property line abutting a public road right-of-way shall be landscaped using one (1) or any combination of the following landscape options:

a. *Option 1:* Install a twenty-five (25) foot wide area along the road right-of-way. Within the landscape area, one (1) tree and two (2) shrubs shall be planted per forty (40) linear feet of frontage. Drive aisles shall be counted as zero (0) feet in depth.

b. *Option 2:* Install a twenty (20) foot landscape area along the road right-of-way. Within the landscape area, one (1) tree and two (2)

shrubs shall be planted per forty (40) linear feet of frontage. Drive aisles shall be counted as zero (0) feet in depth.

c. *Option 3:* Install a ten (10) foot landscape area along the road right-of-way. Within the landscape area, two (2) trees and five (5) shrubs shall be planted per forty (40) linear feet of frontage. Drive aisles shall be counted as zero (0) feet in depth.

d. *Option 4:* Install a five (5) foot landscape area along the road right-of-way. Within the landscape area, one (1) tree and two (2) shrubs shall be placed per forty (40) linear feet of frontage. A thirty (30) inch high decorative wall or the building shall be located between the parking area and the road frontage. Drive aisles shall be counted as zero (0) feet in depth.

e. *Option 5:* Install a landscape berm with a two (2) foot minimum average height. The berm shall have a slope of no greater than one (1) foot of rise to every four (4) feet of run. Within the landscape area, one (1) tree and five (5) shrubs shall be planted per sixty (60) linear feet of frontage.

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

4-16-07-02 OFF-ROAD PARKING LOT LANDSCAPING

The following landscaping requirements can be used to satisfy the 10% total lot landscaping requirement and shall be consistent with the following: ***Adopted by the BoCC on December 13, 2010.**

1. *Trees: There shall be one (1) tree provided for every ten (10) parking stalls.*
2. *Internal Landscape Area:* Depending on the number of spaces, the following square feet of landscaped area must be placed within the vehicle use areas. The required landscaped area shall be "stepped" up based on the number of stalls, which will be provided. For example, a parking lot with fifty-two (52) stalls shall provide twenty-five (25) square feet per stall.

Number of Parking Stalls	***Required Landscaped Area***
0-9	None required
10-25	15 sq. ft. per stall
26-50	18 sq. ft. per stall
51-99	25 sq. ft. per stall
100 or more	35 sq. ft. per stall

3. *Distance to Landscaping:* No parking stall shall be more than one-hundred-twenty (120) feet from a required internal landscaped area.
4. *Terminal Islands:* The developer is encouraged to utilize landscaped terminal islands at the end of parking rows and/or divider strips between parking rows to help disperse the required landscaping throughout the entire parking lot.
5. *Curbs:* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.
6. *Clear Vision Area:* Clear vision areas within the off-road parking area must be established at road intersections by maintaining a maximum height for shrubs and ground cover of thirty (30) inches. Within a clear vision area, tree branches must be trimmed up eight (8) feet from the ground.
7. *Minimum Landscape Islands:* The minimum width or length of any landscaped area shall be five (5) feet, however the recommended minimum size is eight (8) feet. All of the required landscaped areas must contain a minimum of seventy-five (75) percent living landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping material. In eastern Adams County, the percentages of living landscaping material may be reduced to fifty (50) percent. Sidewalks abutting public rights-of-way are not counted toward the nonliving landscape material percentage.
8. *Splitting Parking Lots:* Parking lots containing between 200-750 parking stalls are required to be divided into two (2) or more lots, separated by a landscaped strip which may be counted toward the required off-road parking landscaping area. Parking lots with more than 750 stalls are required to divide the lot into at least two parking lots with a landscaped strip separating them. The minimum width of these landscaping strips shall be ten (10) feet.
9. *Sidewalks Counted:* A landscaped divider strip within a parking lot which separates either parking rows or parking lots shall be allowed to count a sidewalk located within this divider strip toward a part of the required off-road parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:
    a. The sidewalk has a five (5) foot wide walking path and shall add two (2) feet for vehicle overhang, if the sidewalk abuts a parking stall.
    b. The sidewalk runs the entire length of the divider strip.

c. The sidewalk is bordered on at least one (1) side by landscaping, of which the sidewalk cannot account for more than fifty percent (50%) of the area of the divider strip.

10. *Other Vehicle Areas:* Areas used for vehicle service, parking, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive up service, shall be considered parking areas and shall comply with the parking lot landscaping requirements. Drive areas shall be calculated at a rate of one (1) parking space per two hundred (200) square feet of vehicle service area.

11. *Vehicle Sales Lots:* Vehicle sales lots shall provide trees at the rate of one (1) tree per one hundred (100) lineal feet, and shrubs at the rate of one (1) shrub per ten (10) lineal feet of display area fronting a public right-of-way. Plants may be grouped together, provided at least two-hundred-fifty (250) square feet of contiguous growing area, not encroached upon by shrubs or impervious surfaces, surrounds each planted tree.

4-16-08 GENERAL PERFORMANCE STANDARDS FOR ALL USES

4-16-08-01 COVER IN LANDSCAPED AREAS

All required landscaped areas and bufferyards must contain a minimum of seventy-five percent (75%) organic landscaping material, with a maximum of twenty-five percent (25%) non-living landscaping materials. All required landscaped areas and bufferyards shall be irrigated, maintained and kept free of weeds, debris and litter. In eastern Adams County, the percentages of living landscaping material shall be reduced to fifty percent (50%) and an automatic irrigation system is not required. Eastern Adams County is defined as that portion of Adams County outside the definition of Urban Adams County as defined in Chapter 11. In eastern Adams County, single-family residential land uses are not required to install landscaping and no landscaping is required for commercial and industrial land uses, which are serviced exclusively by wells and which are restricted by the Colorado Division of Water Resources to inside use only. In addition, xeriscaping is encouraged in all areas of the County.

4-16-08-01-01 MINIMUM SIZE REQUIREMENTS FOR TREES AND SHRUBS

Landscaping materials shall comply with the following minimum size standards at the time of planting, with caliper measurements taken six (6) inches above grade.

Plant Type	*Maturity Height*	*Size at Planting*
Ornamental	Less than 20'	1" to 1-1/2" cal.
Large Deciduous	Over 20’	2" to 2-1/2" cal.
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gal. container
Upright Shrubs	3' to 10'	5 gal. container

4-16-08-01-01-01 GRADING STANDARD

The following grading standard shall apply to all new landscaping and buffering areas:

Landscaping	*Maximum Slope*	*Minimum Slope*
Lawn and grassed areas	4:1	100:1
Berms and Mounds		
Grassed	4:1	20:1
Non-Maintenance	2:1	N/A

4-16-08-02 MAINTENANCE STANDARDS

All landscaping and required buffering shall be continually maintained including irrigation if applicable, weeding, pruning and replacing in a substantially similar manner as originally approved. The following survival standards shall apply to all landscaping and required buffering:

1. *Living Ground Covers:* Living ground covers must be fifty percent (50%) established after the first growing season, and ninety percent (90%) established thereafter.

2. *Non-Living Ground Covers:* Non-living ground covers, such as rock or mulch must be one hundred percent (100%) intact after one (1) year and eighty percent (80%) intact thereafter.

3. *Trees and Shrubs:* Trees and shrubs must have a one hundred percent (100%) survival rate after one (1) year and a ninety percent (90%) survival rate thereafter.

4-16-09 LANDSCAPING PERFORMANCE STANDARDS FOR SPECIFIC USES

4-16-09-01 RESIDENTIAL USES

4-16-09-01-01 *SINGLE FAMILY DWELLING LANDSCAPING*

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum thirty percent (30%) of the back yard shall be landscaped.
3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping. Single-family residential uses in eastern Adams County are not required to install landscaping or automatic irrigation systems.
4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

Plant Type	*Maturity Height*	*Minimum Plant Size at Planting*
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

4-16-09-01-02 *SINGLE FAMILY ATTACHED LANDSCAPING*

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum of thirty percent (30%) of the back yard shall be landscaped.

3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

Plant Type	***Maturity Height***	***Minimum Plant Size at Planting***
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

4-16-09-01-03 *DWELLING, TOWNHOUSE LANDSCAPING*

1. *Minimum Landscaped Area:* Not less than 30% of the site area shall be landscaped.
2. *Required Ground Cover:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.

3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (30% - 70%) and ornamental (30% - 70%) trees. Evergreens shall be considered ornamental.
6. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

Plant Type	***Maturity Height***	***Minimum Plant Size at Planting***
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-16-09-01-04 *DWELLING, MULTI-FAMILY LANDSCAPING*

1. *Minimum Landscaped Area:* Not less than thirty percent (30%) of the site area shall be landscaped.
2. *Required Ground Material:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.

3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (10% - 50%) and ornamental (10% - 50%). Evergreens shall be considered ornamental.
6. Minimum size requirements for trees and shrubs shall be:

Plant Type	***Maturity Height***	***Minimum Plant Size at Planting***
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-16-09-01-05 *DWELLING, MANUFACURED HOME PARK*

A twenty (20) foot strip around the boundary must be landscaped to provide a visual screen. All open spaces and other unimproved areas must be suitably landscaped. All landscaping must be maintained and furnished with an automatic sprinkler system.

4-16-09-01-06 *DWELLING, MOBILE HOME PARK*

A landscaping plan shall be submitted for review and approval. The setbacks of the development and any other area not covered by mobile homes, driveways, ingress and egress, or other structures, shall be landscaped.

4-16-09-02 COMMERCIAL USES

4-16-09-02-01 *AUTOMOBILE SERVICE STATIONS*

1. *Screening:* Service stations shall be separated from abutting residential properties by a six (6) foot high masonry wall and a Bufferyard as required in Section 4-16-06.
2. *Landscaping:* In addition to all other required landscaping, boundary landscaping is required for a minimum depth of ten (10) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.

4-16-09-02-02 *BED & BREAKFAST ESTABLISHMENTS*

1. *Screened Parking:* Off-road parking for the guest rooms shall be screened with landscaping meeting the requirements of a Type C Bufferyard.

4-16-09-02-03 *CAMPGROUNDS, COMMERCIAL*

In addition to all other required landscaping, interior landscaping of the campground shall require at least one (1) tree and two (2) shrubs per campsite. Each tree shall be at least two (2) inch caliper in size when planted. Shrubs shall be a minimum of five (5) gallon size when planted.

4-16-09-02-04 *DRIVE-IN ESTABLISHMENTS, INCLUDING DRIVE-THRU RESTAURANTS*

1. *Landscaping:* Planting requirements for the drive-up window and access lanes shall be the same as those required for parking area landscaping in accordance with the Parking Performance Standards in Section **Error! Reference source not found.** of these standards and regulations.

4-16-09-02-05 *AUTOMOBILE DEALERSHIPS; AUTOMOBILE RENTAL; AUTOMOBILE OR BUS REPAIR, PAINTING, AND BODY WORK; AND TRUCK TRAILER AND HORSE TRAILER SALES AND RENTAL*

4-16-09-02-06 AUTOMOBILE DEALERSHIPS

Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.

4-16-09-02-07 AUTOMOBILE RENTAL

In addition to all other landscaping, boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.

4-16-09-02-08 AUTOMOBILE OR BUS REPAIR

Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.

4-16-09-02-09 TRUCK TRAILER AND HORSE TRAILER SALES AND RENTAL

Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.

4-16-09-02-10 *GUN AND ARCHERY RANGES*

Two (2) Type D Bufferyards shall encircle the perimeter of the gun range to provide a natural noise barrier. A ten (10) foot berm shall be incorporated into the bufferyard around the site.

4-16-10 LANDSCAPING PLAN REQUIRED

A landscaping plan shall be required as a condition of building permit approval. The Director of Community and Economic Development shall determine if the plan meets the requirements of these standards and regulations. At a minimum, a landscaping plan shall contain the following items:

1. Scale - written and graphic;
2. North arrow;
3. Label the zoning of subject property and adjacent properties;
4. Label the current land use of subject property and all adjacent properties;
5. Existing plant material, if applicable;
6. Plants to be removed or relocated, if applicable;
7. Existing and proposed structures, overhangs, and pavings, if applicable;
8. Planting details specifying mulching materials;
9. Details of berms, walls, or any other structural buffering device if required by these standards and regulations;
10. Title block with name of project, name of person preparing plan and date;
11. A written statement describing type of irrigation system proposed - detail the proposed irrigation system or method of irrigation;
12. Plant schedule showing the following:
    a. Number and location of plants of each species; and,
    b. Plant name (common name, botanical name and variety name); and,
    c. Size and condition of plants - size be expressed in terms of size of container, height of plant, or caliper of tree; condition to be expressed in terms of size of container, ball and burlap, and/or bare root plant division (list shall be divided according to trees, shrubs and ground covers, and turf types); and,
13. Cost estimate including materials and cost of installation, when installation of landscaping is deferred.

4-16-11 LANDSCAPING INSTALLATION AND CERTIFICATE OF OCCUPANCY

All required landscaping and buffering shall be installed prior to issuance of a Certificate of Occupancy. If weather conditions necessitate a delay in installation of landscaping, a Certificate of Occupancy may be issued only if collateral is filed with

the County in an amount designated by the Director of Community and Economic Development, along with a schedule of completion, and a development agreement. The amount of the collateral will reflect one-hundred-twenty five percent (125%) of the estimated cost of purchasing and installing the landscaping. In eastern Adams County, single-family residential land uses are not required to install landscaping and no landscaping is required for commercial and industrial land uses, which are serviced exclusively by wells and which are restricted by the Colorado Division of Water Resources to inside use only.

4-16-12 LANDSCAPING PHASING

A development agreement will be accepted in partial lieu of landscape if the applicant chooses to install landscape in phases. In the case of phased landscaping, a Certificate of Occupancy may be issued only if collateral is filed with the County in an amount designated by the Director of Community and Economic Development, along with a schedule of completion, and a development agreement. The amount of the collateral will reflect one-hundred-twenty five percent (125%) of the estimated cost of purchasing and installing the landscaping. All landscape phasing shall be approved at the discretion of the Director of Community and Economic Development.

4-16-13 DEVELOPMENT ABUTTING ADAMS COUNTY TRAIL SYSTEM

Any new development abutting any portion of the designated Adams County Trail System, a public park, or limited access highway, shall be buffered from the trail, or park, using a Special Bufferyard (Type C), unless increased or decreased by the Director of Community and Economic Development.

4-16-14 REQUIRED LOT LANDSCAPING

In addition to the required bufferyards and bufferyard landscaping, the following site landscaping shall also be required:

4-16-15 ADMINISTRATIVE RELIEF

Administrative relief is provided to add flexibility in the application of the landscaping regulations in this Section 4-16 when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of administrative relief should not always mean a requirement is reduced without mitigation – be it landscaping combined with urban design elements (i.e. architectural elements within a parking lot that screen parking to provide shade pavement, sidewalk/tree lawn area, gathering space or plaza, or natural areas), concentrated/denser plant material within a reduced

buffer yard width, or demonstrations of concepts that are equal to or superior in fulfilling the purpose of the landscaping requirements).

A written request for administrative relief shall be submitted to the Director of Community and Economic Development either before or in conjunction with the building permit review process. The written request shall:

Include a justification in terms of the findings necessary to grant administrative relief; and the written request shall close with a section for the Director of Community and Economic Development's use, which will include a block for the decision of approval/denial, the Director of Community and Economic Development's signature, and decision date.

The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Director of Community and Economic Development.

The Director of Community and Economic Development must make all of the following findings in order to grant administrative relief:

The strict application of the regulations in question is unreasonable given the development proposal or the measures proposed by the applicant or the property has extraordinary or exceptional physical conditions or unique circumstances which do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

The intent of the landscaping section and the specific regulations in question is preserved, and;

The granting of the administrative relief will not result in an adverse impact upon surrounding properties.

The Director of Community and Economic Development shall render a decision on the request within ten (10) working days of receipt of the request and all required information.

An appeal of the decision of the Director of Community and Economic Development may be made to the Board of Adjustment within ten (10) days after the decision. At this time, the appeal will be placed on the agenda for the next Board of Adjustment meeting. The Landscape Appeal shall be processed in the same manner as a Variance request.

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.

4-16-15-01 ADMINISTRATIVE RELIEF POLICIES

The County recognizes the specific landscape requirements in this Section cannot and do not anticipate all possible landscape situations. In addition, the County recognizes there may be landscape proposals that conform to the purpose, intent and objectives of the landscape standards, but were not anticipated in the specific regulations. Therefore, the County may grant administrative relief in the event of these situations and proposals.

The County recognizes a proposed development of a relatively small commercial or industrial lot, which was created prior to the current landscape requirements, or the expansion or remodeling or an existing commercial site may present unusual difficulties in complying with the current requirements. Therefore, the County may grant administrative relief in the event of these situations and proposals.

The County shall attempt to balance the reasonable use of such a lot with the provisions of required landscaping. This balance will be affected by the site's characteristics, as well as the proposed development plan.

The County recognizes in order to allow reasonable development; there should be an upper limit to the amount of the site, which is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of the site.

The reasonable development of a site may require the granting of administrative relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the County generally assigns the following priorities for compliance with the landscape requirements:

Adjacent residential uses should be buffered;

An attractive appearance of the project should be provided along adjacent roads by landscaped setbacks and trees, and;

The parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

Compliance with the requirements, such as the third priority above, should not be "forced" into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

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

4-16-16 RECOMMENDED PLANT MATERIALS

The following is a reference list of agencies and local jurisdictions that have plant material recommendation lists that are most compatible with the Adams County area:

- Denver Water Wise Landscape Handbook (Denver Water)
- Colorado Native Plant Society Low-Water Native Plants for Colorado Gardens: Front Range & Foothills (West Adams County)
- Colorado Native Plant Society Low-Water Native Plants for Colorado Gardens: Prairie and Plains (Central and East Adams County)
- Colorado State University Extension Office Publications
- A Plant Select guide to plants for smart, stunning, successful western gardens (partnership with CSU and Denver Botanic Gardens)

4-17 WEEDS AND DANGEROUS TREES

4-17-01 WEEDS AND OFFENDING VEGETATION

1. *Duty to Control Weeds:* It is the duty of every owner or occupant to abate weeds and offending vegetation on all premises.
2. *Maximum Height of Weeds:* Weeds and offending vegetation greater than twelve (12) inches in height, on all premises, shall be cut to and maintained at a height of six (6) inches or less according to the following:
   a. In Residential (except RE), Commercial, and Industrial Zone Districts, within the entire lot or parcel.
   b. In the A-1 and RE Zone Districts, within the established front building setback and within the required side and rear setback for principal dwellings. If no structure exists on the property, then the minimum required principal dwelling setbacks. In the A-2 and A-3 Zone Districts, within the required or established principal dwelling setbacks. In all Agricultural and the RE Zone Districts a minimum of a twenty (20) foot perimeter around the existing principal dwelling and all accessory structures.
   c. In CO, PL, AV, and DIA Zone Districts, no requirements.
   d. Notwithstanding the forgoing, any weeds classified as noxious by the State of Colorado or Adams County must be completely abated in accordance with the requirements of the State of Colorado or Adams County, as applicable.

4-17-02 DANGEROUS TREES

1. *Duty to Control Dangerous Trees:* Any owner or occupant of a lot shall cause to be cut or removed any dangerous trees located on the lot which may be considered troublesome, a hindrance to the general public, or which in any way endangers the security and usefulness of any public road, highway, aviation facility, alley, utility, sidewalk, or bicycle trail.
2. Tree Branch Clear Height
   a. *Roads, Alleys, and Highways:* All trees located on a lot shall be trimmed to a clear height of twelve (12) feet above the surface of public roads, alleys or highways when the branch extends into the established right-of-way or existing roadway.
   b. *Public Sidewalks and Bicycle Trails:* All trees shall be trimmed to a clear height of eight (8) feet above public sidewalks or bicycle trails when the

branch extends into or over the sidewalk or trail. All tree limbs shall be trimmed so as not to interfere with sight distance triangles in accordance with these standards and regulations.

3. *Duty to Control Interfering Roots:* Dangerous trees upon a lot whose roots are causing interference with public sidewalks or utilities shall be controlled or removed.

4-18 MARIJUANA BUSINESSES

4-18-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance to be applied to all marijuana businesses in Adams County. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.

4-18-02 LICENSING

Prior to the operation of any marijuana establishment, a license must be obtained from the state of Colorado, and either a building permit or a change-in-use permit must be obtained from Adams County, as applicable.

Uses established pursuant to this section shall at all times be in complete compliance with the terms and conditions of its marijuana businesses license for licenses issued by the state of Colorado. In the event Adams County requires a local license, then every applicable marijuana business shall submit and receive approval of the license prior to operation. Marijuana businesses in operation prior to the businesses of a local licensing authority in Adams County shall submit and receive approval of a local license from the local licensing authority within 90 days of the anniversary of initial certificate of occupancy and/or final inspection.

4-18-03 PERFORMANCE STANDARDS

4-18-03-01 PERFORMANCE STANDARDS FOR ALL MARIJUANA BUSINESSES

A. No marijuana business shall be allowed as a home occupation use.

B. No marijuana business shall be located in a residentially zoned or used building, or in a movable or mobile structure.

C. Where a retail marijuana store and a retail marijuana cultivation facility are located on the same site in a commercial zone district, the cultivation facility shall be no more than twice the size of the store.

D. All marijuana businesses shall develop properties in harmony with the surrounding area and shall enhance design elements of buildings and properties accordingly.

E. Inspections of marijuana businesses may occur at any time with or without notice.

F. Best industrial practices to mitigate odor, noise, lights, vapors, fumes, and dust, such as scrubbers and filters, shall be utilized and functioning at all times.

G. These standards and regulations recognize the protections afforded by Article XVIII, Section 14 of the Colorado Constitution, and desires to affirm the ability of patients and primary caregivers to otherwise be afforded the protections of Article XVIII, Section 14 of the Colorado Constitution and §25-1.5-106, C.R.S. (2009).

H. These standards and regulations shall in no way limit application and enforcement of any statutes of the state of Colorado.

I. All distances shall be measured from property line to property line.

4-18-03-02 PERFORMANCE STANDARDS FOR MEDICAL MARIJUANA STORE

A. Permitted Zone District: Medical Marijuana Stores are only permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.

B. Location:

1. No Medical Marijuana Store shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, and public housing facility.

2. No Medical Marijuana Store shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.

3. No Medical Marijuana Store shall be located within 50 feet of any residentially zoned or used property.

4. No Medical Marijuana Store shall be located within 750 feet of any other Medical Marijuana Center or Retail Marijuana Store.

4-18-03-03 PERFORMANCE STANDARDS FOR RETAIL MARIJUANA STORE

A. Permitted Zone District: Retail Marijuana Stores are only permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.

B. Location:

1. No Retail Marijuana Store shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, and public housing facility.
2. No Retail Marijuana Store shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
3. No Retail Marijuana Store shall be located within 50 feet of any residentially zoned or used property.
4. No Retail Marijuana Store shall be located within 750 feet of any other Retail Marijuana Store or Medical Marijuana Center.

4-18-03-04 PERFORMANCE STANDARDS FOR MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURING

A. Permitted Zone District: Medical Marijuana Infused Products Manufacturing is permitted in the I-1, I-2, and I-3 zone districts.

B. Location:

1. No Medical Marijuana Infused Products Manufacturer shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.
2. No Medical Marijuana Infused Products Manufacturer shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
3. No Medical Marijuana Infused Products Manufacturer shall be

located within 50 feet of any residentially zoned or used property.

4-18-03-05 RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY

A. Permitted Zone District: Retail Marijuana Product Manufacturing Facilities are permitted in the I-1, I-2, and I-3 zone districts.

B. Location:

1. No Retail Marijuana Product Manufacturing Facility shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based information provided to the County by the State of Colorado), playground, park, and public housing facility.
2. No Retail Marijuana Product Manufacturing Facility shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
3. No Retail Marijuana Product Manufacturing Facility shall be located within 50 feet of any residentially zoned or used property.

4-18-03-06 PERFORMANCE STANDARDS FOR MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION

A. Permitted Zone District: Medical Marijuana Optional Premises Cultivation Operations are permitted in the C-3, C-4, and C-5 zone districts for dual operations, the I-1, I-2, and I-3 zone districts for stand-alone operations, and the A-3 zone district on parcels of at least 35 acres in size for indoor stand-alone operations west of Imboden Road from the northern border of Adams County south to the intersection of Imboden Road and E. 56th Avenue; then south of E. 56th Avenue between Imboden Road and Pass-Me-By Road; then west of Pass-Me-By Road from E. 56th Avenue to the southern border of Adams County.

B. Location:

1. No Medical Marijuana Optional Premises Cultivation Operation shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.

2. No Medical Marijuana Optional Premises Cultivation Operation shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
3. No Medical Marijuana Optional Premises Cultivation Operation shall be located within 50 feet of any residentially zoned or used property.

4-18-03-07 PERFORMANCE STANDARDS FOR RETAIL MARIJUANA CULTIVATION FACILITY

A. Permitted Zone District: Retail Marijuana Cultivation Facilities are permitted in the C-3, C-4, and C-5 zone districts for dual operations, the I-1, I-2, and I-3 zone districts for stand-alone operations, and the A-3 zone district on parcels of at least 35 acres in size for indoor stand-alone operations west of Imboden Road from the northern border of Adams County south to the intersection of Imboden Road and E. 56th Avenue; then south of E. 56th Avenue between Imboden Road and Pass-Me-By Road; then west of Pass-Me-By Road from E. 56th Avenue to the southern border of Adams County.

B. Location:

1. No Retail Marijuana Cultivation Facility shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.
2. No Retail Marijuana Cultivation Facility shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
3. No Retail Marijuana Cultivation Facility shall be located within 50 feet of any residentially zoned or used property.

4-18-03-08 PERFORMANCE STANDARDS FOR MARIJUANA HOSPITALITY BUSINESS

A. Permitted Zone District: Marijuana Hospitality Businesses are permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.

B. Location:

1. No Marijuana Hospitality Business shall be located within 1,000 feet of

any existing public or private elementary, middle junior high or high school, state licensed daycare home and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, or public housing facility.

2. No Marijuana Hospitality Business shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house, or correctional facility.
3. No Marijuana Hospitality Business shall be located within 50 feet of any residentially zoned or used property.
4. No Marijuana Hospitality Business allowing for outdoor consumption shall be located within 500 feet of any residentially zoned or used property.
5. No Marijuana Hospitality Business shall be located within one mile of any other Marijuana Hospitality Business.

C. Mobile Premises: A Marijuana Hospitality Business with a Mobile Premises shall designate and maintain a fixed place of business in unincorporated Adams County this is separate from the Mobile Premises

4-18-03-09 PERFORMANCE STANDARDS FOR RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES

A. Permitted Zone Districts: Marijuana Hospitality Businesses are permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.

B. Location:

1. No Marijuana Hospitality Business shall be located within 1,000 fee of any existing public or private elementary, middle junior high or high school, state licensed daycare home and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, or public housing facility.
2. No Marijuana Hospitality Business shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house, or correctional facility.
3. No Marijuana Hospitality Business shall be located within 50 feet of any residentially zoned or used property.
4. No Marijuana Hospitality Business allowing for outdoor consumption shall be located within 500 feet of any residentially zoned or used property.
5. No Marijuana Hospitality Business shall be located within one mile of any other Marijuana Hospitality Business.

4-19 SEXUALLY ORIENTED BUSINESSES

4-19-01 SEXUALLY ORIENTED BUSINESSES BY ZONE DISTRICT

A person commits a misdemeanor if he operates or causes to be operated a Sexually Oriented Business outside of the C-4, C-5, I-1, I-2, or I-3 Zone Districts.

4-19-02 MISDEMEANOR OFFENSES

4-19-02-01 A PERSON COMMITS A MISDEMEANOR IF HE OPERATES OR CAUSES TO BE OPERATED A SEXUALLY ORIENTED BUSINESS WITHIN FIFTEEN HUNDRED (1,500) FEET OF:

1. Any church;
2. Any school meeting all requirements of the compulsory education laws of the state;
3. The boundary of any residential district;
4. A dwelling unit (single or multiple);
5. A public park adjacent to any residential district; or
6. Another sexually oriented business.

4-19-02-02 A PERSON COMMITS A MISDEMEANOR IF HE CAUSES OR PERMITS THE OPERATION, ESTABLISHMENT, OR MAINTENANCE OF MORE THAN ONE SEXUALLY ORIENTED BUSINESS WITHIN THE SAME BUILDING, STRUCTURE, OR PORTION THEREOF.

4-19-03 MEASUREMENTS AND DISTANCES

For purposes of this Section, distance between any two (2) sexually oriented businesses or between a sexually oriented business and any church, school, public park, dwelling unit (single or multiple) or residential district shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the property on which the sexually oriented business is conducted, to the nearest property line of the premises of another sexually oriented business, a church, school, or dwelling unit (single or multiple), or the nearest boundary of an affected public park, or residential district.

4-19-04 NONCONFORMING USE

1. Any sexually oriented business lawfully operating on February 1994 that is in violation of this Section will be deemed a nonconforming use as provided for in Chapter 5 (Nonconforming Conditions) of these Regulations.
2. A sexually oriented business lawfully operating is not rendered in violation of this Section by the subsequent location of a church, school, dwelling unit (single or multiple), public park, or residential district, within fifteen hundred (1,500) feet of the sexually oriented business.

4-19-05 EXCLUSIONS

The provisions of this Section regulating nude model studios do not apply to:

1. A college, junior college, or university supported entirely or partly by taxation.
2. A private college or university which maintains and operates, educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises at any one (1) time.

4-20 SITE DESIGN CONSIDERATIONS

4-20-01 LOT DESIGN STANDARDS

4-20-01-01 LOT DIMENSIONS

1. *Lot Dimension to Conform to Zoning:* Lot dimensions shall conform to the requirements of the zone district in which the property is located.
2. *Lot Depth Ratio:* No lot shall have an average depth greater than three (3) times the average width unless the lot width exceeds four-hundred-forty (440) feet.

4-20-01-02 LOT CONFIGURATION

1. *Double Fronting Lots:* Lots with double frontage shall be avoided except where necessary to provide separation of residential development from arterials, to provide ingress and egress in commercial and industrial lots, or to overcome specific disadvantages of topography and orientation. Double frontage lots shall be permitted in rural areas where the lot size is five (5) acres or greater. Access for double fronting lots shall be taken from interior roads not perimeter collectors or arterials.
2. *Flag Lots:* Flag lots shall be allowed in all zone districts, but shall only be used where all other lot alternatives are impractical. If a reasonable development alternative exists, flag lots shall not be utilized even though their use might allow more lots to be created than other alternatives. In addition, no flag lot shall be approved where the flag lot is being used as a means of avoiding the construction of public roads or the extension of utilities. The minimum width of the pole of any flag lot shall be thirty (30) feet where the lot fronts a local road, arterial, or collector or meet the required minimum lot width of the pertinent zone district. The maximum depth of the pole shall be six hundred (600) feet. In all cases where a flag lot fronts a highway, arterial, or collector, only one (1) access shall be approved for every two-hundred-fifty (250) feet of road frontage. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided.
3. *Wedge-Shaped Lots:* In the case of irregular or wedge-shaped lots, no lot shall be less than thirty (30) feet in width at the front property line where a lot fronts on a local road, a highway, arterial, or collector or meet the required minimum lot width of the pertinent zone district. The width at the front property line can be reduced to thirty (30) feet where a shared

driveway is provided. In all cases, where a wedge-shaped lot fronts a highway, arterial, or collector, only one access shall be approved for every two-hundred-fifty (250) feet of road frontage. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided.

4. *Split Lots:* No single lot shall be divided by a road, alley or other lot without creation of two (2) or more separate lots.
5. *Side Lot Lines:* Side lot lines shall be substantially at right angles or radial to road right-of-way lines or road centerlines.

4-20-02 ACCESS

4-20-02-01 ACCESS SUBJECT TO APPROVAL

All accesses are subject to approval of the Director of Public Works or the Colorado Department of Transportation for state highways. In cases where an access point would impede or interfere with the planned traffic flow of a road, or create a traffic hazard, an access permit may be denied.

4-20-02-02 ACCESS DESIGN AND CONSTRUCTION

All access shall meet the requirements of these standards and regulations.

4-20-03 DRAINAGE

4-20-03-01 DRAINAGE DEVELOPMENT DESIGN

All developments shall be designed and constructed in compliance with the drainage criteria listed in Chapter 9 of these regulations.

4-20-03-02 DRAINAGE DESIGN AND CONSTRUCTION PLANS SUBJECT TO APPROVAL

All drainage plans are subject to approval of the Director of Public Works or Director of Community and Economic Development and are required for any building or other permit. All drainage facilities shall meet the requirements of these standards and regulations.

4-20-04 UTILITIES

4-20-04-01 UTILITIES SUBJECT TO APPROVAL

All utility locations and installations are subject to approval by the applicable public agency and/or private utility company. Utilities shall meet the minimum requirements of the utility company and any public agency including but not limited to these standards and regulations.

4-20-04-02 UNDERGROUND UTILITIES

All site utilities shall be underground.

4-20-04-03 CONNECTION TO EXISTING SYSTEMS

Utilities shall tie into existing sanitary and storm sewer and water main stubouts, if possible, to avoid disturbance to existing pavement.

4-20-04-04 CUTTING, BACKFILLING, AND PAVING

Where cuts in existing roads are made for utility work, all cutting, backfilling, and paving shall be done in accordance with the applicable public agency's specifications and procedures. Where a cut is made to a County road, a permit shall be obtained from the Director of Public Works. All cuts to County roads shall be completed in accordance with these standards and regulations.

4-20-05 SITE GRADING

4-20-05-01 NON-ENGINEERED APPEARANCE

The aesthetic goal of grading is to imitate natural landforms. Long, monotonous, unchanging slopes with severe breaks in slope have an unnatural, man-made appearance and shall be avoided.

4-20-05-02 GRADE CHANGE DESIGN

Grade changes shall be designed imaginatively, accenting or de-emphasizing the change in grade as appropriate. Circulation elements, such as trails and sidewalks, can effectively respond to grade conditions by meandering in long gentle curves.

4-20-05-03 AREA OF SITE GRADING

The area to be graded shall be kept as small as is practical in order to avoid large undeveloped graded areas. After grading, all areas not to be built within the same construction season shall be revegetated and other erosion control measures taken as appropriate. All revegetation and erosion control measures shall meet the requirements of these standards and regulations and be approved by the Director of Community and Economic Development.

4-20-05-04 OVERLOT GRADING

Overlot grading will be done to preserve existing topographic features where possible and to provide positive drainage.

4-20-05-05 SLOPE STANDARDS

Unless otherwise specified by these standards and regulations, all site grading shall be designed to meet the following standards:

1. Planting Areas
   a. Minimum Slope: 2%
   b. Maximum Slope: 30%
2. Parking Lot Pavement
   a. Minimum Slope: 2%
   b. Maximum Slope: 4%
3. Pedestrian Plaza Areas
   a. Minimum Slope: 1%
   b. Maximum Slope: 2%
4. Private driveways, public roads, and sidewalks shall comply with the slope requirements outlined in Chapter 7 of these regulations.

4-20-06 PEDESTRIAN AND BICYCLE AMENITIES

4-20-06-01 PEDESTRIAN AND BICYCLE ACCESS TO SITE

Pedestrian and bicycle access onto the site shall be maximized in all proposed projects. This may be accommodated through the provision of on-site walkways, trails, paths or sidewalks and bike lanes or trails, which originate at the property boundary.

4-20-06-02 INTERNAL PEDESTRIAN AND BICYCLE CIRCULATION

Internal pedestrian and bicycle circulation shall be facilitated through appropriately sealed walkways, paths, trails or sidewalks and bike lanes or trails. Special emphasis shall be placed on providing pedestrian and bicycle access to proposed recreational and/or open space areas.

4-20-06-03 BICYCLE PARKING

Bicycle parking shall be provided for all commercial development. Bicycle parking areas should be located near structure entries, but should not encroach into pedestrian walkways.

4-20-06-04 SIDEWALKS

1. *Minimum Width:* The minimum width of all sidewalks shall be 5½ feet measured from the flowline.
2. *Sidewalk Design and Construction:* Sidewalks shall be designed and constructed in accordance with these standards and regulations.
3. *Open Space Connections:* Sidewalks should occur along roadways and extend into major open space areas.
4. *Sidewalk Maintenance:* The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting the property including snow removal for pedestrian access.

4-20-06-05 BICYCLE PATH OR TRAILS

1. *Minimum Width:* Bicycle path or trails shall serve both pedestrians and bicycles and shall be at least eight (8) feet wide.
2. *Bicycle Path Design and Construction:* Bicycle paths and trails shall be designed and constructed in accordance with these standards and regulations.
3. *Open Space Connections:* Bicycle paths and trails should occur along roadways and extend into major open space areas.
4. *Bicycle Paths and Trails Maintenance:* The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of bicycle trails along the right-of-way abutting the property including snow removal for access.

4-21 OFF-ROAD UTILITY, DUMPSTER, RECYCLING, AND TRASH HANDLING FACILITIES

All off-road utility, dumpster, recycling, and trash handling facilities serving commercial and industrial uses shall meet the following requirements:

1. *Location:* All utilities (including heating and air conditioning units), dumpsters, and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved by the Community and Economic Development Department. All utility, dumpster, and trash handling facilities including the occupant's recycling facilities shall be completely screened from public view, and from the view of any development on any adjoining property. A wall, solid wood fence, evergreen hedge, earth berm, or any combination thereof shall be provided to obscure these facilities. However, when the service side of the particular facility faces any property line, a wall or solid wood fence with gates or doors must be provided. If shrubs are used as the screening material, they shall be a minimum of five (5) feet in height, spaced no farther than four (4) feet apart. If a wall, solid wood fence, or berm is used as the screening material, its minimum height shall be six (6) inches above the proposed facility.
2. *Recycling Facilities:* Public recycling drop off sites shall be encouraged and are permitted as an accessory use in all nonresidential zone districts. The drop off site shall be kept free of litter, residue and debris by the party responsible for the maintenance and management of the drop off facility. One (1) freestanding or wall sign is allowed up to twenty-five (25) square feet in area upon issuance of a building permit. The drop off site containers must be durable, waterproof, covered and well maintained. The name and phone number of the party responsible for maintenance shall be posted on the container. Containers on the site shall have uniform colors. The Community and Economic Development Department may impose additional conditions if necessary to protect adjacent properties. Setbacks from residentially zoned or used property are not applicable.
3. *Access:* All required dumpster, recycling, and trash handling facilities shall be designed with appropriate means of access to a road or alley in a manner which will least interfere with traffic movement, and which will most facilitate the service of the facilities.
4. *Utilization:* Space allocated to any off-road dumpster and trash handling facilities shall not be used to satisfy the space requirements for off-road parking and/or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

4-22 ANIMAL KEEPING

4-22-01 HOUSEHOLD PETS AND OTHER ANIMALS

Household pets shall be subject to the following limitations:

1. *Allowed:* Household pets shall be allowed as an accessory use in all Agricultural and Residential Zone Districts according to Table 4-22-01-1.
2. *Penned:* Except in agricultural zone districts, all household pets shall be penned or otherwise confined to their owner's property except when on a leash and in the control of the owner. Unconfined animals are a violation of the "Adams County Animal Control Regulations", as adopted September 2, 1992, as amended.
3. *On Agricultural Lands:* The keeping of household pets shall not be regulated in agricultural zone districts of more than thirty-five (35) acres. However, the keeping of more than ten (10) dogs and/or cats, shall conform to the standards listed in Section 4-22-04 for Private Kennels and/or Catteries.
4. *Pigeons:* Pigeons are allowed in Agricultural, Residential Estate, Single-Family Residential, Duplex/Mobile Home, and Multi-Family Zone Districts, in conformance with Table 4-22-01-1 and the standards contained in Section 4-22-03.

4-22-02 GUARD DOGS

Guard Dogs, patrolling for the protection of property, shall be allowed in all Commercial and Industrial Zone Districts, subject to the following:

1. *Number of Guard Dogs Permitted:* See the Animal Density Table in Section 4-20 to calculate the number of permitted household pets.
2. *Confinement of Guard Dog(s):* The area being patrolled by a guard dog(s) shall be fenced with a minimum seventy-two (72) inch high chain link or solid screen fence.
3. *Notice of Guard Dog(s):* A sign warning of the presence of said dog(s) stating what hours the dog(s) is on patrol shall be posed in plain view of the public around the perimeter of the fenced area. The sign must also state the name of the owner and the handler of the dog(s), with a phone number where the handler can be reached.
4. *Garbage Disposal:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
6. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.

7. *Care of Animals:* All dogs shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Control.

4-22-03 PIGEON KEEPING

In addition to the limitations imposed by Animal Density Table 4-22-01-1, pigeon keeping shall be required to meet the following standards:

1. *Permitted Number of Pigeons:* See Table 4-22-01-1.
2. *Loft Floor Space:* There shall be at least one (1) square foot of loft floor space for each mature pigeon.
3. *Loft Design:* The pigeon loft shall be of such sufficient size and design, and constructed of such material, it can be easily maintained in a clean and sanitary condition.
4. *Loft Compliance:* The loft shall be in compliance at all times with all applicable Tri-County Health regulations.
5. *Setback from Residential Structure:* The loft shall be set back a minimum of twenty-five (25) feet from any residential structure.
6. *Lot Line Setbacks:* The loft shall be set back from all lot lines in accordance with the accessory setbacks for the zone district in which it is located.
7. *Pigeon Feed:* All pigeon feed shall be stored in such containers as to protect against intrusion by rodents and other vermin.
8. *Pigeon Feeding:* All pigeons shall be fed within the confines of the loft.
9. *Pigeon Release for Flying:* Pigeons will not be released for flying for four (4) hours after feeding.
10. *Pigeon Confinement:* All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of the pigeons.

4-22-04 PRIVATE KENNELS AND CATTERIES

In all Agricultural, Residential Estate, Single Family Residential, and Duplex/Mobile Home Zone Districts, private kennels and catteries may be maintained according to the following conditions:

1. A Special Use Permit must be obtained unless the use is not regulated (NR) in the Animal Density Table in Table 4-22-01-1.

2. *Permitted Number of Dogs and/or Cats:* See the Animal Density Table in Table 4-22-01-1 to calculate the number of permitted household pets.
3. *Building Permit Required:* A building permit shall be obtained for all kennels, pens, shelters or other similar structures.
4. *Prohibited Animals:* Boarding dogs and/or cats other than those animals owned by the resident and/or owner and immediate family shall be prohibited.
5. Minimum Space Requirements
   a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:
      (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
      (2) Length of Kennel = Width of Kennel + 2 feet.
      (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.
   b. *Cats:* Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
6. *Garbage Disposal:* All animal and food garbage shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
7. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
8. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
9. *Mixing of Dogs and Cats:* Dogs and cats shall not be housed in the same primary enclosure.
10. *Care of Animals:* All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Control.
11. *Other Standards:* All animal keeping shall conform to Section 4-20 of these standards and regulations.

4-22-05 COMMERCIAL KENNEL AND CATTERIES

The operation of Commercial kennels and/or catteries is allowed in Agricultural, Commercial and Industrial Zone Districts. Commercial kennels and/or catteries shall not be conducted without first having obtained a conditional use permit and approval of a management plan from the Board of County Commissioners.

1. *Offspring Not Limited:* The total number of dogs and/or cats allowed under the Conditional Use Permit shall not apply to offspring under five (5) months of age, belonging to one of the adult animals.
2. *Management Plan Required:* A management plan detailing how the facility will be operated shall be submitted prior to issuance of a Conditional Use Permit.
3. *Minimum Standards:* In addition to the requirements of Section 4-22-04, commercial kennels shall meet the following minimum standards:
   a. A washroom consisting of a basin or sink and a lavatory shall be provided to maintain the cleanliness among animal caretakers.
   b. All breeding and boarding kennel operators shall be licensed by the appropriate governmental authority.
   c. A person responsible for the commercial kennel or cattery, whether the owner of the facility or an employee, shall reside permanently on the subject property. If a responsible party is not available on site, the kennel shall be posted with the name and phone number of a responsible party.
   d. Any dwelling unit newly constructed to house the owner or employee shall meet the applicable zone district requirements.

4. *Exemptions:* Those operations exempt from obtaining a conditional use permit shall be as follows:
   a. A public or private zoological park; or
   b. A public animal pound; or
   c. A veterinary hospital operated by a licensed veterinarian; or
   d. A research institution using animals for scientific research; or
   e. An animal shelter operated by an organized humane society; or
   f. A pet shop; or
   g. A circus.

   Although exempt from obtaining a conditional use permit, these operations shall meet all of the requirements for a private kennel as outlined in Section 4-22-04.

4-22-06 NON-COMMERCIAL ANIMAL FEEDING OPERATION (AFO) AND CONCENTRATED ANIMAL FEEDING OPERATION (CAFO), LIVESTOCK

The keeping of poultry and/or livestock, except chickens, is only allowed in the Agricultural and Residential Estate Zone Districts. Livestock may be kept on property in the Residential Estate Zone District only if the owner of said livestock resides on the property and is a registered member of a 4-H or FFA or other agricultural education program. This does not apply to horses kept for recreational purposes.

The keeping of non-commercial livestock and poultry, except chickens, is allowed in accordance with Table 4-22-01-1, Tabulation of Animal Unit Densities. The maximum number of allowable livestock per lot does not apply to young animals below weaning age, or six (6) months of age, whichever is less.

On those properties where livestock and poultry, except chickens, are allowed, the following standards shall be observed:

1. *Manure:* All manure shall be removed periodically or incorporated into the soil on a regular basis so the manure does not draw flies, or other insects, or cause obnoxious odors.
2. *Drainage:* Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property. Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
3. *Feed:* Spillage and left-overs from livestock feedings must be removed or so disposed of as to prevent fly, bird, or rodent propagation, or creation of odors.
4. *Pens:* Any new shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be set back twenty-five (25) feet from the side lot line and fifty (50) feet from the front lot line.
5. *Insects and Rodents:* All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
6. *Fenced:* In subdivided areas, all livestock shall be kept within a fenced area.
7. *Colorado Rules:* Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission.

In agricultural zone districts of greater than thirty-five (35) acres, the number of livestock is not regulated, unless the operation meets the definition of a Livestock Confinement Operation. However, the keeping of such livestock must comply with the performance standards listed above except the keeping of livestock shall be exempt from the manure and feed requirements on parcels greater than thirty-five (35) acres in size.

4-22-07 NON-COMMERCIAL ANIMAL FEEDING OPERATION (AFO) AND CONCENTRATED ANIMAL FEEDING OPERATION (CAFO), CHICKENS

4-22-07-01 PURPOSE

The purpose of these regulations is to permit limited small animal husbandry uses within residential environments to promote access to fresh food and the associated health benefits as well as encourage sustainability through reduced vehicle trips for food and energy consumption associated with food production. The regulations below are intended to permit the keeping of chickens for household purposes, and not for a profit, while preventing negative impacts associated with this use.

4-22-07-02 APPLICABILITY

The keeping of chickens is only allowed as an accessory use with any legal detached, single family residential use, excluding where the single-family residence is a mobile home or as otherwise regulated by State law. Accessory dwelling units are also allowed to keep chickens so long as the cumulative number of chickens on the property does not exceed the allowance. The keeping of chickens is allowed in accordance with Table 4-22-01-1. The maximum number of allowable chickens per lot does not apply to chicks not yet at egg-bearing age, or six (6) months of age, whichever is less.

4-22-07-03 PERFORMANCE STANDARDS

1. *Allowed number of chickens:* No more than six (6) domestic chicken hens are permitted per each detached, single family residential use. Three (3) chickens shall equal one (1) household pet.

2. *Shelter Requirements:*

   a. Type: Chickens must be provided with a covered, predator-resistant shelter structure that is properly ventilated and heated, with nesting boxes, designed to be easily accessed, cleaned and maintained.

   b. Size: The shelter structure shall provide at least three (3) square feet per chicken. The shelter structure shall not exceed one-hundred twenty (120) square feet.

3. *Perimeter Fencing:*

   a. In addition to the shelter requirements described above, chickens shall be confined to areas that are fully enclosed with adequate perimeter fencing to prevent the chickens from escaping when not in their shelters, to prevent predators' entry, and from coming into contact with wild ducks, geese or their excrement. Each chicken

shall be provided at least 10 square feet of area within the perimeter fencing.

b. Fences required by this subsection shall comply with the provisions of Section 4-07-01-02-02 (Residential Use Fencing, Walls, and Screening) and shall be resistant to predators.

c. Adequate fencing material for purpose of this subsection shall include wood, wire and stone. Fencing with openings that would allow chickens to pass through, such as a split rail or wrought iron fence with wide openings, will not be deemed adequate for purposes of this subsection.

4. *Location of Shelter Structures and Perimeter Fences:* Chicken structures and perimeter fencing shall be located in the rear or backyard of the lot as determined by street frontage, and not the orientation of the residence. Chickens shall be kept within such facilities and are not permitted within any other portions of the lot.

5. *Setbacks:* Neither the shelter structure nor perimeter fencing shall be located less than five (5) feet from any abutting property line.

6. *Access:*

a. During daylight hours, the chickens must have access to the shelter structure, located adjacent to the shelter, which is adequately fenced with perimeter fencing as required by this Section to protect them from predators.

b. From dusk till dawn, the chickens must be further protected from predators by being closed inside the shelter structure.

4-22-07-04 PROVISION OF FOOD, WATER, AND SANITATION

1. *Water:* Fresh water must be available at all times in adequate receptacles.

2. *Food:* Sufficient nutritive food must be provided daily and must be stored in a resealable, airtight, metal, rodent proof container to discourage attracting mice, rats, and other vermin.

3. *Cleanliness:* The shelter and surrounding area must be kept clean from accumulation of excrement and debris so as to not create a nuisance and be compliant with the County's stormwater regulations.

4. *Compliance with Current Stormwater Regulations:* The use of excrement as applied fertilizer shall only be allowed in conformance with the County's stormwater regulations.

4-22-07-05 NUISANCE PREVENTION

1. *Nuisance-Free Facilities As Prerequisite:* A permit to keep chickens within the County shall not be granted or renewed unless the owner or keeper provides facilities which will reasonably assure the Director of Community and Economic Development that the premises will be maintained in a sanitary condition, free from insects and rodents, offensive odors, excessive noise or any other conditions which constitute a public nuisance.
2. *Dust, Odors, and Waste Prohibited:* All coops and runs shall be regularly cleaned and maintained to control dust, odor, and waste and to prevent the facilities from constituting a nuisance, safety hazard, or health problem to surrounding properties. Odors associated with the coop shall be contained within the owner's property boundary.
3. *Slaughtering Prohibited:* The chickens may not be slaughtered by the owner or keeper thereof, except pursuant to the lawful order of State or County health officials or for the purpose of euthanasia when surrendered to a licensed veterinarian.
4. *Disposal:* Dead animal carcasses shall be properly and safely disposed of within 24 hours as recommended by the applicable health department.
5. *Roosters prohibited:* Roosters are not permitted, except where allowed in Agricultural zone districts as described in these regulations.

4-22-07-06 PERMITTING (ANNUAL REGISTRATION OF USE)

4-22-07-06-01 *REQUIREMENTS*

1. Any person keeping chickens pursuant to this Section must obtain a permit from the County.
2. The Permit Application shall include:
   a. A plan or drawing showing the proposed locations of all chicken facilities to be located upon the property for which the permit is requested.
   b. Details demonstrating the applicant's compliance with the requirements of this Section.
3. No property with outstanding code violations will be issued a permit.
4. Prior to the issuance of a permit, the County may inspect the parcel for which the permit is requested. per
5. A permit issued pursuant to this Section shall allow the keeping of chickens on the specific property identified in the permit. The permit shall be personal to the permittee and is non-transferrable.
6. A permit issued pursuant to this section shall be in effect for twelve (12) months after which the permittee may reapply or will expire.

4-22-07-06-02 *DENIAL OR REVOCATION OF PERMIT*

1. The County may deny or revoke a permit to keep, maintain or possess chickens within the County if determined that any provision of this Section is being violated or if the County finds that maintenance of chicken(s) interferes with the reasonable and comfortable use and enjoyment of property.
2. Removal of Shelter: [Upon] expiration, revocation or denial of a permit, all chicken facilities shall be removed from the property within 14 days of such expiration, revocation or denial.

4-22-08 KEEPING OF BEES

4-22-08-01 PURPOSE

The purpose of these regulations is to permit limited small animal husbandry uses within residential environments to promote access to fresh food and the associated health benefits as well as encourage sustainability through reduced vehicle trips for food and energy consumption associated with food production. The regulations below are intended to permit beekeeping for household purposes, and not for a profit, while preventing negative impacts associated with this use.

4-22-08-02 APPLICABILITY

The keeping of bees is only allowed as an accessory use with any detached, single family residential use, excluding mobile homes. Other accessory uses, such as accessory dwelling units, are also allowed to keep bees so long as the cumulative number of colonies on the property does not exceed the total allowance for the single-family residential use.

4-22-08-03 DEVELOPMENT REGULATIONS

4-22-08-03-01 *ALLOWED NUMBER OF BEE COLONIES*

1. No more than two (2) bee colonies are permitted per detached, single family residential use in residential, commercial and industrial zone districts as determined by Table 4-22-01-1. Animal Densities and Uses.
2. Two (2) bee colonies shall equal one (1) household pet.

4-22-08-03-02 *PERFORMANCE STANDARDS*

1. *Type:* Bee colonies must be provided with a predator-resistant structure, or hive, that is properly ventilated and elevated from the ground and designed to be easily accessed, cleaned and maintained.
2. *Size:* The hive shall not exceed eight (8) square feet.
3. *Number:* One (1) colony per hive. A maximum of two (2) hives are allowed, as applicable.
4. *Location:* Bee keeping structures shall be located in the rear or backyard of the lot. They shall not be located between the rear of the dwelling and the front yard lot line.
5. *Orientation:* The entrance/exit of the structure shall be oriented away from the closest adjacent property line(s).
6. *Access:*
    a. All bee colonies shall be kept in inspectable hives with removable combs.
7. *Setbacks:* The structure shall be setback at least fifteen (15) feet from any abutting property line.
8. *Flyway Barriers:*
    a. A flyway barrier constructed at least six (6) feet in height around the structure consisting of a fence or vegetation. This barrier must be designed so that the bees are forced to fly at an elevation of at least six (6) feet above the ground level over the property line.
    b. Fences shall comply with the provisions of Section 4-07-01-02-02 (Residential Use Fencing, Walls, and Screening) of this Code.

4-22-08-03-03 *PROVISION OF FOOD, WATER, AND SANITATION*

1. *Water:* Fresh water must be available at all times in adequate receptacles in order to prevent swarming near water sources where they may cause human, bird or domestic pet interactions.
2. *Cleanliness:* The shelter and surrounding area must be kept clean from colony-produced materials, such as honey, honeycomb and brood comb, and debris so as to not create a nuisance.

4-22-08-03-04 *NUISANCE PREVENTION*

1. *Nuisance-Free Facilities as Prerequisite:* A permit to keep bees within the County shall not be granted unless the owner or keeper provides facilities

which will reasonably assure the Director that the premises will be maintained in a sanitary condition, free from colony-produced materials, such as honeycomb and brood comb, or any other conditions which constitute a public nuisance.

2. *Removal of Materials from the Colony:* Any materials removed from the colony shall be immediately moved away from the colony and enclosed in a bee and predator-proof location that is inaccessible to bees or their predators.
3. *Prohibited Attributes:*
   a. Aggressive or Africanized bees are not permitted. Africanized, hybrid bee species, Apis mellifera scutellata, or bees displaying abnormally aggressive behavior are not permitted.
   b. Aggressive queens are not permitted. Aggressive queens shall be removed and the colony shall be re-queened with a non-aggressive species.
   c. Bees not residing in a structure are not permitted. Bee colonies living outside of a designated colony structure as determined by these regulations are not permitted.

4-22-08-04 PERMITTING (ANNUAL REGISTRATION OF USE)

4-22-08-04-01 *REQUIREMENTS*

Any person keeping bees pursuant to this Section must first have been issued a permit by the County.

1. Permitting is subject to the following requirements:
   a. The application shall include a plan or drawing showing the proposed locations of all bee facilities to be located upon the property for which the permit is requested.
   b. Such plan or drawing shall include details demonstrating the applicant's compliance with the requirements of this Section.
   c. No outstanding code violations exist on the subject property.
2. Prior to the issuance of a permit, the County may inspect the parcel for which the permit is requested.
3. A permit issued pursuant to this Section shall allow the keeping of bees on the specific property identified in the permit. The permit shall be personal to the permittee and is non-transferrable.
4. A permit issued pursuant to this section shall be in effect for twelve (12) months after which the permit will expire unless the permittee reapplies.

4-22-08-04-02 *DENIAL OR REVOCATION OF PERMIT*

1. The County may deny or revoke a permit to keep, maintain or possess bees within the County if it is determined that any provision of this Section is being violated or if the County finds that maintenance of bees interferes with the reasonable and comfortable use and enjoyment of property.
2. *Removal of Colony:* Upon expiration, revocation or denial of a permit, all bees and bee keeping-related facilities shall be removed from the property within 14 days of such expiration, revocation or denial.

4-22-09 TABULATION OF ANIMAL UNIT DENSITIES

The types and densities of animals allowed in each zone district are detailed in Table 4-22-01-1. Any combination of allowed animals may be kept, but at no time shall the maximum number of any specific type of animal be exceeded, nor shall the total maximum number of household pets or the total maximum number of livestock be exceeded. Where allowed, the number of livestock is in addition to the number of household pets permitted, and the number of household pets is in addition to the number of livestock permitted.

For animals not listed or not clearly fitting within one (1) or more the categories listed, the Director of Community and Economic Development shall determine in what zone district(s) the animal is allowed and in what lot size categories the keeping of such an animal is appropriate. Should the property owner disagree with the determination of the Director of Community and Economic Development, the matter shall be referred to the Planning Commission for a recommendation to resolve the issue.

The following are acronyms used in Table 4-22-01-1 and their meaning:

NR = Not Regulated

NA = Not Allowed

AC = Acre

CUP = Conditional Use Permit

*Table 4-22-01-1. Animal Densities and Uses***Amended by the BoCC on January 28, 2013

A-1, A-2 and A-3 AGRICULTURE ZONE DISTRICTS	**Up to .50 AC**	**.50 AC to <1.0 AC**	**1 AC to 2.0 AC**	**>2 AC to 5.0 AC**	**>5 AC to 10 AC**	**>10 AC to 35 AC**	**>35 AC**
Maximum Number of Household Pets Allowed	10	10	20	20	20	20	NR[1]
Maximum Number of Livestock Units Allowed	NA	4/AC	4/AC	4/AC	4/AC	NR	NR[1]

Type of Animal	***Livestock Unit Equivalents***	***Number of Animals Equivalent to One Livestock Unit***	***Maximum Number of Animals Per Acre***			
			Lot size 0.5 AC to <5.0 AC	**Lot size 5 AC to <10 AC**	**Lot size 10 AC to <35 AC**	**Lot size 35 AC or greater**
Alpacas	1	1	4	4	NR	NR[1]
Beefalo	1	1	4	4	NR	NR[1]
Bees (Colonies)	0.2	5	20	20	NR	NR
Buffalo	1	1	4	4	NR	NR[1]
Cats	1	1	4[2]	5[2]	8[2]	NR[1]
Cattle	1	1	4	4	NR	NR[1]
Chickens (Hens/Roosters)	.02	50	200	200	NR	NR[1]
Chinchillas	.02	50	2	200	NR	NR[1]
Deer	1	1	4	4	NR	NR[1]
Dogs	1	1	4[2]	6[2]	8[2]	NR[1]
Ducks/Geese	.02	50	200	200	NR	NR[1]
Elk	1	1	4	4	NR	NR[1]
Emus	.066	15	60	60	NR	NR[1]
Ferrets	.02	50	200	200	NR	NR[1]
Game Fowl	--	--	NR	NR	NR	NR[1]
Goats	.125	8	32	32	NR	NR[1]
Guinea Pigs	.02	50	200	200	NR	NR[1]
Horses	1	1	4	4	NR	NR[1]
Llamas	1	1	4	4	NR	NR[1]
Mules	1	1	4	4	NR	NR[1]
Ostriches	.066	15	60	60	NR	NR[1]
Peafowl	--	--	See Note 3	NR	NR	NR[1]
Pigeons	--	--	See Note 3	NR	NR	NR[1]
Rabbits	0.08	12.5	See Note 3	50	NR	NR[1]
Sheep	0.25	4	16	16	NR	NR[1]
Swine	0.25	4	16	16	NR	NR[1]
Turkeys	.02	50	200	200	NR	NR[1]
Type of Use						
Private Kennel/Cattery[4]	--	--	2[2]	2[2]	2[2]	NR
Commercial Kennel	--	--	See Note 5	See Note 5	See Note 5	See Note 5
LCO	--	--	NA	NA	NA	CUP

NOTES:

[1] *The numbers of animals on property over 35 acres in size shall not be regulated, unless the definition of a Livestock and/or Poultry Confinement Operation is met.*

[2] *This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.*

[3] *Allowed by Special Use Permit.*

[4] *Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.*

[5] *Allowed by Conditional Use Permit.*

Animal Densities and Uses, Cont.

RE, RESIDENTIAL ESTATE ZONE DISTRICT	**<1.0 AC**	**1 AC to 2.0 AC**	**>2 AC to 5.0 AC**	**>5 AC to 10 AC**	**>10 AC to 35 AC**	**>35 AC**
Maximum Number of Household Pets Allowed	10	20	20	20	30	30
Maximum Number of Livestock Units Allowed	NA	2/AC	2/AC	2/AC	2/AC	2/AC

Type of Animal	***Livestock Unit Equivalents***	***Number of Animals Equivalent to One Livestock Unit***	**Lot size <1.0 AC**	**Lot size 1 AC to 2.0 AC**	**Lot size >2 AC to 5.0 AC**	**Lot size >5 AC to 10 AC**	**Lot size >10 AC to 35 AC**	**Lot size >35 AC**
Alpacas	1	1	NA	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]
Beefalo	1	1	NA	2/AC	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]
Bees (Colonies)[7]	0.2	5	NA	5[3]	5[3]	5	10	25
Buffalo	1	1	NA	2/AC	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]
Cats	1	1	3[2]	4[2]	4[2]	5[2]	5[2]	5[2]
Cattle	1	1	NA	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]
Chickens (Hens/Roosters)	.02	50	NA	2/AC[1]	2/AC[1]	4/AC[1]	10/AC[1]	10/AC[1]
Chickens (Hens)[6]	.02	50	NA	2/AC[1]	2/AC[1]	4/AC[1]	10/AC[1]	10/AC[1]
Chinchillas	.02	50	2[2]	2[2]	2[2]	4[2]	4[2]	4[2]
Deer	1	1	NA	2/AC	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]
Dogs	1	1	2[2]	3[2]	3[2]	4[2]	4[2]	5[2]
Ducks/Geese	.02	50	NA	2/AC[1]	2/AC[1]	4/AC[1]	10/AC[1]	10/AC[1]
Elk	1	1	NA	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]
Emus	.066	15	NA	5/AC[1]	10/AC[1]	10/AC[1]	10/AC[1]	10/AC[1]
Ferrets	.02	50	2[2]	2[2]	2[2]	5[2]	5[2]	5[2]
Game Fowl	--	--	10[3]	15[3]	25[3]	30	35	40
Goats	.125	8	NA	4/AC[1]	4/AC[1]	4/AC[1]	4/AC[1]	4/AC[1]
Guinea Pigs	.02	50	10[2]	20[2]	20[2]	20[2]	30[2]	30[2]
Horses	1	1	NA	2/AC	2/AC	2/AC	2/AC	2/AC
Llamas	1	1	NA	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]
Mules	1	1	NA	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]	2/AC[1]
Ostriches	.066	15	NA	2/AC[1]	5/AC[1]	5/AC[1]	5/AC[1]	5/AC[1]
Peafowl	--	--	10[3]	15[3]	25[3]	30	35	40
Pigeons	--	--	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Rabbits	0.08	12.5	10[2]	20[2]	20[2]	20[2]	30[2]	30[2]
Sheep	0.25	4	NA	4/AC[1]	4/AC[1]	4/AC[1]	4/AC[1]	4/AC[1]
Swine	0.25	4	NA	4/AC[1]	4/AC[1]	4/AC[1]	4/AC[1]	4/AC[1]
Turkeys	.02	50	NA	2/AC[1]	2/AC[1]	4/AC[1]	10/AC[1]	10/AC[1]
Type of Use								
Private Kennel/Cattery[4]	--	--	4	22	22	22	22	22
Commercial Kennel	--	--	NA	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5
LCO	--	--	NA	NA	NA	NA	NA	NA

NOTES:

[1] *These livestock are permitted only if the owner or resident is a registered member of a 4-H or FFA or another agricultural educational program.*

[2] *This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.*

[3] *Allowed by Special Use Permit.*

[4] *Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.*

[5] *Allowed by Conditional Use Permit.*

[6] *Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.*

[7] *Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.*

Animal Densities and Uses, Cont.

R-1-A, R-1-C, SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS	**<1.0 AC**	**1 AC to 2.0 AC**	**>2 AC to 5.0 AC**	**>5 AC to 10 AC**	**>10 AC to 35 AC**	**>35 AC**
Maximum Number of Household Pets Allowed	10	20	20	20	30	30

Type of Animal	**Lot size <1.0 AC**	**Lot size 1 AC to 2.0 AC**	**Lot size >2 AC to 5.0 AC**	**Lot size >5 AC to 10 AC**	**Lot size >10 AC to 35 AC**	**Lot size >35 AC**
Alpacas	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA
Bees (Colonies)[5]	NA	5[2]	5[2]	5	10	25
Burros	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA
Cats	3[1]	4[1]	4[1]	4[1]	5[1]	5[1]
Cattle	NA	NA	NA	NA	NA	NA
Chickens (Hens)[4]	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA
Chinchillas	2[1]	3[1]	3[1]	3[1]	4[1]	4[1]
Deer	NA	NA	NA	NA	NA	NA
Dogs	2[1]	3[1]	3[1]	3[1]	4[1]	4[1]
Ducks/Geese	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA
Ferrets	2[1]	3[1]	3[1]	4[1]	4[1]	4[1]
Game Fowl	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA
Guinea Pigs	2[1]	3[1]	3[1]	4[1]	4[1]	4[1]
Horses	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA
Pigeons	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Rabbits	2[1]	3[1]	3[1]	4[1]	4[1]	4[1]
Sheep	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA
Type of Use						
Private Kennel/Cattery[2]	4	22	22	22	22	22
Commercial Kennel	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA

NOTES:

[1] *This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.*

[2] *Allowed by Special Use Permit.*

[3] *Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.*

[4] *Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.*

[5] *Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.*

Animal Densities and Uses, Cont.

R2, DUPLEX ZONE DISTRICT AND MH, MOBILE HOME ZONE DISTRICTS	**<1.0 AC**	**1 AC to 2.0 AC**	**>2 AC to 5.0 AC**	**>5 AC to 10 AC**	**>10 AC to 35 AC**	**>35 AC**
Maximum Number of Household Pets Allowed	8	15	15	15	25	25

Type of Animal						
Alpacas	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA
Bees (Colonies) [6]	NA	NA	NA	NA	NA	NA
Burros	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA
Cats	2[1]	3[1]	3[1]	3[1]	4[1]	4[1]
Cattle	NA	NA	NA	NA	NA	NA
Chickens (Hens) [5]	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA
Chinchillas	2[1]	3[1]	3[1]	3[1]	4[1]	4[1]
Deer	NA	NA	NA	NA	NA	NA
Dogs	2[1]	3[1]	3[1]	3[1]	4[1]	4[1]
Ducks/Geese	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA
Ferrets	2[1]	3[1]	3[1]	3[1]	4[1]	4[1]
Game Fowl	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA
Guinea Pigs	2[1]	3[1]	3[1]	3[1]	4[1]	4[1]
Horses	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA
Pigeons	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Rabbits	2[1]	3[1]	3[1]	3[1]	4[1]	4[1]
Sheep	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA
Type of Use						
Private Kennel/Cattery[2]	4	22	22	22	22	22
Commercial Kennel	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA

NOTES:

[1] *This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.*

[2] *Allowed by Special Use Permit.*

[3] *Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.*

[4] *Within the MH Zone District, the numbers listed above apply to individual mobile home lots or spaces.*

[5] *Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.*

[6] *Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.*

Animal Densities and Uses, Cont.

R-3, R-4, MULTI-FAMILY ZONE DISTRICTS	
Maximum Number of Household Pets Allowed	5

Type of Animal	
Alpacas	NA
Beefalo	NA
Bees (Colonies)[5]	NA
Buffalo	NA
Burros	NA
Cats	1[2]
Cattle	NA
Chickens (Hens)[4]	NA
Chickens (Roosters)	NA
Chinchillas	2[2]
Deer	NA
Dogs	1[2]
Ducks/Geese	NA
Elk	NA
Emus	NA
Ferrets	2[2]
Game Birds	NA
Goats	NA
Guinea Pigs	2[2]
Horses	NA
Llamas	NA
Mules	NA
Ostriches	NA
Peafowl	NA
Pigeons	See Note 3
Rabbits	2[2]
Sheep	NA
Swine	NA
Turkeys	NA
Type of Use	
Private Kennel/Cattery[4]	NA
Commercial Kennel	NA
LCO	NA

NOTES:

[1] All Restrictions noted in this table are on a "per unit" basis and apply to each individual unit in a multi-family development.

[2] This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.

[3] Allowed by Special Use Permit.

[4] *Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.*

[5] *Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.*

Animal Densities and Uses, Cont.

C-0 THROUGH C-5, COMMERCIAL AND I-1, I-2, AND I-3 ZONE DISTRICTS	**<1.0 AC**	**1 AC to 2.0 AC**	**>2 AC to 5.0 AC**	**>5 AC to 10 AC**	**>10 AC to 35 AC**	**>35 AC**
Type of Animal						
Alpacas	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA
Bees (Colonies) [5]	NA	5	5	10	25	25
Burros	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA
Cats	NA	NA	NA	NA	NA	NA
Cattle	NA	NA	NA	NA	NA	NA
Chickens (Hens) [4]	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA
Chinchillas	NA	NA	NA	NA	NA	NA
Deer	NA	NA	NA	NA	NA	NA
Dogs	NA	NA	NA	NA	NA	NA
Dogs, Guard	2[2]	2[2]	2[2]	2[2]	2[2]	2[2]
Ducks/Geese	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA
Ferrets	NA	NA	NA	NA	NA	NA
Game Fowl	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA
Guinea Pigs	NA	NA	NA	NA	NA	NA
Horses	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA
Pigeons	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Rabbits	NA	NA	NA	NA	NA	NA
Sheep	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA
Type of Use						
Private Kennel/Cattery[3]	NA	NA	NA	NA	NA	NA
Commercial Kennel	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA

NOTES:

[1] *Non-conforming single-family residences located in these zone districts will be required to conform to the requirements of for the R-1-A and R-1-C Zone Districts.*

[2] *An additional three (3) guard dogs, over the two (2) allowed as a Use-by-Right, may be allowed by Special Use Permit.*

[3] *Allowed by Special Use Permit.*

[4] *Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.*

[5] *Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.*

4-23 MANAGEMENT PLANS

4-23-01 PURPOSE

Management plans are intended to provide for the long-term maintenance and care of open space and other large tracts of land created through the subdivision or Planned Unit Development process.

4-23-02 APPLICABILITY

Any subdivision or Planned Unit Development including a conservation area, common open space, agricultural land or tracts that are not building sites, shall include a management plan as part of the Development Agreement and/or Subdivision Improvements Agreement for that project.

4-23-03 PROCESS

The first application for any sketch plan, preliminary plat or preliminary development plan including conservation area, common open space, agricultural land or tracts that are not building sites, shall include a proposed preliminary management plan. The preliminary plan may be composed of text, graphics and/or photographs and shall include, as a minimum, the following elements:

1. The name of the project;
2. The name, address and phone number of the person preparing the management plan;
3. The name, address and phone number of the person(s) responsible for maintaining the property included in the management plan;
4. The precise, proposed use(s) of the property to be included in the management plan;
5. The goals of the management plan;
6. The legal description of the property included in the management plan;
7. The availability of irrigation water, and if available, the amount of water, the name of the ditch company and the method of delivering the water to the site;
8. A brief narrative describing the methods to be used to control runoff, wind and water erosion, noxious weeds and pests;
9. A description of the current condition of the property, including photographs or other graphic representations of any areas having been identified as needing reclamation, restoration or other special attention;

10. A description by common name and scientific name of any species of plants or animals to be introduced to the site and an explanation of the reasons for such introduction;
11. A description by common name and scientific name of any species of plants or animals to be eliminated from the site, the reasons for such elimination and the timetable for elimination;
12. A plan for financing current improvements;
13. A plan for long term maintenance and monitoring of the property; and
14. A contingency plan for maintenance of the property if irrigation water is removed from the site.

4-23-04 REVIEW CRITERIA

The Board of County Commissioners shall consider the following criteria when reviewing a proposed management plan:

1. The proposed management plan includes all the elements described in Section 4-23-03;
2. The management plan provides for best available practices to maintain the property for the uses(s) specified in the management plan;
3. Noxious weeds shall be properly controlled on the property;
4. Wetlands and wildlife habitat included in the property shall be properly protected;
5. An individual or organization is designated to provide an adequate funding mechanism to ensure maintenance and annual monitoring of the property for the life of the project;
6. An adequate mechanism is included in the management plan to keep the County informed of any changes in ownership or responsibility for the management of the property and to report the results of the annual monitoring to the Director of Community and Economic Development; and
7. The contingency plan is adequate to provide for the long-term maintenance of the site if irrigation water is removed from the site or the use of the site changes significantly.

4-23-05 FINAL APPROVAL

Final approval of any applicable subdivision or Planned Unit Development by the Board of County Commissioners shall include consideration of the final management plan for the site. The management plan shall be included in the Development Agreement or Subdivision Improvements Agreement for the project.

4-23-06 AMENDMENTS

Minor adjustments to management plans may be authorized by the Director of Community and Economic Development upon a finding the original intent and purpose of the management plan is preserved. If the Director of Community and Economic Development determines the adjustments are not minor or they will change the intent and purpose of the original management plan, the plan shall be reviewed by the Board of County Commissioners at a public hearing with notice as required for a final plat.

4-24 NONCONFORMING CONDITIONS

4-24-01 CONTINUATION OF USE

A nonconforming use may be continued and a nonconforming building may continue to be occupied, except as both of the foregoing are otherwise provided for in Section 4-24.

4-24-02 REPAIR, MAINTENANCE AND RECONSTRUCTION OF NONCONFORMING STRUCTURES OR USES

4-24-02-01 MINOR REPAIRS PERMITTED

Minor repairs to and routine maintenance of property where nonconforming conditions exist are permitted and encouraged. Such work may require a building permit.

4-24-02-02 MAJOR REPAIRS REQUIRES ZONING APPROVAL

Major repairs (i.e., work or renovation estimated to cost more than fifty percent (50%) of the market value of the structure to be renovated) may be done only in accordance with a zoning review approval and building permit. Major repair work requires approval by the Director of Community and Economic Development. Major repair work must meet the requirements of Section 4-24-03.

4-24-02-03 DETERMINATION OF THE VALUE OF REPAIRS

In determining the value of repairs for purposes of application of Sections 4-24-02-01 and 4-24-02-02, the following definitions and procedures shall apply:

1. The costs of renovation or repair or replacement shall mean the fair market value of the materials and labor necessary to accomplish the renovation, repair or replacement.
2. The cost of renovation or repair or replacement shall mean the total cost of all intended work. No person may seek to avoid the intent of this Section by doing work incrementally.
3. The market value shall mean either the market value for property for tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by an independent qualified appraiser, mutually selected by the Director of

Community and Economic Development and the property owner. A qualified appraiser shall be a Member of the Appraisal Institute (M.A.I.) or an Accredited Rural Appraiser (A.R.A.). If a disagreement concerning the valuation occurs, an appraisal shall be requested by the Director of Community and Economic Development. The property owner shall pay the cost of an appraisal.

4-24-02-04 ZONING REVIEW APPROVAL PROCEDURE AND CRITERIA

The Director of Community and Economic Development shall approve issuance of a zoning review approval if the Director of Community and Economic Development finds, in completing the renovation, repair or replacement work:

1. No violation of Section 4-24-03 will occur; and
2. The property owner will comply to the extent reasonably possible with all provisions of these standards and regulations applicable to the existing use with the following limitations:
   a. The property owner shall not lose the right to continue a nonconforming use.
   b. Compliance with a requirement of these standards and regulations is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure placed on a permanent foundation.

4-24-03 EXTENSION OR ENLARGEMENT OF NONCONFORMING CONDITIONS

4-24-03-01 NO INCREASE IN NONCONFORMITY

Except as specifically provided in this Section 4-24-03, no person may engage in any activity causing an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

1. An increase in the total amount of space devoted to a nonconforming use; or
2. Greater dimensional nonconformity with respect to restrictions such as setback requirements, height limitations, density requirements; or
3. Increase in exposure to natural or man-made hazards restricting development. Requirements or restrictions of each applicable overlay zone

district must be met prior to allowing any expansion or enlargement of a nonconforming situation.

4-24-03-02 NONCONFORMING USE MAY BE EXPANDED INTO OTHER PORTIONS OF THE SAME BUILDING

A nonconforming use may be extended throughout any portion of a completed building which, when the use was made nonconforming, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.

4-24-03-03 NONCONFORMING USE MAY NOT BE EXPANDED TO COVER MORE LAND

A nonconforming use of open land may not be extended to cover more land than was occupied by said use when it became nonconforming.

4-24-03-04 NONCONFORMING USE MAY BE INCREASED IN INTENSITY

The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and the increase in activity does not result in a violation of any other provision contained in Section 4-24. In addition, such increases in activity may not violate other requirements of these standards and regulations.

4-24-03-05 SINGLE-FAMILY HOMES MAY BE EXPANDED

Any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities, that is, nonconformities not in existence at the time of such enlargement or replacement, or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. The intent is to allow, for example, a room addition for a home, which may have a nonconforming setback. Extension of the nonconforming wall would be allowed as long as the degree of setback encroachment was not increased or a new setback encroachment did not occur. Also, this would allow replacement of a home, which is a primary use (and nonconforming) in an industrial zone district.

The replacement or expansion of a single-family residence is subject to the limitations established by Section 4-24-05.

4-24-03-06 ADMINISTRATIVE REMEDIES FOR EXTENSION OR ENLARGEMENT OF NONCONFORMING CONDITIONS

4-24-03-06-01 *REQUEST PERMIT OR REZONING*

Those persons owning properties, which have nonconforming uses, may apply for a Special Use Permit, Conditional Use Permit or Rezoning, as appropriate, in an effort to come into compliance with the requirements of these standards and regulations.

4-24-03-06-02 *REQUEST VARIANCE*

Those persons owning properties with structures or uses with dimensional nonconformities, but a conforming use of land or buildings, may apply to the Board of Adjustment for a variance if they wish to expand or enlarge the structure or use of land.

4-24-03-06-03 *APPEAL DETERMINATION TO BOARD OF ADJUSTMENT*

Those owners or developers of land who disagree with the interpretation of an administrative official regarding a determination that a nonconforming situation exists may appeal the administrative decision to the Board of Adjustment.

4-24-03-06-04 *APPEAL TO DISTRICT COURT*

Final decisions of the Board of County Commissioners or Board of Adjustment may be appealed to the District Court in accordance with the provisions of State Statutes.

4-24-03-07 NONCONFORMING MOBILE HOME PARK

4-24-03-07-01 *CONTINUATION OF USE OF EXISTING MOBILE HOMES IN A NONCONFORMING MOBILE HOME PARK*

Continued use of those owner-occupied mobile homes existing within a nonconforming mobile home park shall be allowed regardless of whether or not past approval of a building permit or occupancy permit was granted by the County, and regardless of whether or not the mobile home meets the general requirements of the mobile home dwelling zone district, provided the following minimum standards are met:

1. The mobile home remains in its existing location within a nonconforming mobile home park.

2. The mobile home is not subject to a condition which constitutes an immediate public health and/or safety problem for the residents of the mobile home park as determined by the Director of Community and Economic Development. Examples of an immediate public health and safety problems include but are not limited to the following: improper installation of gas lines, unstable blocking or tie downs which could cause the unit to collapse, additions to mobile homes considered dangerous structures under provisions of the County Building Code, mobile homes located in a public right of way, mobile homes located over a slope that is considered unstable or excessively steep, inadequate water pressure for fire protection at a particular mobile home or inadequate access within the nonconforming mobile home park which would hinder the ability to reach a particular mobile home for firefighting purposes, contaminated well water, and blocked or failed individual sewage disposal systems.

4-24-03-07-02 *RECREATIONAL VEHICLES NOT TO BE USED AS DWELLING UNITS*

Residences, which do not meet the definition of mobile home, but are instead considered recreational vehicles or travel trailers, are not considered to be nonconforming under this provision and are not allowed to be used as dwelling units in nonconforming mobile home parks.

4-24-03-07-03 *PLACEMENT OR REPLACEMENT OF A MOBILE HOME IN A NONCONFORMING MOBILE HOME PARK*

Placement of a mobile home on a vacant space or replacement of an existing mobile home within a nonconforming mobile home park is allowed under the following conditions:

1. The mobile home park has placed on file with the County the following:
    a. A complete site plan which establishes the location of mobile home spaces and utility hookups and the total number of mobile home spaces allowed historically.
    b. A fire protection plan approved by the applicable fire district addressing the following items: adequate water pressure for fire protection, adequate minimum distance for fire hydrants, and adequate access for fire protection purposes.
    c. Demonstration of adequacy of water and sewer service through approval of the Water and Sanitation District serving the park (or approval of well and individual

sewage disposal systems by the Division of Water Resources and Tri-County Health Department).

d. No mobile homes within the mobile home park have been determined to be subject to a condition, which constitutes an immediate public health, and/or safety problem for the residents as described in Section 4-24-03-07-01.

e. Provision of screening or buffering of adjacent less intense uses if determined necessary by the Director of Community and Economic Development.

2. The new mobile home meets the following placement requirements:

a. Mobile Home Setbacks

(1) *Side Setback:* The minimum required distance between homes, not including any attached structures, is ten (10) feet. The distance between units is measured from the longest dimension side of one unit to the longest dimension side of the other unit.

(2) *Rear Setback:* The minimum required distance between homes, not including any attached structures, is six (6) feet. The distance between units is measured from the most narrow dimension side of one unit to the most narrow dimension side of another unit.

(3) *Rear to Side Setback:* If the homes are placed such that a most narrow dimension side of one unit is placed in proximity to a longest dimension side of another unit, the setback between these units on those sides, not including any attached structures, is six (6) feet.

(4) *Front Setback:* The minimum required distance between a home including any attached structures and the road is three (3) feet.

b. Attached or Detached Accessory Structures

(1) *Minimum Required Distance Between a Mobile Home and a Detached Accessory Structure:* Three (3) feet from a noncombustible structure and six (6) feet from a combustible structure.

(2) *Minimum Required Distance Between a Mobile Home and an Attached Accessory Structure Not Used for Living Quarters on an Adjacent Mobile Home:* Three (3) feet from a noncombustible attached structure and six (6) feet from a combustible attached structure.

(3) *Minimum Required Distance Between a Mobile Home and an Attached Accessory Structure Used for Living Quarters on an Adjacent Mobile Home:* Ten (10) feet.

c. *Off Road Parking:* Two (2) off road parking spaces of nine (9) feet by nineteen (19) feet dimensions are provided for each mobile home, unless the road fronting the mobile home is thirty-five (35) feet or more in width, in which case one (1) on road parking space and one (1) off road parking space of nine (9) feet by nineteen (19) feet dimensions per mobile home is required.

d. *Setbacks from Property Lines:* The minimum required setbacks for those mobile homes placed on spaces adjacent to a property boundary line is five (5) feet. A greater setback may be required in those circumstances where a utility easement exists along the property boundary line. If a utility easement exists along the property boundary line, the setback shall be as established by the utility companies. In no case, can the setback be reduced to less than five (5) feet.

e. *Minimum Floor Area:* two-hundred-fifty-six (256) square feet.

3. Installation and construction of attached and detached accessory structures are subject to the provisions of the County Building Code.

4. Set up and tie down provisions of the County Building Code and standards for placement of manufactured homes of the mobile home dwelling zone district shall be met.

4-24-04 CHANGE IN USE

4-24-04-01 CHANGE IN USE TO CONFORM TO SECTION 4-24-03

A change in use of property where a nonconforming situation exists may not be made except in accordance with Section 4-24-03.

4-24-04-02 CHANGE IN USE TO CONFORMING USE PERMITTED

If the intended change in use is a principal use permissible in the zone district where the property is located, and if all of the other requirements of these standards and regulations can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with the provisions of these standards and regulations is achieved, the property may not revert to its nonconforming status.

4-24-04-03 CHANGE IN USE TO CONFORM TO SECTION 4-24-03

If the intended change in use is to a principal use permissible in the zone district where the property is located, but all of the requirements of these standards and regulations cannot reasonably be complied with, then the change is permissible if the entity authorized to issue a permit for that particular use issues the required permit which would authorize the change. Conditions may be placed on any permit issued in order to mitigate any impact, which would result from not meeting these standards and regulations. This permit may be issued if the permit issuing authority finds, in addition to any other findings which may be required by these standards and regulations, that:

1. The intended change will not result in a violation of Section 4-24-03; and
2. All of the applicable requirements of these standards and regulations can reasonably be complied with will be complied with. Compliance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure placed on a permanent foundation. In no case may an applicant be given permission to construct a building or add to an existing building if additional nonconformities would be created.

4-24-04-04 CHANGE IN USE TO CONFORM TO SECTION 4-24-03

If the intended change in use is to another principal use, which is nonconforming in the zone district in which the property is located, then the change is permissible if the permit issuing authority formally approves the change. Conditions may be placed on any permit issued in order to mitigate any impact, which would result from not meeting these standards and regulations. The permit issuing authority may issue the permit if it finds, in addition to other findings which may be required by these standards and regulations, that:

1. The use requested is one which is permissible in some zone districts with either a zoning review approval and building permit, special use, or conditional use permit;
2. The intended change will not result in a violation of Section 4-24-03;
3. All of the applicable requirements of these standards and regulations, which can reasonably be complied with will be complied with. Compliance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure placed on a permanent foundation. In no case may an applicant be given permission to construct a building or add to an existing building if additional nonconformities would be created; and

4. The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation.

4-24-05 ABANDONMENT OF USE AND DISCONTINUANCE OF NONCONFORMING SITUATION

If active and continuous operations are not carried on in a nonconforming use during a continuous period of six (6) months, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only by a conforming use. Intent to resume active operations shall not affect the foregoing. The burden of proof an operation has been continuous rests with the owner or operator of the use. The evidence an operation has been continuous must be clear, indicate that at the specific time in question the use was in operation, and must be conclusive.

4-24-06 NONCONFORMING LOT

4-24-06-01 NONCONFORMING LOTS USING WELL AND SEPTIC

No lot existing at the time of passage of these standards and regulations or any amendment thereto, shall be required to be reduced or enlarged to conform to the requirements on lot sizes, except those requirements pertaining to the use of individual wells and septic systems.

4-24-06-02 NONCONFORMING LOTS CREATED PRIOR TO JULY 1, 1972

On tracts of land in the A-3 and A-2 zone districts created prior to July 1, 1972, which do not meet the minimum lot size requirement, construction of a single-family dwelling shall be allowed subject to the minimum requirements of the A-1 zone district.

4-24-07 NON-CONFORMING USES, STRUCTURES, AND NATURAL OBJECTS LOCATED WITHIN THE AVIATION INFLUENCE AREA

This Section shall not be construed to require the removal, or alteration of any lawful constructed building, structure, or use in existence at the time this regulation is adopted. Nor shall this section be construed to require any change in the construction, alteration, or intended use of any structure in cases where a building permit for the construction or alteration of a structure was issued prior to the adoption of this Section.

4-24-07-01 NON-CONFORMING USES LOCATED IN NOISE OVERLAY

4-24-07-01-01 *EXISTING SINGLE-FAMILY HOMES MAY CONTINUE*

Previously approved and lawfully constructed single family homes may continue, but are subject to the provisions regarding enlargement or reconstruction of the single family homes as cited below.

4-24-07-01-02 *EXISTING UNDEVELOPED LAND ENCOURAGED TO CHANGE USES*

Previously zoned and platted residential areas which are vacant are encouraged to change land uses in order to ensure future compatibility with this overlay zone district.

4-24-07-01-03 *NEW SINGLE-FAMILY HOMES MAY BE CONSTRUCTED*

New single-family dwellings may be constructed on parcels or lots created prior to the effective date of these standards and regulations, or as allowed by State Statute, or when located on previously zoned and platted residential areas, provided appropriate interior noise level reduction measures are employed during construction.

Plans, which illustrate the noise reduction measures that will be employed, must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

4-24-07-01-04 *ENLARGEMENT AND REPLACEMENT OF SINGLE-FAMILY HOMES*

Proposals to enlarge, or reconstruct non-conforming single-family residences must employ interior noise level reduction measures for the structure or portion of the structure subject to the building permit.

Plans, which illustrate the noise reduction measures that will be employed, must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

4-24-07-01-05 *ENLARGEMENT AND REPLACEMENT OF NON-RESIDENTIAL STRUCTURES*

Proposals to reconstruct non-conforming office, commercial, or other non-residential structures must employ interior noise level reduction measures for the structure, or portion of the structure occupied by members of the public.

Plans, which illustrate the noise reduction measures that will be employed, must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

4-24-07-02 NON-CONFORMING USES LOCATED OUTSIDE THE NOISE OVERLAY ZONE DISTRICT AND IN THE AVIATION INFLUENCE AREA

4-24-07-02-01 *AIRCRAFT ACTIVITY COVENANT WITH DISCLOSURE REQUIRED*

Aircraft Activity Covenant with Disclosure, which acknowledges and permits the creation of noise by aviation operations shall be signed and recorded prior to issuance of a building permit for a residence within the noise overlay zone district.

4-24-07-02-02 *LIGHTS AND MARKER INSTALLATION*

The owner of any existing nonconforming structure is required to permit the installation, operation, and maintenance of markers and lights as deemed necessary by the aviation authority or operator, to indicate to the operators of aircraft in the vicinity of the aviation facilities the presence of aviation hazards.

CHAPTER 5—SUBDIVISION DESIGN, IMPROVEMENTS AND DEDICATION

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Chapter 5—SUBDIVISION DESIGN, IMPROVEMENTS AND DEDICATION

5-01 GENERAL PROVISIONS

5-01-01 PURPOSE

It is the purpose of this section to provide uniform and consistent standards, which are to be met in the design and construction of subdivisions in unincorporated Adams

County. Also addressed is the proper procedure for entering into subdivision improvements agreements and the securing of collateral to guarantee required public and private improvements.

5-01-02 APPLICABILITY

This chapter shall apply to all subdivisions within unincorporated Adams County.

The terms "subdivision" or "subdivided land" shall include any division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. *****Any division of a lot, tract, or parcel of land completed after May 5, 1972 shall be considered illegal.***** The terms “subdivision” or “subdivided land” shall not apply to any division, or any parcel, or interest in land which:

1. Creates cemetery lots;
2. Is created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of these standards and regulations;
3. Is created by a lien, mortgage, deed of trust, or any other security instrument;
4. Is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an individual entity;
5. Creates an interest in oil, gas, coal, gravel, sand, minerals, or water, which is severed from the surface ownership of real property;
6. Creates or conveys only easements and rights-of-way;
7. Is created by the combination of contiguous parcels provided there is only one interest per thirty-five (35) acres in land area;
8. Creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres of land per interest;
9. Is created by a contract concerning the sale of land which is contingent upon the purchaser’s obtaining approval to subdivide the land pursuant to the requirements and provisions of these standards and regulations;
10. Is granted to or from the United States; the State of Colorado, county, municipality, or quasi-municipality;
11. Is created by acquisition of land in name of a husband and wife or other persons in joint tenancy or as tenants in common (Note: These interests shall be deemed one interest); or

12. The Board of County Commissioners, pursuant to rules and regulations or resolution, exempts from the definition of the terms "subdivision" and "subdivided land" in accordance with state law.

***NOTE**: If division of land occurs through any of the above actions, an Exemption from Subdivision shall be filled with the County as determined by the Director of Community and Economic Development.**

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

5-01-03 GENERAL REQUIREMENTS

5-01-03-01 BOARD APPROVAL

No plat of a subdivision shall be approved by the Board of County Commissioners unless it conforms to the provisions of these standards and regulations.

5-01-03-02 BOARD APPROVAL REQUIRED PRIOR TO FILING

All subdivisions within the County shall be filed and recorded in the Adams County Office of the Clerk and Recorder. Subdivision plats may only be filed after having been approved by the Board of County Commissioners. The Board of County Commissioners approval shall be evidenced by the signature of the Chair of the Board of County Commissioners on the face of the plat. The Chair shall only sign a plat that has: (1) been approved by the Board of County Commissioners pursuant to the procedures established by these standards and regulations, and (2) has met all the conditions for approval.

5-02 GENERAL DEVELOPMENT IMPROVEMENTS AND DEDICATIONS REQUIRED FOR PLATTING

5-02-01 PLAT NOTES REQUIRED

The County will require specific plat notes to be included on the Final Plat document prior to recording, including, but not limited to notes outlined in the appendices.

5-02-02 NO IMPROVEMENTS TO SUBDIVISION UNLESS APPROVED

No improvements shall be made to a subdivision until all required plans, profiles and specifications, including reproducible mylar prints for the improvements, have been submitted to and approved by the Director of Community and Economic Development.

5-02-03 CONSTRUCTION PHASING

No portion or phase of a subdivision will be granted Preliminary Acceptance until all items identified in the Subdivision Improvements Agreement have been completed. Construction phasing will not be permitted for the purposes of partial acceptance. If the subdivider desires to improve smaller portions of the subdivision, they shall be submitted for review and recorded as individual filings.

5-02-04 SUBDIVISION IMPROVEMENTS AGREEMENT (SIA)

At the time the plans, profiles and specifications are approved by the Directors of Public Works and Community and Economic Development, the subdivider shall prepare an agreement providing for the installation of all improvements in the subdivision required by these standards and regulations. The agreement shall address the manner and timing of the completion of all subdivision improvements and the responsibility for payment of the costs of all subdivision improvements. The agreement shall provide for a guarantee by the subdivider of the quality of materials and workmanship of all subdivision improvements for one (1) year after Preliminary Acceptance is granted by the Department of Public Works. As built street construction and drainage plans stamped by a registered Professional Engineer shall be provided to and approved by the Director of Public Works prior to granting Preliminary Acceptance. Subdivision improvements shall include all improvements required by these standards and regulations and all public improvements proposed for installation by the subdivider including, but not limited to, roads, bridges, sidewalks, drainage, water, sewer, utilities, landscaping, buffering, noise mitigation, right-of-way

monumentation and any other required actions or improvements to be installed or completed as part of the subdivision. The agreement shall establish collateral adequate for the County to complete the improvement obligations and shall establish an additional twenty (20) percent to cover administration and five (5) percent per year for the term of the subdivision improvements agreement to cover inflation. Such agreement shall establish and set forth the extent to which the County is to participate in the cost of constructing any public improvements, including, without limitation, collector or arterial roads. The agreement shall further require the subdivider fully account to the County for all costs incurred in the construction of any public improvement in which the County is participating, and the books and records of the subdivider relating to such public improvement shall be open to the County at all reasonable times for the purpose of auditing or verifying such costs.

No final plat shall be approved by the County or recorded until such agreement has been fully executed.

A subdivider is entitled to fair-share reimbursement of the cost of any streets and related facilities, storm drainage facilities, and other improvements the County requires the subdivider to construct adjacent to or outside the subdivision.

The process for reimbursement shall be as follows:

1. The original subdivider shall include reimbursement as a line item on the Subdivision Improvement Agreement at the time of subdivision. Said line item shall include a cost breakdown of the off-site improvements intended for reimbursement, subject to:
    a. The off-site improvements included in the reimbursement agreement may be granted credits for Regional Traffic Impact Fees, but if a credit is granted, reimbursement shall be limited to the amount of the fee credit.
    b. All cost estimates shall be provided by the developer and shall be subject to review by the Department of Public Works.
    c. The reimbursement period shall not exceed fifteen (15) years from the date of completion of an improvement and may be less than fifteen (15) years based on a recommendation from the Department of Public Works.
    d. No interest shall be paid on the amount to be reimbursed and the cost estimates shall not be adjusted for inflation if the reimbursement occurs in a future year; and
    e. All reimbursement agreements shall be subject to approval of the Board of County Commissioners.
2. The Subdivision Improvement Agreement shall be a recorded document, and notice shall be provided to those owners of property that are adjacent to or have presumed use of the improvements by the applicant.

3. Any such reimbursable costs shall be paid to the subdivider, by the owner or owners of property that is adjacent to or has presumed use of the improvements when that property is developed, subject to:

   a. The owner(s) of the property that benefits (beneficiary) from the improvements shall enter into a Subdivision Improvement Agreement with Adams County at the time of a submittal of a development application. The beneficiary (property owner(s)) shall be responsible for reimbursement if the original owner who entered into the agreement sells the affected property. The reimbursement agreement (i.e. Subdivision Improvement Agreement (SIA)) shall be recorded with the Adams County Clerk and Recorder by the applicant and shall encumber all future property owner(s).

   b. The beneficiary shall have one year to reimburse the subdivider that constructed the improvements after final approval of the development as determined by the County.

   c. An annual inflation amount not to exceed five (5) percent may be included in the Subdivision Improvement Agreement with the beneficiary;

   d. Published and/or written notice shall be provided to all beneficiaries of the existence of the reimbursement agreement by the applicant;

   e. All reimbursement agreements shall be subject to approval of the Board of County Commissioners.

5-02-05 PUBLIC IMPROVEMENTS ACCEPTANCE

5-02-05-01 PRELIMINARY ACCEPTANCE

After all items required by the Subdivision Improvements Agreement have been satisfactorily completed the subdivider may request Preliminary Acceptance be granted by the Department of Public Works. Upon issuance of Preliminary Acceptance, the subdivider shall begin the one (1) year guaranty period. During this period the subdivider shall be responsible for all maintenance and repairs to the public improvements. Failure by the subdivider to maintain and repair the improvements during this period shall be cause for the Department of Public Works to extend the guaranty period until such work is completed.

5-02-05-02 FINAL ACCEPTANCE

All repairs or replacements of failed materials, specifications or workmanship shall be satisfactorily completed before the Department of Public Works recommends final acceptance of the public improvements to the Board of County Commissioners (BOCC). The BOCC shall grant final acceptance of the public improvements and release of all collateral.

5-02-06 REQUIRED IMPROVEMENTS PRIOR TO THE ISSUANCE OF BUILDING PERMITS

The following improvements shall be required, completed and have preliminary acceptance granted by the Department of Public Works prior to issuance of a building permit for construction of residential, commercial, or industrial structures:

1. Survey Monuments. The subdivider shall provide the required monumentation installation and records.
2. Sanitary Sewer. The subdivider shall provide adequate lines and stubs to each lot as required by the subdivision approval, if required.
3. Water Mains. The subdivider shall provide adequate mains and stubs to each lot as required by the subdivision approval, if required.
4. Fire Hydrants. The subdivider shall provide sufficient fire hydrants as required by the subdivision approval, if required.
5. Stormwater Drainage. The subdivider shall provide all necessary storm water facilities and appurtenances required by these standards and regulations.
6. Roads. The subdivider shall provide road improvements necessary to serve the lot as identified in the SIA, or lots in accordance with these standards and regulations, if required.
7. Utilities (including communications, electric power, gas, water, sewer). Except as provided, all utility facilities or conduits needed to serve the subdivision shall be installed underground, and, if located in a road right-of-way shall be in place prior to the completion of the road surfacing. To the extent feasible, the underground utilities shall be planned, coordinated and installed in an orderly fashion from deepest to shallowest. Above-ground facilities necessarily appurtenant to underground utilities shall be permitted. New or existing overhead electric transmission lines above forty (40) kilovolts nominal, or is temporary for construction shall be permitted.

5-03 SUBDIVISION DESIGN STANDARDS

5-03-01 GENERAL DESIGN STANDARDS

5-03-01-01 SUBDIVISION TO CONFORM TO DESIGN STANDARDS

Subdivisions and the associated subdivision plat shall conform to the subdivision design standards contained in this section or referenced by this section, and the Adams County Engineering Design and Construction Standards and Specifications contained in these standards and regulations.

5-03-01-02 OPEN SPACE SUBDIVISIONS PROMOTED

Subdivisions that cluster developable lots and preserve open space will be promoted. Cluster subdivisions shall meet the design standards contained in this chapter.

5-03-02 PLANNING AND DESIGN STANDARDS

5-03-02-01 DESIGN TO CONSIDER COMPREHENSIVE PLANS, ZONING, AND THE AREA'S CHARACTER

In designing and planning subdivisions, consideration shall be given to the Adams County Comprehensive Plan, any applicable municipal Comprehensive Plans, the zoning of the property, general character of the area, general requirements of the community and the particular requirements of the neighborhood.

5-03-02-02 DESIGN TO BE COMPATIBLE WITH ADJACENT LAND USES

The design and development of subdivisions shall be compatible with adjacent land uses. Compatibility is achieved when adjacent land uses differing in function, scale, and/or intensity do not create adverse affects upon one another. In areas where different uses abut, a variety of measures may be employed to ensure compatibility, including the use of adequate setbacks, landscaping, barriers or transitions, and building height considerations.

5-03-02-02-01 *MINIMUM SETBACKS/BUFFERS TO ACHIEVE COMPATIBILITY*

At a minimum, residences in new subdivisions shall be setback one-hundred (100) feet from a common property line with a non-residential use, and thirty (30) feet from a common property line with an adjacent residential use. Where the setback required by this section is greater than the setback required by the zone district standard, the setback required by this section shall govern.

In addition, all buffer yards landscaping required by the performance standards contained in these standards and regulations shall be designed and installed prior to issuance of any building permits for residential, commercial, or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required to cover the costs of any required landscape buffers prior to platting.

5-03-02-03 DESIGN TO PRESERVE NATURAL AREAS

The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, trees, wildlife habitat and fisheries. When these natural areas are disturbed by development, mitigation may be required to compensate for these losses.

5-03-02-04 HAZARDOUS CONDITIONS TO BE AVOIDED OR ELIMINATED

Land subject to hazardous conditions such as landslides, mud or debris flows, flooding, subsidence, shallow water tables, geologic hazards, open quarries, floods, and non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision construction plans. In the case of new developments to be located downstream of existing or proposed dams, the plans shall comply with the latest edition of the *Rules and Regulations for Dam Safety and Dam Construction* (Rules) of the Office of the State Engineer. Specifically, no occupied structures shall be placed in the area defined by the Dam Failure Inundation Map prepared in accordance with the Rules.

5-03-02-05 DESIGN TO MITIGATE NOISE IMPACTS OF ROADWAYS AND RAILROADS

Noise abatement barriers for sound attenuation purposes may be required for residential developments adjacent to freeways, highways, tollways, railroads, or other heavily traveled transportation corridors where noise levels exceed 60dBA or are anticipated to exceed 60dBA over the life of the project and shall be required where the development fronts an major arterial road or highways as defined in the Adams County Comprehensive Plan. Generally, noise barriers shall

be constructed according to current Colorado Department of Transportation standards except as specifically modified by the standards below.

5-03-02-05-01 *NOISE BARRIERS INSTALLED PRIOR TO PLATTING*

Noise barriers shall be installed prior to issuance of any building permits for residential, commercial, or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required to cover the costs of any required noise barriers prior to platting.

5-03-02-05-02 *BARRIERS REQUIRED IN CERTAIN CIRCUMSTANCES*

Noise barriers shall be required in all cases where the nearest residential lot line within a subdivision is located within one-hundred (100) feet of a highway or major arterial road as defined in the Adams County Comprehensive Plan. A bermed landscape area may be used as an alternative to a barrier where the nearest residential lot line within a subdivision is located no closer than seventy-five (75) feet of a highway or arterial road.

5-03-02-05-03 *CONSTRUCTION STANDARDS WHEN BERMS USED AS AN ALTERNATIVE TO WALLS*

Berms shall not exceed a 3:1 slope, be constructed to 80% of the height of any required barrier walls, and be placed in a manner consistent with the placement of barrier walls.

5-03-02-05-04 *BARRIER WALLS AND BERM CONSTRUCTION STANDARDS*

In constructing a barrier wall the following standards shall be applied:

1. Residential Development at the Same Elevation as the Road Surface: The barriers shall be setback a maximum of fifteen (15) feet from the right of way line. The barrier should be designed and constructed to break the line-of-sight from the roadway to all residential lots located within one-hundred-fifty (150) feet of the highway or major arterial. Barrier height shall be established based on this line-of-sight requirement and the setback. Barriers shall generally be constructed to a height of eight (8) feet above the residential lot and roadway elevation. However, in no case shall a barrier exceed twelve (12) feet in height. Where barriers must exceed ten (10) feet to obstruct the view of an existing highway or arterial road, berms and vegetation shall be incorporated into the design to provide additional mitigation and reduce the apparent height of the barrier.
2. Residential Development Below the Road Surface: The barriers shall be setback a maximum of fifteen (15) feet from the right-of-way line.

The barrier should be designed and constructed to break the line-of-sight from the roadway to all residential lots located within one-hundred-fifty (150) feet of the highway or arterial. Barrier height shall be established based on this line-of-sight requirement and the setback. Barriers shall generally be constructed to a height of six (6) feet above the residential lot line. However, in no case shall a barrier exceed twelve (12) feet in height. Where barriers must exceed ten (10) feet to obstruct the view of an existing highway or arterial road, berms and vegetation shall be incorporated into the design to provide additional mitigation and reduce the apparent height of the barrier.

3. Residential Development Above the Road Surface: The barriers shall be setback a maximum of twenty-five (25) feet from the right-of-way line. The barrier should be designed and constructed to break the line-of-sight from the roadway to all residential lots located within one-hundred-fifty (150) feet of the highway or arterial road. Barrier height shall be established based on this line-of-sight requirement and the setback. Barriers shall generally be constructed to a height of eight (8) feet above the road surface. However, in no case shall a barrier exceed twelve (12) feet in height. Where barriers must exceed ten (10) feet to obstruct the view of an existing highway or arterial road, berms and vegetation shall be incorporated into the design to provide additional mitigation and reduce the apparent height of the barrier.

5-03-02-05-05 *BARRIER WALL MATERIALS*

The barrier should be constructed of materials which match the architecture of the buildings associated with the barrier. Brick, stone, or other masonry units should be used for fence columns or walls to add permanence and structure to site development. All barriers should be composed of durable materials and be maintenance free or require minimal maintenance. Wood privacy fences and railroad tie barriers are prohibited. Generally, barriers should be constructed of materials with an A-weighted transmission loss of at least twenty-five (25) dBA. Some materials meeting these specifications include masonry sandstone or concrete-fabricated sandstone (4-6” thick), brick (4-6” thick), concrete with a masonry finish (4-6” thick), stucco on metal lath (1” thick, 4” frame), or solid wood (4” thick).

5-03-02-05-06 *BARRIER WALL OPENINGS*

Openings in the barrier or reduction in the height of the barrier is encouraged as a means of framing and maintaining views of the mountains and residential neighborhood. Barrier openings are also encouraged to facilitate convenient access to transit stops and to provide continuity of bike or pedestrian trails as an alternative means of transportation. However, openings diminish the effectiveness of barriers. Therefore, openings shall be coordinated so as to

occur where the development has incorporated setbacks to residential lot lines greater than one-hundred-fifty (150) feet. No continuous section of a barrier should exceed five-hundred (500) feet in length. Where breaks in barriers are provided for fire or emergency access or pedestrian access, barrier walls should be offset by 2.5 times the width of the opening.

5-03-02-05-07 *CONSISTENCY OF BARRIER WALL DESIGN*

Barriers shall be constructed of similar designs and materials along each arterial or highway. Once a barrier wall design has been established along an arterial road or highway, said barrier wall design shall be utilized by all subsequent developments along the arterial road or state highway unless an alternative design is approved by the Board of County Commissioners.

5-03-02-06 DESIGN TO NOT TO ENCROACH INTO FLOODPLAINS

No developable lots shall be subject to inundation by a 100-year (1% frequency) flood unless an acceptable plan is submitted to alleviate the flooding condition. Portions of a lot which are inundated by a 100-year (1% frequency) flood may be platted as easements or out lots. All developable lots affected by a 100 year flood shall meet the minimum Zone District requirements. Land subject to flooding or within a designated 100-year floodplain shall be set aside for uses which will not aggravate the danger of flooding, will not be endangered by flooding, and will not endanger the general health, safety or welfare of the community. Drainage easements for streams and building setbacks from centerlines of streams may be established by the Board of County Commissioners where calculation of a 1% frequency flood event is not practical and/or where the historic high water elevations cannot be ascertained. Building setback distances and width of drainage easements may be based upon a recommendation of the Director of Public Works.

Where any portion of a developable lot in a proposed subdivision is located within a Flood Control Overlay District, each lot shall be shown to have adequate land area within it for the type of development allowed by the underlying zone district as constrained by the requirements of the Flood Control Overlay District standards and regulations. In addition, base flood elevation data shall be provided for all subdivision proposals where any portion of the subdivision is located within a Flood Control Overlay District.

5-03-02-07 DESIGN TO AVOID HIGH GROUNDWATER

Any lands subject to high groundwater (meaning groundwater at an elevation such that basement flooding is reasonably anticipated) shall not be platted for buildable lots with basements unless adequate provisions to prevent groundwater from entering basements have been designed. The design must be completed by a

Colorado licensed professional engineer, and included with building permit applications.

5-03-02-08 DESIGNED TO BE PROTECTED FROM WATER HAZARDS

If a subdivision includes a water hazard such as an irrigation canal, water body or other water channel, necessary design precautions shall be taken to minimize any hazard to life or property, and additional measures such as fencing, water depth indicators, and erection of warning signs shall be taken, to the extent reasonably feasible. Construction of utility improvements shall not be allowed within a water hazard. All measures shall be approved by the Director of Public Works in consultation with the owner/operator of the water body, if any.

5-03-03 LOT DESIGN STANDARDS

5-03-03-01 LOT CONFIGURATION TO BE APPROPRIATE FOR DEVELOPMENT TYPE

The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision, for the type of development and use contemplated and for future resubdivision, where appropriate. A lot shall be judged to be configured appropriately if the lot is capable of being used for the intended use in consideration of the zoning and all design and performance criteria established by these standards and regulations.

5-03-03-02 LOT DIMENSIONS TO CONFORM TO ZONING

Lot dimensions shall conform to the requirements of the zone district in which the property is located.

5-03-03-03 LOTS APPROPRIATE FOR DEVELOPMENT

All lots shall be capable of being lawfully developed in accordance with these standards and regulations except for lots to be maintained as open space or other Adams County approved purposes. No subdivision shall create lots physically unsuitable for improvement due to steepness, size, shape, location of watercourses, problems of sewage disposal, drainage, driveway grades, or other natural physical conditions.

5-03-03-04 LOTS USING INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

Where individual sewage disposal systems are being used or proposed, individual lot sizes and shapes must exhibit appropriate dimensions. All lots shall be approved by the Tri-County Health Department for individual sewage disposal systems prior to platting.

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

5-03-03-05 LOTS TO HAVE SUFFICIENT DEPTH AND WIDTH

The depth and width of lots shall be adequate to provide for off-road service and parking facilities required by the type of use and development contemplated.

5-03-03-06 LOT DEPTH TO WIDTH RATIO

No lot shall have an average depth greater than three times the average width unless the lot width is a minimum of four-hundred-twenty-five (425) feet.

5-03-03-07 CORNER LOTS TO BE WIDER

Corner lots intended for residential use shall have extra width to accommodate the required structure setbacks from both roads.

5-03-03-08 LOT CONFIGURATION

5-03-03-08-01 *DOUBLE FRONTING LOTS*

Lots with double frontage shall be avoided. Double frontage lots shall be permitted in rural areas where the lot size is five (5) acres or greater.

Access for double fronting lots shall be taken from interior subdivision roads, not perimeter collectors or arterials.

5-03-03-08-02 *FLAG LOTS*

Flag lots shall be allowed in all zone districts, but shall only be used where all other subdivision alternatives are impractical. If a reasonable development alternative exists, flag lots shall not be utilized even though their use might allow more lots to be created than other alternatives.

In addition, no flag lot shall be approved where the flag lot is being used as a means of avoiding the construction of public roads, emergency access or the extension of utilities.

The minimum width of the pole of any flag lot shall be thirty (30) feet or be consistent with the minimum width requirements of the particular zone district. The maximum depth of the pole shall be six-hundred (600) feet. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided (See access design standards for specific access control standards).

5-03-03-08-03 *WEDGE-SHAPED LOTS*

In the case of irregular or wedge-shaped lots, no lot shall be less than thirty (30) feet in width at the front property line or meet the required minimum lot width of the pertinent zone district. In all cases where a wedge-shaped lot fronts a highway, arterial, or collector, only one (1) access shall be approved for every two-hundred (200) feet of road frontage. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided (See access design standards for specific access control standards).

5-03-03-08-04 *LOTS NOT DIVIDED BY ROADS OR LOTS*

No single lot shall be divided by a road, alley, or other lot.

5-03-03-08-05 *SIDE LOT LINES*

Side lot lines shall be substantially at right angles or radial to road right of way lines or road centerlines.

5-03-03-09 ACCESS TO LOTS BY PUBLIC

All lots created by a subdivision of land shall front and have access on a dedicated, constructed and maintained public road improved to the specifications required by these standards and regulations (See Chapter 4).

5-03-03-10 ACCESS TO LOTS BY PRIVATE ROADS

If the Board of County Commissioners finds the most logical development of land requires lots be created which front and are accessed by a private road or other means of access, the Board of County Commissioners shall make written findings supporting the use of private roads in the form of a waiver from these standards and regulations. Private roads, if approved, shall be constructed and maintained by the property owners. Provisions shall be made to guarantee the roads are maintained for the life of the development through mechanisms approved by the Board of County Commissioners. A maintenance plan shall be submitted as part of the development process.

The need for private roads will be evaluated on a case-by-case basis by the Director of Community and Economic Development. The Director of Community and Economic Development will make a recommendation on the approval and construction of private roads to the Board of County Commissioners as part of the development process. The use of private roads will not be permitted at intersections with public roads if the geometric design of the private road can create a road safety hazard. In addition, intersections of public and private roads shall conform to the Chapter 8 Access Design and Traffic Requirements.

Private roads shall be designed to allow for access of emergency vehicles. This includes, but is not limited to, geometric design of the road to allow for adequate clearance of emergency vehicles, and the use of road construction materials that are able to support these vehicles. Proposed designs for private roads shall be submitted to the appropriate fire district for approval prior to completion of review by Community and Economic Development Department.

5-03-04 DRAINAGE DESIGN STANDARDS

5-03-04-01 MAINTAIN NATURAL DRAINAGE CHANNELS

Existing drainageways and wetlands should be maintained in their natural state. Significant drainageways shall be incorporated in site development as aesthetic amenities, open space/trail corridors, and wildlife areas. In most cases, drainageways should be left in as natural a state as possible without channelization or engineered structures unless required to prevent erosion or because of special circumstances, or as requested by other agencies. The County may require enhancement of these areas if the areas are damaged.

New drainage channels shall be planted with local plant species that are adapted to the localized environment in which they will be used.

5-03-04-02 RECHARGE PREFERRED

Whenever feasible, drainage systems should be designed and constructed to recharge onsite groundwater by using swales and surface systems, rather than sewers.

5-03-04-03 DRAINAGE TO CONSIDER REGIONAL DRAINAGE NEEDS

Drainage systems should be approached in a regional context which encourages nonstructural systems, whenever possible. A nonstructural strategy accentuates natural onsite drainage, percolation, open channeling, and groundwater recharge. Natural overland flows, open channels, swales, and large ponds are viewed as important drainage control elements, which may also mitigate pollution, soil

erosion, and provide open space and trails used for recreation. Storm sewers and flood control structures should be used only where the natural drainage system is inadequate to handle urban runoff. Some nonstructural control techniques which should be considered include:

1. Limiting land disturbance and grading;
2. Maintaining vegetated buffers and natural vegetation;
3. Minimizing impervious surfaces;
4. Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined waterways;
5. Use of recharge basins, seepage pits, dry wells, seepage beds, porous pavement or Dutch drains.

5-03-04-04 DRAINAGE SYSTEM TO PROTECT WATER SUPPLY AND QUALITY

The drainage system shall prevent property damage from storm-related runoff, while at the same time protecting water supply and quality.

5-03-04-05 DRAINAGE SYSTEM TO BE MAINTAINED

All drainage improvements shall be owned and maintained by the owner or an association of owners within the subdivision unless the ownership and maintenance obligation is specifically accepted by a public agency which agrees to maintain the drainage improvements and any buildings, structures or other improvements which have been placed on it.

A drainage facility maintenance plan shall be submitted and approved as part of the subdivision process. The maintenance plan shall meet the Adams County Engineering Design and Construction Standards and Specifications. The maintenance plan shall provide an enforcement mechanism for failure to maintain the drainage system to the standards identified within the maintenance plan. The enforcement mechanism shall include penalties and reimbursement mechanisms to cover the costs of enforcement or maintenance for failure to maintain the system. The enforcement mechanism shall be approved by the County Attorney prior to platting. The maintenance plan shall take the general form outlined in Chapter 4.

5-03-04-06 DRAINAGE SYSTEM TO BE DESIGNED AND BUILT TO COUNTY STANDARDS

All storm drainage and erosion control plans shall meet the Adams County Engineering Design and Construction Standards and Specifications. Storm drainage and erosion control systems shall be approved by the Director of Public

Works prior to platting. All storm drainage shall conform to adopted basin master plans.

5-03-04-07 ACCESSIBILITY TO DRAINAGE SYSTEMS

All drainage systems shall provide for reasonable accessibility to allow for maintenance of drainage facilities. Access shall be approved by the Director of Public Works prior to platting.

5-03-04-08 UTILIZATION OF IRRIGATION DITCHES FOR STORMWATER

Utilization of irrigation ditches for stormwater discharge is discouraged. Any subdivider who proposes to utilize existing irrigation ditches as a means of collecting and conveying stormwater runoff shall submit a written agreement from the irrigation company to utilize their irrigation ditches as a collection and conveyance system. The agreement shall guarantee a perpetual right to discharge the specified volume to the irrigation company's irrigation water collection and conveyance system.

When developing a drainage plan which utilizes irrigation ditches to collect and convey stormwater, the entire irrigation system shall be analyzed to determine the impacts of the proposed stormwater discharges. No discharge to irrigation ditches shall be permitted to increase the potential flooding to any area downstream of the site.

The drainage agreement shall be approved by the County Attorney prior to platting. The drainage plan shall be approved by the Director of Public Works prior to platting.

5-03-05 LANDSCAPING STANDARDS

5-03-05-01 DESIGN TO PROVIDE TREES AND VEGETATION

Plantings shall be required for buffering, screening, or soil erosion protection and are subject to approval of the Board of County Commissioners. All landscaping shall at a minimum meet the landscaping and buffering performance standards contained in these standards and regulations.

5-03-05-02 RIGHT-OF-WAY LANDSCAPING

Right-of-way landscaping shall be required along all arterial and collector roads within or abutting a subdivision. In addition, landscaping shall be required along local streets. A minimum of one (1) shade tree and two (2) shrubs per one-

thousand (1000) square feet of right-of-way landscape area shall be provided. Automatic sprinklers shall also be provided for landscaped areas within the right-of-way of all new subdivisions.

The right-of-ways landscaping shall also include a minimum of fifty (50) percent living groundcover in accordance with the landscaping standards contained in the performance standards section of these standards and regulations.

5-03-05-03 DETENTION POND LANDSCAPING

Any areas within a detention pond above that required to accommodate a 50-year, 2-hour storm shall be landscaped in accordance with the landscaping standards contained in the performance standards section of these standards and regulations.

5-03-05-04 LANDSCAPING MAINTENANCE

The property owner's association is responsible for maintenance of the right-of-way landscaping along arterial and collector roads and all detention pond landscaping. The adjacent property owner is generally responsible for maintenance of the right-of-way area adjacent to their property on a local road.

A landscape maintenance plan shall be submitted to and approved by the Director of Community and Economic Development as part of the subdivision process. The maintenance plan shall provide an enforcement mechanism for failure to maintain the landscaping to the standards identified within the maintenance plan. The enforcement mechanism shall include penalties and reimbursement mechanisms to cover the costs of enforcement or maintenance for failure to maintain the right-of-way landscaping. The enforcement mechanism shall be approved by the County Attorney prior to platting. The maintenance plan shall take the general form outlined in Chapter 4.

5-03-05-05 NOXIOUS WEEDS

All subdivisions shall have a noxious weed management plan in place for all lots until they are developed. Once lots are developed, private covenants, conditions, and restrictions should be in place to address individual property owner responsibilities to obey local County and State noxious weed laws. The private covenants, conditions, and restrictions may be enforced by the local homeowner's association.

5-03-06 ROAD DESIGN STANDARDS

5-03-06-01 ROAD SYSTEM

5-03-06-01-01 *CONFORMANCE WITH TRANSPORTATION PLAN*

The arrangement of roads shall conform to the Adams County Transportation Plan.

5-03-06-01-02 *CONFORMANCE WITH ENGINEERING STANDARDS*

Roadway design including geometric design, lane widths, cul-de-sacs and turnarounds, intersections, sidewalks, and driveways must adhere to the standards and specification contained in the Adams County Engineering Design and Construction Standards and Specifications contained in these standards and regulations. All roadway designs shall be approved by the Director of Community and Economic Development prior to platting.

5-03-06-01-03 *ROAD HIERARCHY*

Roads shall be classified in a road hierarchy system with design tailored to function. The road hierarchy system shall be defined by road function and average daily traffic (ADT) defined in the Adams County Engineering Design and Construction Standards and Specifications contained in these standards and regulations.

5-03-06-01-04 *CIRCULATION SYSTEM DESIGN*

The circulation system shall be designed in relation to existing or planned roads to permit safe, efficient, and orderly movement of traffic; to minimize grading requirements; to minimize erosion and provide for efficient and maintainable drainage and utility systems; and to respect the natural features and topography.

In residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage high speeds and through traffic on local residential roads, while still providing for the necessary movement of neighborhood automobiles, ample parking, and access by emergency vehicles. Collector roads shall be designed to afford easy access to arterial and other collector roads.

5-03-06-01-05 *ROAD CONNECTIONS*

Roads shall be designed and right-of-ways shall be platted to permit extension and connection between developments without requiring automobiles, bikes

and pedestrians to use highways or arterials, whenever possible. All necessary right-of-ways shall be provided at the time of platting.

5-03-06-01-06 *RIGHT-OF-WAY DEDICATIONS*

Right-of-ways are designed to accommodate roads, sidewalks, and bike trails in accordance with the Adams County Engineering Design and Construction Standards and Specifications.

All new roads within a subdivision and new roads along the perimeter of a subdivision shall meet the minimum design standards established by these standards and regulations including the dedication of the appropriate public road right-of-way. All existing public roads within the subdivision and existing public roads adjacent to the perimeter of the subdivision shall be brought into conformance with the minimum design standards established by these standards and regulations including dedication of additional right-of-way. Where additional right-of-way is necessary to bring an existing road into conformance with these standards and regulations, the subdivider shall acquire the necessary right-of-way prior to approval of the subdivision. As an alternative to the acquisition of right-of-way by the subdivider, the subdivider may request the County's participation in the right-of-way acquisition either through the County's purchase or condemnation of the right-of-way. It shall be at the County's discretion to participate in the acquisition or condemnation of right-of-way, including the manner and timing of such acquisition. The developer will be required to reimburse the County for all costs associated with the right-of-way acquisition. Such costs include, but are not limited to, property purchase, project administration, appraisals, consultant fees, and legal expenses.

5-03-06-01-07 *ALIGNMENT OF ROADS*

To the greatest extent possible, alignments of collectors and local roads in sloping areas shall conform to the natural contours of the land.

5-03-06-02 ROAD ACCESS

5-03-06-02-01 *SUBDIVISION ABUTTING MAJOR ROADWAY OR RAILROAD RIGHT-OF WAY*

When a subdivision abuts a major roadway or railroad right-of-way, service roads parallel to and on each side of such right-of-way at a distance suitable for an appropriate use of the intervening land shall be provided.

5-03-06-03 DEAD-ENDS

5-03-06-03-01 *CUL-DE-SACS*

Roads that dead-end shall terminate in a cul-de-sac or approved turn-around meeting the Adams County Engineering Design and Construction Standards and Specifications.

5-03-06-03-02 *STUB ROADS*

In order to ensure dead-end roads are not created, stub roads may be permitted when construction is phased over time only if the road, in its entirety, has been approved in the preliminary plan (plat). Roads which are planned to continue at some future date shall provide a temporary cul-de-sac or turn-around meeting the Adams County Engineering Design and Construction Standards and Specifications.

5-03-06-04 INTERSECTIONS

No more than two (2) roads shall intersect at one point. Intersections of local roads with arterial roads shall only be permitted where no other alternative exists. Offset intersections shall be avoided. All intersection separations shall meet the Adams County Engineering Design and Construction Standards and Specifications.

5-03-06-05 INTERIM CROSS SECTIONS

An interim cross section contains a lower level of street improvements compared to the final cross section (also known as ultimate cross section) classified in the Adams County Transportation Plan. The County may permit the construction of interim cross sections on a case-by-case basis.

5-03-06-06 TRAFFIC CALMING

New subdivisions may be designed to mitigate potential problems associated with cut-through traffic and speeding through the use of neckdowns, traffic circles, or other “traffic-calming” techniques approved by the Director of Community and Economic Development and the local Fire District.

5-03-06-07 ALLEYS

Alleys may be required along the rear of certain lots in order to provide secondary access. Dead-end alleys shall be avoided where possible; but if unavoidable,

dead-end alleys shall be provided with adequate turn-around facilities approved by the Director of Community and Economic Development and the local Fire District. Alleys shall be maintained as determined by Adams County during the development process.

5-03-07 PEDESTRIAN SYSTEM AND ACCESS DESIGN

5-03-06-08 SIDEWALKS AND TRAILS

Sidewalks and trails shall be designed in relationship to existing or planned sidewalks and trails to permit safe and convenient pedestrian travel throughout the neighborhood and between other neighborhoods, land uses, schools, and parks. Sidewalks shall be placed parallel to the road, with exceptions permitted to preserve natural features; to provide visual interest; to facilitate transit access; and to provide connections to residential units and trails. Pathways and trails should be routed efficiently towards transit facilities.

5-03-06-09 PEDESTRIAN ACCESS

The design of the roadway system and pedestrian system shall be integrated, in order to offer pedestrians convenient and safe access to parks, school, open space, shopping areas, and across roadway intersections.

5-03-06-10 BUS BENCHES

Bus benches, shelters, and turnouts shall be required for all existing and proposed bus stops adjacent to and within the site boundaries of a subdivision. Bus facilities and turnouts shall meet the requirements of the transit agency providing service and the Adams County Engineering Design and Construction Standards and Specifications. All bus related facilities in new subdivisions shall be approved by the Director of Community and Economic Development. The County may participate in the construction of bus facilities and turnouts at the discretion of the Board of County Commissioners.

5-03-07 PARKS AND OPEN SPACE

5-03-07-01 PUBLIC OPEN SPACE

Public parkland dedication shall be made in accordance with the parkland dedication standards. Acceptance of lands shall be subject to review and approval by the County or any other agency to which land is to be dedicated. If the County

or other agency determines the land would not serve the public interest, the County shall require a payment in lieu of dedication. The County may not preclude utility construction within open space areas.

5-03-07-02 PRIVATE OPEN SPACE

In addition to the minimum public dedication for parks, open space, and recreational facilities, additional private park and open space dedication is encouraged. Private open space shall be formally landscaped unless abutting a natural greenbelt area. Maintenance of private open space area is the responsibility of the property owners or home owners association.

An open space maintenance plan shall be submitted and approved as part of the subdivision process. The maintenance plan shall provide an enforcement mechanism for failure to maintain the open space to the standards identified within the maintenance plan. The enforcement mechanism shall include penalties and reimbursement mechanisms to cover the costs of enforcement or maintenance for failure to maintain the open space. The enforcement mechanism shall be approved by the County Attorney prior to platting. The maintenance plan shall be approved by the Director of Community and Economic Development prior to platting. The County may not preclude utility construction within open space areas.

5-03-07-03 FENCING

All lot fencing within a subdivision shall be uniform in design for each type of fencing provided. Landscaping and berms are the preferred method of providing a buffer, but well-designed perimeter fencing may be approved in certain circumstances. Any perimeter fencing shall be approved by the Director of Community and Economic Development.

When used, perimeter fencing shall be constructed to include masonry, painted concrete or stucco columns (2 feet minimum width) spaced a maximum of sixty-five (65) feet apart. In some cases, such as adjacent parks or in special rural circumstances, the fence may be modified to include low profile split rail fencing. All horizontal supporting structures of wood shall be constructed toward the interior of the subdivision to reduce visibility of the support structures from roads and other public areas. Any required fencing shall be included with the subdivision improvements agreement for the subdivision.

5-04 SUBDIVISION IMPROVEMENTS REQUIRED

The following sections outline the subdivision improvements required for any subdivision approved in the County. The identified improvements shall be guaranteed by a subdivision improvements agreement, and shall be constructed at the expense of the subdivider prior to the issuance of any building permits for residential, commercial or industrial structures unless otherwise provided for in the subdivision improvements agreement.

5-04-01 ROADS, BRIDGES, ALLEYS, AND OTHER PUBLIC IMPROVEMENTS

5-04-01-01 ROADS

All road improvements, such as road pavement, grading, on and off-road parking, shoulders, curbs and curb cuts, turnarounds, and sidewalks, shall be made in conformance with the specifications and standards set forth in the Adams County Engineering Design and Construction Standards and Specifications contained in these standards and regulations, and with other specifications and standards approved by the Board of County Commissioners.

All roads shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all road improvements.

5-04-01-02 PAVING, CURB & GUTTER, AND SIDEWALK REQUIREMENTS

5-04-01-02-01 *GENERAL IMPROVEMENTS*

All new developments, including one lot sites on one side of an existing or proposed road, shall improve and construct the perimeter roads to meet current Adams County Engineering Design Standards and Specifications.

All new interior and perimeter roads shall be surfaced with asphalt or concrete. In residential or agricultural zoned subdivisions where average lot sizes are one acre or less, all new interior and perimeter roads shall be surfaced with asphalt or concrete and shall be installed with curb/gutter and sidewalk.

Road intersections classified as collector or higher in urbanized areas shall be surfaced with concrete pavement extending a minimum of 70 feet each direction from the centerline of the intersection. Intersections of local road with roads classified as collector or higher may be paved with hot mix asphalt.

All local residential (excluding rural) and commercial/industrial cul-de-sacs shall be surfaced with asphalt* or concrete pavement in the bubble area.

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

5-04-01-02-02 *COMMERCIAL AND INDUSTRIAL IMPROVEMENTS*

All commercial and industrial zoned lots must have curb/gutter and paving regardless of the size of the lots.

5-04-01-02-03 *CURB/GUTTER AND SIDEWALKS TO BE INSTALLED*

All curb/gutter and sidewalks shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all curb/gutter and sidewalk improvements.

5-04-01-02-04 *WAIVER OF RESPONSIBILITY FOR IMPROVEMENTS*

Curb/gutter/sidewalk improvements may be waived by resolution of the Board of County Commissioners.

5-04-01-03 BRIDGES

Where existing bridges on public rights-of-way and adjacent to new developments do not meet the Adams County Engineering Design and Construction Standards and Specifications, the subdivider shall be responsible to widen, lengthen, replace or improve the bridge to meet the Adams County Engineering Design and Construction Standards and Specifications.

Where new structures are required as part of the subdivision public improvements, they shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all bridge improvements.

5-04-01-04 ALLEYS

Alleys shall meet the requirements of the Adams County Engineering Design and Construction Standards and Specifications.

All alleys shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all alley improvements.

5-04-01-05 TRAFFIC CONTROL DEVICES, LIGHTING, AND SIGNS

5-04-01-05-01 *STANDARDS*

Traffic control devices, road name signs, traffic signs, lighting, signals, striping, and pedestrian crosswalks are to be provided in conformance with criteria contained in Adams County Engineering Design and Construction Standards and Specifications and approved by the Director of Public Works.

5-04-01-05-02 *TRAFFIC CONTROL DEVICES AND ROAD SIGNS.*

The County shall install all road signs and traffic control devices. The subdivider shall pay all costs associated with the installation of road signs and traffic control devices. All road sign and traffic control device costs shall be paid to the county prior to platting.

5-04-01-05-03 *ROAD LIGHTING*

Road lighting facilities shall be installed in all subdivisions except residential and agricultural subdivisions with average lot sizes greater than one (1) acre. Light for safety shall be provided at intersections, between buildings, and in parking areas. Specific illumination guidelines for roads, parking, and pedestrian areas are set forth in the Adams County Engineering Design and Construction Standards and Specifications.

5-04-01-06 LANDSCAPING

5-04-01-06-01 *RIGHT-OF WAY LANDSCAPING*

Right-of-way landscaping shall be installed along all arterial and collector roads within or abutting a subdivision prior to the issuance of a building permit for any residential, commercial or industrial structures. Unless the local road right-of-way landscaping is installed by the subdivider, the adjacent property owner is responsible for installation of the right-of-way area landscaping adjacent to their property along a local road prior to final inspection and occupancy of any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all landscaping improvements to be installed by the subdivider.

5-04-01-06-02 *DETENTION POND LANDSCAPING*

Detention pond landscaping shall be installed prior to the issuance of a building permit for any residential, commercial or industrial structures. A

subdivision improvements agreement and appropriate collateral shall be required for all detention pond landscaping improvements.

5-04-01-06-03 *OPEN SPACE LANDSCAPING*

Open space landscaping shall be installed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all open space landscaping improvements.

5-04-01-06-04 *PLANT SIZES*

The minimum sizes required in the right-of-way and detention areas are 2½" caliper deciduous or ornamental trees, 6' evergreens, and 5-gallon shrubs or better. Twenty (20) percent of the trees shall be 3" caliper deciduous or ornamental trees and 8' evergreens or better. The caliper of all trees shall be measured at a point one (1) foot above grade level.

5-04-02 EASEMENTS

5-04-02-01 EASEMENT LOCATION

Easements shall be located so as to provide efficient installation and maintenance of utilities, drainage, vehicular and pedestrian access, emergency access, detention/retention facilities, water channels and flow courses, and fire protection purposes. The location of easements and the maintenance responsibility, where applicable, shall be shown on the plat.

Utility easements shall be provided in accordance with the serving entity or applicable authority.

Utility easements shall be identified for electric, natural gas, telephone, cable television, water, sewer, and drainage facilities prior to platting. Additional utility easements may be granted to the utility, public or private, as the development progresses and points of service are defined. Gas easements shall be located on private property immediately adjacent to all platted roadways.

5-04-02-02 UTILITY EASEMENT STANDARDS

Utility easements shall meet the requirements of the Adams County Engineering Design Standards and Specifications.

All easements for the public utility companies for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, and sewer lines, shall include the right to trim

interfering trees and brush and a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines. Utility easements shall not impair the purpose of drainage or access easements.

5-04-03 FIRE PROTECTION

Fire protection facilities shall be reviewed and approved by the appropriate Fire Protection District. All required fire improvements shall be constructed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all fire improvements.

5-04-04 UTILITIES

5-04-04-01 UNDERGROUND INSTALLATION

All electric and communication utility lines and services, and all road lighting circuits, except as hereinafter provided, shall be installed underground, and road lighting shall be provided by means of the utilities standard ornamental facilities.

5-04-04-02 EXCEPTIONS FROM UNDERGROUND UTILITY REQUIREMENTS

Exceptions from underground utility requirements shall be the following:

1. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessary appurtenant to such underground and road lighting facilities may be placed above ground within the utility easement provided therefore, or within the road or other public place after plans for such facilities and location thereof, have been approved by the Director of Community and Economic Development .
2. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.
3. Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new utility facilities used or useful in serving the subdivision.

5-04-04-03 UTILITIES REQUIRED TO BE INSTALLED

All utility mains and service laterals shall be installed within the right-of-way prior to completion of the public improvements. Public improvements will not be considered complete unless utility facilities are installed. No building permits for

any residential, commercial, or industrial structures shall be issued until public improvements are considered complete. If the utilities cannot be installed prior to completion of public improvements, they shall be installed in utility easements outside of the right-of-way. The subdivision improvements agreement and appropriate collateral shall include all utility improvements within the right-of-way. Prior to platting and in accordance with C.R.S. Section 30-28-133, a letter of agreement between the subdivider and the utility serving the site shall be submitted to the County for evidence that provisions have been made for facility sites, easements, and rights of access for electrical and natural gas.

5-04-05 WATER SUPPLY SYSTEMS

5-04-05-01 WATER SUPPLY APPROVAL

New water supply systems for irrigation, fire protection or other purposes required by the Board of County Commissioners shall be reviewed and approved by the appropriate Fire Protection District, Tri-County Health Department, Colorado Division of Water Resources, and the Colorado Department of Public Health and Environment Water Quality Control Division.

5-04-05-02 GENERAL WATER SUPPLY REQUIREMENTS

All water supply systems for new subdivisions shall be required to provide sufficient quantities of supplies to meet both projected "interior" (commercial, residential, etc.) and emergency fire fighting demands on a continuous year round basis. In addition, sufficient seasonal supplies to irrigate required external landscaping shall be provided.

5-04-05-03 WATER SUPPLY FACILITIES

All common water supply sources, storage facilities, and conveyances or delivery systems shall be installed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all water supply improvements.

This applies to open canals in subdivisions, as well as all other facilities.

5-04-05-04 SPECIAL DISTRICT WATER SUPPLY SYSTEMS

Special districts intended to be created to offer water service to a subdivision shall submit a service plan for the proposed special district in accordance with Appendix E of these standards and regulations and the Special District Act, C.R.S.

32-1-201, et seq. The special district intending to serve a subdivision shall be approved and formed prior to platting.

5-04-05-05 PUBLIC WATER SUPPLY SYSTEMS

Where the subdivision is within the service area of a public water supply system, the subdivider must furnish evidence of an adequate water supply and ability to serve the subdivision prior to platting. The subdivider shall install complete water system facilities in accordance with the requirements of the water district or adjacent city involved.

5-04-05-06 ONSITE WATER SUPPLY REQUIREMENTS

5-04-05-06-01 *GENERAL REQUIREMENTS*

All new wells drilled into deep, confined underground aquifers shall be required to be drilled to the bases of their target aquifers in order to prolong the well's useful productivity. Appropriate depths shall be indicated either by plat notes for individual wells, or in common water system plans and specifications, as appropriate. No Certificate of Occupancy for any structure shall be issued until a well driller's certification is submitted confirming this requirement has been satisfied.

5-04-05-06-02 *VOLUMETRIC LIMITS FOR INDIVIDUAL WELLS*

The Board of County Commissioners may establish volumetric restrictions on any wells developed to serve a subdivision or individual lot. All wells having volumetric restrictions placed on their use by the County shall be required to be metered. Meters shall be of a County-approved and continuous reading type. Meters shall be installed in a location that provides for ease of accessibility and visibility by the County. No taps or other water outlets between the water source(s) and meter(s) will be allowed.

5-04-05-06-03 *PUBLIC SUPPLY TO BE CONSIDERED*

All subdivisions proposing the use of five (5) or more individual wells shall submit to the County an analysis prepared by a professional qualified to evaluate water delivery systems that compares the efficiency and cost effectiveness of the proposed individual wells and a common or community water delivery system.

5-04-05-06-04 *PROOF OF ADEQUATE SUPPLY*

Prior to platting, the subdivider shall demonstrate that:

1. The water rights associated with the property are sufficient to serve the proposed subdivision based on the following standards:
   a. 0.3 acre-feet per year per residence;
   b. 0.05 acre-feet per year per 1,000 square feet of irrigated lawn, garden, or golf course;
   c. 0.01 acre-feet per year per horse or similar livestock equivalent unit; and
   d. Sufficient available water to supply the proposed non-residential uses based on the estimate from the subdivider of the proposed usage and analysis by the County.
2. The subject land is served by a groundwater supply which is sufficient based on its priority date within the Colorado System of Water Rights Administration, the required volume can be extracted from this water right, the capacity of the water supply is sufficient to ensure no water supply shortages will occur due to variations in the hydrologic cycle, the delivery of the water supply to the development is adequate, and the water supply is dependable in quantity and quality based on a minimum useful life of three-hundred (300) years. A minimum 300-year useful life means the water supply from both a static and dynamic basis will be viable for a minimum 300-year period. The static analysis shall include evaluation of the volume of water that is appropriable for the proposed subdivision. The dynamic analysis shall evaluate whether the appropriable water supply is sustainable for three-hundred (300) years, giving consideration to the location and extent of the aquifer, as well as impacts caused by both current and future pumping by others from the aquifer. This requirement applies to individual wells and special district service plans.

5-04-06 INDIVIDUAL WASTEWATER SYSTEMS (INDIVIDUAL SEPTIC SYSTEMS)

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

5-04-06-01 INDIVIDUAL WASTEWATER SYSTEM APPROVAL

New individual wastewater systems for sanitation or other purposes required by the Board of County Commissioners shall be reviewed and approved by the Tri-County Health Department.

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

5-04-06-02 MANAGEMENT PROGRAM FOR MAJOR SUBDIVISIONS

The management program for major subdivisions shall include elements that address system maintenance, inspection and pumping, program financing, program enforcement, homeowner education and annual reporting to Tri-County Health Department. Submittal of a system management plan that is acceptable to Tri-County Health Department is required before the Final Plat for the subdivision will be scheduled for public hearing.

For the purposes of this section major subdivisions are classified as those subdivisions containing fifty (50) or more lots in the proposed Preliminary or Final Plat.

The management entity should review and approve plans for additions to homes, changes to landscaping involving filling or cutting of existing grades, new driveways, or any other subsequent improvements that may significantly alter the original drainage and adversely impact the absorption area. Property improvements that may adversely impact drainage and the absorption area should not be allowed. The management entity should make or require a final inspection of these improvements to verify proper drainage.

5-04-06-03 STANDARDS OF REVIEW FOR CONSTRUCTION

All construction requirements pertaining to OWS, shall comply with the requirements of Tri-County Health Department Regulation No. I-02, Individual Sewage Disposal Systems. Other design/construction standards such as the Uniform Plumbing Code are not applicable outside the building footprint, relative to OWS.

5-04-06-03-01 *SIZING OF SYSTEMS BASED ON NUMBER OF BEDROOMS*

Sizing requirements on a per bedroom basis are dependent upon soil conditions and percolation rates. For conventional systems, there are three categories:

1. 325 square feet per bedroom;
2. 450 square feet per bedroom; and
3. 560 square feet per bedroom.

For engineered systems, the per bedroom sizing may range from 800 to 1,600 square feet per bedroom for evapotranspiration systems (ET) and from 1,000 to 2,100 square feet per bedroom for drip irrigation systems.

5-04-06-03-02 *PROHIBITIONS OVER ON-SITE WASTEWATER SYSTEMS (OWS)*

The following shall not be placed over the OWS (septic tanks, building sewers, and absorption areas):

1. Sidewalks;
2. Driveways;
3. Heavy vehicles or equipment parking;
4. Patios;
5. Decks;
6. Irrigated landscaping;
7. Trees and shrubs;
8. Accessory buildings;
9. Irrigated grass;
10. Playgrounds and other play areas;
11. Sprinkler lines;
12. Water lines; and
13. Other utilities (exclusive of electrical wiring to OWS pumps and other electrical appurtenances)

OWS (tank and absorption areas) shall be marked or delineated in some manner, which may include fencing, or some other type of permanent marker near the four corners of the absorption area and near the septic tank.

5-04-06-03-03 *EXPANSION OF BEDROOMS OR HOME REMODELING*

Prior to issuance of a Building Permit for the construction of additional bedrooms in a home served by OWS, the County shall require approval from Tri-County Health Department. Proof of adequate maintenance, pumping and/or inspection may be required prior to approval from Tri-County Health Department. If the OWS is malfunctioning, a repair permit may also be required.

5-04-06-03-04 *SYSTEM MAINTENANCE, INSPECTION AND PUMPING*

The following section describes in general terms, what needs to occur to ensure proper maintenance, inspection and pumping of OWS. A management entity may adopt an implementation plan, subject to Tri-County Health Department approval.

1. Maintenance shall include protection of the absorption area and inspection of the mechanical components.
2. Inspections and pumping shall include septic tanks and absorption fields (leach fields) and is subject to Tri-County Health Department Regulation No. I-02.

5-04-06-03-05 *PROGRAM FINANCING*

The designated management entity shall establish a mechanism for financing the OWS management program:

1. Special Districts shall specify the financing mechanism in their service plans.

2. Homeowners Associations shall authorize the OWS management program in the Association's initial by-laws and specify the financing mechanism in the section of either the by-laws or covenants that discusses fees for services provided by the Association.

3. If a minor subdivision (less than 50 lots for the purposes of this section) does not have a designated Special District or Homeowner Association, the party or parties responsible for managing OWS shall specify an alternative financing mechanism acceptable to the County.

5-04-06-03-06 *PROGRAM ENFORCEMENT*

The OWS management program shall establish enforcement provisions, to be utilized in the event problems are identified with an OWS and the owner does not take action to correct the problems in a timely manner.

5-04-06-03-07 *HOMEOWNER EDUCATION*

Each homeowner needs to have basic knowledge about the location, operation, proper use and maintenance of the OWS in order to prevent premature failure of the system. The management entity will maintain copies of the OWS "as built" drawings for each OWS system and will provide each homeowner a copy of his or her "as built" system drawing. The management entity will also provide each homeowner a copy of Tri-County Health Department's document titled "Your Septic System Guidelines and Records". If a property transfer occurs, the management entity will provide these two documents to each successive property owner. The management entity shall coordinate with Tri-County Health Department to obtain copies of "as built" system drawings. The management entity is encouraged to develop an ongoing educational program. Education can be in the form of periodic articles in utility bills or homeowner association (HOA) newsletters, or presentations and/or discussions at HOA meetings or other community gatherings. The managing entity can contact the Tri-County Health Department for assistance in developing and delivering the educational program.

5-04-06-03-08 *ANNUAL REPORTING TO TRI-COUNTY HEALTH DEPARTMENT*

By December 31st of each year, designated management entities for subdivisions that are subject to these requirements for management of OWS systems shall submit a report to Tri-County Health Department. (Subdivisions that have not had any certificates of occupancy issued before September 1st of the calendar year may defer submitting an annual report until December 31st of the following year.) At a minimum, the report shall contain the following information:

1. Addresses of homes in the subdivision that received a certificate of occupancy during the calendar year and the date of issuance of each certificate of occupancy.

2. The current year's inspection report for each OWS.

3. A notation either that no problems were found at the time the system was inspected or pumped, or a description of the problem(s) identified when the system was inspected or pumped, actions taken to correct the problem, and the outcome.

4. The name, address, phone/fax numbers and e-mail address (if applicable) of the managing entity's contact person for the OWS management program.

Electronic annual reports are encouraged. However, Tri-County Health Department will accept either electronic or hard copy reports. In preparing the draft OWS management plan, the management entity is encouraged to contact Tri-County Health Department to establish an acceptable report format and procedure. The annual reporting procedure shall be outlined in the draft OWS management plan that the managing entity or its representative submits to Tri-County Health Department for review and comment.

5-04-06-03-09 *MANAGEMENT PROGRAMS FOR SUBDIVISIONS WITHOUT A MANAGEMENT ENTITY*

Some subdivisions have too few homes to warrant the creation of a Homeowner Association and are not served by a Special District. Therefore, since alternative management options are not yet offered through the private sector, these subdivisions do not have access to a feasible management entity. Until such time as other comprehensive OWS management arrangements become available, a practicable OWS management program for minor subdivisions (less than 50 lots for the purposes of this section) shall consist of the following elements:

1. The developer shall provide each property owner a copy of Tri-County Health Department's "Septic System Guidelines and Records". This brochure educates homeowners on how to use and maintain their OWS to prevent failure and prolong the life of systems. Developers are encouraged to work with Tri-County Health Department and homebuilders in the subdivisions to determine the most effective way to distribute the brochures to homeowners.

2. Each property owner shall have their septic tank pumped and inspected by a systems cleaner licensed by Tri-County Health Department at least once every four (4) years. As proof of compliance with this requirement, property owners shall submit a receipt to the Commerce City office of Tri-County Health Department indicating the septic system has been pumped.

5-04-07 WATER AND SEWER LINES

5-04-07-01 GUIDELINES FOR WATER MAINS AND SANITARY SEWERS IN NEW SUBDIVISIONS

For developments with existing or new road construction, water and sewer lines shall be stubbed into each lot prior to asphalt/concrete construction.

5-04-07-02 WATER MAINS AND SANITARY SEWER

Water mains and sewer trunk lines shall be located in accordance with the Adams County Engineering Design and Construction Standards and Specifications and the specifications of the water and sewer district, where applicable. All water and sewer system components shall be installed prior to the issuance of a building permit for any residential, commercial or industrial structures. A subdivision improvements agreement and appropriate collateral shall be required for all water mains and sanitary sewer improvements when a subdivision will utilize a public or community system.

5-04-08 MONUMENTS

All monuments and reference tags shall be indicated as to their location on the plat of record and shall be so located on the ground. Installation and specifications for monuments shall be as follows:

1. "Monument" shall mean a rebar, being a minimum of 5/8" inch in diameter and a minimum of thirty inches in length, with a durable cap bearing the Colorado registration number of the surveyor responsible for the establishment of said marker securely affixed to the top of each rebar.

2. "Reference tag" shall mean any type of permanent tag bearing the Colorado registration number of the surveyor responsible for the establishment of said marker.

3. All subdivision monuments shall be set pursuant to Colorado Revised Statutes pertaining to monumentation and surveys.

4. Centerline control monuments shall be set on all interior and exterior streets at all angle points and street intersections; at the beginning, end and point of change of radius of any circular curve; and at the beginning and end of any spiral curve. All street centerline alignment data shall be shown on the face of the plat.

5. All centerline control monuments shall be identified by a punch mark on the cap of each control point, and shall be tied with a reference tag set in the sidewalk where applicable.

6. If any monument required by this section falls within the traffic area of a graveled street or highway, the top of the monument shall be placed ½ foot below the finished roadway surface. If such road surface is any form of pavement, the monument shall include an adjustable monument box and cap, the top of which shall be set flush with the finished pavement surface. Adjustable monument boxes shall be at the expense of the developer.

7. All lot corners shall be marked with a monument and durable cap.

8. A Benchmark based on the Adams County High Accuracy Reference Network (HARN) shall be established if no existing benchmark based on the HARN is within 1000 feet of the project. The Benchmark shall be described on the face of the plat and also recorded on a Colorado Land Survey Monument Record and filed with the State Board of Registration for Engineers and Land Surveyors.

9. All monuments shall be in place and the Survey Certification completed prior to Preliminary Acceptance of roadway construction by Adams County Construction Management Section. A copy of the Benchmark shall be turned in along with the Survey Certification.

5-04-09 NAMING OF ROADS AND SUBDIVISIONS

5-04-09-01 SUBDIVISION NAMES

All subdivisions shall be named. No subdivision shall receive approval by the Planning Commission or the Board of County Commissioners if the name duplicates or could be confused with the name of a subdivision of record on file in the office of the Adams County Office of the Clerk and Recorder.

5-04-09-02 ROAD NAMES

Road names shall not be used that will duplicate or be confused with names of existing roads unless otherwise approved by the Directors of Public Works and Community and Economic Development Department. All road names shall be subject to the approval of the Director of Public Works. In all cases, road names shall conform to the Denver Metropolitan Grid System. Collectors which provide access to residential, commercial or industrial development may be named to accommodate the theme of the development upon approval by the County.

5-04-09-02-01 *EAST-WEST ROADS*

Numbered avenues shall run principally east-west and shall be in numerical sequence. East-west roads located halfway between the numbered avenues should take the name of the proceeding avenue, with the suffix “place.” Roads running east-west connecting with an east-west road should take the name of the connecting avenue with the suffix “drive.” No other street may use the numbered avenue name with a different suffix. In general, the numerical designations shall change every six-hundred-sixty (660) feet from north to south within the designated grid.

5-04-09-02-02 *NORTH-SOUTH ROADS*

Named streets, drives, boulevards and ways shall run principally north-south and in general the alphabetical designation shall change every three-hundred-thirty (330) feet from east to west. Roads running halfway between arterials on the established grid may take the name of the proceeding street with the suffix “Court”. Roads running north-south connecting with a north-south road may take the name of the connecting road with the suffix “Way.” No other street may use the arterial road name with a different suffix.

5-04-09-02-03 *NAME CHANGES ON DEFLECTED ROADS*

Road name designations shall change from a named road to a numbered road when the road is at an angled deflection of sixty (60) degrees or more unless the road is a loop road or a road which meanders through and serves a single development.

5-04-09-02-04 *CURVILINEAR ROADS*

Curvilinear roads which cross and run parallel to other roads and result in either alphabetical or numerical road names becoming out of order shall be prohibited.

5-04-09-02-05 *INTERSECTIONS*

Intersections shall not have the same street names except in the case of a looped street.

5-04-09-02-06 *CUL-DE-SACS*

Cul-de-sacs with six (6) or fewer lots shall be considered part of the street which they abut and shall not be separately named.

5-04-10 URBAN GROWTH AREAS

All subdivisions within the urban growth boundary of any municipality with which the County has established an intergovernmental agreement concerning development review shall be required to comply with all municipal standards governing subdivision within that municipality.

5-04-11 WAIVERS FROM SUBDIVISION DESIGN STANDARDS

Waivers from the subdivision design and improvement standards shall only be allowed when expressly modified by the Board of County Commissioners based on a specific request. A waiver is strongly encouraged prior to final development plan (plat) submittal and may only be granted when a request is made in writing.

The request shall describe the proposed waiver and the facts concerning the hardship upon which the request is based. In modifying a subdivision design standard or improvement requirement, the Board of County Commissioners shall find that extraordinary hardships or practical difficulties may result from strict compliance with these standards and regulations, and/or the purpose of these standards and regulations may be served to a greater extent by an alternative proposal. A waiver shall not have the effect of nullifying the purpose of these standards and regulations. Any requested waiver shall be reviewed and acted upon by the Board of County Commissioners prior to scheduling a final development plan (plat) for public hearing.

If a waiver is requested concurrently or following the scheduling of a final development plan (plat) for public hearing, the final plat shall be removed from the consent calendar and a public hearing with public testimony may be necessary to act upon the waiver application.

If a waiver is requested subsequent to a final development plan (plat) approval, the original engineering construction plans shall be deemed null and void and all work shall cease and desist pending the outcome of the waiver application.

*****If a waiver is requested without an additional application, the waiver shall be processed before the Board of County Commissioners only. All requirements for

cases going before the Board of County Commissioners shall apply as outlined within Section 2-01.**

**Amended by the BoCC on January 28, 2013

5-05 LAND DEDICATION STANDARDS

5-05-01 PURPOSE

The purpose of this section is to insure adequate land areas and/or funds for the acquisition and development of public sites and open space are made available through the development process to meet the needs of future residents of the County and employees of businesses located in the County. Since the need for public sites is directly proportional to population and employment, and since the County has adopted a policy stating all new development should pay its own way, it is reasonable for those who accommodate population or employment increases through the development of land should provide for the additional need for public sites that the development creates. Public sites and open space needs include parks and recreation facilities, aesthetic natural features, historic sites and structures, school sites and sites for other public buildings, such as fire stations.

5-05-02 REQUIREMENTS FOR LAND DEDICATION AND IMPROVEMENTS

Whenever land is subdivided, the owner of the land shall dedicate land to support new or expanded parks and schools to serve future residents and employees of the proposed subdivision. As an alternative to land dedication, the Board of County Commissioners may require the payment of cash in lieu, or a combination of land and cash in lieu, not to exceed the market value of such land at the time of approval of the subdivision.

All lands dedicated shall be served by the required roads, traffic signalization, utilities, and other public infrastructure necessary to support the use of the dedicated land for parks or schools prior to platting. A subdivision improvements agreement and appropriate collateral shall be required in lieu of providing the required services prior to platting.

5-05-03 PERCENTAGE OF LAND DEDICATED

Requirements for park and school land dedication shall not exceed ten (10) percent of the total gross area of the land within the proposed subdivision except as otherwise provided for by these standards and regulations. If the proposed subdivision is part of a larger subdivision, phased subdivision, or one filing of a series of subdivision filings, the total dedication shall not exceed ten (10) percent of the total subdivision area except as otherwise provided for by these standards and regulations. Land dedication may exceed ten (10) percent for the specific subdivision phase or filing.

5-05-04 SCHOOL LAND DEDICATION

5-05-04-01 TYPE AND SIZE OF PARCEL TO BE DEDICATED

Land dedication to the County for schools shall be suitable for construction of school facilities. Dedicated sites shall be a single parcel and be a minimum of ten (10) acres in size to accommodate an elementary school, twenty-five (25) acres in size to accommodate a junior high school, and forty (40) acres in size to accommodate a senior high school. Parcels shall be sufficiently compact in form to be useable for the intended purpose. The dedicated school land shall be centrally located and have public access and road frontage. The land shall be free of hazards that would threaten the safety of using the land. The land area shall be approved for dedication as a school site by the appropriate school district.

5-05-04-02 CALCULATION OF DEDICATION REQUIREMENT

Land shall be dedicated to support the development of elementary, junior high and senior high schools in the school district within which a subdivision is proposed. Land shall be dedicated at a rate equal to the average number of students per acre. Commercial and industrial subdivision lots shall be exempt from the school land dedication requirement. The Director of Community and Economic Development may update the student population per household, without notice, as demographic changes are identified by subsequent U.S. Census Bureau statistics. The Director of Community and Economic Development shall provide the revised student per dwelling unit multipliers as part of the subdivision application materials package.

The following steps shall be taken in order to determine the public land dedication, or fees in lieu of, for residential development.

1. Multiply the maximum number of dwelling units by the applicable type of household to determine school acreage need.

2. Multiply the maximum number of dwelling units by the applicable type of household to determine the neighborhood park acreage need.

3. Multiply the maximum number of dwelling units by the applicable type of household to determine the regional park acreage need.

4. The total public land dedication equals the sum of subparagraphs 1, 2, and 3, except the total public land dedication for households on land where the average dwelling unit density of a proposed development is less than one (1) dwelling unit per ten (10) acres, the total land dedication fee will be equal to the sum of subparagraphs 1 and 3 only.

5-05-04-02-01 DETERMINATION OF MARKET VALUE

The market value of the zoned and platted, but unimproved, land at the time of approval of the plat shall be presumed to be as set forth below:

Zone District Category	Market Value per Acre
A-2	$3,543.00
A-1, RE	$13,662.00
R-1-A, R-1-C, R-2, MH	$36,888.00
R-3, R-4	$53,840.00
C-0, C-1, C-2, C-3	$54,147.00
C-4, C-5, I-1	$58,313.00
I-2, I-3	$49,715.00

The foregoing table of market values shall be based upon land sales statistics from the immediately previous two (2) year period, and shall be obtained from recognized published sources. The table shall be annually scheduled for review, in December, and revisions adopted by the Planning Commission and Board of County Commissioners pursuant to the process for amending text in these Regulations.

05-05-04-02-02 BASIS OF DEDICATION FOR RESIDENTIAL DEVELOPMENT

The following table presents the basis for Land Development. The data is taken from the 1980 U.S. Census of Population and Housing for the West Mountain Region (Public Use Sample). If significant changes occur in demographic trends, the assumptions on average household size and student population per household will be changed accordingly.

1. Average Household Size:

Single Family: (A-1, A-2, A-3, RE, R-1-C, R-2)	3.278	persons per household
Two to Four Family Attached: (R-1-C, R-2)	2.533	persons per household
Townhouse: (R-2, R-3)	2.216	persons per household
Garden Apartment:	2.007	persons per household
Mobile Homes:	2.803	persons per household
High Rise:	1.253	persons per household

2. Student Population Per Household:

Single Family:	.775	students per household

Two to Four Family Attached:	.364	students per household
Townhouse:	.303	students per household
Garden Apartment:	.195	students per household
Mobile Home:	.512	students per household
High Rise:	.011	students per household

05-05-04-02-03 URBAN AND RURAL SCHOOL DISTRICT DESIGNATIONS

Although Average Household Size and Student Population Per Household is generally similar throughout the County, the Regulations should recognize differences between urban and rural School Districts. The following is a breakdown of the Districts within Adams County which are considered urban and rural, respectively:

Urban Districts	Rural Districts
Adams County 14	Bennett 29J
Adams-Arapahoe 28J	Byers 32J
Brighton 27J	Deer Trail 26J
Mapleton 1	Keenesburg RE-3(J)
Northglenn-Thornton 12	Strasburg 31J
Westminster 50	Wiggins RE-50(J)

05-05-04-02-04 LAND AREA REQUIRED FOR SCHOOLS PER STUDENT

1. Urban Districts
   The land area required is .0260 acres per student. This is based on the total land required for elementary, junior, and senior high schools divided by the total number of students, or 81.25 acres divided by 3,125 students. It was assumed that elementary schools required 11.5 acres for 650 students, junior high schools required 21.75 acres for 675 students, and senior high schools required 48 acres for 1,800 students.

2. Rural Districts
   The land area required is .0597 acres per student. This is based on the total land required for elementary, junior, and senior high schools divided by the total number of students, or 60.06 acres divided by 1,006 students. It was assumed that elementary schools required 8.7 acres for 370 students, junior high schools required 17.12 acres for 212 students, and senior high schools required 34.24 acres for 424 students.

05-05-04-02-05 LAND AREA REQUIRED FOR SCHOOLS PER HOUSEHOLD

Single Family:	.021	acres per household
Two to Four Family Attached:	.010	acres per household
Townhouse:	.008	acres per household

Garden Apartment:	.005	acres per household
Mobile Home:	.014	acres per household
High Rise:	.0003	acres per household

5-05-04-03 EXISTING DWELLINGS

Existing dwellings shall be excluded from the calculation of the school land dedication requirement unless the lot allows for greater density of residential development in which case the dedication requirements shall be calculated based on the maximum potential use of the lot.

5-05-04-04 ACTION CONCERNING LANDS DEDICATED

All lands dedicated for schools shall be conveyed to Adams County by warranty deed and clearly identified on the face of the plat document by a legal description. The conveyance of land or payment of cash in lieu shall be required prior to the recording of the first plat document for the subdivision.

5-05-04-05 CASH-IN-LIEU

Cash-in-lieu of land dedication shall be required when deemed, by the Board of County Commissioners, to be more appropriate in satisfying the needs of the school district and proposed subdivision. Such cases include small developments not able to meet the minimum school site requirements, developments which are served by adjacent facilities that could be expanded to meet the needs of the proposed subdivision or where due to access and other issues the site is inappropriately located to provide long-term service.

The cash-in-lieu shall be equivalent to the full market value of the acreage required for school land dedication.

5-05-05 PARKLAND DEDICATION REQUIREMENTS

5-05-05-01 NEIGHBORHOOD PARK DEDICATION REQUIREMENTS

5-05-05-01-01 *CALCULATION OF DEDICATION REQUIREMENT*

Land for neighborhood park sites shall be dedicated at an average rate of six (6) acres per 1,000 residents generated by the proposed subdivision.

Where the average dwelling unit density of a proposed development is less than one (1) dwelling unit per ten (10) acres, the development shall be exempt from the neighborhood park dedication requirement. In addition, commercial

and industrial development shall be exempt from the neighborhood park dedication requirement.

Single Family:	.020 acres per household
Two to Four Family Attached:	.015 acres per household
Townhome:	.013 acres per household
Garden Apartment:	.012 acres per household
Mobile Home:	.017 acres per household
High Rise:	.0075 acres per household

5-05-05-01-02 *PRIVATE PARKS COUNTED AS FULFILLING REQUIREMENT*

Private land dedicated and developed to serve the residents of a subdivision may be credited toward the neighborhood park portion of the land dedication requirement provided provisions are made to maintain and guarantee those amenities are retained for such open space/recreational uses for the life of the subdivision through deed restrictions or other similar mechanisms approved by the Board of County Commissioners.

5-05-05-01-03 *TYPE AND SIZE OF PARCEL TO BE DEDICATED*

Land may be considered for acceptance for neighborhood park dedication requirements if the following criteria are met:

1. The land for a neighborhood park site shall be a minimum of three (3) acres in size and be accessible to residents within a ½ mile radius.
2. The land shall contain sufficient flat surface to provide for development of active recreation areas.
3. The land shall not be accepted if it is in an exclusive utility or other easement, public road right-of-way, pedestrian walkway required under these standards and regulations, or contains topographical or hazardous obstructions which would preclude development as a neighborhood park.
4. The land should be co-located with school property, if possible.
5. The land area is approved by the appropriate park district or the Adams County Department of Parks and Community Resources.

5-05-05-02 REGIONAL PARK DEDICATION REQUIREMENTS

5-05-05-02-01 *CALCULATION OF DEDICATION REQUIREMENT*

Land for regional park sites shall be dedicated at an average rate of 4.0 acres per 1,000 residents generated by the proposed subdivision. It is anticipated

that expanding commercial and industrial development also create additional demand for regional parks. Therefore, commercial and industrial subdivisions shall be required to dedicate five (5) percent of their total area to regional parks.

Single Family:	.013	acres per household
Two to Four Family Attached:	.010	acres per household
Townhouse:	.009	acres per household
Garden Apartment:	.008	acres per household
Mobile Home:	.011	acres per household
High Rise:	.0050	acres per household

5-05-05-02-02 *TYPE AND SIZE OF PARCEL TO BE DEDICATED*

Land may be considered for acceptance for regional park dedication requirements if the following criteria are met:

1. The land for a regional park site shall be a minimum of fifty (50) acres in size and be accessible to residents within a 5-mile radius.
2. The land dedicated shall offer natural and scenic quality and shall contain sufficient flat surface to provide for development of active recreation areas, as well as passive recreation areas.
3. The land shall not be accepted if it is in an exclusive utility or other easement, public road right-of-way, pedestrian walkway required under these standards and regulations, or contains topographical or hazardous obstructions which would preclude development as a regional park.
4. The land should be co-located with other regional parkland, if possible.
5. The land area is approved by the appropriate park district or the Adams County Department of Parks and Community Resources.
6. The land dedication shall consider opportunities to expand the site through acquisition of adjacent lands.
7. The land dedication shall support the protection of natural and historical features, scenic vistas, watersheds, timber, and wildlife for parks.
8. The land dedication shall support the continuity of open space links, trails and other major components of the open space system for parks.
9. Lakes, ponds, or reservoirs may be considered provided the area does not exceed fifty (50) percent of the required dedication and the area is contiguous to other acceptable parkland.

5-05-05-03 ACTION CONCERNING LANDS DEDICATED

All lands dedicated for parks shall be conveyed to the County by warranty deed and clearly identified on the face of plat by a legal description. Regional park dedications of land or cash in lieu for subdivisions east of Yulle Mile Road shall be disbursed to the local park and recreation district encompassing the subdivision, if such a district exists according to the provisions set forth in Section 5-05-07-03. The conveyance of land or payment of cash in lieu shall be required prior to the recording the of first plat document for the subdivision.

As an alternative to payment of the entire amount of the cash in lieu, the Board of County Commissioners may consider phasing the payment according to the following criteria:

1. If the total payment exceeds $100,000, the fee may be split into two payments. The first payment is due prior to recording the plat and the second payment is due prior to the issuance of a Building Permit which would constitute greater than fifty (50) percent of the development.
2. If the total payment exceeds $200,000, the fee may be split into three payments. The first payment is due prior to recording the plat, the second payment is due prior to the issuance of a Building Permit which would constitute greater than thirty-three (33) percent of the development, and the third payment is due prior to the issuance of a Building Permit which would constitute greater than sixty-six (66) percent of the development.
3. If the total payment exceeds $300,000, the fee may be split into four payments. The first payment is due prior to recording the plat, the second payment is due prior to the issuance of a Building Permit which would constitute greater than twenty-five (25) percent of the development, the third payment is due prior to the issuance of a Building Permit which would constitute greater than fifty (50) percent of the development, and the fourth payment is due prior to the issuance of a Building Permit which would constitute greater than seventy-five (75) percent of the development,

5-05-05-04 CASH-IN-LIEU

Cash-in-lieu of land dedication shall be required when deemed, by the Board of County Commissioners, to be more appropriate in satisfying the needs of the present and future residents of the County. No more than two (2) acres of the neighborhood park dedication requirement may be fulfilled by cash-in-lieu of dedication, unless the Board of County Commissioners determines otherwise.

The cash-in-lieu shall be equivalent to the full market value of the acreage required for parkland dedication.

5-05-06 ADDITIONAL LAND DEDICATIONS

In the event the Board of County Commissioners determine public sites and open space should be provided in excess of the amount to be dedicated as allowed by this section, the excess dedication shall be reserved on the plat for purchase by the appropriate public authority at the time of platting. The public authority shall purchase the property at the fair market value. Fair market value shall be determined as of the time of filing of final plat based upon the unimproved land value in accordance with the following:

1. The fair market value is determined by the Board of County Commissioners based upon the then assessed value, modified to equal market value in accordance with the current practice of the Adams County Assessor.
2. If the subdivider objects to the determination of the assessor, the subdivider has the option of having the market value determined by an appraisal of the property by an independent appraiser. The independent appraiser shall be selected by mutual agreement of the subdivider and the Adams County Assessor. The independent appraiser's determination of fair market value shall be final and binding on all parties. The appraiser shall be a Colorado registered, licensed, or certified appraiser. The subdivider shall pay the cost of said appraisal.

5-05-07 USE AND DISTRIBUTION OF LANDS AND CASH-IN-LIEU

5-05-07-01 ADMINISTRATION AND LIMITATION ON USE OF LAND AND FEES

The land and cash-in-lieu received under this section shall be used only for the purpose of providing park and recreational facilities, open space, school sites or other public sites, as appropriate. All cash-in-lieu or proceeds from the sale of dedicated land collected by the County shall be kept in three separate accounts: a schools account, a neighborhood parks account, and a regional parks account. School money shall be categorized by individual school districts. Neighborhood park money shall be categorized by park districts, if they exist. If no park district exists at the time of collection, the park fees shall be categorized according to school district boundaries.

All cash-in-lieu or proceeds from the sale of dedicated land collected by the County shall be used by the County exclusively for the acquisition and development of parks, recreational facilities, schools and other public sites to serve the needs of present and future residents of the County. The eligible uses of cash-in-lieu or proceeds from the sale of dedicated land shall be for site acquisition for new parks or school facilities only.

5-05-07-02 ELIGIBLE ENTITIES FOR DISTRIBUTION

The County may distribute lands or fees-in-lieu to the following entities: School Districts; Metropolitan Districts providing park and recreation services, or Park/Recreation Districts; or the Adams County Department of Parks and Community Resources.

5-05-07-03 DETERMINATION OF NEED AND DISTRIBUTION OF LANDS AND FEES-IN-LIEU

The County may distribute cash-in-lieu or proceeds from the sale of dedicated land to support the use of the cash or proceeds for eligible projects. The cash and proceeds shall be distributed to an eligible entity based on the following criteria:

1. The project for which funds are requested is authorized by the school or park district through a formally adopted plan or a formal resolution.
2. The project for which funds are requested is specific in terms of size, use, location, timing, and cost. A means of funding the entire project is outlined and is reasonable although not all funding has to be in hand at the time of request.
3. The development is in conformance with the Adams County Comprehensive Plan and the Comprehensive Plan for the municipal growth area within which the project is located.
4. If the project consists of site acquisition for or construction of a new facility and the subdivider agrees to submit a site plan and associated drainage or traffic studies for county review.
5. The project for which funding is requested is needed to support new development as justified through: a) demand projections based on existing school enrollment or park use; b) county population projections for the area; or c) approved zoning within the service area demonstrating densities and uses will create demand for the improvement.
6. The need for planning funds has been demonstrated by submittal of a scope of services request or contract describing a specific, growth-related development study with an estimated cost addressing needs outlined by the local school board.

5-06 REGIONAL TRAFFIC IMPACT FEE

5-06-01 FINDINGS

1. Study/Transportation Plan: The Board of County Commissioners of Adams County hereby adopt the Adams County 2019 Transportation Impact Fee Report, which is incorporates the Adams County Transportation Plan.

2. Level of Service (LOS) standard: The Board of County Commissioners of Adams County has determined in the Transportation Plan the County's major road system shall operate at Level of Service "D" to ensure safe and efficient traffic circulation throughout the community.

3. Existing LOS: Adams County's major road system is presently operating at LOS "D" or better.

4. New Growth in County: Adams County's Transportation Plan projects there will be a significant amount of new growth and development in the County in the next twenty years.

5. Growth-related needs: The Transportation Plan shows the rapid rate of future growth and new development in the County will require a substantial expansion in road capital facilities if LOS "D" is to be maintained on the County's major road system.

6. Revenue shortfall: The revenue generated by this new growth and development under the County's existing fiscal structure will not be adequate to fund the needed road capital improvements necessary to accommodate this new growth and development if desired LOS on the County's major road system is to be maintained.

7. Proportionate share policy: The Board of County Commissioners of Adams County has determined that future growth and new development should contribute its proportionate share of the costs of providing such road capital facilities to the County's major road system.

8. Impact fee preferred: The Board of County Commissioners determined the imposition of a road impact fee is one of the preferred methods of regulating new growth and development in the County in order to ensure new growth and development bears a proportionate share of the costs of the road capital facilities necessary to accommodate new development, and provide for the public health, safety, and welfare.

9. Consistent with Transportation Plan: An impact fee would assist in the implementation and be consistent with the Adams County Transportation Plan, Adams County Comprehensive Plan, and the 2019 Transportation Impact Fee Report.

5-06-02 SHORT TITLE AND AUTHORITY

1. Citation: The Section shall be known and may be cited as the "Adams County Regional Traffic Impact Fee Regulation."

2. Authority: The Board of Commissioners of Adams County has the authority to adopt this Regulation pursuant to C.R.S. Sections 29-20-101 through 29-20-107, as amended, C.R.S. Sections 29-20-202 through 29-20-204, as amended, C.R.S. Section 30-28-101 et. seq., and all other relevant laws of the State of Colorado.

5-06-03 APPLICABILITY

This Regulation shall apply to all lands in unincorporated Adams County.

5-06-04 INTENT AND PURPOSE

1. General: This Regulation is intended to implement and be consistent with the 2019 Transportation Impact Fee Report and the Transportation Plan.

2. Implementation: This objective is accomplished by requiring all new Traffic Generating Development to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts on regional road capital facilities having a rational nexus to the proposed land development and for which the need is reasonably attributable to the proposed development.

3. Fair allocation of costs: This Regulation is intended to be consistent with the principles for allocating a fair share of the costs of new public facilities to new users. It approaches the problem of determining the fair share of regional traffic impact costs in a conservative and reasonable manner. This fee will only partially capture the governmental expenditures associated with improving the County's major road system. Given the very different development patterns between the eastern (rural) and western (suburban/urban) areas of the County, two distinct service areas are established, based on planning areas contained in the 2012 Transportation Plan.

4. Technical support: This Regulation is based primarily upon the Transportation Plan and other technical data and conclusions contained in the Adams County 2019 Transportation Impact Fee Report, all which are incorporated herein by reference.

5-06-05 LEVEL OF SERVICE STANDARD

The Board of County Commissioners have determined the County's major road system shall operate at a minimum of a LOS "D."

5-06-06 IMPOSITION OF FEES

5-06-06-01 TIME AND OBLIGATION OF PAYMENT

1. After the effective date of this Regulation, any person who causes the Commencement of Traffic-Generation Development shall be obligated to pay a road impact fee consistent with the terms of this Regulation. The fee shall be determined and paid to the Impact Fee Administrator at the time of issuance of a building permit for the development. If any credits are due pursuant to Section 5-06-08, Credits, they shall be determined during the approval of the traffic generating development. The fee shall be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire development. If the fee is exacted for Traffic-Generating Development that increases traffic impact because of a change in use, the fee shall be determined by computing the difference in the fee schedule between the new Traffic-Generating Development and the existing Traffic-Generating Development. The obligation to pay the impact fee shall run with the land.

2. Any person who, prior to the effective date of this Regulation, agreed as a condition of development approval to pay a road impact fee shall be responsible for the payment of the fees under the terms of such agreement, and the payment of such fees will be offset against any impact fees otherwise due pursuant to the terms of this Regulation.

5-06-06-02 EXEMPTIONS

The following development shall be exempt from the terms of this Regulation. An exemption must be claimed by the fee payer at the time of application for a building permit.

1. Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed, and no additional

vehicular trips will be produced over and above that produced by the existing use.

2. The construction of accessory buildings or structures not producing additional vehicular trips over and above that produced by the principal building or use of the land.

3. The replacement of a destroyed or partially destroyed building or structure of the same size and use, provided no additional trips will be produced over and above that produced by the original land use.

4. The construction of housing affordable to households whose income is equal to or less than the current Area Median Income (AMI) in effect at the time the household initially occupies the residential unit. For multi-family residential structures, the exemption shall only apply to those qualifying affordable units within the greater structure. The Traffic Impact Fee must be paid for all non-qualifying units. Income eligibility requirements are defined by the US Department of Housing and Urban Development (HUD), or if no longer published, by an equivalent index approved by the County. The property shall remain affordable for a period of not less than twenty (20) years.

5-06-06-03 ESTABLISHMENT OF FEE SCHEDULE

1. Any person who causes the Commencement of Traffic-Generating Development, except those persons exempted or preparing an Independent Fee Calculation Study pursuant to Section 5-06-08, Independent Fee Calculation Study, shall pay a traffic impact fee in accordance with the fee schedule adopted by the Board of County Commissioners.

2. If a fee is based on 1,000 square feet, the square footage of the structure shall be measured in terms of gross floor area. Gross floor area is defined as the area within the outside dimensions of a building including each floor level, halls, lobbies and stairways. It shall not include floor space within the building reserved for parking or loading vehicles and unimproved basement space or separate space used only for building maintenance and utilities or exterior features for the building, such as stairs, porches, walkways and other similar exterior features.

3. If a fee is to be paid for mixed uses, then the fee shall be determined according to the fee schedule adopted by the Board of County Commissioners by apportioning the space committed to uses specified on the schedule.

4. If the type of Traffic-Generating Development for which a building permit is requested is not specified on the fee schedule, the Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Impact Fee Administrator shall be guided in the selection of a comparable type of land use by using trip generation rates contained in the most current edition of the report titled Trip Generation prepared by the Institute of Transportation Engineers (ITE), articles or reports appearing in the ITE Journal, studies or reports prepared by the U.S. Department of Transportation or the Colorado Department of Transportation, or other similar source.

5. In the event the Impact Fee Administrator determines there is no comparable use in the fee schedule, the fee shall be computed by use of an independent fee calculation study as provided in Section 5-06-07, Independent Fee Calculation Study.

5-06-06-04 PRELIMINARY IMPACT FEE CALCULATION

Any person contemplating establishing a Traffic-Generating Development may request a preliminary determination of the impact fees due from such development. A person requesting a pre-development review impact fee calculation shall complete and submit to the Impact Fee Administrator the proper application form and an application fee. Using the information regarding the proposed traffic generating land development activity as submitted on the application, the Impact Fee Administrator will provide, within fifteen (15) days of the date of submittal of the completed application, a preliminary calculation of the Road Impact Fees due for the proposed Traffic-Generating Development.

5-06-07 INDEPENDENT FEE CALCULATION STUDY

5-06-07-01 GENERAL PROVISIONS

1. The impact fee may be computed by the use of an independent fee calculation study at the election of the fee payer, and for any proposed land development activity for which the Impact Fee Administrator concludes the nature, timing, or location of which is likely to generate impacts costing substantially more to mitigate than the amount the fee would generate by the use of the fee schedule.

2. The preparation of the independent fee calculation study shall be the responsibility of the electing party.

3. Any person who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such independent fee calculation study.

5-06-07-02 FORMULA

1. The Independent Fee Calculation Study for the road impact fee shall be proportional to the traffic generated by the development and be calculated by using the following formula:

   Impact Fee = (APD / ITED) x BIF

   Where:

   APD = Applicant Provided Data. This factor is the number of average vehicle trips per day (vpd) generated by the development as calculated using the Institute of Transportation Engineers Trip Generation Manual.

   ITED = Institute of Transportation Engineers Data: This factor is the number of average vehicle trips per day as calculated using the Institute of Transportation Engineers Trip Generation Manual and calculated using gross floor area of the structure.

   BIF = Base Impact Fee. This factor is the base impact fee as shown in the approved Impact Fee Table for the land use type based on square area of the building in 1,000 square foot increments.

2. The fee calculations shall be based on data, information or assumptions contained in this Regulation or independent sources, provided:

   a. The independent source is an accepted standard source of transportation engineering or planning data or information; or the independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering; and

   b. The percent new trips factor and average trip length used in the independent fee calculation study, if different from those contained in the Road Impact Fee Study for the same land use type, shall be based on actual surveys conducted in Adams County.

5-06-07-03 PROCEDURE

1. An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation study. A potential feepayer may submit such an application. The County shall submit such an application for any proposed Traffic-Generating Development interpreted as one that is not comparable to any land use on the fee schedule, and for any proposed Traffic-Generating Development for which it concludes the nature, timing, or location of the proposed development make it likely to generate impacts costing substantially more to mitigate than the amount of the fee which would be generated by the use of the fee schedule.

2. Within fifteen (15) days of receipt of an application for independent fee calculation study, the Impact Fee Administrator shall determine if the application is complete. If the Impact Fee Administrator determines the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The Impact Fee Administrator shall take no further action on the application until it is deemed complete.

3. When the Impact Fee Administrator determines the application is complete, the application shall be reviewed and the Impact Fee Administrator shall render a written decision in twenty (20) days on whether the fee should be modified, and if so, what the amount should be, based on the standards in Section 5-06-08.

5-06-07-04 STANDARDS

If on the basis of generally recognized principles of impact analysis it is determined the data, information and assumptions used by the applicant to calculate the independent fee calculation study satisfies the requirements of this Section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed Traffic-Generating Development. The adjustment shall be set forth in a Fee Agreement. If the independent fee calculation study fails to satisfy the requirements of this Section, the fee applied shall be the fee established for the Traffic-Generating Development in Section 5-06-06.

5-06-07-05 APPEAL

1. A fee payer affected by the administrative decision of the Impact Fee Administrator on an application for independent fee calculation study, or on an application for independent fee calculation study initiated by the

County staff on the proposed Traffic-Generating Development, may appeal such decision by filing a petition with the Board of County Commissioners. In reviewing the Impact Fee Administrator's decision, the Board of County Commissioners shall make written findings of fact and conclusions of law.

2. This appeal process will not be honored by the Board of County Commissioners without a substantial effort upon the applicant to rectify any fee discrepancies with the Impact Fee Administrator and additional Adams County staff if necessary.

5-06-08 CREDITS

5-06-08-01 GENERAL STANDARDS

1. Any person initiating Traffic-Generating Development may apply for a credit against road impact fee otherwise due, up to but not exceeding the full obligation for impact fees proposed to be paid pursuant to the provisions of this Regulation, for any contribution, payment, construction, or dedication of land accepted and received by Adams County for any Road Capital Improvements on the County's Major Road System identified in the 2019 Transportation Impact Fee Report, which are not contiguous to the Traffic-Generating Development. No credits shall be provided for site-related, contiguous improvements or for improvements to the Major Road System not specifically identified in the Adams County 2020 Roadway Network Map.

2. Credits for contributions, payments, construction or dedication of land for non-contiguous road improvements on the County's major road system in the 2019 Transportation Impact Fee Report shall be transferable in the same development but shall not be transferable for credit against impact fees required to be paid for other public facilities. The credit shall not exceed the amount of the impact fees due and payable for the proposed Traffic Generating Development.

3. The County may enter into a Capital Contribution Front-Ending Agreement with any person initiating Traffic Generating Development who proposes to construct Non-Site Related Road Capital Improvements on the Major Road System and identified on the Adams County 2020 Roadway Network Map. To the extent the fair market value of the construction of these Road Capital Improvements exceed the obligation to pay impact fees for which a credit is provided pursuant to this Section, the Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the Road Capital Improvement constructed.

4. The Department of Community and Economic Development and the Department of Public Works shall endeavor to agree to a condition with a proponent of a Traffic-Generating Development and any potential credits against non-contiguous improvements prior to the public hearing on the Preliminary Plat or Preliminary Development Plan (if applicable). The following example shall be used as a framework for decision-making:

   Developer A proposes a 100-lot subdivision in the West Service Area with homes that are between 1,801 square feet and 2,400 square feet;
   Subject site is one mile away from the nearest paved road and has a gravel road adjacent to the site;
   County regulations require paving of all perimeter roads and internal streets;
   Total estimated regional traffic impact fee is $563,900 (100 times $5,639);
   Traffic generated from the new development creates a larger demand on the non-contiguous road; and
   The total cost to connect the subject site to the nearest paved road is $359,907

   Staff may consider the following alternatives in proposing a condition on a Traffic-Generating Development:

   a. Developer A submits the required regional traffic impact fee at the time of each individual building permit
   b. Developer A submits the required regional traffic impact fee at the time of Final Plat and receives a ten (10) percent discount off the total fee amount.
   c. Developer A constructs the non-contiguous improvements at a total cost not to exceed $359,907 (total improvement amount) and is given a credit against the regional traffic impact fee. If additional off-site improvements are required, but not paid for with the total improvement amount, the County may either budget for the balance of the improvements or other developers may construct them in the future. This option is generally discouraged and will only be considered when all other options have been proven to be insufficient.
   d. Developer A constructs the non-contiguous improvements at the total cost of $359,907 and is given a credit against the regional traffic impact fee. Developer A is reimbursed by other developers (B, C, or D) at the time of their development and in a proportionate share of their improvements.
   e. Developer A provides the County an amount of funds in a manner as determined appropriate by the County in lieu of constructing the required contiguous road improvement, when the contiguous road improvement is part of a larger future County road project indicated on

the 5-year plan (unless otherwise determined by the County). No credit for this payment shall be given against the regional traffic impact fee, but at the developer's option, the regional traffic impact fee may be paid in accordance with either alternatives a or b above.

In the event the staff and the proponent cannot reach an agreement regarding the condition, the matter may be forwarded to the Planning Commission for a recommendation and a subsequent final decision by the Board of County Commissioners.

5-06-08-02 CREDIT AGAINST FEES

Credit shall be in an amount equal to fair market value of the land dedicated for right-of-way at the time of dedication, the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made to Adams County.

5-06-08-03 PROCEDURE FOR CREDIT REVIEW

1. The determination of any credit shall be undertaken through the submission of an Application for Credit Agreement, which shall be submitted to the Impact Fee Administrator.

2. The Application for Credit Agreement shall include the following information:

   a. If the proposed Application for Credit Agreement involves a credit for any contribution, the following documentation must be provided:

      i. A certified copy of the development approval in which the contribution was agreed;

      ii. If payment has been made, proof of payment; or

      iii. If payment has not been made, the proposed method of payment.

   b. If the proposed Application for Credit Agreement involves credit for the dedication of land, the following documentation must be provided:

      i. A drawing and legal description of the land;

ii. The appraised fair market value of the land at the date a building permit is proposed to be issued for the Traffic-Generating Development, prepared by a professional Real Estate Appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA), and if applicable, a certified copy of the development permit in which the land was agreed to be dedicated.

c. If the proposed Application for Credit Agreement involves construction, the following documentation must be provided:

i. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Colorado engineer or contractor;

ii. The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one (1) year after completion of construction, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services, and all other expenses necessary or incidental to determining the feasibility or practicability of such construction or reconstruction.

iii. Within Fifteen (15) days of receipt of the proposed Application for Credit Agreement, the Impact Fee Administrator shall determine if the application is complete. If it is determined the proposed Agreement is not complete, the Impact Fee Administrator shall send a written statement to the applicant outlining the deficiencies. The Impact Fee Administrator shall take no further action on the proposed Application for Credit Agreement until all deficiencies have been corrected or otherwise settled.

iv. Once the Impact Fee Administrator determines the proposed Application for Credit Agreement is complete, it shall be reviewed within twenty (20) days. The Application

for Credit Agreement shall be approved if it complies with these standards and regulations.

v. If the Application for Credit Agreement is approved by the Impact Fee Administrator, a Credit Agreement shall be prepared and signed by the applicant and the County. It shall specifically outline the contribution, payment, construction or land dedication, the time by which it shall be completed, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment or construction.

5-06-08-04 APPEAL OF CREDIT DECISION

A fee payer affected by the decision of the Impact Fee Administrator regarding credits may appeal such decision by filing a petition with the Board of County Commissioners within thirty (30) days of a decision. In reviewing the Impact Fee Administrator's decision, the Board of County Commissioners shall use the standards established in these standards and regulations.

This appeal process will not be honored by the Board of County Commissioners without a substantial effort upon the applicant to rectify any credit discrepancies with the Impact Fee Administrator and additional Adams County staff if necessary.

5-06-09 EARMARKING OF FUNDS

5-06-09-01 BENEFIT DISTRICTS

For the purpose of ensuring fee payers receive sufficient benefit for fees paid, two Road Benefit Districts are established. The Road Benefit Districts are designated on the Benefit District Map within unincorporated Adams County. Impact fee funds shall be spent within the Benefit District from which the Traffic-Generating Development paying the fee is located. Given the very different development patterns between the eastern (rural) and western (suburban/urban) areas of the County, two distinct service areas are established, based on planning areas contained in the 2012 Transportation Plan.

5-06-09-01-01 *WEST BENEFIT DISTRICT*

The West Benefit District is defined as all unincorporated Adams County west of Schumaker Road. The fees for this service area are calculated using a plan-based hybrid approach and based upon traditional arterial land capacity improvement needs.

5-06-09-01-02 *EAST BENEFIT DISTRICT*

The East Benefit District is defined as all unincorporated Adams County east of Schumaker Road. The fees for this service area are calculated using a plan-based approach and based on rural road upgrade needs.

5-06-09-02 TRUST FUND

There is hereby established the Adams County Regional Traffic Impact Fee Trust Fund for the purpose of ensuring the fees collected pursuant to this Regulation are designated for the accommodation of impacts reasonably attributable to the proposed Traffic-Generating Development.

1. Proceeds collected for the road impact fee shall be placed in the Regional Traffic Impact Fee Trust Fund. Proceeds collected and all interest accrued on such funds shall be used solely for road improvements specifically identified in the Road Impact Fee Study and on the County's Major Road System within the applicable Road Benefit District from which the fees have been collected.

2. Any proceeds in the Road Impact Fee Trust Fund not immediately necessary for expenditure, shall be invested in interest bearing assets. All income derived from these investments shall be retained in the trust fund.

3. Each year, at the time the annual budget is reviewed, the Impact Fee Administrator shall propose appropriations to be spent from the Road Impact Fee Trust Fund to the Board of County Commissioners. After review of the Impact Fee Administrator's recommendation, the Board of County Commissioners shall either approve or modify the recommended expenditures of the trust fund monies. Any amounts not appropriated from the trust fund together with any interest earnings shall be carried over in the specific trust account to the following fiscal period.

5-06-10 REFUNDS

5-06-10-01 GENERAL

Any fees collected shall be returned to the fee payer or the successor to the fee payer with interest if the fees have not been spent within seven (7) years from the date the building permit for the development was issued, along with interest based upon the Consumer Price Index (CPI-U). However, the Board of County Commissioners may by resolution extend for up to three (3) years the date at which fees must be refunded. Such an extension shall be made upon a finding within such three (3) year period, that specific road capital improvements on the County's major road system are planned and evidenced by the adoption and

incorporation into the Road Impact Fee Study. These road capital improvements shall be constructed within the next three (3) years and shall be reasonably attributable to the Traffic-Generating Development of the fee payer. The first fee collected shall be the first fee spent.

5-06-10-02 REFUND PROCEDURE

The refund of fees shall be undertaken through the following process:

1. A Refund Application shall be submitted within one (1) year following the end of the seventh (7th) year from the date on which the building permit was issued on the proposed development. If the time of refund has been extended pursuant to Section 5-06-10-01, the Refund Application shall be submitted within one (1) year following the end of this extension. The Refund Application shall include the following information:

    a. A copy of the dated receipt issued for payment of the fee;

    b. A copy of the building permit; and

    c. Evidence the applicant is the successor in interest to the fee payer.

2. Within ten (10) days of receipt of the Refund Application, the Impact Fee Administrator shall determine if it is complete. If the Impact Fee Administrator determines the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected, the Impact Fee Administrator shall take no further action on the Refund Application.

3. When the Impact Fee Administrator determines the Refund Application is complete, it shall be reviewed within twenty (20) days, and shall be approved if it is determined the fee payer or a successor in interest has paid a fee which the County has not spent within the period of time required under this Section. The refund shall include the fee paid plus interest of six (6%) percent a year.

5-06-10-03 APPEAL

Any fee payer or a successor in interest may appeal the decision of a Refund Application by filing a petition with the Board of County Commissioners within thirty (30) days of the decision. In reviewing the Impact Fee Administrator's decision, the Board of County Commissioners shall use the standards established in Section 5-06-08-04.

5-06-11 REVIEW EVERY TEN (10) YEARS

Road Impact Fee Study and this Regulation shall be reviewed and evaluated by the Impact Fee Administrator at least once every ten (10) years, to determine if modifications need to be made to the Road Impact Fee Study and this Regulation.

CHAPTER 6—REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST

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CHAPTER 6—REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST

6-01 REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST AUTHORITY

These standards and regulations are authorized by Section 24-65.1-101, et seq., C.R.S.

6-02 REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST DEFINITIONS

The definitions listed in this section shall apply only to Regulations governing Areas and Activities of State Interest. The words and terms used in this Section governing Areas and Activities of State Interest shall have the meanings set forth below. If a definition is not included in the Section listed below then the definition listed in Chapter 11 of the Adams County Development Standards and Regulations shall govern. If there is a conflict between the definitions in Chaper 11 and the definitions in this Section then the definitions in this Section shall prevail. If the term is not found in these Regulations or in Chapter 11, the term shall have its common meaning.

6-02-01 **AASI Permit/Permit:** A permit issued pursuant to this Section by the Board that covers an area or activity of state interest.

6-02-02 **Affected Party:** Any person with an interest in the outcome of the permit decision for the Proposed Project.

6-02-03 **Airport:** Any proposed or existing municipal or county airport or airport under the jurisdiction of an airport authority formed under the "Public Airports Authority Act" of 1965, as amended.

6-02-04 **Applicant:** A Person submitting an application for a Permit to engage in a development in a designated Area of State Interest or to conduct a designated Activity of State Interest, who is either the owner of the property to be developed, has written permission from the property owner for submittal of the project proposal, or has authority to condemn the property.

6-02-05 **Aquifer Recharge Area:** Any area where surface water may infiltrate to a water-bearing stratum of permeable rock, sand or gravel. This definition shall also include areas around wells used for disposal of wastewater or toxic pollutants.

6-02-06 **Area Around a Rapid or Mass Transit Facility:** An area immediately surrounding and directly affected by a Rapid or Mass Transit Facility as defined herein.

6-02-07 **Arterial Highway:** Any limited access highway that is part of the federal-aid interstate system, any limited access highway constructed under the supervision of the Colorado Department of Transportation or any private toll road constructed or operated under the authority of a private toll road company. "Arterial highway" does

not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

6-02-08 **Board/ Board of County Commissioners/ BOCC:** The Adams County Board of County Commissioners.

6-02-09 **Building:** Any structure having a roof supported by columns or walls and intended for supporting or sheltering any use or occupancy.

6-02-10 **Building Permit:** A permit which is issued by the Adams County Community and Economic Development Department Section prior to the erection, construction, alteration, moving, relocation or change of use of any building or structure.

6-02-11 **Code:** Adams County Development Standards and Regulations.

6-02-12 **Collection System:** A network of pipes and conduits through which sewage flows to a sewage treatment plant excluding storm sewers.

6-02-13 **Collector Highway:** A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation centers, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the Department of Public Works. "Collector highway" does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

6-02-14 **Commission:** Adams County Planning Commission.

6-02-15 **Community and Economic Development Department:** The Adams County Community and Economic Development Department

6-02-16 **Community and Economic Development Director:** The Adams County Community and Economic Development Director or designee.

6-02-17 **Comprehensive Plan / Master Plan:** A plan adopted by the County or a municipality within the County that guides land use, growth, and development decisions.

6-02-18 **Cost:** The total monetary amount to be paid for a development project, generally including all amounts to be paid for land acquisition, capital improvements, construction, fixtures, equipment, labor, materials, operation, financing, debt service, planning, permitting and similar purposes.

6-02-19 **County:** Adams County, Colorado.

6-02-20 **Dedication:** The conveyance or setting aside of land to the Board or its designee.

6-02-21 **Department:** The Adams County Community and Economic Development Department.

6-02-22 **Designation:** That legal procedure specified by §§ 24-65.1-401, et seq, C.R.S., for designating Matters of State Interest. It also includes the revocation and amendment of such designations.

6-02-23 **Determination:** Determination of Level of Permit Review or amendment by the Community and Economic Development Director.

6-02-24 **Development:** Any construction, activity and/or ongoing operation that changes the basic character or the use of the environment in which the construction, activity or operation occurs.

6-02-25 **Development Area:** Those geographic areas within the County, which shall be developed or altered directly by construction or operation of the Project.

6-02-26 **Development Permit:** Any Adams County land use permits or approvals of any kind, including, but not limited to, building permits, special uses, conditional uses, plat approvals, grading permits and other land use permits.

6-02-27 **Distribution System:** A network of pipes and conduits through which water is piped for human consumption or a network of pipes and conduits through which water is piped in exchange or trade for water for human consumption. Also a network of distribution power lines, natural gas distribution lines, substations, and other associated equipment to convey electricity to the end-use consumer

6-02-28 **Domestic Water and Wastewater Treatment System:** A Wastewater Treatment Plant, Water Treatment Plant, or Water Supply System. {See individual definitions}

6-02-29 **Dwelling:** Any Building or part thereof designed or used for private residential purposes. See also Dwelling Unit.

6-02-30 **Dwelling Unit:** Any Building or portion of a Building, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, intended for occupancy by not more than one family and which has no more than one kitchen.

6-02-31 **Efficient Use of Water:** The employment of methods, procedures, techniques, and controls to encourage use of water for purposes, and in amounts, which shall yield the greatest possible benefit to the greatest number of people, while promoting, where feasible and appropriate, the conservation of water in particular uses. Such benefits shall include economic, social, aesthetic, ecological, agricultural and recreational benefits.

6-02-32 **Environment:** All natural physical and biological attributes and systems including the atmosphere, climate, geology, soils, groundwater, surface water, wetlands, vegetation, animal life, physical features, natural hazards, topography and aesthetics.

6-02-33 **Fixed Guideway:** A transportation facility consisting of a dedicated separate right-of-way or rail line for the exclusive use of rapid or mass transit vehicles.

6-02-34 **Floodplain:** An area adjacent to a stream which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

a. Mainstream floodplains;
b. Debris-fan floodplains; and
c. Dry wash channels and dry wash floodplains.

6-02-35 **Geologic Hazard:** A geologic phenomenon, which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

a. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
b. Seismic effects;
c. Radioactivity; and
d. Ground subsidence.

6-02-36 **Geologic Hazard Area:** An area that contains or is directly affected by a Geologic Hazard.

6-02-37 **Hearing:** Public hearing.

6-02-38 **Highway:** State and federal highways and major county arterials.

6-02-39 **Impact Area:** Those geographic areas, including the Development Area, in which any impacts are likely to be caused by the Project within five hundred feet [500] or as increased by the Community and Economic Development Director or designee measured from the property line(s) of the Proposed Project.

6-02-40 **Individual Sewage Disposal System (ISDS):** Treatment of wastewater using septic tank and leach fields.

6-02-41 **Industrial:** Any development of natural resources, business or trade, commercial activity, processing, fabrication, alteration or manufacture of raw or semi-processed materials, manufactured goods or any components thereof.

6-02-42 **Interchange:** The intersection of two or more Highways, roads, or streets, at least one of which is an Arterial Highway where there is direct access to and from the Arterial Highway.

6-02-43 **Irrigation Facilities**: Infrastructure or improvements intended to supply of convey water to dry land for agricultural purposes. Irrigation facilities do not include infrastructure or improvements designed to provide or transport water for application in municipal purposes, including domestic consumption.

6-02-44 **Major Extension of Domestic Sewage Treatment System:** Any modification of an existing Wastewater Treatment Plant designed and intended to serve a Proposed Project and/or Service Area, regardless of whether such use is residential, commercial or industrial.

6-02-45 **Major Extension of Domestic Water Treatment System:** The expansion of existing Water Treatment Plants, or any extension of existing Water Supply Systems to serve a Proposed Project and/or Service Area, regardless of whether such use is residential, commercial or industrial.

6-02-46 **Major Facilities of a Public Utility:**

a. Transmission lines, power plants, and substations of electrical utilities; and

b. Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.

c. Wind farms and associated equipment.

6-02-47 **Major New Domestic Sewage Treatment System:** Any new Wastewater Treatment Plant designed and intended to serve a Proposed Project and/or Service Area, regardless of whether such use is residential, commercial or industrial.

6-02-48 **Major New Domestic Water Treatment Systems:** Any new Water Treatment Plant or Water Supply System designed and intended to serve a Proposed Project and/or Service Area, regardless of whether such use is residential, commercial or industrial.

6-02-49 **Major Water and Sewer Project:** Major New Domestic Water and Sewage Treatment Systems; Major Extensions of Existing Water and Sewage Treatment Systems; and Municipal and Industrial Water Projects.

6-02-50 **Mass Transit:** A coordinated system of one or more transit modes providing regular transportation to the general public including, but not limited to, bus or rapid transit but not including charter bus, school bus, or sightseeing transportation.

6-02-51 **Master Plan:** See Comprehensive Plan / Master Plan.

6-02-52 **Matter of State Interest:** An Area of or an Activity of State Interest, or both, as listed in §§ 24-65.1-201(1) - 203(1), C.R.S.

6-02-53 **Mitigation:** An action that will have one or more of the following effects:

a. Avoiding an impact by not taking a certain action or parts of an action;
b. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
c. Rectifying the impact by repairing, rehabilitating, or restoring the impact area, facility or service;
d. Reducing or eliminating the impact over time by preservation and maintenance operations;

e. Compensating for the impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.

6-02-54 **Municipal or Industrial Water Project:** Systems and all related components thereof that provide or may provide in the future, water supply, either directly or by trade, substitution, augmentation or exchange, for municipal or industrial uses.

6-02-55 **Municipality:** An incorporated city or town.

6-02-56 **Natural Hazard:** A natural phenomenon which so conflicts with construction or land use as to constitute a significant hazard to public health and safety or to property including, without limitation, geologic hazards, flood hazards, and wildfire hazards.

6-02-57 **Net Effect:** The impact of an action after Mitigation.

6-02-58 **Permit:** See AASI Permit / Permit.

6-02-59 **Permit Authority:** The Board of County Commissioners, or its designee.

6-02-60 **Permit Holder:** Person to whom a Permit has been granted.

6-02-61 **Person:** Any individual, limited liability company, partnership, corporation, association, company, or other public or corporate body including the federal government, including any political subdivision, agency, instrumentality, or corporation of the State or the United States.

6-02-62 **Project or Proposed Project:** The site selection, construction, development, or operation of an activity or other development proposed under these Regulations throughout its life cycle including all ancillary structures, facilities, improvements, and activities, and all integrated components thereof, and any proposed land use directly related to such project if such project is to be located wholly or partially within the County. A project cannot be segmented to avoid the requirements of these Regulations. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the development must be considered together when reviewing the project hereunder and determining if it satisfies these Regulations.

6-02-63 **Public Services and Facilities:** Those services and facilities provided by a political subdivision of the State or by a federal agency.

6-02-64 **Public Utility:** Includes any utility or company that is generating or selling electricity or producing or selling natural gas to the general public or other companies.

6-02-65 **Rapid or Mass Transit Facility:** A Station or Terminal constructed to provide and facilitate passenger access and egress to a Rapid or Mass Transit System, Fixed Guideways, dedicated highway lanes restricted to use by only mass transit vehicles, restricted dedicated flyovers and restricted dedicated access to Stations or Terminals, or highway access and egress facilities restricted to use only by mass transit vehicles.

6-02-66 **Rapid Transit:** The element of a Mass Transit system involving a mechanical conveyance on an exclusive lane or guideway, rail trackage, or monorail facility constructed solely for that purpose.

6-02-67 **Recycling:** The treatment and use of wastewater or water in a manner that shall make it available for use again. Also included is the reuse of solid waste material.

6-02-68 **Service Area:** The primary geographic area to be served by the Proposed Project.

6-02-69 **Service Road:** A street or road meeting County specifications used to provide ingress and egress to a development located adjacent to a highway.

6-02-70 **Shelter:** A Building or structure designed primarily to provide a waiting area for transit passengers.

6-02-71 **Site Selection, Rapid or Mass Transit Facility:** The process for determining the location of Rapid or Mass Transit Facilities or the substantial expansion or relocation of an existing facility, by a recognized and bona fide mass transit agency or authority, the County, the State, or the federal government or any subdivision of each and or any private entity or person.

6-02-72 **Station or Terminal:** A facility constructed to provide and facilitate passenger access to and from a Rapid or Mass Transit System including areas necessary for vehicle operations, and parking areas for commuters and roadways connecting to the general road and street system of Adams County. Stations shall include any proposed regularly scheduled stop or planned optional or seasonal boarding point on a Rapid or Mass Transit System. Dedicated Park and Ride facilities with fifty or more parking

spaces shall be deemed Stations for the purposes of these regulations, with or without a shelter facility. Shelters alone, or as part of traditional bus stops and pull-outs lacking fifty dedicated spaces are not considered Stations or Terminals for the purposes of these regulations.

6-02-73 **Stream Segment:** An identifiable lake or reservoir or a stretch of a stream or tributary defined on the basis of common classified uses and similar physical, chemical and biological characteristics, up to the point at which the use or characteristic changes to another.

6-02-74 **Terminal:** See Station or Terminal.

6-02-75 **Transportation Corridor:** Any County or municipal street or road, any State or federal highway, and any railroad operating as a common carrier.

6-02-76 **Use:** The purpose or activity for which a parcel of land, a building or structure is designed, arranged, or intended, or for which it is occupied or maintained based on land use regulations.

6-02-77 **Wastewater Treatment Plant:** A facility or group of units, including any system of pipes, structures, and facilities through which wastewater is collected for treatment, that is used for treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units discharges into State waters.

6-02-78 **Water Diversion:** Removing water from its natural course or location, or controlling water in its natural course or location, by means of a ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device.

6-02-79 **Water Supply System:** A system of wells, diversions, pipes, structures, and facilities, including water reservoir(s), or water storage, impoundments and their associated structures, through which a water supply is obtained, stored, and sold or distributed for domestic uses; or the system of wells, diversions, pipes, structures, and facilities, including impoundments, through which a water supply is obtained which will be used directly or by trade, substitution, augmentation or exchange, for water which will be used for human consumption or household use. In determining whether a project is a domestic water supply system the Board shall consider water rights decrees, pending water rights applications, intergovernmental agreements, water supply contracts, and any other evidence of the ultimate use of the water.

6-02-80 **Water Treatment Plant:** The facilities within the water supply system that regulate the physical, chemical, or bacteriological quality of the water.

6-02-81 **Wildlife:** Native or introduced wild vertebrates or invertebrates.

6-02-82 **Wildlife Habitat:** That natural or man-made environment which contains the elements of food, shelter, water and space in a combination and quantity necessary for the survival of one or more wildlife species.

6-03 REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST APPLICABILITY

These Regulations shall apply to all Matters of State Interest in the unincorporated areas of the County that have been or may hereafter be designated by the Board of County Commissioners.

6-03-01 PUBLIC AND PRIVATE LANDS

These Regulations shall apply to all Matters of State Interest designated as such by the County whether located on private or public lands within the unincorporated areas of the County.

6-04 REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST EXEMPTIONS

6-04-01 STATUTORY AND SPECIFIC EXEMPTIONS

The provisions of these regulations shall not apply to any development in an Area of State Interest or any Activity of State Interest if any one of the following is true:

1. As of May 17, 1974,
   a. The specific development or activity was covered by a current building permit issued by the County; or
   b. The specific development or activity was directly approved by the electorate of the State or the County, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity; or
   c. The specific development or activity is to be on land which has been finally approved by the County for planned unit development or for a substantially the same as a planned unit development; or
   d. The specific development or activity is to be on land which was either zoned or rezoned for the use contemplated by such specific development or activity; or
   e. The specific development or activity is on land with respect to which a development plan has been conditionally or finally approved by the County.

2. Specific Exemptions. The provisions of these regulations shall not apply to any of the following:
   a. Replacement of an existing water diversion structure without change in the point of diversion or point of use of the water, or yield from the diversion.
   b. Irrigation Facilities.
   c. Upgrades to existing facilities that are required maintenance or otherwise required by Federal, State or County regulations, including repairing or replacing old or outdated equipment, or installing new equipment or ancillary facilities, provided the improvements do not expand levels of service beyond the original design capacity and provided the improvements do not expand levels of service beyond the acceptable levels of expansion as determined by the Community and Economic Development Director or designee, and provided further that the upgrade does not alter the location of the existing facility.
   d. Unincorporated Adams County Government.

e. The construction or extension of a water distribution system, domestic water system, municipal or industrial water project, water supply system, water treatment plant, or major new domestic water treatment system with pipelines that do not exceed a maximum of 36 inches in diameter.

   Projects that fall within this category with pipelines that are 36 inches in diameter or smaller shall request a pre-application meeting to have the Community and Economic Development Director conduct a review to determine applicability pursuant to Section 06-07-01-02. All districts within three (3) miles of the proposed project shall be invited to the Conceptual Review meeting and shall be notified of the decision regarding applicability. If the Community and Economic Development Director determines that and Areas and Activities of State Interest permit is required due to the impacts of the proposed project, the applicant shall submit an AASI application in accordance with the procedures outlined in Section 6-07, Permit Application Process.

6-05 RELATIONSHIP TO OTHER REGULATIONS

6-05-01 INCONSISTENCIES OR CONFLICT WITH OTHER COUNTY REGULATIONS

If any of the provisions of these Regulations is deemed to be inconsistent or in conflict with the provisions of any other County regulations or requirements, then the more stringent regulation or requirement shall apply as determined by the County.

6-05-02 COMPLIANCE WITH OTHER REGULATIONS

Compliance with these Regulations does not waive the requirement to comply with any other applicable State, local or federal law or regulation.

6-05-03 COORDINATED REVIEW AND PERMITTING

Any Applicant for a Permit under these Regulations that is also subject to the regulations of other State or federal agencies may request that the County application and review process be coordinated with that of the other agency.

6-05-04 OVERLAP BETWEEN MATTERS OF STATE INTEREST

When an Applicant engages in Development or activity that implicates AASI Permit requirements for more than one Matter of State Interest, the Applicant shall complete and submit a single AASI Permit application that includes all affected areas and activities.

6-05-05 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of these Regulations is, for any reason, held to be invalid or unconstitutional by a court of law, such decision shall not affect the validity of these Regulations as a whole or any part other than the part declared invalid.

6-06 DESIGNATED AREAS AND ACTIVITIES OF STATE INTEREST

6-06-01 PERMIT REQUIRED

A Permit is required to be obtained pursuant to these Regulations in order to conduct any of the following Activities of State Interest (unless otherwise exempted by these Regulations):

1. Site selection and construction of Major New Domestic Water Treatment Systems and Major New Domestic Sewage Treatment Systems.
2. Major extensions of existing Domestic Water and Wastewater Treatment Systems.
3. Site selection and construction of Major Facilities of a Public Utility.
4. Site selection of Airports.
5. Site selection of Arterial Highways, Interchanges and Collector Highways.
6. Site selection of Rapid or Mass Transit Facilities, Stations or Terminals or Fixed Guideways (“Rapid or Mass Transit Facilities”).

The Board may designate additional Matters of State Interest subsequent to the adoption of these Regulations. Any Proposed Project in any subsequently designated Area of State Activity and the conduct of any subsequently designated Activity of State Interest, shall also be subject to these Regulations and shall require a Permit unless specifically exempted.

6-07 PERMIT APPLICATION PROCESS

6-07-01 PRESUBMITTAL MEETING

Before submitting an application to the County for a Permit under these Regulations, any Person seeking to engage in an activity or Development subject to these Regulations shall meet with the Community and Economic Development Staff. At this meeting, Community and Economic Development Staff shall explain the regulatory process and requirements and submittal requirements.

6-07-01-01 SUBMITTAL

The Applicant shall submit the following prior to the presubmittal meeting:

1. A Presubmittal application form.
2. A map and/or sketch prepared at an easily readable scale showing:
    a. Boundary of the proposed activity;
    b. Relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams and existing structures;
    c. Proposed Building, improvements and infrastructure.
3. A written summary of the Project that describes the impacts of the Proposed Project as it relates to applicable approval criteria that are sufficient for determining the applicability of AASI Permit Requirements that shall be required for the application.
4. A copy of the latest approved zoning and subdivision plans, a vicinity/zoning map, and Assessor Parcel Number(s) of the parcel(s) that are proposed to be developed.

6-07-01-02 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR DETERMINATION

1. The Community and Economic Development Director shall determine, in writing, the applicability of this article and Chapter to the conduct of particular proposed activities or Development. The Community and Economic Development Director shall make this Determination within ten (10) working days after the Presubmittal Meeting in which the Applicant provides adequate information for the Community and Economic Development Director to make such Determination. If any Person is aggrieved by the Community and Economic Development Director's Determination to include or exempt an activity from the AASI Permit regulations and procedures, that Person may file an appeal to the Board of County Commissioners no later than ten (10)

working days after the date of the Community and Economic Development Director's written Determination. See Section 6-10.

2. No Development With out Permit: If it is determined that the Proposed Project requires a Permit, no Person may engage in an Activity of State Interest or engage in Development in a designated Area of State Interest without first obtaining a Permit. No Permit shall be issued for any activity that does not comply with these Regulations.

3. Process Land Use Applications Concurrently: Applicants are encouraged to submit an AASI Permit Application concurrent with or approximately at the same time as all other necessary land use applications. If an Applicant chooses not to submit all land use applications concurrently, the County would encourage the Applicant to submit an AASI Permit Application around the same time as the Final Development Plan, or Final Plat or other similar land use process that is involved with site planning.

6-07-02 APPLICATION SUBMITTAL REQUIREMENTS

The Community and Economic Development Director, or designee in their sole discretion, may waive one or more of the submittal requirements when the submittal information would not be relevant to an analysis as to whether the Project complies with the approval criteria. Unless waived, the following submittal components are required:

6-07-02-01 APPLICATION FEE

1. The application package must be accompanied by payment of the application fee for the AASI Permit review. The County shall establish and administer a schedule for such application.

2. The Board of County Commissioners shall take no action on the application package until all fees and expenses related to the application review process have been paid.

3. The Applicant shall also be responsible to pay for any consultant that the County may need to retain to analyze, evaluate or provide information to the County regarding all or a portion of an application where County Staff does not have expertise. The selection of any consultants shall be subject to the approval of the Community and Economic Development Director.

6-07-02-02 INFORMATION DESCRIBING THE APPLICANT

1. The names, addresses, email address, fax number, organization form, and business of the Applicant, and if different, the owner of the Project.

2. The names, addresses and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or shall be responsible for constructing and operating the Project.

3. Authorization of the application by the Project owner, if different than the Applicant.

4. Documentation of the Applicant's financial and technical capability to develop and operate the Project, including a description of the applicant's experience developing and operating similar projects.

6-07-02-03 INFORMATION DESCRIBING THE PROJECT

1. Detailed plans and specifications of the Project.

2. Descriptions of at least three (3) or more alternatives to the Project that were considered by the Applicant.

3. Schedules for designing, permitting, constructing and operating the Project including the estimated life of the Project.

4. The need for the Project, including existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the Project.

5. Description of all conservation techniques to be used in the construction and operation of the Project.

6-07-02-04 PROPERTY RIGHTS, PERMITS AND OTHER APPROVALS

1. A list and copies of all other federal, State and local permits and approvals that have been or shall be required for the Project, together with any proposal for coordinating these approvals with the County permitting process.

2. Copies of all official federal and State consultation correspondence prepared for the Project; a description of all Mitigation required by federal, State and local authorities; and copies of any draft or final environmental assessments or impact statement required for the Project.

3. Description of the water to be used by the Project and alternatives, including the source, amount, the quality of such water, the Applicant's right to use the water, including adjudicated decrees, applications for decrees, proposed points of diversion, and the existing uses of water. If an augmentation plan has been filed in court, the applicant must submit a copy of that plan.

4. Regional Water Quality Management Plan: Provisions of the regional Clean Water Plan, promulgated by the Denver Regional Council of Governments, that apply to the Project and assessment of whether the Project would comply with those provisions.

6-07-02-05 FINANCIAL FEASIBILITY OF THE PROJECT

1. The estimated construction costs and period of construction for each Development component.
2. Revenues and operating expenses for the Project.
3. The amount of any proposed debt and the method and estimated cost of debt service.
4. Details of any contract or agreement for revenues or services in connection with the Project.
5. Description of the persons or entity(ies) who shall pay for or use the Project and/or services produced by the Development and those who shall benefit from any and all revenues generated by it.
6. Cost of all mitigation measures proposed for the Project.
7. Detailed description as to how the Project shall be financed to show that the Applicant has the ability to finance the Project.

6-07-02-06 LAND USE

1. Description of existing land uses within and adjacent to the Impact Area.
2. Description of provisions from local land use plans that are applicable to the Project and an assessment of whether the Project shall comply with those provisions.
3. Description of impacts and Net Effect that the project would have on land use patterns.
4. Description of the surrounding and /or impacted community(ies).
5. Description of the surrounding and/or impacted Cultural Resources.
6. Description of existing and unique agricultural land in the area.

6-07-02-07 LOCAL GOVERNMENT SERVICES

1. Description of existing capacity of and demand for local government services including roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, housing, law enforcement, and other services necessary to accommodate Development.

2. Description of the impacts and Net Effect of the Project on the demand for local government services and the capability of local governments to provide services.
3. Description of the potential effect on the existing transportation network including, but not limited to: road hierarchy, circulation system, road connections, right-of-way dedications, conformance with Adams County engineering standards, road access, alignment of roads, intersections, sidewalks and trails, pedestrian access, parks and open space.

6-07-02-08 FINANCIAL BURDEN ON COUNTY RESIDENTS

1. Description of the existing tax burden and fee structure for government services including but not limited to assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.
2. Description of impacts and Net Effect of the Project on existing tax burden and fee structure for government services applicable to County residents and property owners.

6-07-02-09 LOCAL ECONOMY

1. Description of the local economy including but not limited to revenues generated by the different economic sectors, and the value or productivity of different lands.
2. Description of impacts and Net Effect of the Project on the local economy and opportunities for economic diversification, including the number and types of jobs created.
3. Description of jobs created as a result of the Project.
4. Description of income potential from jobs created by or as a result of the Proposed Project.

6-07-02-10 RECREATIONAL OPPORTUNITIES

1. Description of present and potential recreational uses, including the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
2. Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, and hiking and biking trails.
3. Description of the impacts and Net Effect of the Project on present and potential recreational opportunities and revenues to the local economy derived from those uses.

6-07-02-11 ENVIRONMENTAL IMPACT ANALYSIS

The following is a non-exclusive list of items the Applicant shall submit for review by the Community and Economic Development Department and other referral agencies:

1. Description of the existing natural environment and an analysis of the impacts of the project to the natural environment.
2. Descriptions in this section shall be limited to the Impact Area, and shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the project in comparison to existing conditions.
3. The analysis shall include a description of how the Applicant shall comply with the Applicable Approval Criteria in Section 6-17.

   a. Air quality.

      1. Description of the air sheds to be affected by the Project, including the seasonal pattern of air circulation and microclimates.
      2. Map and description of the ambient air quality and State air quality standards of the air sheds to be affected by the Project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants and other chemicals, temperature effects and atmospheric interactions.
      3. Descriptions of the impacts and net effect that the Project would have on air quality during both construction and operation under both average and worst case conditions.

   b. Visual Quality.

      1. Map and description of ground cover and vegetation, tree canopies, waterfalls and streams or other natural features.
      2. Description of view sheds, scenic vistas, unique landscapes or land formations.
      3. Map and description of buildings, structure design and materials to be used for the Project. Include elevations of proposed buildings and other structures.
      4. Descriptions of the impacts and Net Effect that the Project would have on visual quality.

   c. Surface Water Quality.

      1. Map and description of all surface waters, including applicable State water quality standards, to be affected by the project.

2. Descriptions of the immediate and long term impact and Net Effects that the Project would have on the quantity and quality of surface water under both average and worst case conditions.
3. Descriptions of the immediate and long term impacts and Net Effects that the project would have on the meandering characteristics and limits of the streambed under both average and worst case conditions.

d. Groundwater Quality and Quantity.

1. Map and description of all groundwater, including any and all aquifers that are affected by the Proposed Project. At a minimum, the description should include:
    a) Seasonal water levels in each subdivision of the aquifer affected by the Project.
    b) Artesian pressure in aquifers.
    c) Groundwater flow directions and levels.
    d) Existing aquifer recharge rates and areas and the methodology used to calculate recharge to the aquifer from any recharge sources.
    e) For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity.
    f) Seepage losses expected at any subsurface dam and at stream/aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
    g) Existing groundwater quality and classification.
    h) Location of all water wells and their uses.
    i) Description of the impacts and Net Effect of the Project on groundwater.

e. Wetlands and Riparian Areas.

1. Map and description of all floodplains, wetlands, and riparian areas to be affected by the project, including a description of each type of wetlands, species composition, and biomass.
2. Description of the source of water interacting with the surface systems to create each wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.).

3. Description of the impacts and Net Effect that the Project would have on the floodplains, delineated flood hazard zone(s), wetlands and riparian areas.

f. Terrestrial and Aquatic Animals and Habitat.

1. Map and description of terrestrial and aquatic animals including the status and relative importance of game and non-game wildlife, livestock and other animals.
2. A description of stream flows and lake levels needed to protect the aquatic environment.
3. Description of threatened or endangered animal species and their habitat.
4. Map and description of critical wildlife habitat and livestock range to be affected by the project including migration routes, calving areas, summer and winter range, and spawning beds.
5. Description of the impacts and Net Effect that the Project would have on terrestrial and aquatic animals, habitat and food chain.

g. Terrestrial and Aquatic Plant Life.

1. Map and description of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
2. Descriptions of the impacts and Net Effect that the Project would have on terrestrial and aquatic plant life.

h. Soils, Geologic Conditions and Natural Hazards.

1. Map and description of soil, geologic conditions, and Natural Hazards including but not limited to soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.
2. Descriptions of the risks to the Project from Natural Hazards.
3. Descriptions of the impact and net effect of the project on soil and geologic conditions in the area, and their effects on streambed meander limits and aquifer recharge areas.

i. Nuisances.

Descriptions and maps showing the range of noise, glare, dust, fumes, vibration, and odor levels caused by the Project, along with and indication of their significance.

j. Areas of Paleontological, Historic or Archaeological Importance.

1. Map and description of all sites of paleontological, historic or archaeological interest.
2. Description of the impacts and Net Effect of the Project on sites of paleontological, historic or archaeological interest.

k. Hazardous Materials Description.

1. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the Project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure, and any foreseeable impacts to the environment of such substances.
2. Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment measures.
3. Reportable quantities, emergency response plan, spill prevention, and counter measures plan due to the Proposed Project.

l. Balance Between Benefits and Losses.

1. Description of foreseeable benefits of natural, agricultural, recreational, range or industrial resources within the County and opportunities to develop those resources in the future.
2. Description of foreseeable losses of natural, agricultural, recreational, range or industrial resources within the County and loss of opportunities to develop those resources in the future.

m. Monitoring and Mitigation Plan.

1. Description of all Mitigation for the Project.
    a. Describe how and when Mitigation shall be implemented and financed.
    b. Describe Impacts that are unavoidable that cannot be Mitigated.
2. Description of methodology used to measure impacts of the project and effectiveness of proposed Mitigation measures.
3. Description, location and intervals of proposed monitoring to ensure that Mitigation shall be effective.

6-07-02-12 REFERRALS TO OUTSIDE AGENCIES, RESPONSE TO REFERRAL COMMENTS AND NEIGHBORHOOD / SCOPING MEETING

1. The Community and Economic Development Department shall determine which outside referral agencies may be affected by the proposed development and should receive referral packets. Potential referral agencies may include, but not be limited to homeowner's associations, local, regional, state and federal governmental entities, and service providers.
2. The applicant shall provide written notice to property owners within five hundred (500') feet of the property lines of the parcel(s) of land which the development is proposed. The Community and Economic Development Director may extend the 500' foot property owner notice area as necessary. The written notice shall state the date, time, place, and purpose of the neighborhood/scoping meeting. All available information concerning the Proposed Project shall be presented by the Applicant or designee during the neighborhood/scoping meeting. A written summary of the meeting including comment sheets, and names, addresses, and phone numbers of attendees shall be submitted to the Community and Economic Development in order for an application to be considered complete.
3. The Community and Economic Development Department shall review the referral packets in order to determine that there is sufficient information in the referral packet, including, but not limited to, AASI Permit information that pertains to the referral agency.
4. The Applicant shall be responsible for putting the referral packets together and addressing the envelopes, but the Community and Economic Development Department shall be responsible for mailing the packets.
5. The referral entities shall have 30 days to respond.
6. The Applicant shall respond to all of the referral comments and that response shall be included as part of the application. This referral process is required, along with all other application submittal requirements, in order for an application to be considered complete.

6-08 ADDITIONAL SUBMITTAL REQUIREMENTS

6-08-01 MAJOR WATER AND SEWER PROJECTS

In addition to the Submittal Requirements in Section 6-07 above, the following requirements shall apply to Major Water and Sewer Projects:

1. Description of existing Domestic Water and Wastewater Treatment Systems in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, discharge permit requirements, service fees and rates, debt structure and service plan boundaries and reasons for and against connecting to those facilities.
2. Description of other water and wastewater management agencies in the project area and reasons for and against consolidation with those agencies.
3. Description of how the Project may affect adjacent communities and users of wells.
4. Description of demands that this project expects to meet and basis for projections of that demand.
5. Description of efficient water use, recycling and reuse technology the Project intends to use.
6. Description of how the Project will affect urban/rural development, urban/rural densities, and site layout and design of storm water and sanitation systems.
7. Map and description of other municipal and industrial water projects in the vicinity and a discussion of how the project will compete with or duplicate those services in the County.

6-08-02 MAJOR FACILITIES OF A PUBLIC UTILITY

In addition to the Submittal Requirements in Section 6-07, above, the following requirements shall apply to Major Facilities of a Public Utility:

1. Map and description of areas around the proposed Major Facilities of a Public Utility.
2. Potential likelihood of nearby activities that may disrupt utility services.
3. Description of how facilities will affect existing community patterns.
4. Description of applicable adopted Comprehensive Plans and whether facilities comply with those provisions.
5. Projections/forecasts of need for electricity or natural gas and the basis for the projections and forecasts.

6. Expected effect and impact on nearby property owners and on current land uses, compared with alternate locations.

6-08-03 AIRPORTS

In addition to the Submittal Requirements in Section 6-07, above, the following requirements shall apply to Airports:

1. Map and description of nearby land uses. Expected impact of the new Airport on those land uses and nearby property owners from noise and traffic.
2. Map and description of flight patterns as related to other land uses. Description of potential public safety and property issues related to the airport and plane crashes.
3. Description of how the Airport will affect existing communities, the environment and existing community services.
4. Description of how the airport will affect economic and transportation needs of the state and the area.
5. Description of applicable adopted Master Plans and whether the Airport complies with these plans.
6. Description of applicable FAA permits and regulations. Provide applicable FAA permits.
7. Description of how the proposed Airport relates to existing Airports.

6-08-04 ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS

In addition to the Submittal Requirements in Section 6-07, above, the following requirements shall apply to Arterial Highways, Interchanges and Collector Highways:

1. Description of how the Project will affect traffic patterns as well as non-motorized traffic.
2. Description of how the new roads will likely affect surrounding land uses and existing community patterns.
3. Description of how new roads will affect community, regional, and statewide traffic demands.
4. Description of how new roads will comply with other local, State and federal regulations and master plans.

6-08-05 RAPID OR MASS TRANSIT FACILITIES

In addition to the submittal requirements in Section 6-07, above, the following requirements shall apply to Rapid or Mass Transit Facilities:

1. Development in Areas Around Rapid or Mass Transit Facilities shall require the following submittals:

    a. One or more maps at sufficient scale showing the location of the proposed Development and its relationship to the Rapid or Mass Transit Station or Terminal and the Interchanges, streets, highways, parking lots, and public facilities which are adjacent to or form an integral part of the operation of the rapid or mass transit facility.

    b. A narrative description of the motor vehicle, bicycle, and pedestrian traffic likely to be generated by the Proposed Project, including but not limited to traffic generation at various times of the day, potential congestion, and potential demand for parking generated by the Development.

    c. A narrative description of the impacts of the Proposed Project to the Rapid or Mass Transit Facility.

    d. Maps or diagrams illustrating the pedestrian and bicycle routes that can be utilized to gain access between the proposed development and the adjacent Rapid or Mass Transit Facility.

2. Rapid or Mass Transit Facilities shall require the following additional submittals:

    a. A general narrative description stating whether the Proposed Project is a Station, Terminal, Fixed Guideway or other Rapid or Mass Transit Facility. The narrative description shall give a description of the location of the Proposed Project, including Intersections, towns, existing and planned facilities and landmark features. The narrative description shall also describe the impacts of the facility, and associated activities, on the character of the area and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the unincorporated area of Adams County.

    b. One or more maps at sufficient scale, showing the location of the proposed facility together with proposed or existing transportation corridors, zoning classification and land use within 2000 feet or more.

    c. <u>Fixed Guideways</u>

If the proposed facility is a Fixed Guideway, the application shall also include:

1. Description of the type of motor power that shall be used to propel transit vehicles along the guideway and maximum anticipated speed of the transit vehicles along different segments of the system.
2. Maps showing the proposed right-of-way.
3. The minimum and maximum passenger capacity of the transit vehicles that will travel on the guideway and the anticipated frequency or scheduling of guideway use.
4. The maximum proposed grade of the guideway and the maximum curvature. Proposed curves in excess of ten degrees shall be indicated on the map.
5. Identification of all buildings or other structures that must be removed in order for the proposed guideway to be built.
6. A plan for preventing collisions at points where the proposed guideway crosses other transportation corridors.
7. A study that describes and analyzes the effects of noise and vibration on neighboring property owners, with particular emphasis on residential land uses.

d. Stations and Terminals

If the proposed facility is a Station or Terminal associated with a Rapid or Mass Transit Facility, the application shall also include:

1. A passenger impact analysis including:
    a. The number of vehicle trips associated with the Station or Terminal at or just before any scheduled departure;
    b. The number of passengers that will likely ride only one way on any given day; and
    c. The number of passengers that can be expected to bring baggage, recreational equipment, tools, or other material.
2. The anticipated schedule of departures and arrivals at the Station or Terminal and the expected capacity of each transit unit.

3. The maximum length of any train that will serve the Station or Terminal, excluding propulsion units.
4. Basic floor plans and architectural sketches of each proposed building or structure, together with a site map showing the relative location of each building or structure.
5. A map of all roadways, parking areas with parking requirements, and other facilities showing details such as width, layout, traffic flow, pavement markings and traffic control devices.
6. Identification of all buildings or other structures that must be removed in order for the proposed Station or Terminal to be built.

6-09 COMPLETENESS DETERMINATION

An application shall not be accepted and deemed received for purposes of § 24-65.1-501(2)(A), C.R.S. unless and until it is complete in accordance with the requirements of these Regulations. The Community and Economic Development Director shall determine whether the application is complete in accordance with the requirements contained in these Regulations. If the Community and Economic Development Director determines that the application is incomplete, then the Community and Economic Development Director shall specify in writing the additional information that is required. Only when the application is determined to be complete shall the process set forth below in the Permit Review and Hearing Procedures commence.

6-10 APPEAL OF COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR DETERMINATION

6-10-01 PURPOSE

The purpose of this section is to detail the steps and requirements for appeals from a Determination by the Community and Economic Development Director to ensure these standards and regulations are administered properly and consistently with the policies adopted by the County.

6-10-02 APPLICABILITY

All appeals from a Determination by the Community and Economic Development Director must be processed in accordance with this section. The Board of County Commissioners shall have the authority to hear and decide appeals by any aggrieved person, where it is alleged there is an error in the Community and Economic Development Director's Determination of whether an AASI Permit is required, the Community and Economic Development Director's Determination of whether the Technical Review Amendment (TRA) requirements have been met, or the Community and Economic Development Director's Determination denying a TRA.

6-10-03 TIME LIMITATIONS

All appeals must be submitted in writing within ten (10) calendar days of the date the Determination was made or rendered by the Community and Economic Development Director. The Community and Economic Development Director may waive or extend this deadline only upon finding the person filing the appeal received no actual or constructive form of notice of the Determination being appealed. Failure to file the appeal in a timely manner shall constitute a waiver of any rights to appeal under these Regulations.

6-10-04 APPEAL REVIEW PROCEDURES

An appeal is initiated by submitting a completed appeal application form with the Community and Economic Development Director. An appeal 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 grant the appeal, modify the Community and Economic Development Director's Determination, or deny the appeal based on consideration of the staff report, the evidence from the public hearing, and compliance with the criteria for approval.

6-10-05 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:

   Applicable.

2. Neighborhood Meeting:

   Not Applicable.

3. Development Application Submittal:

   Applicable. All items or documents required for an appeal as described in the appeal application submittal requirements shall be submitted to the Community and Economic Development Director at least thirty (30) days prior to the first unfilled Board of County Commissioners 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 Community and Economic Development Director 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. Copies of all written materials necessary to decide the appeal that are transmitted to or in the possession of the Community and Economic Development Director shall be incorporated into the staff report.

6. Notice:

   Not Applicable.

7. Public Hearing:

   Applicable. A public hearing shall be held before the Board of County Commissioners.

8. Standards:

   Applicable.

9. Conditions of Approval:

   Applicable.

10. Amendments:

Applicable.

6-10-06 CRITERIA FOR APPROVAL

The Board of County Commissioners, in granting an appeal or modifying the Community and Economic Development Director's Determination, shall have all the powers of the Community and Economic Development Director. In making its decision to grant an appeal or modify a Determination, the Board shall find error in the application of these standards and regulations on the part of the Community and Economic Development Director. The decision concerning the appeal shall set forth the basis of the Board of County Commissioners decision.

6-10-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING THE GRANT OF AN APPEAL

Upon the granting of an appeal or modification of the Community and Economic Development Director's Determination by the Board of County Commissioners, the Community and Economic Development Director shall send a letter of decision to the applicant. The letter of decision shall describe in detail the grant of appeal approved by the Board of County Commissioners.

6-10-08 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.

6-11 APPROVING AND ISSUING A PERMIT

6-11-01 PERMIT REVIEW AND HEARING PROCEDURES

1. Permit Review Procedures

   a. Staff Review and Staff Report

   The Community and Economic Development Department shall review the application and prepare a report recommending approval, conditional approval, denial, or continuance of the permit.

   b. Hearing Date

   The Community and Economic Development Department shall set a public hearing before the Planning Commission and the Board of County Commissioners. The hearing date for the Planning Commission Hearing shall be scheduled after receipt of a completed application. The Board of County Commissioners Hearing shall be scheduled, and notice of the hearing published, within thirty days of receipt of a completed application. The Hearing shall take place not less than thirty days nor more than sixty (60) days after receipt of a complete application.

6-11-02 PLANNING COMMISSION HEARING AND DECISION

1. Planning Commission Hearing

   The Planning Commission shall conduct the hearing to determine whether the Proposed Project complies with the Approval Criteria in Section 6-17.

2. Planning Commission Hearing Notice

   The County shall publish notice of the hearing in accordance with this section and with § 24-65.1-501, C.R.S. Notice shall be published once in a newspaper of general circulation in the County, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.

3. Notice to Property Owners

   The Community and Economic Development Department is responsible for written notice of the public hearing which shall be delivered or mailed, first-class postage prepaid, to adjoining landowners within a minimum of 500 feet of the entire boundary of the proposed activity, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing, except that the Community and Economic Development Director may extend the radius used for noticing based on the nature of the Proposed Project, its potential impacts and the general character of the area. The Department shall be responsible for public notice sign(s) per Adams County Development Standards and Regulations

specifications, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.

4. Planning Commission Decision

If the Planning Commission determines that the Proposed Project complies with all the applicable provisions of these Regulations, then it shall recommend that the Board approve the application. If the Planning Commission determines that the proposed activity does not comply with all the applicable provisions of these Regulations, then it shall recommend that the Board deny the application or approve the application with conditions to ensure compliance with the Regulations. The Planning Commission may continue action on the application at its discretion.

6-11-03 BOARD OF COUNTY COMMISSIONERS HEARING AND DECISION

1. Board Hearing

The Board shall conduct the hearing to determine whether the Proposed Project complies with the Approval Criteria in Section 6-17.

2. Board of County Commissioner Hearing Notice

The County shall publish notice of the hearing in accordance with this Section and with § 24-65.1-501, C.R.S. Notice shall be published once in a newspaper of general circulation in the County, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.

3. Notice to Property Owners

The Department is responsible for providing written notice of the public hearing which shall be delivered or mailed, first-class postage prepaid, to adjoining landowners within a minimum of 500 feet of the entire boundary of the proposed activity, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing, except that the Community and Economic Development Director may extend the radius used for noticing based on the nature of the Proposed Project, its potential impacts and the general character of the area. The Department shall be responsible for public notice sign(s) per Adams County Development Standards and Regulations specifications, not less than thirty (30) days nor more than sixty (60) days before the date set for the Board Hearing.

4. Board Decision

If at the end of the hearing, after considering all information on the record, the Board finds that additional information is necessary for it to determine whether the Proposed Project will satisfy all of the Approval Criteria in Section 6-17, the Board may deny the Permit, or continue the hearing to accept additional information.

The Board may approve the application if it determines that the Proposed Project complies with all applicable provisions of these Regulations. If the Board determines that the application fails, or may fail, to comply with any one of the Approval Criteria, the Board, at its sole discretion, may either approve the permit application with reasonable conditions necessary to ensure compliance with the Regulations or deny the application.

6-11-04 CONDUCT OF HEARINGS, HEARING RECORD, AND DECISION

Hearings shall be conducted in a manner to afford procedural due process to the Applicant and any Affected Person.

1. The burden of proof is on the Applicant to demonstrate with evidence on the record that the Proposed Project complies with all of these Regulations.

2. The Board's decision shall be made by resolution. A copy of the resolution shall be recorded in the Office of the County Clerk and Recorder and shall be mailed to the Applicant.

6-12 TERM OF PERMIT

Approval of a Permit shall lapse after twelve (12) months, unless:

1. Development permits for the Proposed Project for construction are obtained for commencement of construction, if such permits are required; and remain in effect, or

2. Activities described in the Permit have substantially commenced; or

3. The Board specifies in its resolution granting the Permit a different time period in which building permits or construction must be obtained or activities must commence.

6-13 RENEWAL

Permits issued under these Regulations may be renewed following the same procedure for approval of new Permits. The Board may impose additional conditions at the time of renewal if necessary to ensure that the Project shall comply with these Regulations.

6-14 PERMIT DOES NOT EXEMPT DEVELOPMENT FROM LAND DEVELOPMENT AND OTHER CODE REQUIREMENTS

Permits issued under these Regulations shall not exempt the Proposed Project from also complying with zoning and other requirements of the Adams County Development Standards and Regulations. Notwithstanding the issuance of a Permit under these Regulations, no building permit shall be issued and no construction shall begin until all requirements of the Development Standards and Regulations have been satisfied.

6-15 PERMIT AMENDMENT/TECHNICAL REVIEW AMENDMENT (TRA)

Any change in the application, design, construction or operation of the Project from that approved by the Board shall require either a Full Amendment or a Technical Review Amendment. The criteria for this determination shall be based on the additional size of the area affected and/or the intensity of impact of the Project.

6-15-01 FULL AMENDMENT

If the proposed amendment meets the criteria necessary for an AASI Permit, then the Full Amendment shall need to meet the requirements and process for an AASI Permit as outlined in these Regulations for the particular Area and Activity of State Interest.

6-15-02 TECHNICAL REVIEW AMENDMENT

The process and requirements for a Technical Review Amendment would occur when changes in the original AASI Permit are of such a limited nature or scope that a formal AASI Permit Full Amendment would be unnecessary. Such Technical Review Amendments may include, but are not limited to, minor changes to building facades, location and type of landscape material, relocation of light poles or fixtures that do not affect light levels at the property line, and the relocation of interior pedestrian walks and trails.

6-15-02-01 PREREQUISITES FOR A TECHNICAL REVIEW AMENDMENT (TRA)

The following factors shall be used by the Community and Economic Development Director 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 AASI Permit 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 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.

6-15-02-02 SUBMITTAL REQUIREMENTS FOR TECHNICAL REVIEW AMENDMENT (TRA)

Submittal requirements for a TRA include:

1. Completed application (available at the Department).
2. Application fee.
3. Proof of ownership or notarized letter of authorization from the landowner permitting a representative to process the application with a disclaimer that no other party's consent is required.
4. A letter of intent indicating the purpose and need for the TRA.
5. The first and any other subsequently approved AASI Permit, development plan exhibits and associated material. (Typically copied from the approved AASI Permit and associated material).
6. A revised blueline plan exhibit (24" x 36") with the proposed amendment highlighted. Font size shall be readable when reduced to an 11 x 17 inch size. No plans shall include copyright restrictions.

6-15-02-03 APPROVAL CRITERIA FOR A TECHNICAL REVIEW AMENDMENT (TRA)

Prior to approval of a Technical Review Amendment, the Community and Economic Development Director or designee shall consider the following criteria:

1. Will the TRA ensure the efficient development and preservation of the original AASI Permit, and the underlying development plan or subdivision plat?
2. Will the TRA adversely affect reasonable development expectations and the use and enjoyment of adjacent land or the public interest?
3. Will the TRA preserve the spirit and intent of the original AASI Permit and development plan and not weaken the purposes of these regulations?
4. Will approval of the amendment adversely affect the public health, safety, and welfare?

6-15-02-04 TECHNICAL REVIEW AMENDMENT PROCESS

The following is the review process for a Technical Review Amendment (TRA).

1. Upon receipt of all required information, the Community and Economic Development Director or designee shall review the submittal and prepare comment.
2. The Applicant shall be notified of any outstanding issues upon completion of a fourteen (14) calendar day staff review and referral process. The applicant shall resolve all outstanding issues raised through the referral process.
3. The Applicant shall submit a final mylar which shall be an original drawing in black ink on 24” x 36” single/double matte mylar or photographic blackline positive mylar of the same, or equivalent.
4. Upon acceptance of the final mylar by the Department, the Community and Economic Development Director or designee shall approve the Technical Review Amendment.
5. After the Community and Economic Development Director approves and signs the Technical Review Amendment, building permits may be applied for and/or obtained.
6. If any Person or entity is aggrieved by Community and Economic Development Director’s Determination to exempt a TRA application because it does not meet TRA requirements or if a TRA is denied by the Community and Economic Development Director, that person or entity may file an appeal to the Board of County Commissioners, no later than ten (10) working days after the date of the Community and Economic Development Director’s written Determination. See Section 6-10.

6-16 INTERGOVERNMENTAL AGREEMENTS

In lieu of a permit application and review as provided by these regulations, the County, at its sole discretion, may elect to negotiate an intergovernmental agreement with the State of Colorado or a political subdivision of the State as defined by Section 29-1-202(1), C.R.S. for activities of state interest. The County encourages intergovernmental agreements to promote mutually beneficial relationships and effectively address areas and activities of state interest. In the event such an intergovernmental agreement is approved by the Board of County Commissioners, the intergovernmental agreement shall be deemed to satisfy all requirements of these regulations and an AASI Permit shall be issued provided that all of the following conditions are met:

1. The state or political subdivision and the County must both be authorized to enter into the intergovernmental agreement.

2. The purpose, intent, and applicable criteria of Section 24-65.1-101, et seq., C.R.S. and of these regulations must be satisfied by the terms of the intergovernmental agreement.

3. A neighborhood/scoping meeting shall be held by the Applicant, and a summary addressing the concerns of the neighborhood shall be submitted by the Applicant to the Community and Economic Development Department which shall include, but is not limited to, the names, addresses, telephone numbers, and concerns. The neighborhood/scoping meeting summary shall be submitted to the Community and Economic Development Department along with a presubmittal meeting application prior to the scheduling of a public hearing. The boundaries of the residents notified for the neighborhood/scoping meeting shall be determined by the Community and Economic Development Director or designee and shall not be less than 500 feet from the property lines of the location of the Proposed Project.

4. A public hearing must be conducted by the Board to publicly review and approve the proposed intergovernmental agreement. Notice of the public hearing shall be published once at least 30 and not more than 60 days prior to the hearing in a newspaper of general circulation in the County. Property owners within a minimum of 500 feet from the property lines of the location of the Proposed Project shall be notified by the Community and Economic Development Department of the date and time of the public hearing not less than 14 calendar days prior to the Board of County Commissioners hearing date.

5. Both the Board and the governing body of the State or political subdivision must approve the intergovernmental agreement in the manner required by the Colorado Constitution, state statutes, and any applicable charter, ordinance or resolution.

6. Exercise of the provisions of this section 6-16 by the State or political subdivision shall not prevent the entity from electing at any time to proceed under the permit provisions of these regulations.

7. Nothing in this section 6-16 shall be construed to waive the applicability of these regulations or to create in the State or any political subdivision a right or interest to an intergovernmental agreement with the County.

6-17 APPROVAL CRITERIA

A Permit may be approved if the proposed activity complies with the following general criteria and any additional applicable criteria in this section. In determining whether the proposed activity complies with the criteria, the Board shall take into consideration the construction, operation and cumulative impacts of the proposed activity. Also see Appendix A for some examples of these criteria.

6-17-01 GENERAL APPROVAL CRITERIA

1. Documentation that prior to site disturbance associated with the Proposed Project, the Applicant can and will obtain all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained or the Board may grant a Permit with conditions and/or conditions precedent which will adequately address outstanding concerns.
2. The Proposed Project considers the relevant provisions of the regional water quality plans.
3. The Applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.
4. The Proposed Project is technically and financially feasible.
5. The Proposed Project is not subject to significant risk from Natural Hazards.
6. The Proposed Project is in general conformity with the applicable comprehensive plans.
7. The Proposed Project does not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
8. The Proposed Project does not create an undue financial burden on existing or future residents of the County.
9. The Proposed Project does not significantly degrade any substantial sector of the local economy.
10. The Proposed Project does not unduly degrade the quality or quantity of recreational opportunities and experience.
11. The planning, design and operation of the Proposed Project reflects principals of resource conservation, energy efficiency and recycling or reuse.
12. The Proposed Project does not significantly degrade the environment. Appendix A includes the considerations that shall be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:

a. Air quality.

b. Visual quality.

c. Surface water quality.

d. Groundwater quality.

e. Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas.

f. Terrestrial and aquatic animal life.

g. Terrestrial and aquatic plant life.

h. Soils and geologic conditions.

13. The Proposed Project does not cause a nuisance and if a nuisance has been determined to be created by the Proposed Project the nuisance has been mitigated to the satisfaction of the County.

14. The Proposed Project does not significantly degrade areas of paleontological, historic, or archaeological importance.

15. The Proposed Project does not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the Board's consideration shall include:

    a. Plans for compliance with federal and State handling, storage, disposal and transportation requirements.

    b. Use of waste minimization techniques.

    c. Adequacy of spill prevention and counter measures, and emergency response plans.

16. The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.

17. The Proposed Project is the best alternative available based on consideration of need, existing technology, cost, impact and these Regulations.

18. The Proposed Project shall not unduly degrade the quality or quantity of agricultural activities.

19. The proposed Project does not negatively affect transportation in the area.

20. All reasonable alternatives to the Proposed Project, including use of existing rights-of-way and joint use of rights-of-way wherever uses are compatible, have been adequately assessed and the Proposed Project is compatible with and represents the best interests of the people of the County and represents a fair and reasonable utilization of resources in the Impact Area.

21. The nature and location of the Proposed Project or expansion will not unduly interfere with existing easements, rights-of-way, other utilities, canals, mineral claims or roads.
22. Adequate electric, gas, telephone, water, sewage and other utilities exist or shall be developed to service the site.
23. The proposed project will not have a significantly adverse Net Effect on the capacities or functioning of streams, lakes and reservoirs in the impact area, nor on the permeability, volume, recharge capability and depth of aquifers in the impact area.
24. If the purpose and need for the Proposed Project are to meet the needs of an increasing population within the County, the area and community development plans and population trends demonstrate clearly a need for such development.
25. The Proposed Project 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.

6-17-02 ADDITIONAL APPROVAL CRITERIA

6-17-02-01 THE FOLLOWING ADDITIONAL CRITERIA APPLY TO MAJOR WATER AND SEWER PROJECTS

1. To the extent practicable, Domestic Water and Wastewater Treatment Systems will be consolidated with existing facilities within the area. The determination of whether consolidation is practicable shall include but not be limited to the following considerations:
    a. Distance to and capacity of nearest Domestic Water or Wastewater Treatment System.
    b. Technical, legal, managerial and financial feasibility of connecting to existing Domestic Water or Wastewater Treatment System.
    c. Scope of the Service Area for existing Domestic Water or Wastewater Treatment System.
    d. Projected growth and development in the Service Area of existing Domestic Water or Wastewater Treatment System.
2. The Proposed Project will not result in duplicative services within the County.

3. The Proposed Project will be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
4. If the Proposed Project is designed to serve areas within the County, it will meet community development and population demands in those areas.
5. The Proposed Project emphasizes the most efficient use of water, including the recycling, reuse and conservation of water.
6. The Applicant demonstrates sufficient managerial expertise and capacity to operate the facility.

6-17-02-02 THE FOLLOWING ADDITIONAL CRITERIA APPLY TO MAJOR FACILITIES OF A PUBLIC UTILITY

1. Areas around Major Facilities of a Public Utility are administered so as to minimize disruption of the service provided by the public utility.
2. Areas around Major Facilities of a Public Utility are administered so as to preserve desirable existing community and rural patterns.
3. Where feasible, Major Facilities of a Public Utility are located so as to avoid direct conflict with adopted local comprehensive, State and regional master plans.
4. Where feasible, Major Facilities of a Public Utility are located so as to minimize dedication of new right-of-way and construction of additional infrastructure (e.g., gas pipelines, roads, and distribution lines.)
5. The applicant has provided an approved Water Supply Plan using an aquifer life assumption of a 300-year supply.

6-17-02-03 THE FOLLOWING ADDITIONAL CRITERIA APPLY TO AIRPORTS:

1. Areas around Airports are administered to encourage land use patterns that separate uncontrollable noise sources from residential and other noise-sensitive areas.
2. Areas around Airports are administered to avoid danger to public safety and health or to property due to aircraft crashes.
3. Airports are located or expanded in a manner that minimizes disruption to the environment, minimizes the impact on existing community service, and complements the economic and transportation needs of the State and the area.

6-17-02-04 THE FOLLOWING ADDITIONAL CRITERIA APPLY TO ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS:

1. Areas around interchanges involving Arterial Highways are administered to:

a. Encourage the smooth flow of traffic;

b. Foster the development of such areas in a manner calculated to preserve the smooth flow of such traffic.

c. Preserve desirable existing community travel patterns.

d. Arterial Highways and interchanges are located so that community traffic needs are met.

e. Arterial Highways and interchanges are located so that desirable community patterns are not disrupted.

6-17-02-05 THE FOLLOWING ADDITIONAL CRITERIA APPLY TO RAPID OR MASS TRANSIT FACILITIES

1. Areas around Rapid or Mass Transit Facilities are administered to:
    a. Promote the efficient utilization of the Rapid or Mass Transit Facility.
    b. Facilitate traffic circulation patterns of roadways serving the mass transit facility.
    c. Promote development that shall include bike and pedestrian paths providing access to the Rapid or Mass Transit Facility.
2. Rapid or Mass Transit Facilities are located so as to preserve the value of buildings at the site and avoid demolition of businesses or residences to the extent possible. Proposed locations of Rapid or Mass Transit Terminals, Stations, and Fixed Guideways which will not require the demolition of residences or businesses are given preferred consideration over competing alternatives.
3. Rapid or Mass Transit Facilities are located and such activities conducted with reasonable consideration, among other things, as to the character of the area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the unincorporated area of Adams County.
4. Stations, shelters and terminals are appropriately located to attract maximum ridership to the extent feasible and to meet transit needs.
5. Rapid or Mass Transit Facilities have adequate and safe ingress and egress for all transit modes.
6. The location of Fixed Guideways maximizes joint use of rights-of-way for trails and bikeways and other transportation alternatives.
7. Rapid or Mass Transit Facilities are designed and located in a manner that will reduce traffic congestion.
8. Guideway design and location does not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road

except at intersections, nor will guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway.

9. The parking areas associated with a Station or Terminal are capable of holding a number of automobiles that equals the Station or Terminal number of passengers expected to park at the during peak periods.
10. Access roads to a Station or Terminal are designed and located to accommodate, during a 15 minute period, the maximum number of automobiles anticipated to arrive before the scheduled departure of the mass transit conveyance without causing cars to back up onto the public road serving the facility.
11. The Manual on Traffic Control Devices applies to safety devices at intersections of a Fixed Guideway and other transportation corridors.
12. A proposed location of a Rapid or Mass Transit Facility that imposes a burden or deprivation on a local government cannot be justified on the basis of local benefit alone, nor shall a permit for such a location be denied solely because the location places a burden or deprivation on one local government.
13. Rapid or Mass Transit Facilities minimize the effects of noise and vibration on neighboring property owners, with particular emphasis on residential land uses.

6-18 FINANCIAL GUARANTEE

Before any Permit is issued under these Regulations, the Board may (but shall not be required to) require the Applicant to file a guarantee of financial security deemed adequate by the Board and payable to the County. The purpose of the financial guarantee is to assure the following:

1. That the Proposed Project is completed and, if applicable, that the Development Area is properly reclaimed.
2. That the Applicant performs all Mitigation requirements and Permit conditions in connection with the construction, operation and termination of the Proposed Project.
3. That increases in public facilities and services necessitated by the construction, operation and termination of the Proposed Project are borne by the Permit Holder.
4. That the County can recover from the Applicant any additional expenses incurred by the County as a result of a Project that has been suspended or abandoned.

6-18-01 AMOUNT OF FINANCIAL GUARANTEE

In determining the amount of the financial guarantee, the County shall consider the following factors:

1. The estimated cost of completing the Proposed Project and, if applicable, of returning the Development Area to its original condition or to a condition acceptable to the County.
2. The estimated cost of performing all Mitigation requirements and Permit conditions in connection with the construction, operation, and termination of the Proposed Project, including:
    a. The estimated cost of providing all public services necessitated by the proposed activity until two (2) years after the proposed activity ceases to operate.
    b. The estimated cost of providing all public facilities necessitated by the proposed activity until all such costs are fully paid.

6-18-02 ESTIMATE

Estimated cost shall be based on the Applicant's submitted cost estimate plus the Board's estimate of the additional cost to the County of bringing in personnel and equipment to accomplish any unperformed purpose of the financial guarantee. The Board shall consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The Board may require, as a

condition of the Permit, that the financial security be adjusted upon receipt of bids to perform the requirements of the Permit and Regulations.

6-18-03 FORM OF FINANCIAL GUARANTEE

The financial guarantee may be in the form of a letter of credit or some other form acceptable to the Board.

6-18-04 RELEASE OF GUARANTEE

The financial guarantee shall be released when:

1. The Permit has been surrendered to the Board before commencement of any physical activity on the site of the permitted Project; or
2. The Project has been abandoned and either the site has been returned to its original condition or to a condition acceptable to the County; or
3. The Project has been satisfactorily completed; or
4. A phase or phases of the Project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with Project phasing and as determined appropriate by the Board; or The applicable guaranteed conditions have been satisfied.

6-18-05 CANCELLATION OF THE FINANCIAL GUARANTEE

Any financial guarantee may be canceled only upon the Board's written consent.

6-18-06 FORFEITURE OF FINANCIAL GUARANTEE

1. If the Board determines that a financial guarantee should be forfeited because of any violation of the Permit, Mitigation requirements, conditions or any applicable Regulations adopted by the Board, it shall provide written notice to the surety and the Permit Holder that the financial guarantee shall be forfeited unless the Permit Holder makes written demand to the Board, within thirty (30) days after Permit Holder's receipt of notice, requesting a hearing before the Board. If no demand is made by the Permit Holder within said period, then the Board shall order the financial guarantee forfeited.
2. If a written demand is received, the Board shall hold a hearing within thirty (30) days after the receipt of the demand by the Permit Holder. At the hearing, the Permit Holder shall present for the consideration of the Board statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the Board shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

3. The deposit described above shall be used by the Board, in the event of the default of the Permit Holder, for the purposes of recovering on the surety or fulfilling the permit obligation of the Permit Holder. That portion of any moneys expended by the County from the escrow funds relating to such default shall be replaced in the escrow account by the Permit Holder immediately following notice of such expenditure. The County may arrange with a lending institution, which provides money for the Permit Holder, that said institution may hold in escrow any funds required for said deposit. Funds shall be disbursed out of escrow by the institution to the County upon County's demand for the purpose specified in this section.
4. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County Attorney's Office shall take such steps as deemed proper to recover such costs where recovery is deemed possible.

6-18-07 SUBSTITUTE OF FINANCIAL GUARANTEE

If the license to do business in Colorado of any business issuing or holding a financial guarantee pursuant to this regulation is suspended or revoked by any State authority, then the applicant shall immediately, after receiving notice thereof, substitute a good and sufficient financial guarantee from a business licensed to do business in Colorado. Upon failure of the permittee to make substitution within the time allowed, the Board shall suspend the Permit and/or take such other enforcement action until proper substitution has been made.

6-19 PERMIT ADMINISTRATION AND ENFORCEMENT

6-19-01 ENFORCEMENT AND PENALTIES

1. Any person engaging in a development in the designated Area of State Interest or conducting a designated Activity of State Interest who does not obtain a Permit pursuant to these Regulations, who does not comply with Permit requirements, or who acts outside the jurisdiction of the Permit may be subject to such criminal or civil liability as may be prescribed by law.
2. If the County determines at any time that there are material changes in the construction or operation of the Project from that approved by the County, the permit may be immediately suspended by the Community and Economic Development Director and a hearing shall be held before the Board of County Commissioners to determine whether new conditions are necessary to ensure compliance with the Approval Criteria or if the permit should be revoked. The Hearing shall follow the procedures set forth in Section 6-11.

6-19-02 PERMIT SUSPENSION OR REVOCATION

1. The Board may temporarily suspend the Permit for a period of thirty (30) days for any violation of the Permit or the applicable Regulations. The Permit holder shall be given written notice of the violation and shall have a minimum of fifteen (15) days to correct the violation. If the violation is not corrected, the Permit shall be temporarily suspended for thirty (30) days.
2. The County may revoke a Permit granted pursuant to these Regulations if any of the activities conducted by the permittee violates the conditions of the Permit or these Regulations, or the County determines that the project as constructed or operated has impacts not disclosed in the application. Prior to revocation, the permittee shall receive written notice and be given an opportunity for a hearing before the Board. The Board may revoke the permit or may specify a time by which action shall be taken to correct any violations for the permit to be retained.
3. In addition to suspending or revoking the Permit as set forth above, the County may pursue all civil and/or criminal remedies as allowed by law.

6-19-03 TRANSFER OF PERMITS

A permit may be transferred only with the written consent of the Board of County Commissioners. Consent shall be in the sole discretion of the Board of County Commissioners. The Board of County Commissioners shall ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the permit and County Regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare,

and safety of the public; and that an adequate guarantee of financial security can be made.

6-20 APPENDIX

This Appendix provides examples of the types of concerns that the Board of County Commissioners shall take into consideration in determining whether an application for a Permit has complied with the Approval Criteria contained in Section 6-17 of these Regulations.

6-20-01 GENERAL CONSIDERATIONS

6-20-01-01 TECHNICAL AND FINANCIAL FEASIBILITY

The determination of technical and financial feasibility may include but is not limited to the following considerations:

a. Amount of debt associated with the proposed activity.

b. Debt retirement schedule and sources of funding to retire the debt.

c. Estimated construction costs and construction schedule.

d. Estimated annual operation, maintenance and monitoring costs.

e. Market Conditions.

f. Anticipated revenue generation.

6-20-01-02 RISK FROM NATURAL HAZARDS

The determination of risk from Natural Hazards may include but is not limited to the following considerations:

a. Faults and fissures.

b. Unstable slopes including landslides and rock slides.

c. Expansive or evaporative soils and risk of subsidence or upheaval.

d. Wildfire hazard areas.

e. Floodplains and floodways.

6-20-01-03 SERVICES

The determination of the effects of the Proposed Project on the capability of local government to provide services or to exceed the capacity of service delivery systems may include but is not limited to the following considerations:

a. Existing and potential financial capability of local governments to accommodate Development related to the proposed activity.

b. Current and projected capacity of roads, schools, infrastructure, housing, and other services and impact of the proposed activity upon the capacity.

c. Changes caused by the Proposed Project in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities.

d. Changes in short or long term housing availability, location, cost or condition.

e. Need for temporary roads to access the construction of the Proposed Project.

f. Change in demand for public transportation.

g. Change in the amount of water available for future water supply in the County.

6-20-01-04 FINANCIAL BURDEN OF EXISTING OR FUTURE RESIDENTS

The determination of the effects of the Proposed Project on the financial burden of existing or future residents of the County may include but is not limited to the following considerations:

a. Changes in assessed valuation.

b. Tax revenues and fees to local governments that will be generated by the Proposed Project.

c. Changes in tax revenues caused by agricultural lands being removed from production.

d. Changes in costs to water users to exercise their water rights.

e. Changes in costs of water treatment or wastewater treatment.

f. Effects on wastewater discharge permits.

g. Inability of water users to get water into their diversion structures.

h. Changes in total property tax burden.

6-20-01-05 LOCAL ECONOMY

The determination of the effects of the Proposed Project on any substantial sector of the local economy may include but is not limited to the following considerations:

a. Changes to projected revenues generated from each economic sector.

b. Changes in the value or productivity of any lands.

c. Changes in opportunities for economic diversification.

6-20-01-06 RECREATIONAL OPPORTUNITIES

The determination of effects of the Proposed Project on recreational opportunities and experience may include but is not limited to the following considerations:

a. Changes in quality and quantity of fishing.

b. Changes in access to recreational resources.

c. Changes to quality and quantity of hiking trails.

d. Changes to the rural experience or other opportunity for solitude in the natural environment.

e. Changes to hunting.

6-20-01-07 AIR QUALITY

The determination of effects of the Proposed Project on air quality may include but is not limited to the following considerations:

a. Changes to seasonal ambient air quality.

b. Changes in visibility and microclimates.

c. Applicable air quality standards.

6-20-01-08 VISUAL EFFECTS

The determination of visual effects of the Proposed Project may include but is not limited to the following considerations:

a. Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.

b. Interference with viewsheds, ridgelines, and scenic vistas.

c. Changes in riparian tree canopies.

d. Changes in landscape character types or unique land formations.

e. Compatibility of building and structure design and materials with surrounding land uses.

6-20-01-09 SURFACE WATER

The determination of effects of the Proposed Project on surface water quality may include but is not limited to the following considerations:

a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and

persistence of suspended particulates and clarity, odor, color or taste of water.

b. Applicable narrative and numeric water quality standards.

c. Changes in point and nonpoint source pollution loads.

d. Increase in erosion.

e. Changes in sediment loading to water bodies.

f. Changes in stream channel or shoreline stability.

g. Changes in streambed meander limits.

h. Changes in storm water runoff flows.

i. Changes in trophic status or in eutrophication rates in lakes and reservoirs.

j. Changes in the capacity or functioning of streams, lakes or reservoirs.

k. Changes in flushing flows.

l. Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.

6-20-01-10 GROUNDWATER

The determination of effects of the Proposed Project on groundwater quality may include but is not limited to the following considerations:

a. Changes in aquifer recharge area extent, recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

b. Changes in capacity and function of wells within the impact area.

c. Changes in quality of well water within the impact area.

d. Draw-down of reservoir pressure or changes in recovery rate and reserves of nonrenewable water for water users.

6-20-01-11 WETLANDS AND RIPARIAN AREAS

The determination of effects of the Proposed Project on wetlands and riparian areas may include but is not limited to the following considerations:

a. Changes in the structure and function of wetlands.

b. Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.

c. Changes to aerial extent of wetlands.

d. Changes in species' characteristics and diversity.

e. Transition from wetland to upland species.

f. Changes in function and aerial extent of floodplains.

6-20-01-12 TERRESTRIAL OR AQUATIC LIFE

The determination of effects of the Proposed Project on terrestrial or aquatic life may include but is not limited to the following considerations:

a. Changes that result in loss of oxygen for aquatic life.

b. Changes in flushing flows.

c. Changes in species composition or density.

d. Changes in number of threatened or endangered species.

e. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.

f. Changes to habitat and critical habitat, including streambed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.

g. Changes to the aquatic and terrestrial food webs.

6-20-01-13 TERRESTRIAL PLANT LIFE OR HABITAT

The determination of effects of the Proposed Project on terrestrial plant life or habitat may include but is not limited to the following considerations:

a. Changes to habitat of threatened or endangered plant species.

b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.

c. Changes in advancement or succession of desirable and less desirable species, including noxious weeds.

d. Changes in threatened or endangered species.

6-20-01-14 SOILS AND GEOLOGIC

The determination of effects of the Proposed Project on soils and geologic conditions may include but is not limited to the following considerations:

a. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.

b. Changes to stream sedimentation, geomorphology, and channel stability.

c. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

d. Changes to mudflows and debris fans, and other unstable and potentially unstable slopes.

e. Exacerbation of seismic concerns and subsidence.

6-20-01-15 HAZARDOUS MATERIALS

The determination of the risks of a release of hazardous materials from the Proposed Project may include but is not limited to the following considerations:

a. Plans for compliance with federal and State handling, storage, disposal and transportation requirements.

b. Use of waste minimization techniques.

c. Adequacy of spill prevention and countermeasures, and emergency response plans.

6-20-01-16 AGRICULTURAL ACTIVITIES

The determination of effects of the Proposed Project on agricultural activities may include but is not limited to the following considerations:

a. Changes in quality and quantity of farming.

b. Changes in access to agricultural activities.

c. Changes to quality and quantity of ranching.

d. Changes to the quality and quantity of agricultural soils.

e. Changes to the quality and quantity of water for agricultural uses.

CHAPTER 7—ROADWAY STANDARDS AND TECHNICAL CRITERIA

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Chapter 7—ROADWAY STANDARDS AND TECHNICAL CRITERIA

This chapter presents standards and technical criteria to be used in the preparation of a roadway design and project plans submitted to Adams County for review and approval. The following information should be viewed as minimum requirements and changes to these standards must receive prior written approval from the Director of the Public Works Department.

7-01 ROADWAY DESIGN AND TECHNICAL CRITERIA

7-01-01 GENERAL

The County has adopted a street classification system based on traffic volumes and surrounding land use (both existing and future). The listing of the roadway types is as follows:

1. Local - Residential
2. Local - Residential, Rural
3. Local - Industrial/Commercial
4. Minor Collector
5. Minor Collector, Rural
6. Major Collector
7. Minor Arterial
8. Minor Arterial, Rural
9. Major Arterial

The information presented in this section applies to each classification and graphical representation of each roadway type and is shown in Appendix A. The design methodology outlined in this chapter is based upon the 1990 AASHTO, A Policy on Geometric Design of Highways and Streets ("Green Book") and existing conditions.

In the event that there is a revised edition of the AASHTO standards, the most recent edition shall be used. The latest edition of the Colorado Department of Transportation (CDOT) Design Guides may also be used for roadway design, after obtaining approval from the Director of the Public Works Department. It is important to note that Adams County standards may supercede both AASHTO and CDOT design policy/criteria for County maintained roads.

7-01-02 REQUIRED DESIGN SUBMITTALS

Project Plans submitted to the County for review shall contain a comprehensive circulation system designed in accordance with these criteria and other applicable standards (local, state, and federal). Prior to receiving approval, the Project Plans must be sealed by a Colorado Registered Professional Engineer who has extensive knowledge of the project being submitted for review.

Based on the application being submitted, the level of design detail required varies and can be determined by the checklist attached to the application and/or by contacting the County. All required information is to be submitted for County review prior to receiving an approved application or permit. Applicants are encouraged to prepare the required submittals with as much detail as possible to minimize possible confusion and cut down on overall processing time. Should there be questions regarding the required submittals, please contact the Public Works Department.

7-01-03 DESIGN CRITERIA

The engineer shall design all local circulation systems recognizing the following factors:

1. Safety – for vehicular and pedestrian traffic.
2. Performance – efficiency of service for all users.
3. Livability – impacts mitigated by circulation system improvements.
4. Economy – of construction and use of land.

Each of the principles in Table 7.1 is an elaboration on one or more of these four factors. The principles are not intended as absolute criteria, since instances may appear where certain principles or existing conditions conflict. The principles should, therefore, be used as guidelines to proper systems layout and for obtaining County approval. Table 7.2 presents a summary of the minimum roadway design requirements for each of the nine roadway types. Within this table the following characteristics are discussed:

1. Speed Limit
2. Number of Through Lanes
3. Right-of-Way
4. Street Width and Composition of Cross-Section
5. Type of Curb and Gutter
6. Sidewalk Width
7. Traffic Volumes
8. Continuity

9. Safety
10. Traffic Control
11. Function
12. Access Conditions
13. Planning Characteristics

Table 7.1—Roadway Design Criteria

	Concern	Guide
Ensure Vehicular and Pedestrian Access	The primary function of local streets is to serve abutting properties.	Street widths, placement of sidewalks, patterns of streets and number of intersections are related to safe and efficient access to abutting lands.
Minimize Through Trips	Through traffic on local and collector streets potentially increases the average speed and volume. Therefore increasing the potential for accidents and reducing residential amenities.	Through traffic can be discouraged between neighborhoods and higher volume streets by creating a circuitous route, channeling or controlling median crossings along peripheral routes.
Control Access to Arterials	Local circulation systems and land development patterns should not detract from the efficiency of peripheral arterial facilities. The local streets that intersect arterial systems will tend to have higher volumes since they tend to be primarily exit points	The number of access points between local circulation systems and adjacent arterial streets should be minimized. Intersections along arterial routes should be properly spaced for efficient signalization and traffic flow.
Discourage Speeding	Residential streets should be designed to discourage fast movement.	Use of curvilinear alignments, traffic calming devises and circuitous routes in the street system.
Minimize Pedestrian – Vehicular Conflicts	Pedestrian travel from within the area to points outside should require a minimal number of street crossings.	Typical methods include use of cul-de-sacs and looped streets, special pedestrian routes or walkways, and the proper placement of high pedestrian traffic generators. In general, vehicular flow must be outward oriented to the peripheral arterials and pedestrian travel should be inward-oriented to avoid these heavier vehicular flows.
Minimize Space Devoted to Street Use	It is desirable to minimize local street mileage, therefore reducing construction and maintenance costs as well as to permit the most efficient use of land. Streets should also have an appearance commensurate with their function.	Streets should be designed to complement local character.
Relate Street to Topography	Local streets are more attractive and economical if constructed to closely adhere to topography (minimize cut and fill).	The important role streets play in the overall storm drainage system can be enhanced by closely following existing topography.
Layout Street to Achieve Optimum Subdivision of Land	The arrangement of streets should allow for economical and practical patterns, shapes and sizes of adjacent parcels. Streets as a function of land use must not unduly hinder the development of land.	Distances between streets, number of streets, and related elements all have a bearing on efficient subdivision of an area. Access to adjoining properties should also be encouraged.

Table 7.2—Roadway Design Requirements

		Local – Residential	Local – Residential, Rural	Local – Industrial/Commercial
Posted Speed Limit[1] (mph)		25		
Design Speed (mph)[2]		30		
Number of Through Lanes		2		
Right-of-Way[3]		50’ min.[4]	60’	60’
		ROW radius in cul-de-sacs bubble: 60’	ROW radius in cul-de-sacs bubble: 60’	ROW radius in cul-de-sacs bubble: 70’
Street Width & Composition of Cross-Section	flowline-flowline	SF and MF: 36’	-	44’
	paved width	SF and MF: 32’	24’	40’
	shoulders	-	2-6’	-
	gutter pans	2-2’ for SF and MF areas	-	2-2’
Curb and Gutter		Combination curb, gutter, and sidewalk	-	Vertical curb and gutter
Sidewalk Width (measured from flowline)		5.5’ wide combination w/curb, attached	-	5.5’ wide w/curb, attached
Traffic Volumes		Less than 1500 vpd		
Continuity		Limited		
Safety		Designed for the safety of pedestrians and bicyclists, and ease of access to adjacent parcels of land.		
Traffic Control		As warranted by the MUTCD Manual for uncontrolled intersections.		
Function		• Direct access to adjacent property. • Traffic carried should have an origin or a destination within the neighborhood. • Utility line easements should be available.		
Access Conditions		Intersections at grade with direct access to abutting property permitted.		
Planning Characteristic		• Designed to discourage through traffic from moving through the neighborhood. • Local streets should not intersect major collectors or arterial streets. • Parking may be limited to one side of the street. • Street parking, backing or loading maneuver may or may not be allowed.		
Cul-de-sacs	min. flowline radius	53’	42’ to edge of asphalt	62’
	max length	Max. length (for local residential and industrial/commercial only): most restrictive of 1,200’or 40 dwelling units (if approved by the Fire District). Longer than 600’ or with more than 25 dwelling units-may require all units to be sprinkled per NFPA-13D		

Notes:
[1] See County for posted speed if the traffic study indicates that a reduced speed is required.
[2] Design speeds for the various street classifications shall be 5mph more than the posted speed of that street.
[3]ROW for cut/fill conditions may be required,
[4]Change in ROW width due to a change in street classification shall be made at intersections to accommodate turn lanes.
SF = Single Family Residential
MF = Multi Family Residential
vpd = vehicles per day

Table 7.2—Roadway design requirements (continued)

		Minor Collector	Minor Collector, Rural[6]	Major Collector
Posted Speed Limit (mph)		30		35
Design Speed[5] (mph)		35		40
Number of Through Lanes		2		4
Right-of-Way		80’		80’
Street Width & Composition of Cross-Section	flowline-flowline	44’	-	64’ (ability to convert 1 travel lane to 1 turn lane)
	paved width	40’	44’	60’
	Shoulders (paved)	-	2-8’	-
	gutter pans	2-2’	-	2-2’
Curb and Gutter		Vertical curb and gutter	-	Vertical curb and gutter
Sidewalk Width (measured from flowline)		5.5’ – attached	-	5.5’ - attached
Traffic Volumes		Greater than 1500 vpd, less than 7000 vpd		Greater than 7000 vpd, less than 12,000 vpd
Continuity		Continuous for less than 2 miles		Continuous for 2 or more miles
Safety		Designed to handle traffic volumes loading from and onto local, other collector, and arterial roadways.		
Traffic Control		• As warranted by the MUTCD Manual and State Highway Access Code for Collectors. • Parking prohibited. • Traffic signals will normally be located only at intersections with streets of higher classification.		
Function		• Collect and distribute traffic between arterial and local streets and serve as main connectors within communities. • Traffic should have an origin or a destination within the community.		• Permit relatively unimpeded traffic movement • Intended for use on routes where 4 moving lanes are required, but a larger classified street is not warranted.
Access Conditions		• Intersections at grade. • Direct access to abutting property is not permitted unless no other access is reasonably available. • For major collector only, access from street of lower classification will be permitted with the use of traffic control devices.		
Planning Characteristic		Develop continuity throughout, but need not extend beyond the neighborhood.		• Should be employed where traffic demands dictate. • Landscaping elements are encouraged (trees, open space, etc.) where line of sight is not an issue. • Intersection with other collector and arterial streets should be at least one-quarter mile apart.

Notes:
[5]Design speeds for the various street classifications shall be 5mph greater than the posted speed of that street.
[6] Includes Section Line Arterial
vpd = vehicles per day

7-06 TABLE 7.2—ROADWAY DESIGN REQUIREMENTS (CONTINUED)

		Minor Arterial	Minor Arterial, Rural	Major Arterial
Posted Speed Limit (mph)		Greater than or equal to 35 MPH (actual posted speed to be determined by the Adams County Engineering Division prior to submittal of construction plans)		
Design Speed[7] (mph)		45 minimum		
Number of Through Lanes		4		4 minimum
Right-of-Way		120’	120’	140’
		ROW may be based on existing Master Plans.		
Street Width & Composition of Cross-Section	flowline-flowline	64’	-	74’
	paved width	60’	60’	2-15’ and 2-12’ travel lanes
	gutter pans	-	-	2-2’
	median	-	-	1-14’
	median gutter pans	-	-	2-1’
Curb and Gutter		Vertical curb and gutter	-	Vertical curb and gutter
Sidewalk Width		10’	-	10’
Traffic Volumes		Generally less than 12,000 vpd		Generally greater than 12,000 vpd
Continuity		Continuous for several miles, generally connecting with inter-city routes.		Continuous for several miles, generally connecting with inter-county and intra-county routes.
Safety		Designed to handle traffic volumes loading from and onto collector, and arterial roadways.		
Traffic Control		• As warranted by the MUTCD Manual and State Highway Access Code for Arterials. • Parking is prohibited.		• As warranted by the MUTCD Manual and State Highway Access Code for Arterials. • Parking is prohibited. • Roadways shall have median stripping.
Function		Permit relatively unimpeded traffic movement		Permit relatively unimpeded traffic movement.
Access Conditions				Abutting properties should not face on the roadway unless separated from it by a frontage road.
		• Intersection at grade. • Intersection spacing shall be ¼ mile. • Access from streets of lower classification may be permitted if controlled by traffic control devices. • Direct access to abutting properties is not permitted unless prior approval is obtained from the Director of the Public Works Department.		
Planning Characteristic		Arterials should be continuous and spaced from ½ to 1 mile apart.		Arterials should be spaced (1) one mile apart and should traverse an entire city and/or County.
		Arterials should act as boundaries between neighborhood areas.		

Notes:
[7]Design speeds for the various street classifications shall be 5mph greater than the posted speed of that street.
vpd = vehicles per day

7-01-03-01 SIGHT DISTANCES

Sight distance is the length of roadway clearly visible to the driver and is dependent upon the height of the driver's eye above the road surface, the specified object height above the road surface, and the height of sight obstructions within the line of sight. The minimum sight distance available on a roadway should be sufficient to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object.

In evaluating the overall performance of a roadway, both the horizontal and vertical sight distances should be checked to insure the distance along the major road is sufficient to allow a vehicle the opportunity to safely cross or turn left, whichever is required. For all sight distance calculations, the height of driver's eye is considered to be 3.50 feet above the road surface.

No Access Permit shall be issued for any project which does not include design elements for safe movement of any motorist using and/or passing an access.

Minimum Sight Distance requirements for existing access points shall meet the criteria listed in the Appendices B of these regulations.

7-01-03-01-01 *STOPPING SIGHT DISTANCE*

The minimum stopping sight distance is the distance required by the driver of a vehicle traveling at the design speed to bring the vehicle to a stop after an object on the road becomes visible. Stopping sight distance is the sum of the brake reaction time (the interval between the instant the driver recognizes the existence of an object on the roadway and the instant the driver applies the brakes) and the braking distance. The braking distance is related to the initial speed and the coefficient of friction between the tires and the roadway. Because of the lower coefficients of friction on wet pavement as compared with dry, the wet condition governs the stopping distances in design. Refer to Table 7.3 for minimum stopping sight distances. For stopping sight distance calculations, the height of the object is considered to be 6 inches above the road surface.

Table 7.3—Stopping Sight Distance for Wet Pavements
(Adapted from AASHTO "Green Book" Table III-1)

Design Speed	Assumed Speed for Condition (mph)	Brake Reaction		Coefficient of Friction f	Breaking Distance on Level[a] (ft)	Stopping Sight Distance	
		Time (sec)	Distance (ft)			Computed[a] (ft)	Rounded for Design (ft)
20	20-20	2.5	73.3-73.3	0.40	33.3-33.3	106.7-106.7	125-125
25	24-25	2.5	88.0-91.7	0.38	50.5-54.8	138.5-146.5	150-150
30	28-30	2.5	102.7-110.0	0.35	74.7-85.7	177.3-195.7	200-200
35	32-35	2.5	117.3-128.3	0.34	100.4-120.1	217.7-248.4	225-250
40	36-40	2.5	132.0-146.7	0.32	135.0-166.7	267.0-313.3	275-325
45	40-45	2.5	146.7-165.0	0.31	172.0-217.7	318.7-382.7	325-400
50	44-50	2.5	161.3-183.3	0.30	215.1-277.8	376.4-461.1	400-475
55	48-55	2.5	176.0-201.7	0.30	256.0-336.1	432.0-537.8	450-550
60	52-60	2.5	190.7-220.0	0.29	310.8-413.8	501.5-633.8	525-650
65	55-65	2.5	201.7-238.3	0.29	347.7-485.6	549.4-724.0	550-725
70	58-70	2.5	212.7-256.7	0.28	400.5-583.3	613.1-840.0	625-850

[a]*Different values for the same speed result from using unequal coefficients of friction*

7-01-03-01-01-01 *Effects of Grade on Stopping*

When a roadway is constructed on a grade steeper than 3%, the braking distance not only to the initial speed and coefficient of friction, but also the percent grade (both up and down). As intuition would lead you to believe, the safe stopping distance on upgrades is shorter and those on downgrades is longer. Refer to Table 7.4 for effects of upgrades and downgrades on the stopping sight distance in wet conditions.

Table 7.4—Effect of Grade on Stopping Sight Distance, Wet Conditions (Adapted from AASHTO "Green Book" Table III-2)

Increase for Downgrades				Decrease for Upgrades			
Design Speed (mph)	Correction in Stopping Distance (ft)			Assumed Speed for Condition (mph)	Correction in Stopping Distance (ft)		
	3%	6%	9%		3%	6%	9%
30	10	20	30	28	-	10	20
40	20	40	70	36	10	20	30
50	30	70	-	44	20	30	-
60	50	110	-	52	30	50	-
65	60	130	-	55	30	60	-
70	70	160	-	58	40	70	-

7-01-03-01-01-02 *Decision Sight Distance*

Decision sight distance is defined as the distance it takes for a driver to detect an unexpected or difficult-to-perceive hazard along the roadway which may be visually cluttered, recognize this hazard, select an appropriate speed and path, and complete the required safety maneuver. Therefore, based on this definition, these values tend to be greater than stopping sight distances. Interchanges and intersections, locations where unusual or unexpected maneuvers are required, changes in cross section, and areas of "visual noise" are examples of locations where decision sight distances may be needed. In computing and measuring decision sight distances (refer toTable 7.5), the 3.5-foot eye height and 6-inch object height criteria used for stopping sight distance have been used.

Table 7.5—Decision Sight Distance (adapted from AASHTO "Green Book"" Table III-3)

Design Speed (mph)	Decision Sight Distance for Avoidance Maneuver (ft)				
	A	B	C	D	E
30	220	500	450	500	625
40	345	725	600	725	825
50	500	975	750	900	1025
60	680	1300	1000	1150	1275
70	900	1525	1100	1300	1450

- Avoidance Maneuver A: Stop on rural road.
- Avoidance Maneuver B: Stop on urban road.
- Avoidance Maneuver C: Speed/path/direction change on rural road.
- Avoidance Maneuver D: Speed/path/direction change on suburban road.
- Avoidance Maneuver E: Speed/path/direction change on urban road.

7-01-03-01-02 *PASSING SIGHT DISTANCE FOR TWO-LANE ROADS*

Passing sight distance is the minimum distance (traveling at the design speed) that must be available to enable the driver of one vehicle to pass another safely and comfortably without interfering with oncoming traffic. Required passing sight distances for given design speeds are given in Table 7.6. For all sight distance calculations, the height of driver's eye is considered to be 3.50 feet above the road surface. For passing sight distance calculations, the height of the object is considered to be 4.25 feet above the road surface.

Table 7.6—Minimum Passing Sight Distance for Design of Two-Lane Highways (Adapted from AASHTO "Green Book" Table III-5)

Design Speed (mph)	Assumed Speeds		Minimum Passing Sight Distance (Rounded) (ft)
	Passed Vehicle (mph)	Passing Vehicle (mph)	
20	20	30	800
30	26	36	1100
40	34	44	1500
50	41	51	1800
60	47	57	2100
65	50	60	2300
70	54	64	2500

7-01-03-01-03 *MEASURING AND RECORDING SIGHT DISTANCE ON PLANS*

Methods for scaling sight distances are shown in Figure 7.1. Both horizontal and vertical sight distances should be measured as well as passing sight distance and stopping sight distance. Sight distance charts such as those in Table 7.6 through Table 7.8 may be used to establish minimum lengths of

vertical curves and charts similar to Figure 7.3 and Figure 7.4 are useful in determining the degree of horizontal curve necessary for the required sight distance. Refer to AASHTO "Green Book" for further details on scaling and recording sight distances.

7-01-03-01-04 *INTERSECTION AND DRIVEWAY SIGHT DISTANCE (SIGHT TRIANGLE)*

There shall be an unobstructed sight distance along both approaches and both sides at an intersection (within the right-of-way) for distances sufficient to allow the operators of vehicles, approaching simultaneously, to see each other in time to prevent collisions at the intersection.

Any object within the sight triangle more than 30 inches high (such objects include: buildings, cut slopes, hedges, trees, bushes, utility cabinets, or tall crops) above the flowline elevation of the adjacent street shall constitute a sight obstruction, and shall be removed or lowered. **In no case shall any permanent object encroach into the "line of sight" of any part of the sight-distance triangle.** In addition, parking (except on local streets) shall be eliminated within the sight triangle whether or not the intersection roads are level or on grades. The sight distance shall be measured to the centerline of the closest through lane in both directions.

All sight-distance triangles (shown in Figure 7.2) must be presented on the submitted street plans.

Refer to the AASHTO "Green Book" for more information on sight distances for intersections.

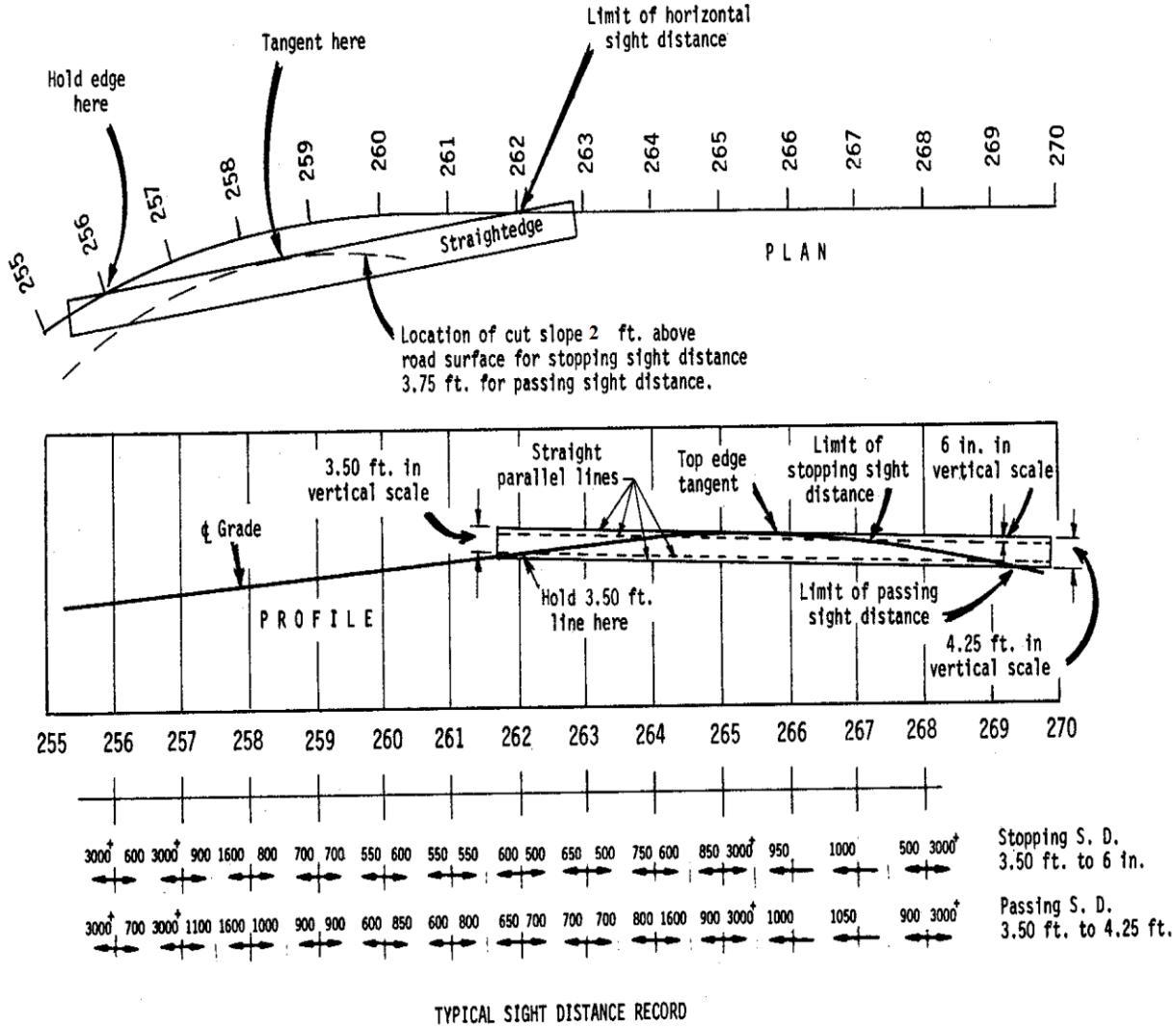
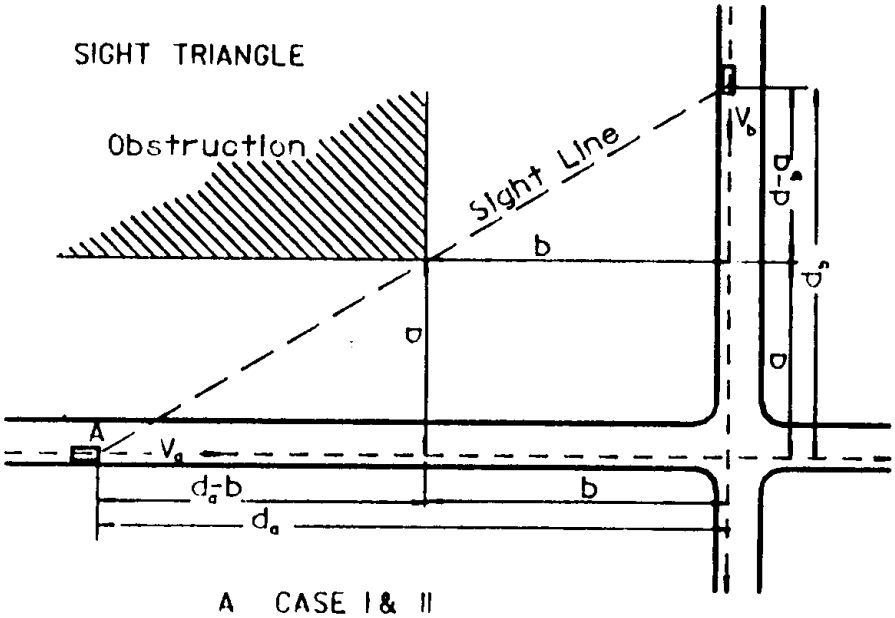
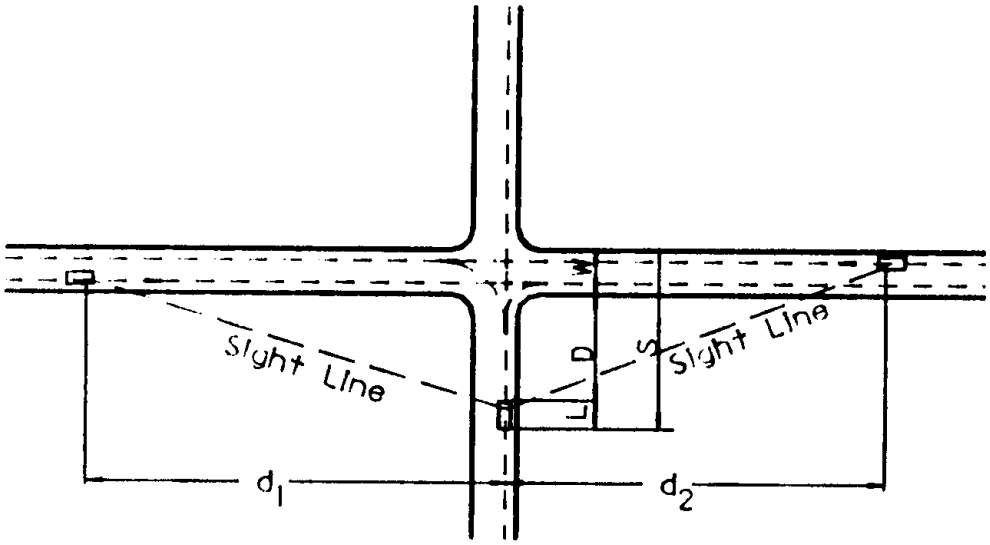


Figure 7.1—Scaling and recording sight distance on plans (adapted from AASHTO "Green Book" Figure III-3)



A CASE I & II
NO CONTROL OR YIELD CONTROL ON MINOR ROAD



B CASE III
STOP CONTROL ON MINOR ROAD

Figure 7.2—Sight distance at intersections, minimum sight triangle (adapted from AASHTO "Green Book" Figure IX-32)

7-01-03-02 HORIZONTAL ALIGNMENT

The major considerations in horizontal alignment design are road width, design speed, sight distance, and performance of heavy-duty vehicles. The proper alignment should provide for safe and continuous operation at a uniform design speed. Proposed road layouts shall bear a logical relationship to existing or platted roads in adjacent properties (i.e., not create increased congestion or unsafe intersections) and fit within the overall transportation plan for the County.

All new streets must intersect at or nearly at right angles. The minimum allowable intersection flowline radius for any street shall be 15 feet. Modified existing streets must allow for safe operations and proposed orientations reviewed and approved by the County.

Superelevation and horizontal curve radii must be in accordance with the recommendations of the AASHTO "Green Book."

7-01-03-02-01 *SUPERELEVATION*

It is necessary to determine superelevation rates which are applicable over the range of curvature for each design speed. For a given design speed, the superelevation should be distributed in such a manner that there is a logical relation between the side friction factor and the applied superelevation rate.

The maximum rate of superelevation on highways are controlled by factors including climate conditions, terrain conditions, land use characteristics (rural or urban), and frequency for slow-moving vehicles. For highway curves, several rates shall be recognized in establishing design controls. A rate of 0.040 to 0.060 is a typical rate used for urban areas with little to no constraints (where areas with snow and ice will require the lower value).

Superelevation will not be approved for local and/or other roadways classified with a design speed of 50 mph or less and not without prior approval by the Director of the Public Works Department.

7-01-03-02-01-01 *Standards for Superelevation*

The rate of superelevation shall be clearly shown on the project plans along with exaggerated (1"=10'H, 1"=1' V) profiles of the centerline and both flowlines. The superelevation runout length, crown runout length, and the point at which full superelevation is reached, shall be clearly represented and consistent with Table 7.7 through Table 7.10, the AASHTO "Green Book" and CDOT M & S Standards (M-203-10 through M-203-13).

7-01-03-02-01-02 *Urban Street Conditions*

Standard rates of superelevation must be maintained throughout the curve where applicable. Although superelevation is advantageous for highways (design speeds greater than 50 mph), street intersections, established street grades, curbs and adverse drainage conditions may require a reduction in the rate of superelevation, or different rates for each half of the roadbed may be proposed. In areas where pavement warping is required for drainage, adverse superelevations should be avoided.

Table 7.7—Design Values For Rate of Superelevation (e) and Minimum Length of Runoff, e_{max} = 0.04

D	R (ft)	V=30			V=40			V=50			V=60		
		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)	
			2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE
0°15’	22918	NC	0	0	NC	0	0	NC	0	0	NC	0	0
0°30’	11459	NC	0	0	NC	0	0	NC	0	0	NC	0	0
0°45’	7639	NC	0	0	NC	0	0	NC	0	0	RC	175	265
1°00’	5730	NC	0	0	NC	0	0	RC	150	225	.023	175	265
1°30’	3820	NC	0	0	RC	125	190	.024	150	225	.029	175	265
2°00’	2865	RC	100	150	.022	125	190	.027	150	225	.033	175	265
2°30’	2292	RC	100	150	.025	125	190	.030	150	225	.037	175	265
3°00’	1910	.020	100	150	.027	125	190	.033	150	225	.039	175	265
3°30’	1637	.022	100	150	.028	125	190	.035	150	225	.040	175	265
4°00’	1432	.024	100	150	.030	125	190	.037	150	225	Dmax=3°45’		
5°00’	1146	.026	100	150	.033	125	190	.039	150	225			
6°00’	955	.028	100	150	.035	125	190	.040	150	225			
7°00’	819	.030	100	150	.037	125	190	Dmax=6°00’					
8°00’	716	.031	100	150	.039	125	190						
9°00’	637	.033	100	150	.040	125	190						
10°00’	573	.034	100	150	.040	125	190						
11°00’	521	.035	100	150	Dmax=10°00’								
12°00’	477	.036	100	150									
13°00’	441	.037	100	150									
14°00’	409	.038	100	150									
16°00’	358	.039	100	150									
18°00’	318	.040	100	150									
19°00’	302	.040	100	150									
		Dmax=19°00’											

D – Degree of curve
R – Radius of curve
V – Assumed design speed
L – Minimum length of runoff (does not include tangent runout)
NC – Normal crown section
RC – Remove adverse crown, superelevate at normal crown slope

Note:

- In recognition of safety considerations, use of e_{max} = 0.04 should be limited to urban conditions.
- Use applicable rates for the next higher V. Do not interpolate.

Table 7.8—Design Values for Rate of Superelevation (e) and Minimum Length of Runoff, e_{max} = 0.06

D	R (ft)	V=30			V=40			V=50			V=55			V=60			V=65			V=70		
		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)	
			2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE
0°15’	22918	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	00
0°30’	11459	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	0	RC	190	190	RC	200	200
0°45’	7639	NC	0	0	NC	0	0	NC	0	0	RC	160	160	.021	175	175	.024	190	190	.026	200	200
1°00’	5730	NC	0	0	NC	0	0	.020	150	150	.023	160	160	.027	175	175	.030	190	190	.033	200	200
1°30’	3820	NC	0	0	.020	125	125	.028	150	150	.032	160	160	.037	175	175	.041	190	190	.046	200	200
2°00’	2865	RC	100	100	.025	125	125	.035	150	150	.040	160	160	.045	175	180	.050	190	210	.055	200	230
2°30’	2292	.020	100	100	.030	125	125	.040	150	150	.045	160	170	.051	175	200	.056	190	230	.059	200	260
3°00’	1910	.023	100	100	.034	125	125	.045	150	160	.050	160	190	.055	175	220	.059	190	250	Dmax=2°45’		
3°30’	1637	.026	100	100	.038	125	125	.048	150	170	.054	160	210	.058	175	230	.060	190	250			
4°00’	1432	.029	100	100	.041	125	130	.052	150	180	.057	160	220	.060	175	240	Dmax=3°30’					
5°00’	1146	.034	100	100	.046	125	140	.056	150	200	.060	160	230	Dmax=4°15’								
6°00’	955	.038	100	100	.050	125	160	.059	150	210	Dmax=5°15’											
7°00’	819	.041	100	110	.053	125	170	Dmax=6°45’														
8°00’	716	.043	100	120	.056	125	180															
9°00’	637	.046	100	120	.058	125	180															
10°00’	573	.048	100	130	.059	125	190															
11°00’	521	.050	100	140	.060	130	190															
12°00’	477	.052	100	140	Dmax=11°15’																	
13°00’	441	.054	100	140																		
14°00’	409	.055	100	150																		
16°00’	358	.058	100	160																		
18°00’	318	.059	110	160																		
20°00’	286	.060	110	160																		
21°00’	273	.060	110	160																		
		Dmax=21°00’																				

D – Degree of curve
R – Radius of curve
V – Assumed design speed
L – Minimum length of runoff (does not include tangent runout)
NC – Normal crown section
RC – Remove adverse crown, superelevate at normal crown slope

Note:

- Use applicable rates for the next higher V. Do not interpolate.

Table 7.9—Design Values for Rate of Superelevation (e) and Minimum Length of Runoff, e_{max} = 0.08

D	R (ft)	V=30			V=40			V=50			V=55			V=60			V=65			V=70		
		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)	
			2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE
0°15’	22918	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	0
0°30’	11459	NC	0	0	NC	0	0	NC	0	0	NC	0	0	RC	175	175	RC	190	190	RC	200	200
0°45’	7639	NC	0	0	NC	0	0	RC	150	150	RC	160	160	.022	175	175	.025	190	190	.028	200	200
1°00’	5730	NC	0	0	NC	0	0	.021	150	150	.025	160	160	.029	175	175	.032	190	190	.036	200	200
1°30’	3820	NC	0	0	.021	125	125	.030	150	150	.035	160	160	.041	175	175	.046	190	200	.051	200	240
2°00’	2865	RC	100	100	.027	125	125	.038	150	150	.045	160	170	.051	175	210	.058	190	250	.065	200	290
2°30’	2292	.021	100	100	.033	125	125	.046	150	170	.053	160	200	.061	175	240	.068	190	300	.075	220	330
3°00’	1910	.025	100	100	.038	125	125	.053	150	190	.060	160	230	.068	180	270	.075	210	320	Dmax=3°00’		
3°30’	1637	.028	100	100	.043	125	140	.058	150	210	.067	170	260	.074	200	300	.079	220	350			
4°00’	1432	.031	100	100	.047	125	150	.063	150	230	.071	180	270	.078	210	310	Dmax=3°45’					
5°00’	1146	.038	100	100	.055	125	170	.071	170	260	.078	200	300	Dmax=4°45’								
6°00’	955	.043	100	120	.062	130	190	.077	180	280	Dmax=6°00’											
7°00’	819	.048	100	130	.067	140	210	.080	190	280												
8°00’	716	.053	100	140	.071	150	220	Dmax=7°30’														
9°00’	637	.056	100	150	.075	160	240															
10°00’	573	.060	110	160	.078	160	240															
11°00’	521	.063	110	170	.079	170	250															
12°00’	477	.065	120	180	.080	170	250															
13°00’	441	.068	120	180	Dmax=12°15’																	
14°00’	409	.070	130	190																		
16°00’	358	.074	130	200																		
18°00’	318	.077	140	210																		
20°00’	286	.079	140	210																		
22°00’	260	.080	140	230																		
		Dmax=22°45’																				

D – Degree of curve
R – Radius of curve
V – Assumed design speed
L – Minimum length of runoff (does not include tangent runout)
NC – Normal crown section
RC – Remove adverse crown, superelevate at normal crown slope

Note:

- Use applicable rates for the next higher V. Do not interpolate.

Table 7.10—Design Values for Rate of Superelevation (e) and Minimum Length of Runoff, e_{max} = 0.10

D	R (ft)	V=30			V=40			V=50			V=55			V=60			V=65			V=70		
		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)		e	L (ft)	
			2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE		2-LANE	4-LANE
0°15’	22918	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	0	NC	0	0
0°30’	11459	NC	0	0	NC	0	0	NC	0	0	NC	0	0	RC	175	175	RC	190	190	RC	200	200
0°45’	7639	NC	0	0	NC	0	0	RC	150	150	RC	160	160	.023	175	175	.025	190	190	.028	200	200
1°00’	5730	NC	0	0	NC	0	0	.021	150	150	.025	160	160	.030	175	175	.033	190	190	.037	200	200
1°30’	3820	NC	0	0	.021	125	125	.031	150	150	.037	160	160	.043	175	190	.048	190	220	.054	200	260
2°00’	2865	RC	100	100	.028	125	125	.040	150	150	.048	160	180	.055	175	230	.062	190	290	.070	220	330
2°30’	2292	.021	100	100	.034	125	125	.049	150	180	.056	160	210	.067	190	280	.075	220	330	.085	260	390
3°00’	1910	.025	100	100	.040	125	125	.057	150	210	.067	170	250	.077	210	320	.087	250	380	.096	280	420
3°30’	1637	.029	100	100	.046	125	140	.065	160	240	.075	190	290	.086	350	350	.095	270	400	.100	300	450
4°00’	1432	.033	100	100	.051	125	160	.072	180	260	.083	210	320	.093	250	380	.099	280	420	Dmax=3°30’		
5°00’	1146	.040	100	110	.061	130	190	.083	200	300	.094	240	360	.098	270	400	Dmax=4°15’					
6°00’	955	.046	100	120	.070	150	220	.092	220	330	.099	250	380	Dmax=5°15’								
7°00’	819	.053	100	140	.078	160	240	.098	240	350	Dmax=6°30’											
8°00’	716	.058	110	160	.084	180	260	.100	240	360												
9°00’	637	.063	120	170	.089	190	280	Dmax=8°15’														
10°00’	573	.068	120	180	.094	200	290															
11°00’	521	.072	130	200	.097	200	310															
12°00’	477	.076	140	210	.099	210	310															
13°00’	441	.080	140	220	.100	210	320															
14°00’	409	.083	150	220	Dmax=13°15’																	
16°00’	358	.089	160	240																		
18°00’	318	.093	170	250																		
20°00’	286	.097	170	260																		
22°00’	260	.099	180	270																		
24°00’	239	.100	180	270																		
		Dmax=24°45’																				

D – Degree of curve
R – Radius of curve
V – Assumed design speed
L – Minimum length of runoff (does not include tangent runout)
NC – Normal crown section
RC – Remove adverse crown, superelevate at normal crown slope

Note:

- Use applicable rates for the next higher V. Do not interpolate.

7-01-03-02-02 *SIDE FRICTION FACTOR*

With there being a wide variation in vehicle speeds and curves, an unbalanced force, whether the curve is superelevated or not, usually occurs. This force typically results in a tire side thrust counterbalanced by friction between the tires and surface. The coefficient of side friction, f, is related to the design speed, superelevation, and radius of curvature.

7-01-03-02-03 *DESIGN SPEED*

Horizontal alignment design speed must be consistent with the requirement for vertical alignment design speed. The horizontal curve data shown in Table 7.11 and Table 7.12 shall be used as minimum design guidelines.

7-01-03-02-04 *MAXIMUM DEGREE OF CURVATURE AND MINIMUM RADIUS*

The maximum degree of curvature (or minimum radius) is a limiting value of curvature for a given design speed. At a proposed design speed both the superelevation rate and the assumed value for side friction factor determine the minimum safe radius, R. The radius of curvature may be determined from Equation 7.1. The degree of curve is given in Equation 7.2.

Equation 7.1

$$R = \frac{V^2}{15(e+f)}$$

Equation 7.2

$$D = \frac{85{,}660(e+f)}{V^2}$$

Where

R = Radius of curve, ft
V = Vehicle speed, mph
e = Rate of roadway superelevation, ft/ft
f = Friction factor
D = Degree of curve

Table 7.11 presents maximum degree of curve and minimum radius for rural highways and high-speed urban areas. The minimum radii for limiting values of superelevation and friction for low-speed urban areas are presented in Table 7.12. Refer to AASHTO “Green Book” for other requirements regarding the design of rural highways and high and low speed urban streets.

Table 7.11—Maximum Degree of Curve and Minimum Radius for Rural Highways and High-Speed Urban Areas (adapted from AASHTO Table III-6).

Design Speed (mph)	Max. e	Max. F	Rounded Max. Degree of Curve	Min. Radius (ft)
20	0.04	.17	45.0	127
30		.16	19.0	302
40		.15	10.0	573
50		.14	6.0	955
55		.13	4.75	1186
60		.12	3.75	1528
20	0.06	.17	49.25	116
30		.16	21.0	273
40		.15	11.25	509
50		.14	6.75	849
55		.13	5.5	1061
60		.12	4.25	1348
65		.11	3.5	1637
70		.10	2.75	2083
20	0.08	.17	53.5	107
30		.16	22.75	252
40		.15	12.25	468
50		.14	7.5	764
55		.13	6.0	960
60		.12	4.75	1206
65		.11	3.75	1528
70		.10	3.0	1910
20	0.10	.17	58.0	99
30		.16	24.75	231
40		.15	13.25	432
50		.14	8.25	694
55		.13	6.5	877
60		.12	5.25	1091
65		.11	4.25	1348
70		.10	3.5	1637

Table 7.12—Minimum Radii for Limiting Values of e and f for Low-Speed Urban Streets (adapted from AASHTO Table III-16)

Design Speed, (mph)	Max. e	Max. f	Min. R, (ft)
20	0.060	0.300	75
25		0.252	135
30		0.221	215
35		0.197	320
40		0.178	450
20	.040	0.300	80
25		0.252	145
30		0.221	230
35		0.197	345
40		0.178	490
20	0	0.300	90
25		0.252	165
30		0.221	275
35		0.197	415
40		0.178	600

7-01-03-02-05 *EFFECT OF GRADE*

Grade effects the operating speeds of vehicles and should be recognized as a critical issue in the design of roadways. Where practical, the roadway should be designed for a higher design speed on the downgrade and a lower design speed on the upgrade. This variation in design speed will depend on the rate and length of grade and the degrees of curvature, as compared with other curves on the roadway section.

7-01-03-02-06 *SIGHT DISTANCE ON HORIZONTAL CURVES*

The proposed horizontal alignment must provide for the minimum stopping distance for the design speed at all points along the roadway. In addition, the design must take into account the visibility at intersections as well as around curves and roadside encroachments. Obstructions to the horizontal sight distance such as buildings, hedges, wooded areas, high ground or other topographical features, are to be presented on the project plans.

Figure 7.3 and Figure 7.4 are design charts showing the required middle ordinates for clear sight areas to satisfy the lower and upper values of stopping sight distance required for curves of various degrees. These charts utilize the stopping sight distance values in Table 7.3. A value at or approaching the upper limit should be used as a minimum wherever conditions permit.

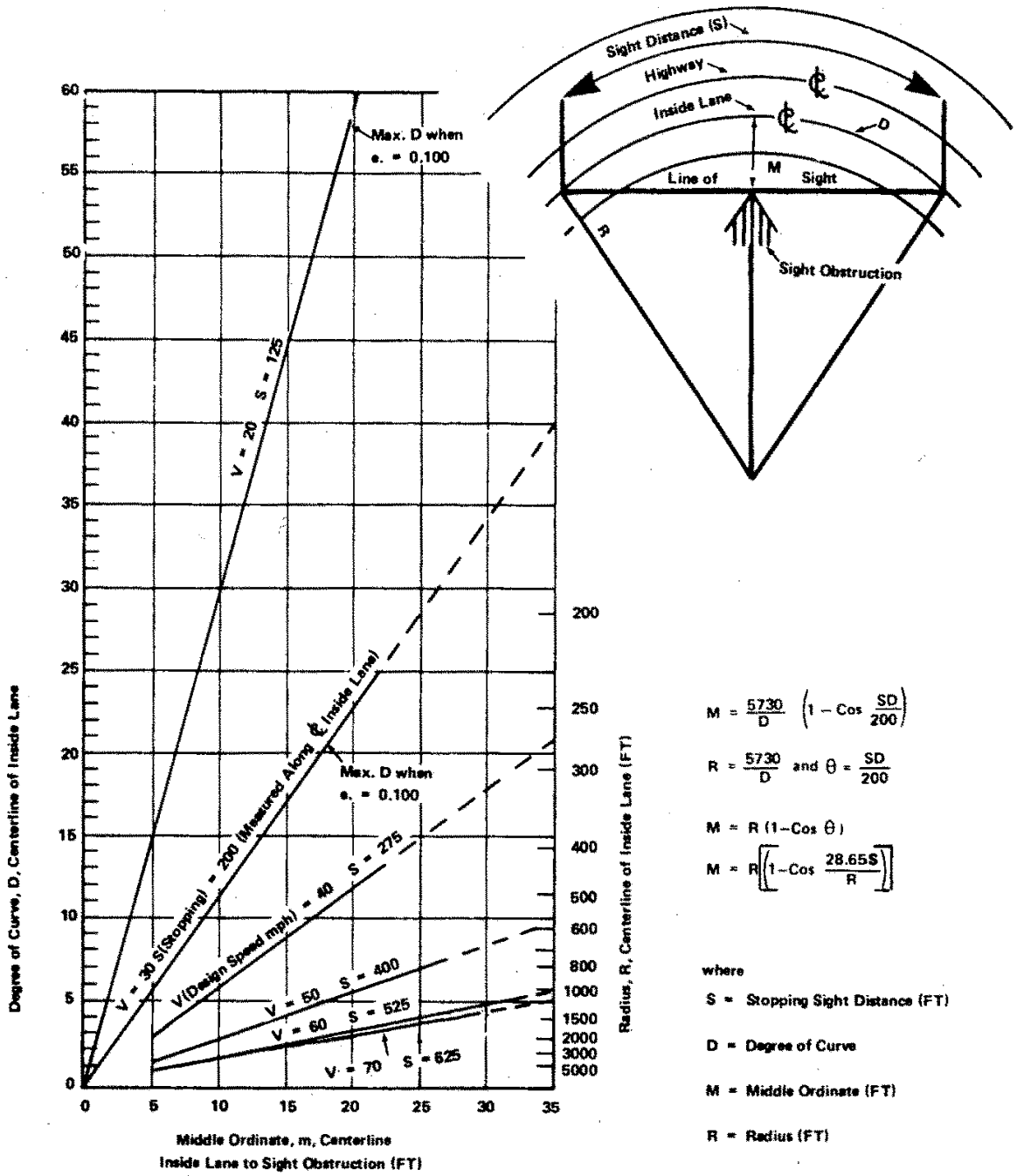


Figure 7.3—Range of lower values: relation between degree of curve and value of middle ordinate necessary to provide stopping sight distance on horizontal curves under open road conditions (adapted from AASHTO "Green Book" Figure III-26A)

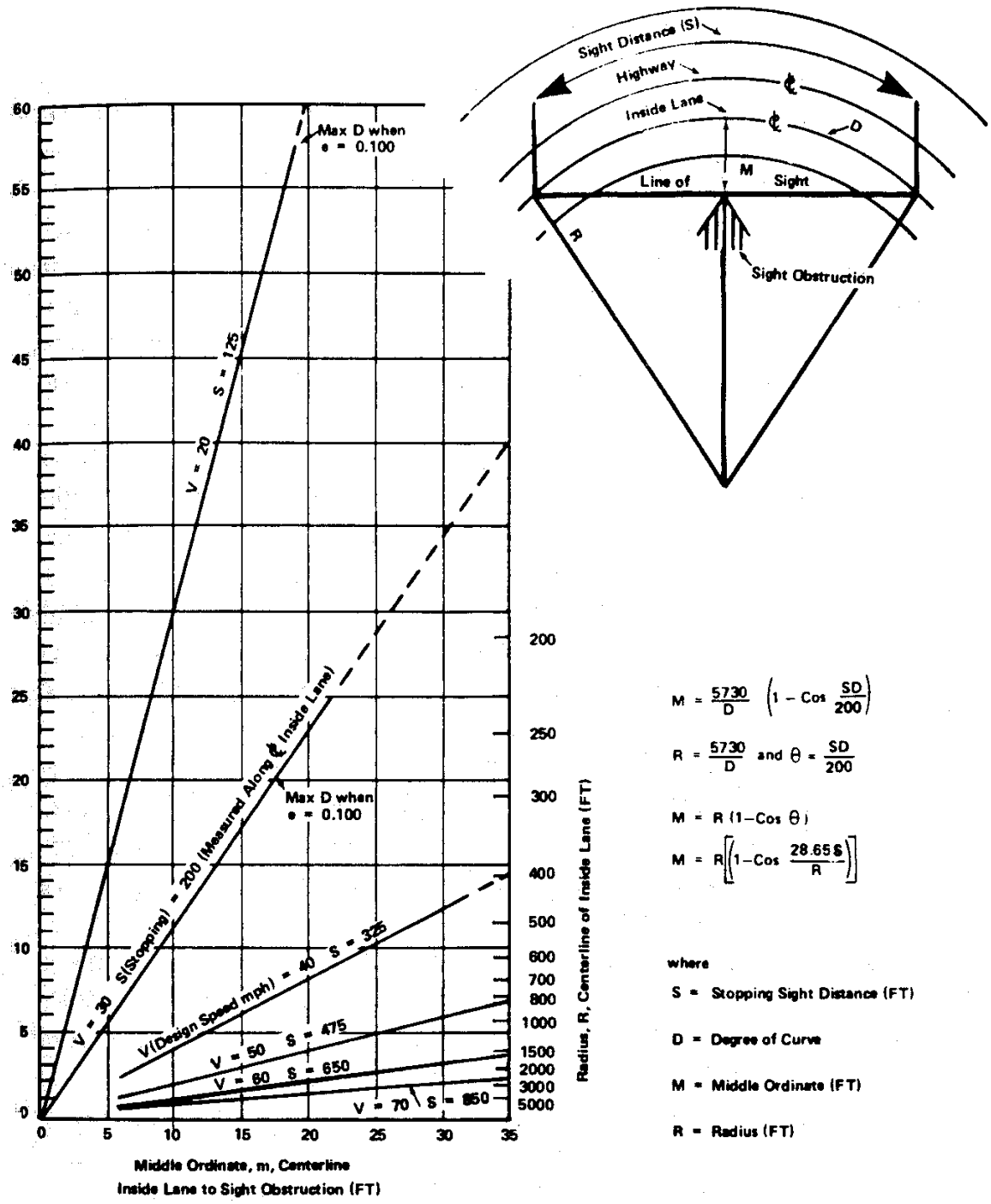


Figure 7.4—Range of upper values: relation between degree of curve and value of middle ordinate necessary to provide stopping sight distance on horizontal curves under open road conditions (adapted from AASHTO "Green Book" Figure III-26B)

7-01-03-02-07 *CURB RETURN RADII*

Table 7.13 presents minimum curb return radius for each of the roadway types at intersections with the applicable through street.

Table 7.13—Minimum Curb Return Radius at Intersection

Through Street	Local	Collector	Minor Arterial	Major Arterial
Local	15’	25’	30’	30’
Collector	25’	30’	30’	35’
Minor Arterial	30’	30’	35’	40’
Major Arterial	30’	35’	40’	50’

7-01-03-03 VERTICAL ALIGNMENT

7-01-03-03-01 *VERTICAL CURVES*

The major issues for safe operation on a crest vertical curve are the provisions of ample sight and stopping distances for the proposed design speed. Vertical curves may be any one of the crest or sag types depicted in Figure 7.5. The County requires vertical curves on a proposed roadway when the algebraic difference in grades is equal to or greater than 1.0%.

7-01-03-03-01-01 *Crest Vertical Curves*

When the height of eye and the height of object are 3.50 feet and 6 inches, respectively (used in stopping sight distance), the length of vertical curve (L) is related to the algebraic differences in grades (A) and the estimated sight distance (S). The required lengths of vertical curves for different values of A to provide ranges of stopping sight distances for each design speed are graphically shown in Figure 7.6. The solid lines represent the required lengths based on rounded values of K (defined as L/A). Table 7.14 shows the computed K values for lengths of vertical curves as required for the range of values of stopping sight distances for each design speed.

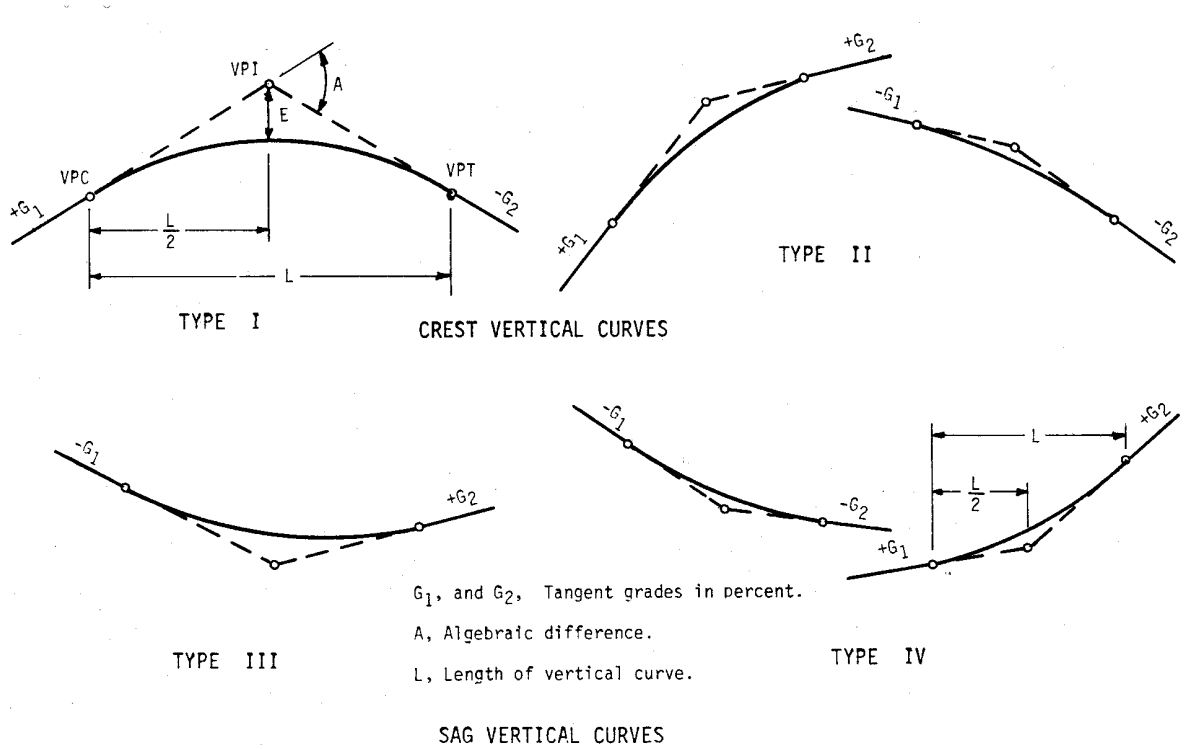
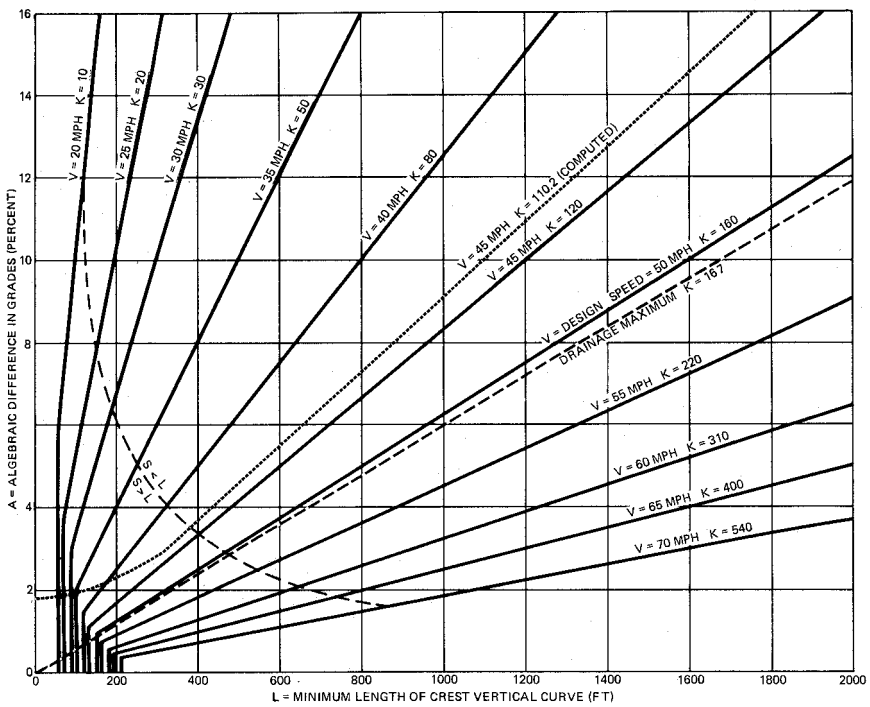


Figure 7.5—Types of vertical curves (adapted from AASHTO "Green Book" Figure III-40)



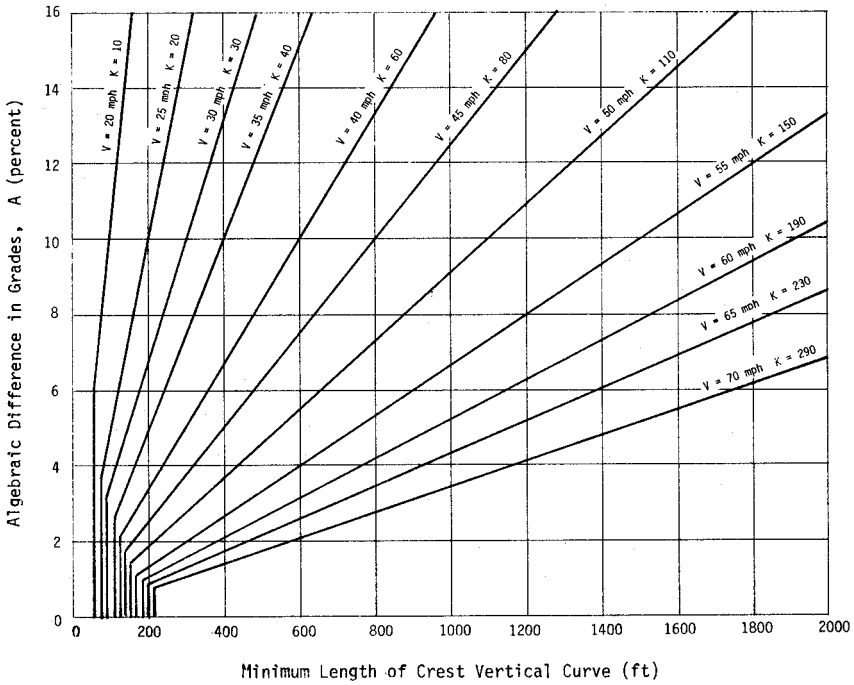


Figure 7.6—Design controls for crest vertical curves for stopping sight distance and open road conditions, upper and lower range (adapted from AASHTO "Green Book" Figure III-41 and Figure III-42)

Table 7.14—Design Controls for Crest and Sag Vertical Curves Based on Stopping Sight Distance (Adapted from AASHTO "Green Book" Tables III-40 and III-42)

Design Speed (mph)	Assumed Speed for Condition (mph)	Coefficient of Friction f	Stopping Sight Distance, Rounded for Design (ft) (refer to Table 7.3)	Rate of Vertical Curvature, K $\frac{L(ft)}{A(\%)}$			
				Crest Vertical Curve		Sag Vertical Curve	
				Computed[a]	Rounded for Design	Computed[a]	Rounded for Design
20	20-20	0.40	125-125	8.6-8.6	10-10	14.7-14.7	20-20
25	24-25	0.38	150-150	14.4-16.1	20-20	21.7-23.5	30-30
30	28-30	0.35	200-200	23.7-28.8	30-30	30.8-35.3	40-40
35	32-35	0.34	225-250	35.7-46.4	40-50	40.8-48.6	50-50
40	36-40	0.32	275-325	53.6-73.9	60-80	53.4-65.6	60-70
45	40-45	0.31	325-400	76.4-110.2	80-120	67.0-84.2	70-90
50	44-50	0.30	400-475	106.6-160.0	110-160	82.5-105.6	90-110
55	48-55	0.30	450-550	140.4-217.6	150-220	97.6-126.7	100-130
60	52-60	0.29	525-650	189.2-302.2	190-310	116.7-153.4	120-160
65	55-65	0.29	550-725	227.1-394.3	230-400	129.9-178.6	130-180
70	58-70	0.28	625-850	282.8-530.9	290-540	147.7-211.3	150-220

[a]Using computed values of stopping sight distance

Design values of crest vertical curves for passing sight distance differ from those for stopping sight distance because of the different height criterion (4.25 feet instead of 6 inches). K-values for crest vertical curves based on passing sight distance are shown in Table 7.15.

Table 7.15—Design Controls for Crest Vertical Curves Based on Passing Sight Distance (adapted from AASHTO "Green Book" Table III-41)

Design Speed (mph)	Minimum Passing Sight Distance (refer to Table 7.6) (ft)	Rate of Vertical Curvature, K[a] Rounded for Design $\frac{L(ft)}{A(\%)}$
20	800	210
25	950	300
30	1100	400
35	1300	550
40	1500	730
45	1650	890
50	1800	1050
55	1950	1230
60	2100	1430
65	2300	1720
70	2500	2030

[a]Computed from rounded values of minimum passing sight distance

7-01-03-03-01-02 *Sag Vertical Curves*

At least four criteria affect the lengths of sag vertical curves. These include headlight sight distance, rider comfort, drainage control, and general appearance. Figure 7.7 and Figure 7.8 graphically illustrate the resulting lengths of vertical curves for the upper value of the range of minimum stopping sight distances for each design speed. Table 7.14 shows the range of computed values and the rounded values of K (L/A).

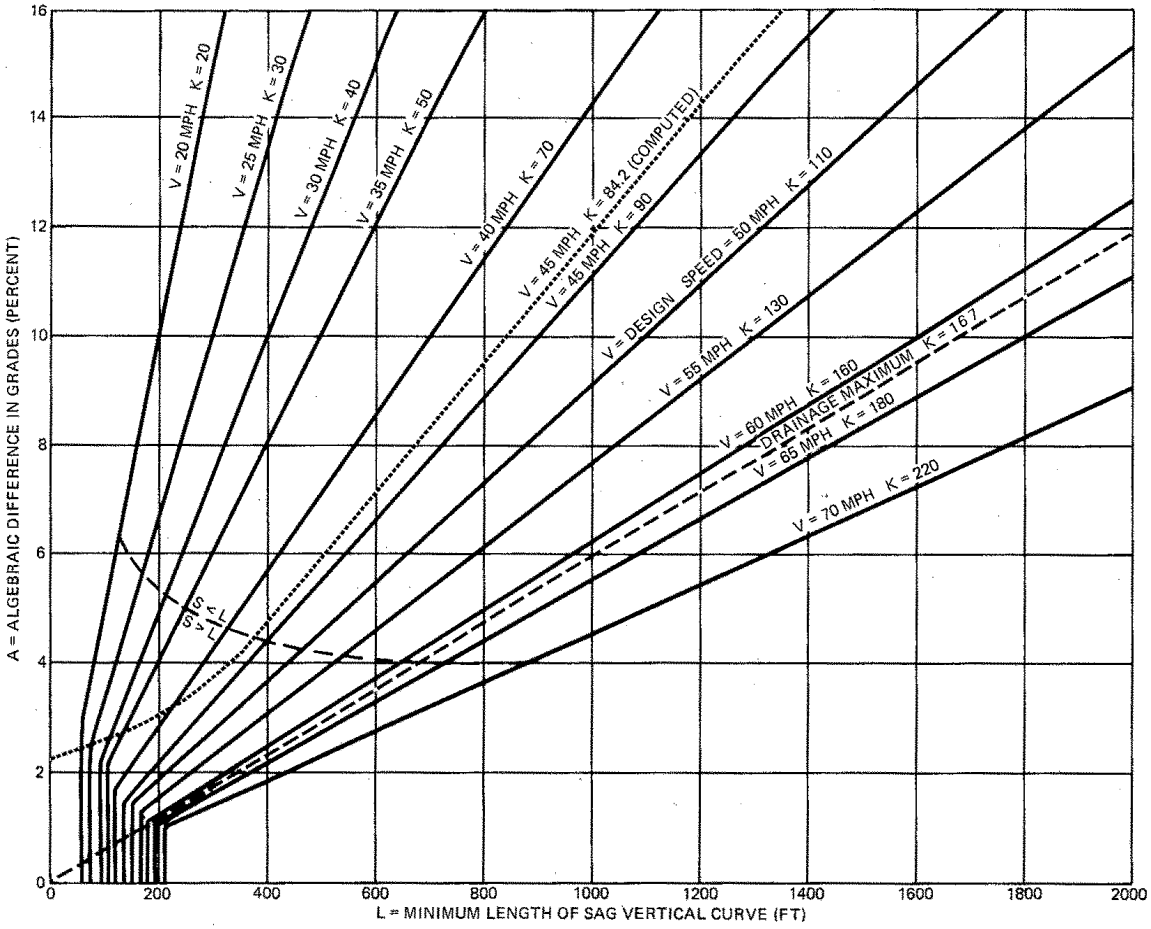


Figure 7.7—Design controls for sag vertical curves, open road conditions, upper range (adapted from AASHTO "Green Book" Figure III-43)

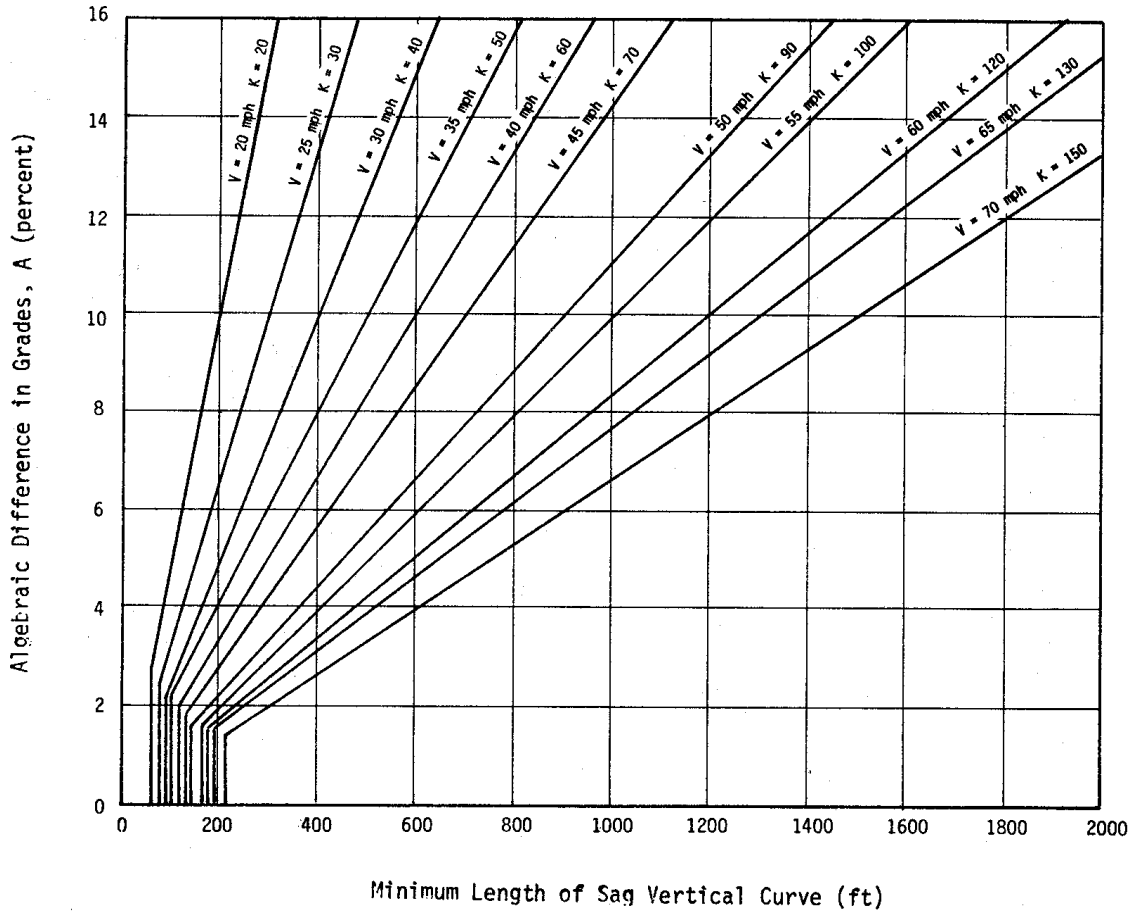


Figure 7.8—Design controls for sag vertical curves, lower range (adapted from AASHTO "Green Book" Figure III-44)

7-01-03-03-02 *PERMISSIBLE DESIGN GRADES*

See Table 7.16 for permissible design grades on roadways and at intersections.

7-01-03-03-03 *GRADE CHANGES*

Newly proposed roadways must not be designed using grade breaks, unless prior authorization from the County is obtained. Vertical curves meeting minimum criteria outlined in this section are preferred. However, should conditions arise during existing roadway modifications that dictate a grade break be used in lieu of vertical curves and the algebraic difference in grade does not exceed 1% (0.01 ft/ft), the grade break will be permitted. In addition, the maximum grade break allowed at the point of tangency at a curb return for local and collector roads shall be 2%.

7-01-03-03-04 *CROSS FALL*

Except at intersections or where a superelevation is required, roadways must be designed to maintain a constant cross slope from top of curb to top of curb (or flowline to flowline). The distance from intersections with which 'cross-fall' will only be permitted on a project specific basis and the design engineer must obtain the maximum distance from the Director of the Public Works Department.

7-01-03-04 SPIRAL CURVES

Spiral curves may only be designed into major and minor arterial roadways within the County (State Highways excluded) and/or with written approval of the Director of the Public Works Department.

7-01-03-05 RAILROAD CROSSINGS

All railroad crossings shall be designed in accordance with all Federal Railroad Association (FRA) requirements. In addition, project plans must receive prior written approval from the railroad owner before submitting them to the County.

Table 7.16—Permissible Grades

Local Streets	Minimum longitudinal flowline grade: 0.5%.
Curb Returns	Minimum flowline grade: 0.3%.
Centerline of Collector and Arterial Streets	Minimum longitudinal grade = 0.5%
Permissible Intersection Grades (within Public ROW)	
Grades at Intersecting Major and Minor Arterials	Maximum: 2% for 200 feet on either side of the intersection.

Grades at All Other Streets	Maximum: 3% for 200 feet
Dead End Streets (except cul-de-sacs)	Continue the proposed grade and existing ground lines for 500 feet or to its intersection with another street.
Cul-de-sacs	Continue the proposed and existing grade lines a minimum of 100 feet past the radius point.
Arterial Streets	Continue the proposed grade and existing ground lines 1000 feet.
Connection with Existing Streets	Provide smooth transitions and show existing grades for at least 300 feet on each side of the intersection.
Private Commercial Driveways with Curb Return Radii	Follow the standard set forth for a local street. The length of the maximum grade: minimum of 50 feet measured from the flowline intersection of the public roadway.
Normal crown shall be maintained on the through street, and the intersecting street grade shall be subordinate thereto.	

7-01-03-06 CUL-DE-SACS

The minimum design criterion for cul-de-sacs is included in Table 7.2. See Standard Drawings in Appendix A for further details.

7-01-03-06-01 *PAVEMENT SURFACE*

All new non-rural cul-de-sacs shall be surfaced with concrete pavement in the bubble area.

7-01-03-07 INTERSECTIONS

7-01-03-07-01 *ALIGNMENT AND PROFILE*

Intersections are points of convergence between vehicles, pedestrians, bikes and facilities. The design of the intersecting roads should permit users to pass through the intersection safely and with minimal interference. It should be the intent of the engineer to design an intersection which meets existing demands, and also accommodates the future volumes and traffic mix as determined by an approved Traffic Impact Study.

Traditional intersection improvements are preferred for all County roads and should be designed using the criteria outlined in this chapter. However, modern roundabouts may also be allowed assuming they meet modeled traffic demands and the design is completed by an engineer with prior experience. This experience will require verification by the Director of the Public Works Department prior to receiving written approval.

For reasons of safety and economics, traditional intersections will be designed with all intersecting roads meeting at or as near to right angles. Roads intersecting at acute angles require extensive ROW and limits visibility and obtuse angles create blind areas.

Substantial grade changes should be avoided at intersections. Adequate sight distance should be provided along both approaching roads and across the corners even if the intersecting roads are on vertical curves.

7-01-03-07-02 *SIGHT DISTANCE-INTERSECTION CONTROL*

Refer to Table 7.17 for simple definitions of the five types of controls which apply to at-grade intersections.

Table 7.17—Sight Distance, Intersection Control

No Intersection Control	• An intersection where a crossing is not controlled by yield signs, stop signs, or traffic signals • The safe stopping distances for intersection design are the same as those used for design in any other section of the road.
Yield Control	• Requires the minor roadway be posted with yield signs as it approaches the major roadway. • The sight distance for the driver on the minor road must be sufficient to allow the driver an opportunity to observe a vehicle on the major roadway approaching for the left or the right, and then bring the vehicle to a stop prior to reaching the intersecting road. • Proper adjustments for all distances must be made when any of the approach legs are not on level. • When an obstruction cannot be removed, modifications to the vertices of a sight triangle to points that are less than the design speed's safe stopping sight distance from the intersection, appropriate adjustments must be made for the design speed. Refer to the AASHTO "Green Book" regarding yield control for secondary roads to determine appropriate stopping sight distances or reduced design speeds for this condition.
Stop Control	• Requires that the minor road of an intersection be controlled by stop signs. • The driver of the vehicle on the minor road must have sufficient gaps in traffic and adequate sight distances to safely proceed through the intersection from the stopped position. • Refer to AASHTO "Green Book" for sight distance calculations for vehicles intending to cross the intersection, turn left, or turn right.
Signal Control	• Requires that all signal-controlled intersections give ample time for drivers to see the control device and allow enough time to perform the required action(s).

Modern Roundabout	• Requires ample warning, through signage and striping, be given to drivers to see the intersection and allow enough time to reduce speed and prepare to perform the required action(s). • The approaching drivers must have sufficient sight distance to see vehicles within the roundabout and allow them to yield as they enter the intersection.

7-01-03-07-03 *DESIGN FACTORS*

Refer to Table 7.18 for additional intersection design factors and criteria for local roads, collectors and arterials. Refer to the AASHTO "Green Book" for specific intersection design factors.

Table 7.18—Intersection Criteria

	Criteria
Precedence at intersections	• The grade of the "through" street shall take precedence at intersections. • At intersections of roadways with the same classification, the more important roadway, as determined by the Director of the Public Works Department, shall have precedence. • The design should warp side streets to match through streets with as short a transition as possible.
Determination of the elevation of the curb return on the side street and the amount of warp needed on a side street transitioning to a through street	Key criteria are: • Permissible grade in the stop/start lane. • Pavement cross slope at the PCR's on the side street and permissible warp in pavement cross slope. • Normal vertical curve criteria. • Vertical controls within the cub return itself.
Elevation at the PCR of the curb return on the through street	Always set by the grade of the through street in conjunction with normal pavement cross slope (2.0%).
Carrying the crown at a side street into the through street	Permitted only when drainage considerations warrant such a design.
Dipping the flowline	• To the extent the lip of gutter is dipped is not permitted. • Only permitted as specified by Adams County Standard Details concerning curb opening inlets. • Tipping an inlet for the benefit of drainage is also not permitted.
Pavement surface	All new intersections of roads classified as collector or higher shall be surfaced with concrete pavement extending 70 feet each direction from the centerline of the intersection.

	Criteria
Arterial-arterial intersections	A more detailed review shall be performed to maximize drivability. Few arterial intersections will have a uniform 2% cross slope, the majority of them having one or more sides warped.
Intersection sight distances	Shall conform to the requirements of 7-01-03-01-04.
Effect of Vertical Profiles	The differences in stopping distances on various grades at intersections are the same as those given in Table 7.4. Grades on an intersection leg should be limited to 3 percent unless the sight distances are greater than the lower limits for stopping on a level grade, in which case the grades should not be greater than 6 percent.
Stopping Sight Distance at Intersections for Turning Roadways	The values for stopping sight distances apply to turning roadway intersections of the same design speed (refer to Table 7.3). The length of vertical curve is determined as it is for open highway conditions (refer to the section regarding Vertical Alignment and Table 7.14).
Superelevation for Curves at Intersections	The general factors that control the maximum rates of superelevation for road conditions also apply to intersection curves.

7-01-03-07-04 *CURB RETURNS*

The minimum fall around curb returns along the flowline shall be 0.3%.

7-01-03-07-05 *CURB RETURN PROFILES*

Curb return profiles are required for radii equal to or greater than 30 feet within the public ROW. A midpoint elevation along the arc length of the curb return shall be shown in plan view for radii equal to or greater than 25 feet. Curb return design shall be set in accordance with the following design procedure. Refer to Table 7.19 for general standards for flowline control and profiles within the curb returns.

Table 7.19—General Standards for Flowline Control and Profiles Within Curb Return

Point of Tangency at Each Curb Return	Determine by the projected tangent grade beginning at the point of intersection (PI) of the flowlines.
Arc Length and External Distance of the Curb Return	Compute and indicate on the drawing.
Roadways Beyond PCR	Show the corresponding flowline (or top of curb) grade.
Design of the Flowline of the Curb Return	Maximum slope along the flowline: do not exceed +8%.

Maximum Grade Breaks at the PCR's	2% for local and collector streets 1% for arterials.
Maximum Vertical Curves	Equals the arc length of the curb return.
The Elevation and Location of the High or Low Point within the Return	If applicable, call out in the profile.
Vertical Difference in Elevation across the Street at the PCR	No more than 1'.
Scale for the Curb Return Profile	1" = 10' horizontally 1" = 1' vertically.
Curb Return	Show existing and proposed.

7-01-03-07-06 *CONNECTION WITH EXISTING ROADWAYS*

Refer to Table 7.20.

Table 7.20—Connection with Existing Roadways

Transitions	Shall be smooth conforming to normal vertical curve criteria if the algebraic difference in grade between the existing and proposed grade exceeds 0.5%.
Vertical Curve	If used for the transition, it shall: • Be fully accomplished prior to the connection with the existing improvement. • Comply with the grade requirements at intersection approaches.
Existing Grade	Show for at least 300 feet with field verified as-builts showing stations and elevations at 25-foot intervals. In the case of connection with an existing intersection, these as-builts are to be shown within a 300-foot radius of the intersection. This information will be included in the plan and profile, which shows the proposed roadway.
Limits and Characteristics of the Existing Improvement	These are the primary concern in the plan view and include horizontal alignment, off-site intersections, limits of the improvement, etc.
Previously Approved Designs for the Existing Improvement	Not an acceptable means of establishing existing grades but are to be referenced on the construction plan.
The Basis of the As-built Elevations	Shall be the same as the design elevations (both flowlines or both top of curbs, etc) when possible.

7-01-03-08 OFF-SITE DESIGN

7-01-03-08-01 *GENERAL*

The design grade of all roadways which dead end due to project phasing, subdivision boundaries, etc., shall be continued, in the same plan and profile as the previously proposed design, for at least 500 feet or to the nearest intersection. This limit shall be extended to 1,000 feet when arterial roadways are being designed.

7-01-03-08-02 *TRANSITION*

If the off-site roadway, adjacent to the proposed development is not fully improved to the required County section, the developer is responsible for the design and construction of a transition for the safe conveyance of traffic from the improved section to the existing roadway. The following formula shall be applied to the taper of lane change necessary for this transition.

$$L = \frac{WS^2}{60}$$

Where

L = Length of transition in feet
W = Width of offset in feet
S = Speed limit or 85th percentile speed (mph)

The Director of the Public Works Department should be contacted in order to receive written approval of unusual transitions. This contact is the responsibility of the applicant.

7-01-03-09 ACCELERATION/DECELERATION LANES

7-01-03-09-01 *GENERAL*

The long-term performance of an arterial street system greatly depends upon the proper control of access to the roadway from adjacent properties. The location and design of access points must minimize traffic hazards and interference to through traffic movements. Acceleration/Deceleration lanes shall be designed using Chapter 8. The warrent for acceleration or deceleration lanes shall be based upon the approved Traffic Impact Study for the final plat or final development plan.

7-01-03-10 BUS PULLOUT LANES

7-01-03-10-01 *GENERAL*

If recommended by the Regional Transportation District, bus pullout lanes shall be designed according to the following criteria and constructed by the adjacent developer.

7-01-03-10-02 *DESIGN*

Refer to Table 7.21 for lead-in and lead-out lengths (based on roadway speed) for bus pullout lanes. The applicant must communicate with the Regional Transportation District to obtain further design requirement prior to submitting to the County for review and approval.

Table 7.21—Bus Pullout Lanes

Speed Limit, (mph)	Lead-In Length, (feet)	Lead-Out Length, (feet)
35 & under	60	60
40	100	70
45	150	80
50	200	90
55	250	100

Bus pullouts shall be constructed with no less than 50 feet between an intersection curb return curve (PC) and the beginning of the lead-in taper.

7-01-03-11 ENTRY STREETS

7-01-03-11-01 *GENERAL*

“Entry Streets” are generally short (160’ minimum, one block or first intersection max.) streets with no driveway access, and are designed to allow a reduction in the separation between an arterial street and the first local street intersection, or to allow more than 40 dwelling-units with a single access. Table 7.22 summarizes the posted speed limit and minimum flowline-flowline dimensions.

Table 7.22—Entry Streets

		Value
Posted Speed Limit		25 MPH.
Minimum flowline-flowline dimension	Off of arterial	40’
	Off of arterial with median island	20’ min. both sides.
	Off of collector	38’
	Off of collector with median island	20’ min. both sides

If an “Entry Street” off of a collector has a FL-FL dimension of 40’, driveways may be allowed on one side of the “Entry Street.” Entry Streets shall be posted “No Parking.”

An “Entry Street” is considered a lower classification street than a collector, but greater than a local street, therefore, for example, “Entry Street” criteria for separation between intersections along a minor collector cannot be used to place collector street within 160 feet of another intersection.

7-01-04 INSPECTION, TESTING PROCEDURES, AND CONSTRUCTION GUIDELINES

During new circulation system construction, the developer/contractor shall notify the County Inspector (minimum of 24 hours) of initiation, drastic changes in existing conditions, and completion. In addition, as-built drawings will be submitted to the County prior to final acceptance. See appropriate Application Package for as-built requirements.

7-02 PAVEMENT DESIGN AND TECHNICAL CRITERIA

7-02-01 GENERAL

This section presents pavement design standards which are based upon methodologies outlined in the "Pavement Design Standards and Construction Specifications" first published by the Metropolitan Government Pavement Engineers Council (MGPEC) in April of 1998. The intent of these design standards is to obtain a pavement section which considers not only the roadway classification, but also factors in other criteria such as: subgrade, traffic (based on local land uses), pavement material, life-cycle costs, future maintenance, and special considerations such as swelling soils, slope instabilities and frost susceptible soils.

This methodology was developed by take existing AASHTO design parameters and modify them to account for County typical subgrade soils and pavement materials so that sections have equal design life based upon fatigue. The pavement designs obtained from this procedure should have equal life and serviceability provided the minimum material specifications are met, construction recommendations are followed, and proper maintenance is provided.

All requirements within this section shall conform to the latest published version of the MGPEC manual.

7-02-02 REQUIRED DESIGN SUBMITTALS

As outlined in the "Pavement Design Standards and Construction Specifications" published by MGPEC; three design report options were developed for obtaining County approval. Two of these reports must be submitted for County review and approval prior to receiving a construction permit.

7-02-03 DESIGN CRITERIA

7-02-03-01 TRAFFIC LOADING

It is the responsibility of the engineer to determine roadway classifications (based upon criteria outlined in Section 7-02) and confirm this classification with the County prior to initiating the design. More importantly, understanding the adjacent land use and its impacts on traffic loading will enable the engineer to develop the most appropriate pavement section.

For the purpose of pavement design only, the roadway land use classifications are divided into four basic service descriptions: residential, commercial, industrial,

and collector/arterial. These classifications are defined by the projected roadway land use of the land accessed by the street (Figure 7.9). Refer to the MGPEC standards and specifications for equation definitions.

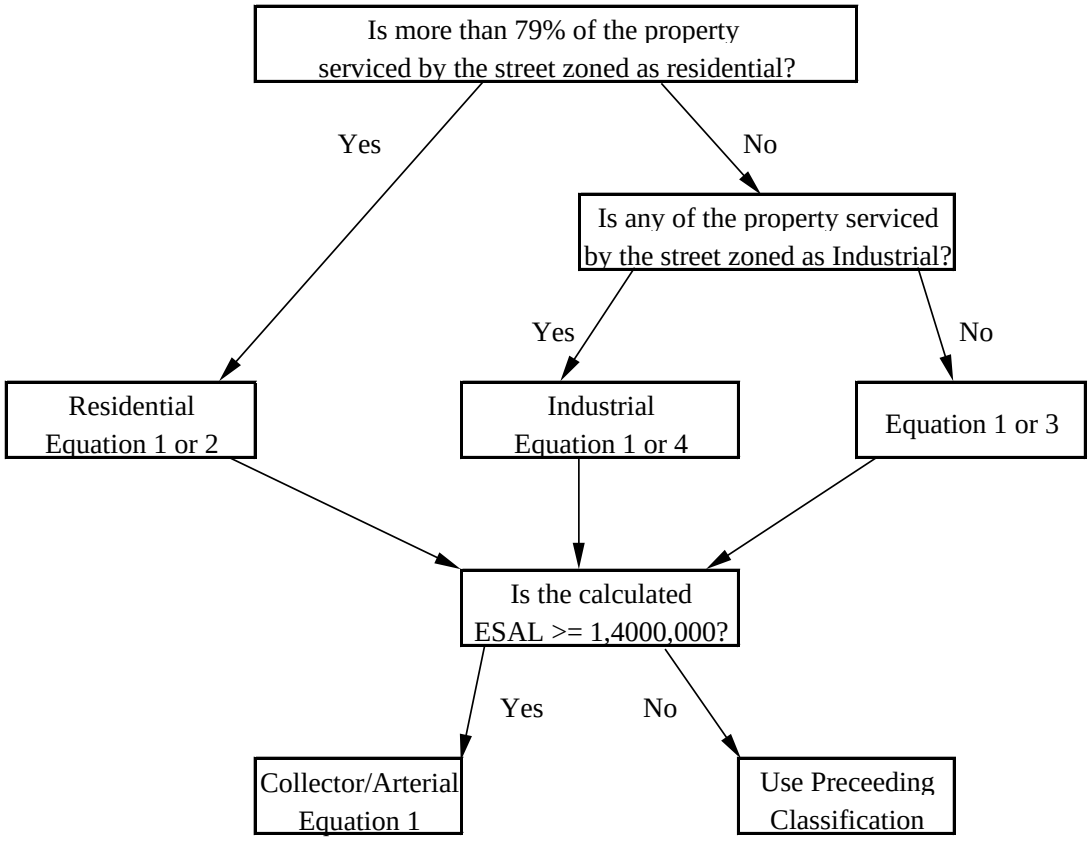


Figure 7.9—Roadway land use classification flowchart

The 20-year design ESAL (Equivalent Single Axle Load) shall be determined using data obtained from a Pavement Design Traffic Study or use of default equations for residential, commercial, and industrial streets. Refer to MGPEC standards and specifications for the equations to be used in development of the 20-year design ESAL.

7-02-03-01-01 *PAVEMENT DESIGN TRAFFIC STUDIES*

Equation 1 of the MGPEC standards and specifications requires estimates of average daily traffic volumes and distribution of traffic including a break-down of traffic by types (i.e. trucks and buses).

7-02-03-01-02 *RESIDENTIAL, COMMERCIAL, INDUSTRIAL TRAFFIC LOADS*

Refer to Table 7.23 for references to equations for residential, commercial, and industrial streets.

Table 7.23—Equations for Residential, Commercial, and Industrial Streets

	Residential	Commercial	Industrial
Traffic Loads	If a Pavement Design Traffic Study is not available, use Equation 2.	• If Pavement Design Traffic Studies are not available, use Equation 3. • This equation should not be used for commercial properties larger than 10 acres; Equation 1 should be used for those cases	• If a Pavement Design Traffic Study is not required, use Equation 4. • This equation should not be used for industrial properties larger than 10 acres; Equation 1 should be used for those cases.
Purpose		This equation is used for commercial streets that provide access to retail stores, businesses, offices, and other commercial areas.	Streets having property zoned for industrial use (manufacturing, distribution, warehousing, etc.)
Type of Traffic		Large mix of residential traffic along with trash services and delivery trucks.	Many trucks with heavy loads. Some commercial and residential traffic.
Considerations for Design	The number of residential units must include both those actually located on the street and all other residential units which use the street including adjacent existing or planned subdivisions.	In calculating ESAL's for commercial streets, future development and zoning in areas served by the street should be considered as part of the design.	Heavy truckloads.

Note:
- Equation 3 is also applicable for mix use streets having both commercial and residential traffic.
- All equations are defined in "Pavement Design Standards and Construction Specifications" published by MGPEC.

7-02-03-02 SUBGRADE CHARACTERIZATION

Subgrade characterization consists of determining swell movement potential and strength values. This swell potential is used to determine the depth of moisture treatment necessary to reduce the heave at the surface. The support value is expressed in the form of Resilient Modulus as determined from unconfined strength or R-value testing.

7-02-03-02-01 *SWELLING SUBGRADE*

Tests performed for each of the soil groups shall be averaged to determine the swell potential. The highest average swell will be used to determine the depth of moisture treatment in accordance with MGPEC standards and specifications.

Moisture treatment operations will proceed until the soil moisture content is between 1 and 3 percent over optimum moisture content as determined by AASHTO T 99, and recompacted to 95 percent of Standard Proctor density.

7-02-03-02-02 *SUBGRADE STABILIZATION*

Soils requiring moisture treatment may also require subgrade stabilization operations due to the moisture contents normally causing the soils to be soft and yielding. Chemical stabilization of at least the upper 12 inches (8 inches for residential streets) may be required. Recommended chemical stabilizing agents are lime, lime/fly ash, and Portland cement. Other agents can be used with prior approval by the County and provided the mix design requirements are satisfied. Laboratory mix designs shall meet the criteria listed in the MGPEC standards and specifications.

7-02-03-02-03 *RESILIENT MODULUS*

Subgrade support characteristics for AASHTO and MGPEC Designs are measured using Resilient Modulus. Due to cost and time constraints associated with determining the Resilient Modulus, a series of correlations and alternative equations have been developed. The equations relate the R-value for sand subgrades to the modified unconfined compressive strength procedure for clay subgrades. The strength values are to be determined by laboratory testing, and converted into Resilient Modulus (M_r) using Equations 5 through 9 in the MGPEC standards and specifications. Resilient modulus values obtained from these equations shall be reduced by 25 percent unless one of the following apply:

1. A subdrain system is provided and properly maintained.
2. The subgrade is permeable (k > 1,000 ft. Per year).

3. Rural pavement with designed drainage ditches.
4. Subgrade is gneiss or granite in nature.

7-02-03-03 PAVEMENT SECTION

The pavement section being proposed will be determined using the traffic ESAL's, the Resilient Modulus, and the depth of moisture treatment and stabilization. Tire stresses and wheel loads used in the calculations will be 130 psi and 6,000 pounds (minimum).

7-02-03-03-01 *PORTLAND CEMENT CONCRETE PAVEMENT (PCCP)*

PCCP is not recommended where swells exceed 4 percent (2 percent for speed limits > 35 mph). The design shall be calculated using Equation 10 in the MGPEC standards and specifications.

Joint spacing, doweling and tie bars will be in accordance with Portland Cement Association recommendations contained in "Joint Design for Concrete Highway and Street Pavements." Dowels are required for Industrial and arterial streets for longitudinal and expansion joints.

7-02-03-03-02 *ASPHALT CEMENT CONCRETE PAVEMENT (ACCP)*

The design shall be calculated using Equation 11 in the MGPEC standards and specifications.

7-02-03-03-03 *COMBINATION SECTIONS*

Refer to MGPEC standards and specifications for a presentation of equivalent fatigue Combination sections for ACCP.

7-02-03-03-04 *PAVEMENT THICKNESS*

The design of collector or arterial streets will be confirmed using Finite Element Method or Elastic Layer Analysis. The Asphalt Institute DAMA program is preferred, but other programs such as CHEVPC, TTIPAVE, or MICHPAVE will be allowed. Trial thickness designs can be obtained using the design equations. Thickness design for PCCP shall be performed according to Equation 10 in MGPEC standards and specifications. No Finite Elastic Method or Elastic Layer Analysis is required for PCCP.

Refer to MGPEC standards and specifications for minimum pavement thickness.

7-02-03-03-05 *RESILIENT MODULUS AND POISSON'S RATIO*

Values shall be according to MGPEC standards and specifications.

7-02-03-04 LIFE CYCLE COST ANALYSES

A Life Cycle Cost Analyses (using a present worth method) may be required for pavement design approval. The discount rate will be fixed at 4 percent and the analysis period shall be 30 years. Initial and maintenance costs will be based upon "Colorado Department of Transportation Cost Data" or County supplied cost data. The maintenance schedules presented in Table 7.24 and Table 7.25 are for life cycle cost analysis only.

Table 7.24—Scheduled Maintenance for Asphalt Cement Concrete Pavements

Year	Residential	Commercial, Industrial, Collector, and Arterial
1	Fog Seal	Fog Seal
3	---	Crack Sealing
5	Crack Sealing, Fog Seal	---
6	---	Crack Sealing, Fog Seal
10	Crack Sealing, Slurry/Chip Seal	2-inch Overlay
13	---	Crack Sealing
15	2-inch Overlay	---
16	---	Crack Sealing, Fog Seal
20	Crack Sealing, Fog Seal	4-inch Planing, 3-inch Overlay
23	---	Crack Sealing
25	Crack Sealing, Slurry/Chip Seal	---
26	---	Crack Sealing, Fog Seal
30	3.5-inch Planing, 2.5-inch Overlay	2-inch Overlay
1-30	Annual Maintenance	Annual Maintenance

Table 7.25—Scheduled Maintenance for Portland Cement Concrete Pavement

Year	Residential	Commercial, Industrial, Collector and Arterial
5	---	Clean & Seal Cracks and Joints
7	Clean & Seal Cracks and Joints	---
10	---	Clean & Seal Cracks and Joints
14	Clean & Seal Cracks and Joints	---
15	---	Clean & Seal Cracks and Joints
20	Grind ½ inch as necessary (25%)	Grind ½ inch as necessary (25%)
25	---	Clean & Seal Cracks and Joints
27	Clean & Seal Cracks and Joints	---
30	---	Clean & Seal Cracks and Joints, Grind ½ inch as necessary (25%)
1-30	Annual Maintenance	Annual Maintenance

Scheduled maintenance for heavy industrial areas having distribution centers or large truck traffic volumes and collector/arterial level roadways will be based upon a rational analysis of expected pavement distress for each site, and present in the report. The County should be consulted to determine the minimum level of maintenance required for the analysis.

Life cycle costs, which are within 10 percent, will be judged to be equal and alternatives should be presented. The County has final decision authority on the alternate to be constructed.

7-03 SIDEWALKS, CURB AND GUTTER, AND DRIVEWAYS

7-03-01 GENERAL

Design of sidewalks, curb and gutter, and driveways shall meet criterion specified below and applicable federal and state standards. County Standard Drawings are shown in Appendix A.

7-03-02 REQUIRED DESIGN SUBMITTALS

Design details to be included as part of the Site Plan are outlined in the Submittals checklists. These include, but not limited to, locations, typical sidewalk, curb and gutter and driveway section(s), flowline grading and major intersection layouts. The County may require more or less detail depending on the project size and its location. Contact the Director of the Transportation Department or request a pre-application conference to determine the level most appropriate for the subject project.

7-03-03 DESIGN CRITERIA

7-03-03-01 MINIMUM SIDEWALK WIDTH

New sidewalks shall have a minimum width of 5.5 feet measured from the flowline. Expanded widths may be required in areas of heavy pedestrian traffic. In case of repair, match existing sidewalk width.

7-03-03-02 COMBINATION CURB, GUTTER AND WALK

Combination curb, gutter and walk shall be restricted to use on Local Residential streets. Vertical curb and gutter sections shall be used for all other streets.

7-03-03-03 HANDICAP RAMPS

State law requires handicap ramps be installed at all intersections and at certain mid-block locations for all new construction or reconstruction of curb and sidewalks (CRS43-2-107[2]).These ramps shall be constructed in accordance with the Standard Drawings (see Appendix A). Handicap ramps shall be shown at all curb returns or called out by a general note on the development plans, but must be shown (located) at all “T” intersections directly opposite either curb return. Where sidewalk is not continuous around a curb return, the handicap ramp shall be

constructed, and curb and gutter shall be constructed to the radius point of the adjoining street.

7-03-03-04 CURB CUTS AND DRIVEWAYS

Concentrated storm water runoff must not be discharged across the sidewalk where curb cuts or downspouts in industrial and commercial areas are located but must be directed to a sidewalk chase. The top of curb elevation shall be the same on both sides of a street, except at intersections or where superelevation is required.

Curb cuts and driveways shall be constructed in accordance with the Standard Drawing (see Appendix A) and meet access requirements outlined in Chapter 8. Radius returns and a crosspan must be used if this is not possible due to grading restraints.

Radius returns are required when the number of parking spaces serviced by the driveway exceeds ten (10). Minimum fall around curb returns shall be 0.3%. Desirable fall shall be 0.5%. See Table 7.13 for curb return radii.

7-03-03-05 UNDER-PASS/OVER-PASS PEDESTRIAN CROSSINGS

Under-pass or over-pass pedestrian crossings may be required for regional/neighborhood trails on County collectors and arterials as determined by the Parks Department.

7-03-04 MEDIAN ISLANDS

7-03-04-01 PERMANENT STRUCTURES

Permanent structures (trees, poles, large rocks, etc.) shall not be placed in any location that would obstruct the sight distance.

7-03-04-02 NOSE

The nose of the median shall not extend past the curb return at the intersection.

7-03-04-03 LANDSCAPING

Shall have a mature height of 24 inches or less above the traveled way in areas around intersections to facilitate adequate sight distance and will preferably be dry land or native vegetation. If irrigation is planned for a median island,

mitigation will be provided to protect the subgrade under the pavement form being saturated.

7-03-04-04 FLOWLINE

A minimum flowline-flowline dimension of 20 feet must be maintained on both sides of all median islands.

7-04 BRIDGES AND MAJOR DRAINAGE STRUCTURES

7-04-01 GENERAL

All bridges and major drainage structures will be designed considering factors such as loads, drainage capacities, future maintenance and safety. All culvert pipe, box culverts, guard rails, and bridges which will ultimately be maintained by County shall conform to:

1. CDOT, "Bridge Manual, Volume I and Volume II," latest edition.
2. CDOT, "Standard Specifications for Road and Bridge Construction," latest edition.
3. AASHTO "Standard Specifications for Highway Bridges," latest edition and applicable interim.

7-04-02 REQUIRED DESIGN SUBMITTALS

A complete set of project plans, analysis and specifications related to the design of any bridge and/or major drainage structure shall be submitted to the County for review and approval. The plans are to be certified by a Colorado registered Structural Engineer who is competent to perform such designs. The County may require more or less detail depending on the scope of the project. Contact the Director of the Public Works Department or request a pre-application conference to determine the level of detail most appropriate for the subject project.

New structures will be assigned a structure identification number by the County which shall be used on all design plans and specifications submitted for review.

7-04-03 CLEAR WIDTH & SPAN

Bridges and major drainage structures will be designed with a clear width equal to the width of the approach roadway including full shoulder width and any future pedestrian crossing(s) indentified in the ulitmate road crossection.

The clear span for structures crossing a roadway shall be equal to or greater than the ultimate roadway section. For structures crossing drainageways, channels or other non-roadway features, the clear span shall be approved by the agency having jurusdiction over the feature being crossed.

7-04-04 STRUCTURE DESIGN LOADING

All major structures being proposed within the County, must be designed to meet HS-25 loading or as required by the Director of the Public Works Department and/or CDOT.

7-04-05 DRAINAGE CAPACITY

Bridges and major drainage structures shall be designed to conform to the parameters of Chapter 9.

7-04-06 EROSION CONTROL

Where appropriate, the design will include measures to control erosion as per requirements and policies outlined in Chapter 9.

7-04-07 STRUCTURAL AND INSPECTION REQUIREMENTS

The complete requirements and criteria to be used for testing and inspection of Bridges are detailed in the Colorado Department of Highways Standard Specifications for Road and Bridge Construction. The design structural engineer, familiar with assumptions inherent in the structure design, shall review the construction in sufficient detail to confirm the construction is appropriate. Qualified technical personnel experienced in the inspection of similar structures shall provide inspection of construction, as frequently as necessary to confirm the construction conforms to County approved plans and specifications. A written log or report of all work shall be furnished to the County at or prior to the request for probationary acceptance of the bridge or major drainage structure.

7-05 TRENCHING AND BACKFILLING

7-05-01 GENERAL

Trenching operations within the County ROW will only be permitted after obtaining a Right of Way Construction Permit from the County. This section briefly outlines general requirements for obtaining this approval and presents standards to be used in a trench design.

7-05-02 REQUIRED DESIGN SUBMITTALS

As part of the overall project site plan, the location(s), depth and utility description shall be submitted for County review and approval.

7-05-03 DESIGN CRITERIA

7-05-03-01 TRENCHING

Table 7.26 presents general requirements for trenching operations within the County ROW. Refer to the Standard Drawings in Appendix A for typical trench sections with varying surface materials.

7-05-03-02 BACKFILLING

Refer to Table 7.27 for general requirements for backfilling open trenches.

7-05-03-03 SUBBASE

Refer to Table 7.28 for requirements on conformity, material, deviations, and procedure for subbase placement.

7-05-03-03-01 *TRENCH COVER*

Refer to Table 7.29 on general requirements for temporary and permanent trench cover.

7-05-03-03-02 *REPAIR TO GRAVEL ROADS AND SHOULDERS*

Refer to Table 7.30 on requirements for restoration of unpaved areas.

7-05-04 MAINTENANCE PERIOD

The permittee shall be responsible for the condition of the backfilled trench and permanent patching of the roadway surface for a period of one (1) year upon acceptance by the County of the completed work identified on the permit. Permanent patching shall include restoration of gravel surfaced roadways and shoulders. Upon notification by the County, the permittee shall immediately repair to the County's satisfaction any of the said patches which become settled, cracked, broken, or otherwise faulty at the expense of the permittee. If test results do not meet the standards for compaction as set forth in this section the permittee shall be responsible for repairs or replacement to meet these standards. Settlement of 3/8 inch or greater with a 6 foot straight edge will be cause for replacement.

The permittee shall notify the County in writing upon completion of work accomplished under the provisions of the permit.

7-05-05 BONDING REQUIREMENTS

A Maintenace Bond for trenching operations performed within the County's ROW will be required in the amount approved by the County shall be submitted per requirements outlined in Appendix B or as specified by the Director of the Public Works Department.

Table 7.26—Design Criteria for Trenching

Existing Pavement	• Saw cut to full depth so the joint line between existing and replacement pavement is straight and neat – i.e. within 5° of vertical and free from horizontal irregularities. • Concrete removal shall be by full panel only, per existing control joints.
Removed Pavement	Haul away and dispose of in a proper manner (recycle or waste facility).
Base Course Material	Remove and stockpile off of the road surface area for reuse during backfilling if it meets specifications. If not, haul away from the R.O.W. and dispose of in a proper manner.
Sub-base Material	Stockpile parallel to the trench alignment, in such a manner that encroachment upon the non-disturbed portion of the roadway and/or pedestrian walkways and private properties is kept to a minimum.
Trench	• Maintain safety standards relating to the shoring and stabilization of trench sidewalls as prescribed by appropriate safety regulatory agencies (OSHA, State of Colorado). All excavations to be left over night will be backfilled if not properly barricaded. Type IV Barricades will be required if construction area is in or within 10 feet of the roadway. • Do not open the trench for such construction for a distance of more than 300 feet at any one time, unless specifically authorized by the County. • Confine the trench width to those minimum dimensions, which will permit proper installation and acceptable pipe loading, as established by current acceptable engineering practices and all OSHA requirements.
Street Cuts and Trenching Operations in Public Roadways	• Do not leave street cuts in an open condition overnight, except for the portion necessary to commence work the following morning. • Warning signs, barricades and flashing lights, all in conformance with the Manual of Uniform Traffic Control Devices (MUTCD), shall be used in areas where trenching operations are in public roadways. • Type IV barricades will be required in or within 10 feet of the traffic area.
Trenched Roadway	• In trenching across the road, do not close more than one-half of the traveled way to traffic at one time, which requires the use of a traffic signal or flaggers unless approved by the Adams County Public Works Department. • Completely backfill the trenched roadway and restore a suitable driving surface before trenching the other half of the road. • Final pavement restoration can be accomplished at one time when the utility installation or repair work is complete within a maximum of five working days for the permanent surface replacement.

Table 7.26—Design criteria for trenching (continued)

Street, Road Approaches and Other Access Points	• Total Street Closure will not be permitted unless approved by the Adams County Public Works Department. • Upon trenching across such facilities, steel running plates, planks or other safe methods shall be used to provide for traffic to enter or leave the road or adjacent property.
Access	• Access to private property will be maintained at all times. • Provide free access at all times to fire hydrants.
Excavation in County Easements	• All excavation within the County's ROW will require an approved permit prior to initiating construction. • Take precautions to limit the removal of or damage to existing pavements, sidewalks, curbs, lawns, shrubbery, trees, hedges, walls, fences, buildings, or other existing improvements to the least practicable amounts and replace or restore such improvements to their original location and condition after the excavation has been backfilled and compacted.
Conditions Contained in Private Easements	Appraise all conditions contained in private easements and perform all work in accordance with the stipulations contained therein.
Trenching Excavation within the Roadway Surface	Where trenching excavation occurs within the roadway surface, the minimum allowable remaining pavement sections shall not be less than 4 feet (not including the curb and gutter or concrete pavement) unless it is part of a monolithic concrete pavement section, which shall be full panel or stone.
Road Closures	The Director of the Public Works Department must approve all scheduled and emergency road closures.

Table 7.27—Backfilling

Trench Backfill Date	• The permittee shall simultaneously notify the County of the trench backfill and construction dates. A minimum of 24 hours advance notification is required. • Backfill will take place on the same day of trenching; if this is not the case, the County must be given the same prior notice as required for the initial trenching.
Foundation	• Prepare the bottom of the trench to provide a firm foundation for the pipe or facility in accordance with the bedding conditions specified by the geotechnical engineer for the type of pipe or facility to be installed. • The foundation shall be stable and the subgrade of the trench shall be kept free of standing water.
Backfill Depth	• Place backfill so that the pipe will not be displaced or damaged.
Approved Backfill Material	• Immediately after the utility authorized by the permit has been placed in the trench, backfill the trench with approved material. This material cannot include debris of any kind, frozen material, clods, or stones. Fill with approved material to an elevation which will allow placing the pavement base and wearing surface according to the Standard Drawings. • Compaction test reports shall be required daily and all fill over one foot in elevation shall require a tester on site during backfill operation. • If the excavated material is unsuitable for backfill it shall be hauled away and satisfactory granular backfill material shall be used.
Completed Surface and Trench Compaction	• The subgrade shall conform to the lines, grades, and cross-sections as shown on the approved plans. Compact the backfill material in successive layers not to exceed 8 inches thick and finish and maintain in a smooth compacted condition. The completed surfaces shall be free from rutting or other objectionable irregularities. • Within the roadway area, trench compaction shall be in accordance with AASHTO T99 or T180 as required by the CDOT Standard Specifications. Compaction tests must be performed by a Geotechnical Engineer and shall be a minimum of every 250 feet along the trench and every one foot in elevation.
Low Slump Material	Use of an approved controlled low slump material (flowfill, shrink-crete, flashfill or equivalent) for backfill of trenches is required under all roadways or as approved by the Director of the Public Works Department. All controlled low slump material (CLSM) must have a 28-day strength of 60-100 psi, and a maximum slump of 7-10 inches.

Table 7.28—Subbase for Trenching Operations

	Subbase	**Foundation For Base Course**
Conformity	Shall conform to the lines, grades, cross-sections and thickness shown on the approved plans and shall be finished and maintained in an acceptable condition at least one day's progress in advance of base construction or placing prime coat (foundation for base course).	
Material	When placed and compacted will result in a firm, dense, unyielding foundation.	
	Subbase material shall be well mixed, free of organic matter and lumps or balls of clay, and shall consist of sound aggregate particles and suitable filler or binding materials.	
Deviations	Deviations from the gradation limits may be permitted by the Director of the Public Works Department for unpaved roads provided it can be unequivocally demonstrated that the subbase material is not conducive to rutting, raveling or forming a soft yielding surface in the presence of moisture (it is adequately demonstrated that the proposed subbase material can fulfill the intent of these specifications).	
Procedure	Material shall be deposited and spread, without particle segregation in loose layers not to exceed 6 inches in depth. Wetting or aerating and rolling of the material shall be required when ordered by the County following review of all field test results. Subbase or base course shall not be placed on soft, spongy, or frozen subgrade, other subgrade, or subbase, the stability of which is unsuitable.	
	Each layer shall be thoroughly and individually compacted to 100% of proctor (AASHTO T 99) density for soils classified as A-1 through A-2-5 and 95% proctor (AASHTO T 99) density for all other classifications (AASHTO M 145).	

Table 7.29—General Requirements for Temporary and Permanent Trench Cover

Temporary		
Temporary Trench Cover		• Provide all trenches across traffic lanes, where it becomes necessary to remove any existing surfacing or pavement, with temporary trench cover. • Stockpile temporary trench cover surfacing material on the job site and place within six hours after completion of trench backfill and compaction. • Maintain temporary trench cover until permanent trench cover is placed. • Trench covered with temporary surfacing will be considered as open to traffic. • The surface of the temporary repaving shall be smooth and at the same level as the adjacent undisturbed paved area.
Pavement Surface Cuts Immediately After Backfilling		When permanent pavement-patching material is not available, a temporary patch of cold mix asphalt will be required on all pavement surface cuts immediately after backfilling has been completed and removed at the time a permanent patch is made.
Minimum Requirements		Minimum requirements for temporary trench cover shall be well compacted surfacing material conforming to "Road Mixed Asphalt Surfacing Material" of the CDOT Standard Specifications and shall match the existing asphalt or Concrete thickness, but shall not be less than 4 inches thick. The mineral aggregate shall, with a tolerance of 5 percent, conform to the grading specified for 3/8 inch maximum aggregate. Bituminous binder to be mixed with the mineral aggregate shall be liquid asphalt, Grade MC-3000 and shall be between 5 ½ percent and 6 percent by weight of the dry mineral aggregate.
Permanent		
Unless otherwise specified, the replacement of pavement shall be as follows:		
In areas where wearing surface is:	Asphalt Concrete	Minimum patch thickness will be 5" on residential streets, 7" on collector streets, and 9" on arterials. In all cases, the patch will extend one (1) foot beyond the existing pavement. If the permittee or their engineer does not agree to these standards, a paving design will be submitted for review and approval by the Adams County Public Works Department. A sample of this pavement will also be submitted to the Adams County Public Works Department to ensure that the pavement sample will match the submitted design.
	Portland Cement Concrete	Replace the pavement with concrete pavement conforming to the requirements of the County. Said concrete pavement replacement shall be of the same depth as the original pavement, but not less than six inches thick on alleys or residential streets, nor less than eight inches on major or secondary streets and highways.
	Other	Replace the pavement and base in kind. Said surface replacement shall be of materials and thickness conforming to the requirements of the County.

Table 7.30—Repair to Gravel Roads and Shoulders, Restoration of Unpaved Areas

Where the original wearing surface and foundation materials was crushed rock or gravel	Use Class 6 aggregate base course as replacement material. Place to a compacted thickness minimum of 8 inches or the thickness of the removed material plus 2 inches, whichever is greater.
Compaction	In the area from the ROW line (fence line/property line) to a point 5 feet outside of the roadside ditch flowline, backfill all trenches with excavated material and compact to 90% standard compaction, or to the density of the existing ground, whichever is greater.
	Other areas including the gravel road, the shoulders and the roadside ditch to a point 5 feet outside of the flowline, all trench compaction shall be in conformance with Figure 7.21 of these standards.
Erosion Control	During construction and after the trench is backfilled and compacted, erosion protection shall be provided per Chapter 9.

7-06 UTILITY LOCATIONS

7-06-01 GENERAL

Repairs being made to County roadways or other properties, must be performed under an approved permit. At the completion of these repairs, the roadway or other properties must be returned to a condition equal to or better than the original. In addition, these repairs must be accomplished in the least possible time and with the least disturbance to the normal functioning of the street or other adjacent properties.

All backfill material, compaction, and resurfacing of any excavation made in the County ROW will be done in accordance with specifications and standards in Section 7-05.

7-06-01 ROAD CLOSINGS

Only one side of a street may be blocked at any given time. Traffic must be provided a minimum lane width of 10 feet in the construction area. Any plan for traffic control during construction that indicates a complete closure must show detour routes, and must be approved by the Director of the Public Works Department at least 24 hours prior to issuance of permit.

The applicant must get written permission from the Department of the Public Works Department to temporarily close a public road.

7-06-02 LOCATION

See Table 7.31 and Figure 7.10 through Figure 7.11 for utility location requirements and Standard Drawings (see Appendix B) for typical details.

7-06-03 INSPECTION, TESTING PROCEDURES, AND CONSTRUCTION GUIDELINES

7-06-03-01 GENERAL

Table 7.32 presents general testing requirements for installations.

7-06-03-02 SPECIFICATIONS

Road construction for new development shall conform to the latest edition of the Colorado Department of Transportation (CDOT) Standard Specifications for Road and Bridge Construction. Adams County criteria may supercede CDOT standards.

7-06-03-03 EROSION PROTECTION

Erosion and sediment control measures are essential during construction to mitigate adverse impacts to adjacent properties resulting from development. Due to both the dynamic nature of construction, and federal/state water quality guidelines, construction activity in Adams County shall require erosion protection.

In the event that one of the following situations occur:

- construction plans lack sufficient detail for erosion protection
- it has been determined that the submitted erosion control measures are not applicable to actual field conditions
- installed erosion & sediment controls are non-functional

Adams County field inspection personnel shall be able to mandate corrective action to be taken by the developer and/or contractor.

7-06-03-04 CONTRACTOR RESPONSIBLITIES

The contractor will be held responsible for the cleanliness and safety of all roadways adjacent to construction sites. If at any time, these roadways are found to be dangerous or not passable due to debris or mud, the Adams County Public Works Department will shut down the project, until the roadway conditions have been improved by the contractor, and are deemed acceptable by the County. If the contractor/applicant fails to keep the adjacent roadways clean and free from debris, the Public Works Department has the option to do the required clean up and bill the charges directly to the contractor.

Erosion and sediment control with inlet protection will be required for the storm drainage conveyance systems adjacent to construction sites. Dirt and other construction debris cannot be washed into the County's storm drainage facilities. The contractor will be held responsible to ensure that storm drainage facilities are protected during construction activity. If debris from construction activity is being washed into storm drainage facilities, the Adams County Public Works Department

will shut down the project, until the contractor cleans the affected storm drainage facility. If the contractor fails to keep the adjacent storm sewer free from debris, the Public Works Department has the option to do the required clean up and bill the charges directly to the contractor.

7-06-03-05 DAMAGED INFRASTRUCTURE

The contractor shall be responsible for repairing or replacing County infrastructure that was damaged as a result of construction activity.

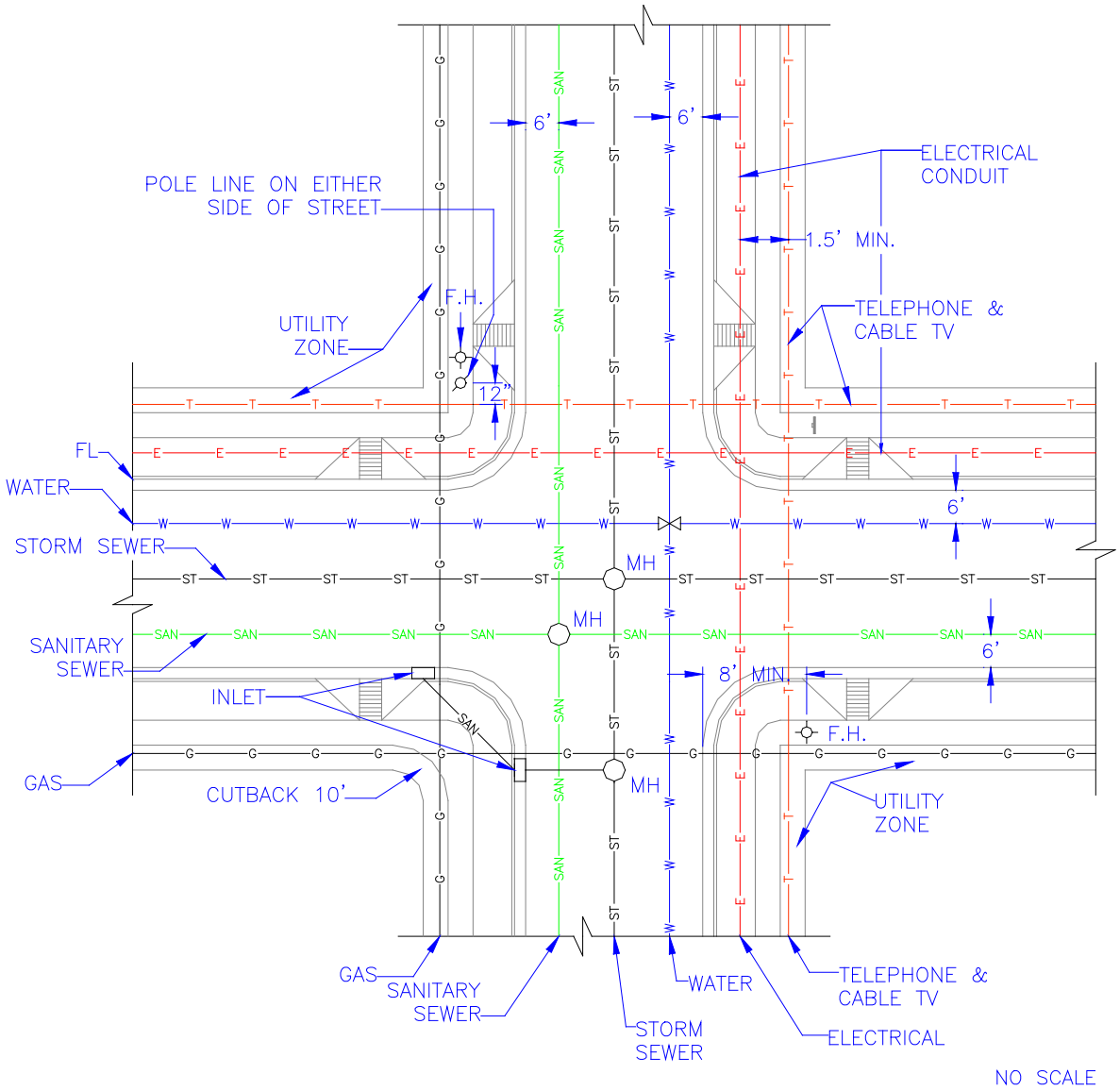
Table 7.31—General Utility Location Requirements

	Location
Water Main	North and East Sides of streets. Provide min. 10’ horizontal separation from sanitary sewer or as required by the appropriate water district.
Fire hydrant	3’ min. from back of curb, 1’ min. from back of attached walk, or 10’ minimum from edge of pavement if no curb is present
Sanitary Sewer	South and West of sides of streets
Storm Sewer	Street centerline or 3’ either side of centerline for adequate utility separation. Other locations may be considered if given written approval by Director of the Public Works Department.
Natural Gas	Either within ROW or in an adjacent easement on the South and West sides of the street or 3’ either side of centerline for adequate utility separation.[1]
Power and Telephone	North and East sides of the street either within the ROW or in an adjacent easement.[1, 2]
Cable TV, Fiber optics	North and East sides of the street either within the ROW or in an adjacent easement.[1]
Poles, signs and any other above-ground streetscape	No poles, signs, or any other above ground streetscaping should be allowed within the public right of way not directly related to any utility that is not regulated by the Public Utilities Commission, local franchise agreement, or quasi governmental agency such as a local water and sewer district. Exceptions will only be made by variance procedure of the County or granted specifically by the Adams County Board of Commissioners.
Light Poles	Min. 2’ behind a vertical curb line or 6” behind the sidewalk for attached sidewalk conditions with prior written approval by the County. Poles placed within County ROW having a posted speed limit of 40 mph or higher may be required to be breakaway, per CDOT Design Manual, Section 1002.6. Specifications for all poles within County ROW must be accepted by the Public Works Department prior to the permit application for installation.
Landscaping	Caution: Trees or large shrubs shall not be planted over buried utilities, within the sight distance triangle at intersections or accesses, or within 10’ of the flowline of the public street. On low speed (posted 30 mph or less) minor collectors and local streets, trees may be planted to within 6’ of the flowline (except within 150’ in either direction from an intersection, where the trees must be a minimum of 10’ back from the flowline). In no case shall landscaping over 30” above the adjacent flowline be allowed to encroach into the sight-distance triangle.
Overhead	A minimum ground clearance of 18.5’ shall be provided where overhead utility lines cross public roads and streets. The clearance shall be measured at the lowest point where the line crosses the traveled portion of the roadway.

1. For utility companies that wish to run double mains, the requirement of north and east/south and west may be waived by the Public Works Department.
2. Or as directed by the National Electrical Safety Code.

Table 7.32—Testing Requirements for Utility Installations

Materials, Placement and Compaction	Place all utility trenches within the ROW and compact in accordance with the project specifications.
Testing	• Field moisture-density testing: perform during backfill operations beginning 1-foot above the top of the pipe and extending to the finished subgrade elevation. • Minimum number of tests: one test within 1-foot of manholes, water valves or other obstacles. A sufficient number of tests shall be taken at various depths to confirm backfill compaction and moisture content specifications are met. • Perform testing in accordance with project specifications. • Trench Compaction within the roadway area: in accordance with AASHTO T-99 or T-180.
Bond	A bond (based on size of project) in an amount designated by the County will be required until final acceptance is received. See Appendix B for details.
Acceptance	The results of field density tests shall be submitted to and reviewed by the County. Provided all tests are acceptable, the two-year probationary period may begin. If no failures of the trenches are evident after 1 year, the County will assume maintenance obligations. Any failures must be corrected in accordance County specifications.

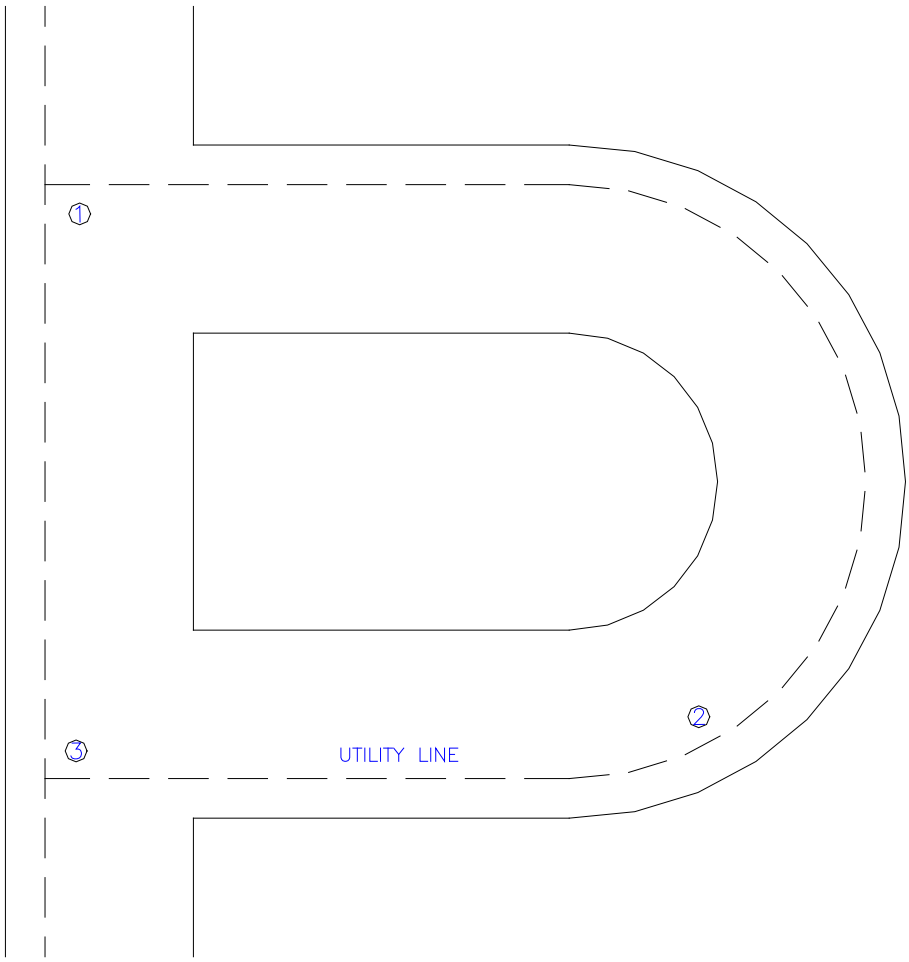


NOTES:

1. THIS STANDARD IS A GUIDE ONLY AND DEVIATIONS MAY BE ACCEPTABLE WHERE THE CONDITIONS DICTATE. DIMENSIONS SHOWN ARE DESIREABLE BUT DO NOT GOVERN. THE INTENTION IS TO SHOW THE RELATIVE POSITION OF ALL UTILITIES. THIS DOES NOT PRECLUDE THE USE OF UTILITIES IN EASEMENTS IN OTHER LOCATIONS (I.E. BACK LOT LINES).
2. UTILITY ZONE EASEMENT IF REQUIRED

Figure 7.10—

For Utility location requirements and Standard Drawing typical details



NOTES:

EXAMPLE OF A UTILITY RELOCATION
TO A NORMAL POSITION AT AN INTERSECTION

1. CARRY UTILITY AROUND CORNER
2. STAY ON SAME SIDE OF STREET.
3. RETURN UTILITY TO NORMAL SIDE OF STREET AT INTERSECTION

Figure 7.11

Utility location requirements and Standard Drawing typical details

CHAPTER 8—ACCESS DESIGN AND TRAFFIC REQUIREMENTS

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Chapter 8—ACCESS DESIGN AND TRAFFIC REQUIREMENTS

Presented in this chapter are minimum requirements and technical criteria for the analysis and design of access locations to and from county roadways with the intent of providing a safe, orderly, and continuous traffic/pedestrian movement. Traffic is a regional feature that affects all governmental jurisdictions and all parcels of property. All applications submitted to the County for land being developed commercially, industrially, or as a subdivision, and/or as part of an existing subdivision desiring access to a county roadway will require some form of access and traffic analysis and appropriate design. The level of detail and specific requirements for each of these submittals will be outlined within this chapter.

8-01 ACCESS REQUIREMENTS AND CRITERIA

8-01-01 GENERAL

The county has adopted the following design standards and criteria for traffic management and should be used in the analysis and design of all new or modified access point locations. However, the County reserves the right to issue and enforce more stringent criteria should adverse or unsafe conditions exist. Also, conditions may arise where the minimum standards presented within this chapter are either inappropriate or cannot be justified economically. In these special cases, the County may issue a variance. All designs that vary from the standards and criteria presented in this chapter, shall obtain approval from the County prior to completing construction plans or Traffic Impact Study (TIS).

Standards and technical criteria not specifically addressed in this chapter shall follow the appropriate provisions outlined in the 2001 AASHTO, A Policy on Geometric Design of Highways and Streets (“Green Book”) and/or the Colorado State Highway Access Code. In addition, County Standards are presented in Appendix A. It is important to note that County Standards may supersede the AASHTO criteria.

In the event that the AASHTO criteria are revised, the latest edition shall be used.

8-01-02 REQUIRED DESIGN SUBMITTALS

Project Plans and TIS submitted to the County for review shall contain a detailed analysis and comprehensive circulation design in accordance with these criteria and other applicable standards (local, state, and federal). Prior to receiving approval, the Project Plans and TIS must be sealed by a Colorado Registered Professional Engineer who has extensive knowledge of the project being submitted for review. Documents submitted without being sealed or by a party not responsible for the work, WILL NOT be reviewed.

Section 8-02 presents the minimum level of TIS to be prepared and submitted to the County for approval. Based on the application and the size of project being submitted, the level of analysis and design detail required varies and can be determined by the checklist attached to the application and/or by contacting the County. All required information is to be submitted for County review prior to receiving an approved application or permit. Applicants are encouraged to prepare the required submittals with as much detail as possible to minimize possible confusion and cut down on overall processing time.

Table 8.1—General Access Issues

Objective	Criteria outlined in this chapter should be viewed as the minimum requirements for the design of entrances and exits and determining the proper location of access point(s) onto any of the existing or proposed county roads.
Quality	All work done under this permit shall be performed to the satisfaction of the County.
Factors Reviewed	The factors reviewed with each access application include: speed of the highway, sight distance, existing or potential safety concerns, existing traffic on the highway, intersection spacing and the projected vehicular use of the site.
Traffic Impact Study (TIS)	• In reviewing a site, the County may require an applicant to prepare a Traffic Impact Study (TIS) for review and approval by the County to determine the impact the development may have on the adjacent road systems. • The TIS should address the impact of the additional traffic generated by the development and propose appropriate improvements to mitigate that impact. • Guidelines for the preparation of the TIS are included as part of the applicable Permit Application.
Hydraulic Impact	• The engineer may need to submit the information for review by the County to determine the hydraulic impact to the existing roadway drainage system. • Based on the submitted information, the engineer may be required to supply additional hydraulic computations for review and approval by the County. • A proper Storm Drainage Study (including project plans) must be reviewed and approved by the County and implemented by the Permittee. • Standards and technical criteria are included in Chapter 9 of this document.
Implementation	• No person shall construct any access providing direct movement to or from any county maintained roadway without obtaining approval from the County. • County approval and the appropriate permits necessary for construction shall be issued only in compliance with the policies outlined in this chapter. Under no circumstances shall access be allowed or permitted if it is detrimental to the public health, welfare, and safety. • Vehicular access to or from property adjoining a county roadway shall be provided to the general street system, unless, such access has been acquired by a public authority. Police, fire, ambulance, and other emergency stations shall have a right to direct access to county roadways. Direct access from a development project to the roadway shall be permitted only if the proposed access meets the purpose and requirements of this chapter.

8-01-03 CRITERIA FOR ACCESS ONTO ADAMS COUNTY ROADWAYS

All new or modified access locations in Adams County shall meet the requirements of the Colorado Department of Transportation and information presented in this chapter. Where possible, the access may also comply with the requirements of the Denver Regional Council of Governments. Refer to Table 8.2, Table 8.3, and Table 8.4 for county access criteria onto major and minor arterials, major and minor collectors, and local streets. All new commercial and industrial developments shall provide connectivity to adjoining commercial and industrial developments, unless otherwise determined by the Community and Economic Development Department. Access to State Highways is governed by the State Highway Access Code and the engineer must follow appropriate criteria and standards.

Table 8.2—Criteria for Access onto Major Arterials

Private Direct Access	• Shall not be allowed unless a TIS has been submitted and approved (including a signal progression plan). • No direct private access is permitted on County maintained arterial roadways unless the property in question has no other access to the general street system, or when denial of direct access to the major arterial and alternative direct access to another roadway would cause unacceptable traffic operation and safety problems to the overall traffic flow of the general street system.	
Considerations When Private Access Must be Provided	• Such access shall continue only until such time that some other reasonable access to a lower function category street is available and permitted. The Access Permit should specify the future reasonable access location(s), if known, and under what circumstances, what changes will be required. • Shared access between property owner and developments shall be promoted where applicable.	
	No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that:	• Allowing only one access conflicts with safety regulations (e.g., fire access), or • Additional access would significantly benefit safety and operation of the highway or street and is necessary to the safe and efficient use of the property.
	An access shall be limited to right turns only, unless	• It is an approved full movement access intersection, and • Left turns would not create unreasonable congestion or safety problems and lower the level of service, and • Alternatives to the left turns would not cause unacceptable traffic operation and safety problems to the general street system.
Public Direct Access	• Where full movement is to be permitted spacing criteria must be met. • Those that do not meet these requirements shall be limited to right turns only, unless they meet the requirements above. • No local streets shall be permitted to intersect minor or major arterials.	
Spacing and Signalization Criteria	• In general terms, full access to major arterials shall be limited to ½ mile intervals ± approximately 200 feet, in order to achieve good speed, capacity, and optimum signal progression. • However, to provide flexibility for both existing and future conditions, an approved signal progression analysis shall be made to properly locate proposed access that may require signalization. The specifics of this analysis are detailed in this chapter.	

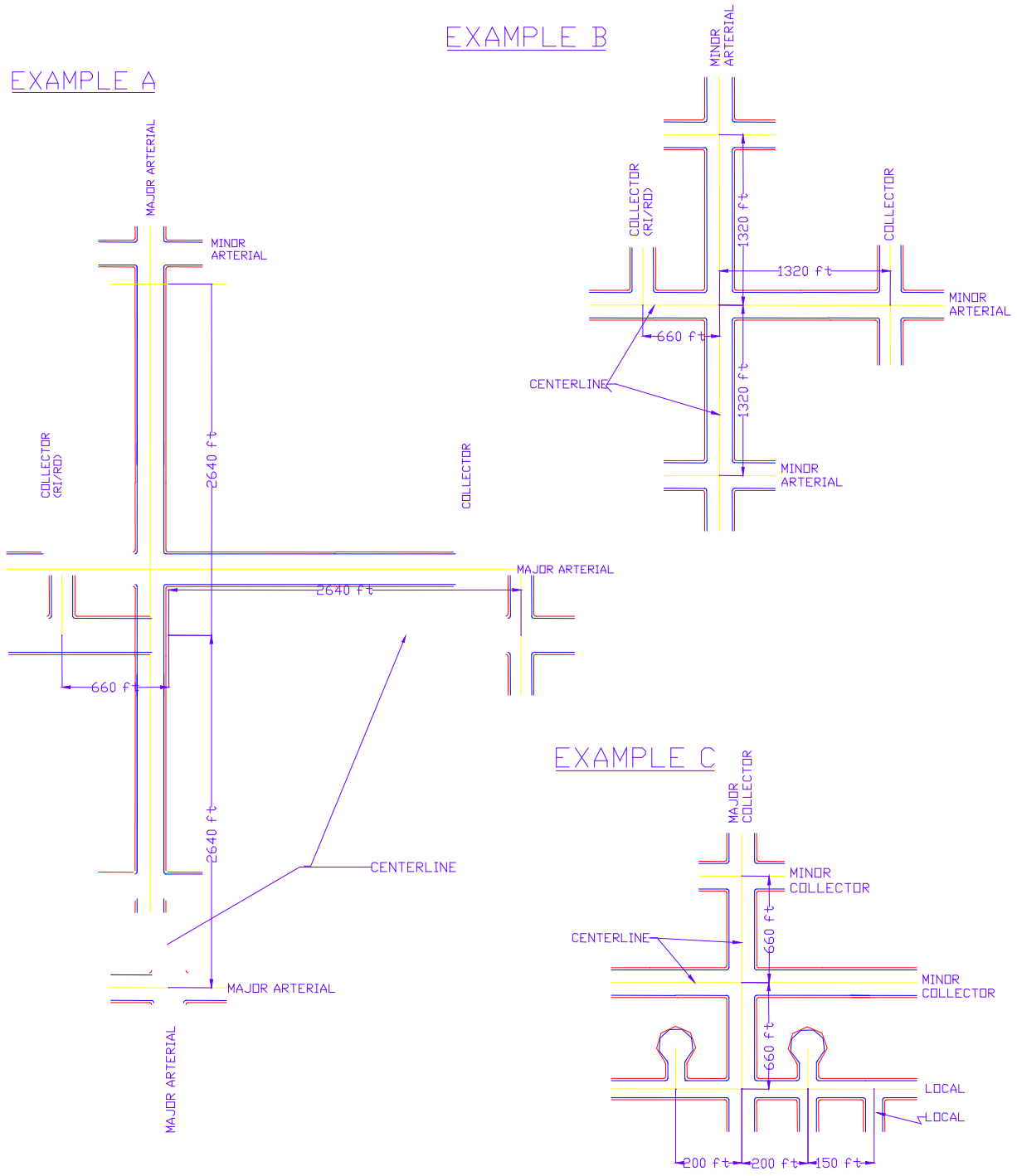
Table 8.3—Criteria for Access onto Minor Arterials

Private Direct Access	Generally, shall not be allowed onto a minor arterial. Private direct access onto a minor arterial may be permitted: • If it does not have the potential for signalization. • If it has the potential for signalization, if it meets the signal spacing requirements for intersection public streets stated below and does not interfere with the location, planning, and operation of the general street system and access to nearby properties. • If no more than one access is provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional access would be beneficial to the safety and operation of the highway and to the safety of public. Access may continue until such time that some other reasonable access to a lower functional category street or highway is available. A traffic circulation plan, and/or street construction plans with phasing should specify under what circumstances the changes will be required. Subdivisions should be designed to provide for alternative access at a future date.
Public Direct Access	• Where left turns are to be permitted must meet the signal spacing criteria. • Those that do not meet these requirements shall be limited to right turns only, unless they meet the requirements stated in Table 8.2. • No local streets shall be permitted to intersect minor or major arterials.
Spacing and Signalization Criteria	• In general terms, full access to minor arterials shall be limited to one-quarter mile intervals, ± approximately 100 feet, in order to achieve good speed, capacity, and optimum signal progression • In urban areas and developing areas where higher traffic volumes are present, a spacing of one-half mile (± 200 feet for rural highway sections) for all accesses should be maintained. This spacing is desirable to achieve good speed, highway capacity and optimum turning progression. • However, to provide flexibility for both existing and future conditions, an approved signal progression analysis shall be made to properly locate proposed access that may require signalization. The specifics of this analysis are detailed in this chapter.

Table 8.4—Criteria for Access onto Collectors and Local Streets

	Collectors	**Local Streets**
Private Access	Shall be governed by the Curb Opening and Driveway Criteria in Section 8-01-06	
	• Single-family residence and business access to collectors is not permitted unless access to a lower function category street is not available. • Access shall not be provided to an individual or to contiguous parcels under the same ownership unless it can be shown that additional access would not be detrimental the safety and operation of the highway, or allowing only one access would be in conflict with local safety regulations, and the additional access would not be detrimental to public health, safety and welfare.	Direct access will be provided to each parcel or to contiguous parcels when there will not be any significant safety or operational problems and the spacing meets the access spacing requirements of this policy.
Public Streets	• Shall intersect collector not closer than 330 feet (minor collector) and 660 feet (major collector) from each other (centerline to centerline) • The closest street intersection to an arterial shall be 330 feet (minor collector) and 660 feet (major collector) from the arterial (ROW line of arterial to centerline of local street) • On minor collectors with an ultimate projected traffic volume of less than 2500 vpd, intersection spacing may be 250 feet (centerline to centerline) (for first intersection from an arterial; 210' centerline to ROW of arterial).	• Should not intersect local roadways closer than 150 feet from each other (centerline to centerline). • On a local street, the closest intersection to a collector street shall be at least 200 feet (centerline to centerline) • To an arterial street, the closest intersection shall be 200 feet (arterial ROW line to local street centerline) • See Figure 8.1.
Spacing	• In urban and developing areas where higher traffic volumes are present or growth is expected in the future, (and for rural highways) access spacing shall be at the 1700-foot intervals. • Spacing of all major intersecting public streets, roads, highways and other major accesses should be on a minimum of 600-foot intervals.	• For those rural highway sections, spacing of all major intersecting public streets, roads, highways and other major accesses should be on a minimum of 300-foot intervals. • Public access in urban growth areas spacing shall be to city specifications and may be less than 300 feet. • Other accesses shall use lot lines for spacing requirements.

Figure 8.1—Intersection Separations



8-01-04 SIGHT DISTANCE

Sight distance for curb openings to private property shall consist of a sight triangle conforming to the requirements of Chapter 7.

8-01-05 NUMBER OF OPENINGS

All additional access points to properties shall be approved by Adams County engineering staff. Applicant shall provide Adams County a scaled site plan showing the proposed location of the new access point, the proposed width of the access point, and the distance of the access point from the property boundary lines and any existing access location.

Refer to Table 8.5 for the number of access points to residential, commercial, and industrial property.

Table 8.5—Number of Access Points

Residential	Single and Multiple-Family Dwellings	Shall be determined by information provided by the owner/developer in the TIS or by comments generated during the County's review of the development.
Commercial	Less than 150' of frontage and located mid-block	Limited to one access point per property owner. Shared access among adjacent property owners is strongly encouraged. An exception may be granted where a building is constructed in the middle of a lot and parking is provided for on each side of the building.
	More than 150' of frontage	A second access point may be allowed where there is sufficient frontage to provide for min. and max. design requirements.*
	Located on a corner	One access to each street may be permitted *
Service Station	Located on a corner	One access to each street may be permitted *
Industrial		Access shall be determined on a case-by-case basis. The county shall consider good traffic engineering practice and the information provided by the applicant in the TIS accompanying the submittal.

* Additional access may not be permitted for roads classified as collectors or arterials

8-01-06 CRITERIA FOR CURB OPENINGS AND DRIVEWAYS

Certain control values for curb openings and driveways require minimum dimensions in some instances and maximum values for other dimensions. The design of curb openings and driveways within the range of these dimensions will provide for good service on the part of the motorist using the driveway while and minimizing the interference to the traffic using the street. By controlling the location and width of openings or driveways along the street, it will be possible to avoid or eliminate long open stretches where motorists can indiscriminately drive onto the street. The width of opening established in this chapter is based on studies, which indicate the various width openings will accommodate vehicles of maximum size authorized on county streets and roadways. In case of conflict between requirements in the various sections of this chapter, the more restrictive condition will normally apply. Refer to Table 8.7 for general design and planning principles regarding curb openings/driveway width, sight distance, public-improvements, driveway approaches, rural road access from private property, and access to roadways with no curb and gutter, and maintenance.

Refer to Table 8.5 for other general requirements regarding number of curb openings permitted, entrance angle, minimum space between openings, joint entrance, access approaches, parcel of land with direct access, use of an existing access to county ROW changes or change in the use of the property. Refer to Table 8.6 for other minimum driveway criteria.

Revised Table 8.6 - Driveway Criteria

Category	Roadway Class	Residential		Multiple Dwelling	Commercial/Industria
		Minimum	Maximum	Maximum	Maximum
Driveway Throat Width*	Arterial	-	-	20-feet	35 feet
	Collector	10 feet	20 feet	24 feet	30 feet
	Local	10 feet	20 feet	24 feet	24 feet
Minimum Driveway Radius	Arterial	-		15 feet	20 feet
	Collector	-		15 feet	20 feet
	Local	-		15 feet	20 feet
Minimum Centerline	Arterial	250 feet		350 feet	500 feet

Driveway Spacing	Collector	100 feet	200 feet	250 feet
Minimum Driveway Distance From Intersections	Local-Collector Intersection	50 feet	100 feet	150 feet
	Collector-Arterial Intersection	75 feet	150 feet	200 feet
	Arterial-Arterial Intersection	100 feet	200 feet	250 feet

* Variations in driveway width may be granted by the Director of the Public Works Department. For single-family residential lots located on a rural roadway, the maximum allowable driveway throat width allowed by the Director shall be 30-feet.

Table 8.7—Principles for Curb Openings and Driveways

Opening or Driveway Width	• The opening should handle the anticipated traffic volume and character of traffic, as well as being within the limits specified for the type of property development. • Total curb opening length on a street for accesses to a commercial or industrial property shall not exceed 40% of the property frontage. Individual curb opening not to exceed those given in Table 8.6 - Driveway Criteria. • The controls established for curb openings and driveways shall apply to existing and new streets.
Sight Distance	• All openings for driveways shall be located at the point of optimum sight distance along the street. • For openings and driveways to commercial establishments and service stations, provide a space reasonably cleared from obstruction to allow drivers entering the property sufficient sight distance for proper and safe movements. • Entrance angles for all driveway approaches shall be 90° ± 10° to the centerline of the street. • The profile of a driveway approach and the grading of the adjacent area shall allow a driver in a vehicle located on the driveway outside the traveled portion of the street to see a sufficient distance in both directions to avoid a hazardous traffic situation when entering the street. Within the ROW, maximum grades shall be limited to 8% for single-family residential access. All other access shall be limited to a maximum of 2% grade.
Public Improvements	• Any adjustments which must be made to utility poles, street light standards, fire hydrants, catch basins or intakes, traffic signs and signals, or other public-improvements or installations which are necessary as the result of the curb openings or driveways shall be accomplished without any cost to the County. • Any curb opening or driveway, which has been abandoned, shall be restored by the property owner except where such abandonment has been made at the request of, or for the convenience of the County. • The property owner shall perform maintenance for driveways.
Entrance/Exit Driveway Approaches	• Shall be appropriately signed by, and at the expense of, the property owner. • The property owner will be required to provide some means of ensuring that the motorists will use the driveway either as an entrance only or an exit only, but not both.
Access Surfacing	• Asphalt surfacing of the access shall be required when the roadway is paved. • Accesses shall be paved from edge of pavement to the ROW line. • Surfacing materials shall be specified according to county standard presented in Chapter 7 and the conditions and future use of the access and abutting roadway.
Rural Road Access from Private Property	• New driveway accesses from private property to an existing graveled county road shall be required to install a minimum of 6” of compacted Class 6 aggregate base course or equivalent material from the ROW line to the edge of the traveled roadway. • The minimum width of the driveway within the ROW shall be as presented in Table 8.2. • Based on drainage analysis, a properly sized culvert with flared end sections shall be required at the established ditch flowline. A sketch plan of the installation must be submitted with the culvert permit application (see Chapter 9 for Storm Drainage design requirements). • Culverts are to be installed as necessary for residential and commercial driveways to insure positive drainage is maintained.
Access to Roadways with No Curb and Gutter	Private drive access to local, collector or arterial roadways that have no curb and/or gutter improvements shall be constructed to meet the following requirements: • Drive shall extend from ROW line to edge of existing driving surface and shall be constructed to meet minimum roadway pavement design. • Driveway width shall conform to table 8.6. • A properly sized culvert pipe shall be installed at the established roadside ditch flowline beneath the private drive access (see Chapter 9 for Storm Drainage design requirements).
Maintenance	Maintenance of the access and drainage improvements within county ROW shall be the responsibility of the adjacent property owner.

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Chapter 8—Access Design and Traffic Requirements
Access Requirements and Criteria August 15, 2017

8-01-07 AUXILIARY LANES

Auxiliary lanes, also called speed change lanes, are useful in maintaining the safety, traffic flow and operations of the roadway and access. When auxiliary lanes are required by the County or as warranted by information obtained during the development of the TIS, the applicant is responsible for design, installation, and purchase of right-of-way to accommodate the required lane width.

8-01-08 CRITERIA FOR AUXILIARY LANES

Auxiliary lanes are required as described within each category of roadway in Table 8.8. In addition, auxiliary lanes may also be required where any of the following subsections apply.

1. If necessary for specifically identified and documented safety and operation reasons, a right turn acceleration lane may be required when:
   a. for any access where a high traffic volume on the highway or using the access and the lack of acceptable gaps in traffic make use of an acceleration lane necessary for vehicles to safely and efficiently enter the highway traffic flow through the use of available short gaps in traffic, or;
   b. where necessary for public safety and traffic operations based upon site and roadway specific conditions such as horizontal and vertical curves, or
   c. the posted speed is greater than 40 MPH.
2. If necessary for specifically, identified and documented safety and operation reasons, a left turn acceleration lane may be required when unique location factors such as; highway speed and traffic density, access volume, the volume of commercial trucks, the influence of nearby access, existing highway auxiliary lanes close to the access, nearby traffic control devices, available stopping sight distance, and where other topographic and highway design factors exist that determine the need.
3. For those access locations having a high percentage of trucks using the access, each auxiliary lane may be required to be built to full length and width according to the transition taper length shall extend beyond the full length
4. The auxiliary lanes required in the category design standards may be waived when the 20th year predicted roadway volumes conflicting with the turning vehicle are below the following minimum volume threshold. The right turn deceleration lane may be dropped if the volume in the travel lane is predicated to be below 150 DHV. The left turn deceleration lane may be stopped if the opposing travel lane is predicted to be below 100 DHV. The right turn acceleration lane may be dropped if the adjacent traveled lane is predicted to be below 120 DHV. The left turn acceleration lane may be dropped if the

volume in the inside lane in the direction of travel is predicted to be below 120 DHV.

8-01-08-01 COLLECTORS, MINOR AND PRINCIPAL ARTERIALS

8-01-08-01-01 *FUNCTIONAL CHARACTERISTICS AND CATEGORY ASSIGNMENT CRITERIA*

This shall be assigned only to roadways that are designated as collector and arterial where there is no intended purpose of providing for long distance traffic movements. This category may be assigned for high-speed rural frontage roads. Access needs will take priority over through traffic movements without compromising the public health, welfare, or safety. Providing reasonable and safe access to abutting property is the primary purpose of this access category. At the request of the local authority, the County may in accordance with, assign any frontage or service road to a higher access category when desirable to meet local transportation plans and needs.

8-01-08-01-02 *ACCESS GRANTING CRITERIA INCLUDING CATEGORY RELATED ACCESS LOCATION, OPERATION AND DESIGN STANDARDS*

When application is made, one access shall be granted to each parcel if it does not create a significant safety problem or significantly degrade operation. The access may operate as full-movement unsignalized access unless there is an established restrictive medial, or a safety or operations problems is identified. The location shall also be consistent with current signal progression efficiency and cause no degradation.

Additional access will be granted if the additional access would not knowingly cause a hardship to an adjacent property or interfere with the location, planning, and operation of the general street system, and would be in compliance with Chapter 8 design standards. Additional access will be granted if the size or trip generation potential of the parcel of land requires additional access to maintain good design.

8-01-08-02 AUXILIARY LANE REQUIREMENTS

Auxiliary turn lanes shall be installed on collector and arterial roadways according to the criteria below:

1. A left turn lane with storage length plus taper length is required for any access with a projected peak hour left ingress turning volume greater than **25 vph**. If the posted speed is greater than 40 mph, a deceleration lane and taper is required for any access with a projected peak hour left ingress

turning volume greater than 10 vph. The taper length will be included within the deceleration length.

2. A right turn lane with storage length plus taper length is required for any access with a projected peak hour right ingress turning volume greater than 50 vph. If the posted speed is greater than 40 mph, a right turn deceleration lane with taper is required for any access with a projected peak hour right ingress turning volume greater than 25 vph. The taper length will be included within the deceleration length.
3. A right turn acceleration lane with taper is required for any access with a projected peak hour right turning volume greater than 50 vph when the posted speed on the highway is greater than 40 mph and the highway has only one lane for through traffic in the direction of the right turn. A right turn acceleration lane is not required on multi-lane highways of this category. The taper length will be included within the required acceleration length
4. A left turn acceleration lane with transition taper may be required if it would be a benefit to the safety and operation of the roadway. A left turn acceleration lane is generally not required where: the posted speed is less than 45 mph, or the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

Where the end of the frontage road will proceed directly into the property or public way, auxiliary lanes may not be necessary. If the frontage road proceeds into private property, the applicant may be required to provide a cul-de-sac or similar design function that will provide for the safe and convenient u-terns or vehicles within public right-of way.

Minimum spacing between traffic signals shall be necessary for the safe operation, capacity, and proper design of the signal and adjacent accesses. Preference in traffic signal location, timing and operation shall be given to highways and cross streets of a higher access category or function. No traffic signal shall be authorized without the completion of an analysis of traffic signal system operation, design, and safety as well as meeting M.U.T.C.D. signal warrants.

Table 8.8—Roadway Improvements Thresholds

Roadway Type	Right turn lanes	Left turn lanes	Acceleration lanes	Deceleration lanes	Additional Lane	Other improvements
Local Residential	N/A	N/A	N/A	N/A	N/A	Sidewalks. See Chapter 7 for traffic calming techniques that may be required on a case-by-case basis.
Minor Collector	Required when roadway posted speed limit is 40 mph or less; at 25 vph right turn movements	Required when roadway posted speed limit is 40 mph or greater and left turn movements are 25 vph. When posted speed limit is less than 40 mph left turn movements required are 50 vph.	N/A	N/A	Additional lanes are required when trips generated from new development exceed 12,000 vpd. Additional lane constructed from trip generating development to closest intersection	Sidewalks, traffic calming techniques
Major Collector	Required when roadway posted speed limit is 40 mph or less; at 25 vpd right turn movements	Required when roadway posted speed limit is 40 mph or greater and left turn movements are 25 vph. When posted speed limit is less than 40 mph left turn movements required are 50 vph.	N/A	N/A	Additional lanes are required when trips generated from new development exceed 12,000 vpd. Additional lane constructed from trip generating development to closest intersection	Sidewalks, traffic calming techniques
Rural arterial	Required when roadway posted speed limit is 40 mph or less; at 25 vpd right turn movements	Required when roadway posted speed limit is 40 mph or greater and left turn movements are 25 vph. When posted speed limit is less than 40 mph left turn movements required are 50 vph.	Required when peak hour right turning volume greater than 50 vph when posted speed in <40 mph.	Required peak hour right ingress turning volume greater than 25 vph	Additional lanes are required when trips generated from new development exceed 12,000 vpd. Additional lane constructed from trip generating development to closest intersection	

Table 8.8—Roadway Improvements Threshold (continued)

Roadway Type	Right turn lanes	Left turn lanes	Acceleration lanes	Deceleration lanes	Additional Lane	Other improvements
Minor arterial	Required when roadway posted speed limit is 40 mph or less; at 25 vpd right turn movements	Required when roadway posted speed limit is 40 mph or greater and left turn movements are 25 vph. When posted speed limit is less than 40 mph left turn movements required are 50 vph.	Required when peak hour right turning volume greater than 50 vph when posted speed in <40 mph.	Required peak hour right ingress turning volume greater than 25 vph	Additional lanes are required when trips generated from new development exceed 12,000 vpd. Additional lane constructed from trip generating development to closest intersection	Sidewalks, traffic calming techniques
Major/ Principal Arterial	Required when roadway posted speed limit is 40 mph or less; at 25 vpd right turn movements	Required when roadway posted speed limit is 40 mph or greater and left turn movements are 25 vph. When posted speed limit is less than 40 mph left turn movements required are 50 vph.	Required when peak hour right turning volume greater than 50 vph when posted speed in <40 mph.	Required peak hour right ingress turning volume greater than 25 vph	Additional lanes are required when trips generated from new development exceed 12,000 vpd. Additional lane constructed from trip generating development to closest intersection	Sidewalks, traffic calming techniques

In addition to the above chart, auxiliary lanes are required to mitigate specifically identified and documented locations with safety and operation issues. These would include, a) for any access where a high traffic volume on the roadway or using the access and the lack of acceptable gaps in traffic make use of an auxiliary lane necessary for vehicles to safely and efficiently enter or exit the roadway traffic flow through the use of available short gaps in traffic, or b) where necessary for public safety and traffic operations based upon site and roadway specific conditions such as horizontal and vertical curves and other sight obstructions that cannot be removed.

8-01-08-03 DESIGN COMPONENTS

Auxiliary lanes typically consist of one or a combination of a transition taper, full width auxiliary lane and storage length. The use of these components varies based on the type of access, through street classification, and site-specific conditions (grades). The minimum components for auxiliary lane lengths onto major and minor collectors and major and minor arterials are summarized on Table 8.9. The County reserves the right to require additional components should the access create high traffic volumes and/or geometric safety problems.

Table 8.9—Components of Speed Change Lane Length

Through Street Classification	Left Turn Deceleration Lane	Right Turn Deceleration Lane	Acceleration Lane
Minor Collector	Taper + Storage	Taper + Storage	Acceleration Length
Major Collector	Deceleration Length + Taper	Deceleration Length + Taper	Acceleration Length
Minor Arterial	Deceleration Length + Taper	Deceleration Length + Taper	Acceleration Length
Major Arterial	Deceleration Length + Storage + Taper	Deceleration Length + Taper	Acceleration Length

Table 8.10—Warrants for Auxiliary Lanes

Access Category	Left Turn Deceleration Lane	Right Turn Deceleration Lane	Right Turn Acceleration Lane	Left Turn Acceleration Lane
Minor Collector	Needed if volume is > 25 VPH; no deceleration lane, just storage and taper	Needed if volume is > 50 VPH; no deceleration lane, just storage and taper	N/A	N/A
	If posted speed is > 40 MPH, needed if volume is > 10 VPH; deceleration lane needed.	If posted speed is > 40 MPH, needed if volume is 25 VPH; deceleration lane needed.		
Major Collector	Needed if volume is > 25 VPH; no deceleration lane, just storage and taper	Needed if volume is > 50 VPH; no deceleration lane, just storage and taper	Needed if volume is > 50 VPH and posted speed	N/A[2]
	If posted speed is > 40 MPH, needed if volume is > 10 VPH; deceleration lane needed.	If posted speed is > 40 MPH, needed if volume is 25 VPH; deceleration lane needed.	is > 40 MPH and road is two-lane.	
Minor Arterial	Needed if volume is > 25 VPH; no deceleration lane, just storage and taper	Needed if volume is > 50 VPH; no deceleration lane, just storage and taper	N/A[1]	N/A
	If posted speed is > 40 MPH, needed if volume is > 10 VPH; deceleration lane needed.	If posted speed is > 40 MPH, needed if volume is 25 VPH; deceleration lane needed.		
Major Arterial	Needed if volume is > 25 VPH; no deceleration lane, just storage and taper	Needed if volume is > 50 VPH; no deceleration lane, just storage and taper	N/A[1]	N/A
	If posted speed is > 40 MPH, needed if volume is > 10 VPH; deceleration lane needed.	If posted speed is > 40 MPH, needed if volume is 25 VPH; deceleration lane needed.		

NOTES: Taper lengths shall be included within the deceleration lengths when applicable.
[1] Applicable if required by County to correct or prevent operational or safety condition.
[2] Not applicable when speed is < 45 mph, intersection is signalized, or interference would result from installation.

8-01-08-04 DECELERATION AND ACCELERATION DESIGN CRITERIA

To determine the required acceleration and deceleration lane and transition taper length, see design criteria presented in Table 8.11. The length of the required transition taper is determined by multiplying the width of the speed change lane by the transition taper ratio value associated with the posted speed in Table 8.11. The beginning and ending point of all tapers shall be rounded.

Table 8.11—Accelaration/Deceleration Lane Design Criteria

Posted Speed Limit (MPH)	25	30	35	40	45	50	55
Deceleration Length (Feet)	180	250	310	370	435	500	600
Acceleration Length (Feet)	N/A	190	270	380	550	760	960
Transition Taper (Ratio)	7.5:1	8:1	10:1	12:1	13.5:1	15:1	18.5:1
Straight Taper (Ratio)	15:1	15:1	20:1	35:1	45:1	50:1	55:1

It is recommended bay tapers used (asymmetrical reverse curves) for deceleration transition tapers and straight transition tapers be avoided at speeds above 40. Where a vertical cresting, or horizontal curve is present, substituting an immediate bay taper and auxiliary lane striping to reduce drifting of the through vehicles into the deceleration lane. Where horizontal or crest vertical curves exist, the County may require the deceleration transition taper to begin with an immediate asymmetrical reverse curve bay taper of 1/3L then 2/3L with the remaining required transition taper length at full lane width.

Partial tangent transition tapers, symmetrical reverse curve tapers, or asymmetrical reverse curve tapers may be used for transition taper design provided a radius of at least 150 feet is used in curve calculations.

Where it is necessary to establish a left turn lane or median island, or otherwise redirect the vehicles on the traveled way, redirect tapers required for redirecting through travel lanes shall be installed according to Table 8.10. If the use of Table 8.10 would create a horizontal curve design deficiency for the through movement, the horizontal curve shall be corrected in addition to the use of redirect tapers. A redirect taper should normally be a straight taper with the beginning and ending points rounded.

Grade adjustments to be used with the auxiliary lane design criteria presented above are presented in Table 8.12 and Table 8.13. These adjustment factors will either increase or decrease the lengths (for safety) based on the grade of the through street.

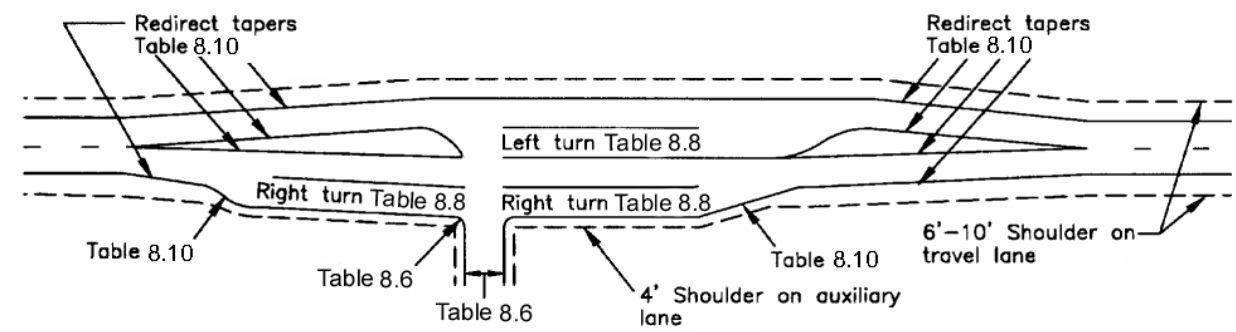
Table 8.12—Grade Adjustments for Acceleration Lanes

Posted Speed Limit (MPH)	25 to 45	50	55
3% to 4.9% Upgrade	1.3	1.4	1.5
5% to 7% Upgrade	1.5	1.8	2.0
3% to 4.9% Downgrade	0.7	0.65	0.65
5% to 7% Downgrade	0.6	0.55	0.55

Table 8.13—Grade Adjustments for Deceleration Lanes

3% to 4.9% Upgrade – 0.9	3% to 4.9% Downgrade – 1.2
5% to 7% Upgrade – 0.8	5% to 7% Downgrade – 1.35

Figure 8.2—Information Guide to Basic Auxiliary Lane Elements



8-01-08-05 STORAGE LENGTHS

The storage length for an auxiliary lane can be determined by the information summarized in Table 8.14. These lengths are based on the average length of a passenger vehicle and the estimated turning vehicles per hour. Estimated lengths for buses, larger trucks and recreational vehicles must be determined and submitted for County review.

Table 8.14—Auxiliary Lane Storage Lengths

Turning Vehicles Per Hour	**<30**	**30**	**60**	**100**
Require Storage Length (Feet)	25	40	50	100

8-01-08-06 ADDITIONAL AUXILIARY LANE DESIGN STANDARDS

The following presents additional standards for auxiliary lane design:

1. No driveway should be permitted within the transition area of any auxiliary lane.
2. In the event a portion of an auxiliary lane extends across one or more adjacent properties, the County may require the applicant to obtain any necessary right-of -way. If unable to obtain the right-of-way, the applicant may request the County's partiticipation for right-of-way acquisition in accordance with section 5-03-06-01-06.

3. In the event an auxiliary lane is constructed within 100 feet of an arterial-arterial intersection, the applicant is responsible for the design, acquisition of required right-of-way, relocation of utilities, and construction of the lane to such intersection.

8-01-09 BYPASS LANES

Where vehicles are stopped in the through travel lane waiting for a left-turn movement, and right-of-way is not available for construction of a left turn lane, the applicant is responsible to construct a paved bypass lane to mitigate congestion.

8-01-10 UNPERMITTED ACCESS

Any access, driveway, or curb-cut which is constructed within the Public ROW without an construction or right-of way permit being issued by the County shall be subject to a “Stop Work” order and shall be removed immediately. Failure to remove the unpermitted access may result in the removal of said access by the County (the cost for removal shall be charged to the property owner from which the access originates). Failure to obey the “Stop Work” order may result in the prosecution of violators.

8-02 GUIDELINES FOR TRAFFIC IMPACT STUDIES

8-02-01 GENERAL

This chapter contains guidelines for conducting and preparing a Traffic Impact Study (TIS) for submittal to the County. The purpose of a traffic impact study is to assess the short-term and long-term effects of a proposed development project on the transportation system (both local and regional). These guidelines are required to ensure consistent and proper traffic planning and engineering practices when land use actions are being considered within the County. These guidelines provide for a standard process, set of assumptions, set of analytic techniques, and presentation format to be used in the preparation of such traffic impact studies. Project proposals must also maintain the transportation principles and objectives outlined in the County Transportation Plan.

8-02-02 REQUIREMENTS FOR TRAFFIC IMPACT STUDIES

Table 8.15 presents the level of TIS required for several possible activities based on the expected trip generation. As presented in the table, some level of TIS is required for all rezoning, plats, conditional use, building permits, driveway permits or change in use. Specific requirements for each of the three levels of TIS efforts are presented in the appropriate Application Package. The amount of detail required is based on the size of the project and estimated impacts to surrounding circulation systems. The same information is required for all three levels of TIS; it is the intensity (area to include) of the study that varies from one level to the next. For each of the three levels of TIS, the studies are to extend approximately 500 feet (Level 1), ¼-mile (Level 2), and 1-mile (Level 3) outside the project limits. Variations to these study limits must receive prior written approval from the Director of Planning. A request for a waiver from the TIS requirement may only be granted following a preliminary scoping meeting as outlined in Section 8-02-03.

Table 8.15—Traffic Impact Study Requirement

Type of Application	Expected Trip Generation[b]	Level of Traffic Impact Study (TIS)
Rezoning[a]	20-50 vpd	Level 1 TIS
	50-500 vpd	Level 2 TIS
	>500 vpd	Level 3 TIS
Residential Plats	20-50 vpd	Level 1 TIS
	50-250 vpd	Level 2 TIS
	>250 vpd	Level 3 TIS
All Other Plats	20-50 vpd	Level 1 TIS
	50-500 vpd	Level 2 TIS
	>500 vpd	Level 3 TIS
Conditional and Temporary Use[a]	>250 vpd >40 ingress truck trips	Level 3 TIS
Multi-year Buildout Developments	>100 vpd each phase	• Develop a Master TIS for the original land use • Updated during each filing for specific use
Building Permit, , or Change-in-use Application[a]	20-50 vpd	Level 1 TIS
	50-500 vpd	Level 2 TIS with Driveway Volume and Capacity Analysis
	>500 vpd	• Driveway Volume and Capacity Analysis • Level 3 TIS

[a] A limited or Full TIS may be required if one or more of the following conditions are found:

- Traffic generated from a non-residential development will significantly impact adjacent residential neighborhoods.
- Traffic operational impacts are anticipated including problems with access, left or right turns, signal timing, median openings, or sight distance. In such cases, the TIS will only be required to answer questions related to the specific issues.
- Existing traffic operational problems on adjacent streets are expected to be substantially disrupted by traffic generated by the new development.
- Significant citizen opposition is expected for traffic impact and safety reasons.
- Cases where the internal street or access system is not anticipated to accommodate the expected traffic generations.
- Safety of High Accident Issues
- Significant operational impacts on other modes of transportation.
- Description of 3 levels can be found in Section 8-02-02.

[b] Based on ITE Trip Generation Manual. If other data is submitted, applicant will need supporting documentation.

8-02-03 PRELIMINARY SCOPING MEETING

If the criteria determine a Level 2 or Level 3 TIS is required, a preliminary scoping meeting may be held with the County. The purpose of the meeting is to discuss site-

specific information, the project scope and requirements of the TIS. It is the responsibility of the applicant to initiate this meeting as they see fit.

The following topics should be covered during the meeting:

1. Study Area
2. Available traffic and accident data
3. Plans for roadway improvements in the study area
4. Traffic count availability and/or necessary
5. Preliminary traffic distribution and assignment
6. Possible impacted intersections
7. Proposed access and relationship to adjacent properties
8. Preliminary estimates and projected traffic volumes at buildout
9. Phasing plan
10. Need for special analysis
11. Project's relationship to adopted local transportation study/plan and/or regional transportation study/plan.
12. Information from cities in the immediate area and/or the Colorado Department of Transportation.

The County will complete a summary of decisions made at the meeting, which will be a consolidated response from the Community and Economic Development Department and the Public Works Department. A copy will be given to the applicant within one week. The response shall include all of the minimum requirements for the traffic study and the County agrees not to expand the scope of the traffic study greater than requested in the initial letter. However, the County reserves the right to make substantive comments during the specified 21-day review and referral period, which may warrant submittal of additional data for the study.

The County may determine, at its sole discretion, that a Traffic Impact Study is not required for the proposed development. The decision to waive this requirement shall be jointly agreed upon by the Community and Economic Development Department and the Public Works Department and may be based on some, but not necessarily all of the following issues:

1. Capital Improvement Projects (CIP) in the vicinity of the project;
2. Right-of-way acquisition requirements adjacent to the subject site;
3. Roads currently constructed in the vicinity of the project;
4. Intersections within one mile of the subject site; and

5. Improvements subject to reimbursement to the County or other property owners under a Subdivision Improvement Agreement (SIA).

8-02-04 RESPONSIBILITIES FOR TRAFFIC IMPACT STUDIES

The responsibility for assessing the traffic impacts associated with a proposed land use action resides with the landowner or land development case applicant, with the County serving in a review capacity. The assessment of these impacts shall be within a traffic impact study as specified herein. Level 2 and 3 impact studies shall be prepared under the supervision and sealed by a Registered Professional Engineer in the State of Colorado.

8-02-05 PLANNING HORIZONS AND ROADWAY NETWORK ASSUMPTIONS

Each traffic impact study shall present an analysis of the traffic conditions without and with the proposed project at two planning year horizons: short term and long term. The intent of the first planning horizon is to investigate the immediate impact of the proposed project on the short-term roadway network. The short-term horizon year is defined as five years after occupancy of the project. If the project is proposed to occur over multiple phases, each phase shall be evaluated five years after phase occupancy.

The second planning horizon shall be based on the most current Adams County Transportation Plan 20 to 25-year planning horizon. The intent of the second planning horizon is to evaluate implications of the proposed project on the long-range traffic condition.

The baseline surface transportation network (without the proposed project improvements) assumed for the first planning horizon should reflect existing facilities plus any firmly committed improvements by the County and other developments within the study area. All DRCOG, Adams County Transportation Plan, or other state and/or locally funded “planned” surface transportation facilities within the study area may be included for the baseline assumptions for the long term planning horizon network analysis.

Each planning horizon analysis shall identify the required facilities needed to bring the Level of Service (LOS) of the affected facilities up to the County established standards. If the established standards are currently exceeded, the study needs to identify:

1. What improvements are necessary to reach established standards and what portion of those improvements are caused by the project, and
2. What improvements are needed to mitigate project impacts.

The ultimate network will identify the on-site roadways, site-adjacent improvements, and the potential off-site improvements required and proposed by the project.

8-02-06 TIS REPORT REQUIREMENTS

The information contained in this section outlines the highest level of detail required for all traffic impact studies submitted to the County for review and approval (see Application Package for specific requirements). Maps required in individual sections shall be placed in the TIS as well. The TIS report shall be typed and bound. It shall contain a table of contents and lists of figures and tables.

8-02-06-01 SUMMARY

The Summary section shall be prepared utilizing the "Summary of Traffic Impact" sheets included with this section (see end of chapter). Additional maps and tables may be required to provide clarity to individual sections of the report. The Summary shall be provided as a condensed, stand alone document. It is incumbent on the applicant that all of the required data and information clearly identified in the appropriate sections of the report be produced. The information contained in the TIS and associated Appendices are accurate and complete prior to submitting it to the County.

8-02-06-01-01 *PROJECT OVERVIEW*

This section will provide answers to the question of why a traffic analysis is required for the proposed project, and describe the approval request. The overview section shall also contain a discussion of the horizon years and findings/recommendations.

8-02-06-01-02 *SITE LOCATION AND STUDY AREA BOUNDARIES*

A vicinity map will be provided illustrating the site, study area, and the surrounding transportation network. A brief description of the location of the site within the County and the region shall be included.

The limits of the study area should be based on the size and extent of the proposed development, and an understanding of existing and future land use and traffic conditions at and around the site. The reasons for selecting the study area will be described in sufficient detail so that the reviewer can understand the reasoning.

At a minimum, the study area shall contain:

1. Adjacent streets,
2. Nearest arterial/arterial intersection(s),
3. Site driveways,
4. Internal roads,

5. All major signalized or potentially future signalized intersections, either current or future years, where:
   a. The project contributes a 5 percent impact (during either the a.m. or p.m. peak hour) to any approach leg of the intersection where the intersection is operating at an acceptable level of service, or
   b. The project contributes a 2 percent impact (during either the a.m. or p.m. peak hour) to any approach leg of the intersection where the intersection is operating at an unacceptable level of service.

8-02-06-01-03 *DESCRIPTION OF SITE*

A brief description of the site shall be provided and include, as a minimum, a description of its size, general terrain features, existing zoning and use, and proposed zoning and use.

A map shall be included showing buildout conditions of the subject property including the following:

1. The site street system,
2. Roadway classifications,
3. Number of travel lanes,
4. Street width,
5. Existing and proposed ROW dimensions,
6. Existing and proposed driveways and accesses (with turning movements), and
7. Map of curb, gutter and sidewalk (available existing and proposed).

Similar information for adjacent property shall be provided as well, if available, on the same map. The data presented in this TIS report shall be identical in every respect to the site plan submitted for development approval.

For situations where a site plan does not exist, a prototypical site roadway and access system should be assumed for purposes of the study. Subsequent update will be necessary when a site plan becomes available.

8-02-06-01-04 *EXISTING AND PROPOSED USES IN VICINITY OF SITE*

The identification of existing and anticipated land uses in the general vicinity of the site must be performed in order to understand other influences to area traffic patterns. Specific attention should be paid to property adjacent to the site and any undeveloped land in the study area. A map shall be prepared for the project vicinity that graphically depicts the location of approved or proposed developments. Projects within the study area but in other jurisdictions shall also be identified on the map and documented. Proposed

projects, which may impact adjacent jurisdictions, will be referred to those jurisdictions for consideration.

8-02-06-01-05 *EXISTING AND COMMITTED TRANSPORTATION NETWORK*

A map showing the "planned" transportation network for the short term and long term planning horizons must be prepared and submitted for review. Committed/funded improvements by the County and previously approved developments shall be identified for the short and long term horizon years. Source of funds shall also be identified.

The long term improvements shall be those documented in the Adams County Transportation Plan and any other long term improvements adopted through special studies sponsored by the County.

The improvements (at either planning year) of other local jurisdictions, agencies, and developments within the study area shall be identified. The nature of their improvement projects, their extent, implementation schedule, funding source, and responsible party shall be identified.

8-02-06-02 EXISTING TRAFFIC CONDITIONS

A description and plan of the existing traffic conditions within the study area shall be prepared, which presents a minimum of three hours each of a.m. and p.m. peak and daily traffic volumes. These volumes shall be no more than two years old. If the project is in a high growth area they shall be less than one year. The source of existing traffic volume information should be explicitly stated (CDOT counts, new counts developed for the project, County counts, etc.) Summaries of current traffic counts shall be included in the appendix. A map of the existing roadway network shall be prepared that presents lane geometrics, traffic control, existing access, speed limits, and any other notable features.

Existing a.m. and p.m. peak hour intersection levels of service shall be determined for signalized and unsignalized intersections within the study area based on procedures described in the latest edition of the Highway Capacity Manual. The existing arterials shall also be analyzed based on a daily volume/capacity ratio analysis where the threshold capacities are defined by arterial designation per Table 8.16. Volume/capacity ratios which exceed 1.00 shall be identified. It should be noted these are general thresholds for planning purposes only, and a supplementary peak hour analysis should be considered. These daily volume/capacity ratios shall be recorded on the existing volume map.

Table 8.16—Threshold Capacity

Facility Type	Lanes	A.D.T Threshold Capacity
Local-Residential	2	1,500
Local-Commercial/Industrial	2	2,500
Minor Collector	2	12,000
Major Collector	4	24,000
Minor Arterial	4	32,000
Major Arterial	4 min.	48,000

8-02-06-03 FUTURE TRAFFIC CONDITIONS WITHOUT PROPOSED DEVELOPMENT

Long term a.m. and p.m. peak hour planning horizon traffic forecasts shall be based on the most recent Transportation Plan traffic forecasts. Long term peak hour estimates shall be provided in sufficient detail to understand the recommended forecasts. It should be noted the forecasts are based on future year population and employment projections, which reflect a regional perspective on growth and development. The applicant and consultant shall investigate those land use assumptions as they apply to their project study area and make forecast adjustments as necessary.

A short and long term planning horizon traffic forecast shall be prepared for the project. The short term planning horizon is five years after project occupancy. The short term planning horizon traffic forecast shall be the sum of existing traffic volumes plus cumulative development traffic plus ambient growth. The short term planning horizon traffic forecasts should also include cumulative development traffic from other jurisdictions within the study area. The short term planning horizon year ambient growth rate traffic forecasts shall be based on:

1. Proportion between existing traffic volumes and buildout regional model forecasts,
2. Extrapolation from historical traffic counts to current counts, and/or
3. Planning analysis which considers trends in the areas circulation system through either a proportion or extrapolation estimate.

Whatever method is used to develop the annual growth rate for determining ambient traffic, it is important the method be documented with sufficient detail to replicate the findings.

The map of the committed and funded improvements (for each planning horizon) as required shall be used as a base for determining short term and long term planning horizon levels of service. The identification of improvements that would mitigate unacceptable levels of service under the traffic conditions (without the proposed project) must be developed. In addition to what improvements are

needed, it is also important to identify when these improvements are needed. The time when improvements are necessary could be defined by when a traffic threshold is reached, or by year.

8-02-06-04 PROPOSED PROJECT TRAFFIC

Project traffic will be developed based on the traditional trip generation, distribution, and assignment process described as follows.

8-02-06-04-01 *TRIP GENERATION*

A completed "Traffic Generation Summary Sheet" (Table 8.17), listing each type of land use within the site at build-out, the size involved, the average trip generation rates used (total daily traffic and a.m./p.m. peaks), and the resultant total trips generated shall be submitted as part of the project TIS. Build-out land uses and generation shall be for both the short term and long term planning horizons. If, however, the land use action is of a type that build-out in the short-term is not feasible due to the size of development, interim phases, such as 2-year increments, shall be developed.

Table 8.17—Traffic Generation Summary Sheet

LAND USE		UNIT TYPE	TRIP GENERATION RATES (per unit)					TOTAL TRIPS GENERATED				
Type	Size		24 hr	AM Peak Hour		PM Peak Hour		24 hr	AM Peak Hour		PM Peak Hour	
				Enter	Exit	Enter	Exit		Enter	Exit	Enter	Exit

Trip generation should be calculated from the latest data contained within the Institute of Transportation Engineers' Trip Generation report or other industry publications such as the ITE Journal. Data limitations, data age, choice of peak hour or adjacent street traffic, choice of independent variable and choice of average rate versus statistical significant modification shall be presented and discussed. In the event data is not available for a proposed land use, a local trip generation study following procedures prescribed in the ITE Trip Generation manual must be completed to provide sufficient justification for the proposed generation rate. This rate must be acceptable to the County.

8-02-06-04-02 *ADJUSTMENTS TO TRIP GENERATION RATES*

After first generating trips at full ITE rates, trip-making reduction factors may be used. These factors fall into two categories: those which reassign some portion of generated trips to the background stream of traffic, and those which “remove” or “move” generated trips. In all cases, the underlying assumptions of the ITE Trip Generation rates must be recognized and considered before any reductions are claimed.

The first category is when trips to the proposed development currently exist as part of the background traffic stream, referred to as a passby trip. Passby percentages identified in the ITE Trip Generation manual or other industry publications may be used.

This traffic must continue to be assigned to site driveways and access points, but is not additive to the background stream of traffic. A technical appendix that illustrates the rediversion of passby trips is recommended.

The second category for adjustments is for internal site trips, transit use, and TDM (transportation demand management) actions. In general, reductions are not recommended. However, if reductions are claimed, analytic support to show how the figures were derived must be provided. Optimistic assumptions regarding transit use and TDM actions will not be acceptable unless accompanied by specific implementation proposals that will become a condition of approval. Such implementation proposals must have a reasonable expectation of realization within a 5-year period after project initiation.

8-02-06-04-03 *TRIP GENERATION BUDGET*

Major concerns arise when the TIS identifies a trip generation rate less than what ultimately is experienced once the development is built and occupied. The impacts on the community due to underestimating these trip generations may become great. It is recognized the trip generation process is ultimately dependent on a number of market and social factors; however, it is imperative the TIS be sufficiently conservative to account for full impact of the proposed development.

To assure the public and the County the traffic impact analysis adequately addresses the full impact of the development, the trip generation of the proposed development will establish the maximum amount of trips permitted from the development. If a future traffic impact is experienced which was not addressed in the traffic study, and determined a part to a project's trip generation exceeding the trip generation assumed in the traffic study, the County may require the development to either 1) make additional improvements to reduce the project traffic volumes to the amount estimated in the traffic study, or 2) provide for additional mitigations to the project traffic. This requirement will become a condition of all development approvals requiring a traffic study.

Two specific situations will be closely reviewed. The first is when the traffic study assumes rates where the collection of mixed uses, such as at a shopping center, result in lower peak hour trips than when applying individual rates to each land use. The second is when reductions in the trip generation rates are assumed based on reductions due to travel demand management.

If the trip budget is reached prior to full occupancy, the County reserves the right to request supplemental traffic analyses and/or additional mitigations prior to granting full occupancy permits. If the project is fully occupied and it is determined the development traffic exceeds that which was included in the traffic study, then the property owner may be requested to conduct additional traffic analysis and provide additional mitigation.

8-02-06-04-04 *TRIP DISTRIBUTION*

Trip distribution may be based on the County and/or DRCOG traffic forecasts, market analysis, existing traffic flows, applied census data, and professional judgment. Regardless of the estimates, the procedures and logic for estimating the trip distributions must be well documented. The trip distribution patterns must be presented for each phase if changes in roadway network, access or land uses are proposed. The distribution percentages shall be noted on the Summary of Traffic Impacts sheet.

8-02-06-04-05 *PROJECT TRIP ASSIGNMENT*

This section shall present the forecast project traffic assignment based on the project's trip generation estimates and project trip distribution. The traffic forecasts shall be graphically presented and include: a.m. peak hour, p.m. peak hour, and total daily site-generated traffic. If trip generation is different for the short term and long term planning horizons, both should be shown on separate graphics. "Pass-by" traffic should be included at driveways and access points.

8-02-06-05 FUTURE TRAFFIC FORECASTS WITH THE PROPOSED DEVELOPMENT

A graphical summary of the short term and long term horizon year traffic plus the proposed project traffic for the four hours of a.m. peak, four hours of p.m. peak, and daily conditions shall be completed. These volumes shall include turn movements at the key intersections. The base map for this exhibit shall reflect the respective transportation network by planning horizons.

8-02-06-06 PROJECT IMPACTS

The key elements of the project impact analysis include:

1. Generalized daily traffic volume level of service
2. A peak hour intersection level of service
3. The appropriateness of access locations and the need for future traffic signals
4. Turn lane storage requirements
5. Sight distance
6. Appropriateness of acceleration or deceleration lanes

The requirements for these six evaluations are as follows.

8-02-06-06-01 *GENERALIZED DAILY TRAFFIC VOLUME LEVEL OF SERVICE*

Using the daily traffic volumes forecast and general daily level of service thresholds, a general evaluation should be made of the arterial street system for the short term and long term horizon years. Incremental differences attributable to the land use action should be identified. A map showing generalized levels of service should be presented for each design year.

8-02-06-06-02 *PEAK HOUR INTERSECTION LEVEL OF SERVICE*

An a.m. and p.m. peak hour intersection level of service analysis shall be conducted for each intersection, based on procedures specified in the most recent release of the Highway Capacity Manual. All level of service analysis worksheets shall be included in the Appendix.

The principal objective of the intersection level of service traffic impact analysis is to identify whether the traffic from the proposed project when added to the existing plus short and long term planning horizon traffic will result in a significant impact and an unacceptable level of service. For definitional purposes, the threshold for acceptable level of service is C during off-peak hours and not less than level of service D for peak hours.

Significance is defined as: 1) when the added project traffic causes the level of service to exceed the established threshold, or 2) when the short term or long term horizon year traffic without the project exceeds the established threshold, and the project traffic causes a 2% increase in the volume/capacity ratio or delay.

8-02-06-06-03 *TRAFFIC SIGNALS AND ACCESS LOCATIONS*

The appropriateness of the project's access locations and type must be established. For full-access locations, a signal warrant analysis based on the Manual on Uniform Traffic Control Devices must be conducted for each design year. Traffic signals specifically warranted by the land use action shall be identified.

The acceptability of the signal locations must be demonstrated through a signal progression (time-space) analysis. The analysis shall consider any existing access or intersection or a possible future signal location along the arterial for a distance of at least one mile in each direction of the proposed signal. A cycle length of between 80 and 120 seconds should be selected and agreed to by County staff. A travel speed of 45 mph on majors and 35 mph on minors, unless the existing posted speed limit is less, must be used. A major arterial bandwidth of 50% and a minor arterial bandwidth of 40% are considered desirable, and must be used where existing conditions allow. Where intersections or other accesses have no signals presently, but are expected to have signals, a 60% mainline, 40% cross street cycle split should be assumed. Where more detailed information is available from turning movement projections, other split assumptions may be made.

Any access that would reduce the desirable bandwidth if a traffic signal were installed shall be identified. In general terms, access should remain unsignalized and have turning movements limited by driveway design or median islands, unless the impacts to traffic operation and safety are made even worse by doing so. The implications of the land use action upon the adequacy of the signal locations for each design year shall be provided. Distances between signalized intersections (centerline) shall be indicated. Signal progression worksheets (time-space diagrams) shall be included in the Appendix.

8-02-06-06-04 *TURN LANE STORAGE REQUIREMENTS*

Turn lane storage needs shall be identified for the "necessary" situation, based on projected turning volumes and AASHTO analytic techniques. Appropriate documentation of the calculations must be provided.

8-02-06-06-05 *SIGHT DISTANCE*

The identification of project sight distance at the project entrances and all internal streets shall be conducted. Line of sight triangles for determining sight distances and landscape restrictions shall be prepared and submitted in accordance with information presented in Chapter 7.

8-02-06-06-06 *ACCELERATION OR DECELERATION LANES*

All proposed project entrances on arterials shall be evaluated as to whether they require acceleration lanes or deceleration lanes per the most recent release of the Colorado Department of Transportation State Highway Access Code.

8-02-06-07 SPECIAL ANALYSIS/ISSUES

This section provides the County with opportunities to request specific focused traffic analyses relevant to the proposed development. These could include access control, access spacing, accident/safety concerns, cut through traffic and residential quality of life, truck estimates and pavement design, accident statistics, pedestrian safety, safe routes to schools, emergency routes, etc. This section would also contain environmental and regional air quality conformity analysis as necessary.

8-02-06-08 MITIGATION MEASURES/RECOMMENDATIONS

This section shall describe the location, nature, and extent of all transportation improvements the applicant recommends to yield reasonable operating conditions in each horizon year with the land use action approved as requested. For this discussion, the following terms apply:

1. Planned - Improvements planned having committed funding, including those identified in short term capital improvement programs by County, district, or other agency.
2. Background Committed - Improvements committed to by previously approved development.
3. Applicant Committed - There are two conditions where improvements need to be identified:
    a. When existing plus cumulative traffic with planned and background improvements <u>exceed</u> established levels of service, <u>the applicant shall identify mitigation to offset project impacts</u>.
    b. When existing plus cumulative traffic with planned and background improvements <u>do not exceed</u> established levels of service, <u>the</u>

applicant shall identify mitigation to achieve established levels of service.

4. Necessary - Improvements required to mitigate background plus applicant traffic to established levels of service, regardless of project contribution.

The reason "necessary" improvements must be explored is often the "background committed" or "planned" improvements plus the improvements the applicant typically understands and commits to are not adequate to provide the established level of service. In addition, the assurance all-practical solutions have been considered when developing the list of "necessary" improvements, so the resulting operating conditions are made to approach the established level of service must be performed.

For purposes of identifying improvement possibilities (either by the applicant or by the County or state) "necessary" to yield an acceptable level of service, the cost of the improvements shall not be considered a limiting constraint within the context of the traffic impact study. However, the goal of the evaluation is to identify cost-effective solutions that yield a reasonable level of service. Extremely high-cost solutions may not be cost-effective, but it is important to at least identify solutions so decision-makers are cognizant of existing options.

Table 8.19, "Recommended Improvements Summary Sheet," is a summary sheet of recommendations being proposed for the subject project. One sheet may be used for both design years if all the improvements can be conveniently described thereon. If not, one or more sheets should be completed for each design year.

All recommended improvements should be identified on the Summary Sheet, including "planned," "background committed," "applicant committed," and "necessary." Each project should be briefly described as to its location, the type of project, flow line and right-of-way needs (for roadways), signal or turn lane improvements (for intersections), and, at a sketch planning level, cost of the improvement. Also, commitment to the improvement should be identified, either by local governments, districts, or by the applicant himself (this may include both the "applicant committed" and "necessary" projects). Identification of a project as "not currently committed" may be an appropriate description for many needed projects, including some of those that are "planned." However, the goal of the recommendations should be to identify a firm program of improvements that will support the proposed land use action and background traffic in each design year.

It is further required all geometric improvements such as pavement markings, signs, adding through or turn lanes, adding project access and assorted turn lanes, acceleration lanes, and changes in medians, shall be presented in a schematic scaled drawing, preferably on a current aerial map. Sufficient dimensions shall be identified to facilitate review. Right-of-way needs shall also be identified on the plan.

8-02-07 REQUIREMENTS FOR UPDATING EXISTING TRAFFIC IMPACT STUDIES

The following are three (3) scenarios that will require the preparation of an update (or amendment) to a previous study, or the preparation of an entirely new study which meets these guidelines.

1. When time or circumstances of the original study fall within the parameters presented in Table 8.18, the applicant shall prepare the appropriate documentation according to the following specific requirements.

Table 8.18—Requirements for Updating an Existing TIS

	Changes to the Original Proposed Development	
Original Report Is	Access Changed* or Trip Generation Increased by 15%	Access Not Changed and Trip Generation Increased by 15%
< 2 Years Old	Letter Amendment Required: Identify and discuss only items that changed.	Letter Documenting Change (No other reports required)
> 2 Years Old	New Study	Letter Amendment Required: • New local ground counts. • New Trip Generation • New LOS Analysis • Meet all current requirements of this TIS Guideline

*Changed access includes proposed new access or refinement of general access locations not specifically addressed in original proposed development.

2. When the original study was prepared for a large, complex, or phased project and was designed, organized, and written to function as a ”base” or master plan document for future development applications, it must include updates to the master plan study. (These types of studies require special arrangements with the County prior to their preparation.)
3. Where a traffic impact study was never prepared and the site fails to continue meet the conditions of a waiver, a new study is required.

Table 8.19—Recommended Improvements Summary Sheet

Roadway Improvements			
Street	Location	Improvement Description[1]	Commitment Identification[2]

Intersection Improvements			
Street	Location	Improvement Description[3]	Commitment Identification[2]

[1]Describe improvement type, number of lanes, functional classification, flowline and R.O.W. needs, and planning level cost
[2]Describe project implementation requirements and identify project sponsor and type of funding. (i.e., explain whether the improvement is to be funded by the developer, improvement district, or other source.
[3]Describe improvement type and identify planning level cost.

CHAPTER 9—STORM DRAINAGE DESIGN AND STORMWATER QUALITY REGULATIONS

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Chapter 9—STORM DRAINAGE DESIGN AND STORMWATER QUALITY REGULATIONS

This Chapter presents the storm drainage design and technical criteria for storm drainage facilities. Applications for various types of land use applications such as subdivision plats, conditional use permits that include development, phased multi-year build outs, and commercial/industrial building permits submitted for County approval will require storm drainage system analysis and appropriate drainage system design. The following information should be viewed as minimum requirements. Changes to these standards must receive prior written approval from the County.

9-01 STORM DRAINAGE DESIGN AND TECHNICAL CRITERIA

9-01-01 GENERAL

The County adopted the following design standards, criteria, and policies for all storm drainage management and should be used in the design and analysis of all storm drainage facilities. The County reserves the right to issue and enforce more stringent criteria should adverse conditions exist. Also, occasions may arise where the minimum standards presented within this Chapter are either inappropriate or cannot be justified economically. In these special cases, the County may issue administrative relief. All designs that vary from the standards and criteria presented in this Chapter, shall obtain approval from the Director of the Public Works Department prior to completing construction plans and/or analysis reports.

The provisions for adequate drainage are necessary to preserve and promote the general health, welfare, and economic well being of the region. Drainage is a regional feature that affects all governmental jurisdictions and all parcels of property. When planning drainage facilities, the following policies and criteria are to be used in directing your effort.

Standards and technical criteria not specifically addressed in this Section shall follow the provisions of the Urban Drainage and Flood Control District (UDFCD) “Urban Storm Drainage Criteria Manual” (Manual, or referred to as Volume 1, 2, or 3), as amended. In addition, the engineer should refer to the Colorado Department of Transportation Standard Plans, as amended, for additional design details not covered in this Chapter.

9-01-02 REQUIRED DESIGN SUBMITTALS

Drainage Plans submitted to the County for review shall contain a detailed hydrologic analysis and comprehensive drainage design in accordance with these criteria and other applicable standards (local, state, and federal). Prior to receiving approval, the final Drainage Plans must be sealed and signed by a Colorado Registered Professional Engineer who has extensive knowledge of the project being submitted for review.

Drawings submitted without being signed and sealed by a party not responsible for the work will not be reviewed.

All preliminary and final drainage plans and reports shall include certification statements regarding engineered plans and construction. Copies of these certification statements are included in the Appendices of these regulations.

Table 9.1 presents the minimum level of storm drainage study to be prepared and submitted to the County for approval. Based on the application and size of the project being submitted, the level of analysis and design detail required varies and can be determined by the checklist (see Appendices) in the application package and/or by contacting the County. All required information is to be submitted for County review prior to receiving an approved application or permit. Applicants are encouraged to prepare the required submittals with as much detail as possible to minimize possible confusion and reduce overall processing time. Should there be questions regarding the required submittals, please contact the County.

Table 9.1—Level of Storm Drainage Study

Type of Application	Expected Increase in Impervious Area	Level of Storm Drainage Study (SDS) & Plan
Commercial/Industrial Building Permits, Apartment/Condominium/Town home Complexes	3,000-10,000 square feet	Level 2 – SDS
	>10,000 square feet	Level 3 – SDS
Residential Plats and/or Planned Unit Developments	500-3,000 square feet	Level 1 – SDS
	3,000-10,000 square feet	Level 2 – SDS
	>10,000 square feet	Level 3 – SDS
All Other Plats and/or Planned Unit Developments	3,000-10,000 square feet	Level 2 – SDS
	>10,000 square feet	Level 3 – SDS
Multi-year build out developments	N/A	Develop a Master SDS for the full build out and updated prior to each filing.
Change-in-materials Application	500-3,000 square feet	Level 1 – SDS
	3,000-10,000 square feet	Level 2 – SDS
	>10,000 square feet	Level 3 – SDS
The County may impose an SDS (also referred to as a Grading and Drainage Plan) for any type of application if it is determined the new drainage will have significant impacts on adjacent properties. The County may grant administrative relief from the criteria, if the nature of the work applied for meets the intent of these standards and specifications. Such relief shall be based upon technical justification, sealed by a Colorado Registered Professional Engineer, submitted with the SDS. Such relief may not include installation of post-construction BMPs as required under Section 9-04 Post-construction Run-off Regulations.		

9-01-03 POLICIES AND GENERAL REQUIREMENTS

9-01-03-01 SPACE PLANNING

Stormwater drainage facilities serve conveyance, water quality and storage functions for management of stormwater. When a channel is planned as a conveyance feature, an outlet as well as downstream storage structure is required. Therefore, during the review process and prior to approval, the County will require the submission of all appropriate information to insure:

1) Adequate space is properly allocated for drainage facilities,
2) There are no conflicts with other land uses that result in downstream water damage or impairment of runoff from upstream properties,
3) There is no impairment with the functionality of other urban systems.

9-01-03-02 MULTI-USE RESOURCE

Stormwater runoff is an urban resource and potentially has many beneficial uses. However, runoff is a limited resource; quality aspects of the water become important and should be planned for in the design of storm drainage management facilities. Therefore, during the review process and prior to approval, the County will encourage stormwater runoff to be considered as a multi-use resource and require a reflection of this philosophy in all submitted designs.

9-01-03-03 WATER RIGHTS

The Developer is responsible to ensure that water rights are not impacted as a result of a proposed project.

9-01-03-04 REGISTRATION OF STORM DRAINAGE FACILITIES

All flood control drainage facilities that detain stormwater must be registered on the State-wide Notification Compliance Portal (SNCP). It is the responsibility of the Engineer of Record to register the drainage facility on the SNCP. The drainage facility must be registered on the SNCP when the facility becomes operational and prior to the engineer of record submitting the final facility's drainage certification to the County. The County is required by the State of Colorado to verify the registration of the drainage facility within 30 days of posting.

9-01-03-05 IRRIGATION DITCH CROSSINGS

Various privately owned irrigation ditches and canals traverse the County. It is the policy of the County that irrigation ditches are not acceptable as drainage recipients or as part of a drainage plan. However, they may be considered under special circumstances when all other options do not provide a solution. Any development which proposes the use of these facilities for surface drainage or makes any modifications to the existing topography which alters and/or affects drainage patterns to the ditch, must receive written approval from the appropriate ditch owner prior to submitting said project application to the County.

9-01-03-06 JURISDICTIONAL BOUNDARIES

Since drainage considerations and problems are regional in nature, and do not respect jurisdictional boundaries, the County will emphasize regional cooperation in all submitted designs.

9-01-03-07 BASIN TRANSFER

Colorado drainage law recognizes the difficulties of transferring the burden of managing storm drainage from one location or property to another. Liability

questions may also arise when the historic drainage is altered. Therefore, during the review process and prior to approval, the County will discourage the diversion of storm runoff from one basin to another unless specific and/or prudent reasons justify such a transfer. In such cases the proponent will need to demonstrate and provide facilities to insure no increase in flood damage potential from any level of runoff event.

9-01-03-08 MASTER DRAINAGE PLAN

Drainage boundaries are non-jurisdictional and regional cooperation is required to receive approval for all new development or re-development projects. Therefore, the County has and will continue to participate in future regional master drainage plans to define the major drainageway facilities. Potential fees may be imposed to cover the cost of master drainage plan preparation in unplanned basins being proposed for new development and/or redevelopment.

Whenever a master drainage plan exists, its recommendations shall be followed to the maximum extent possible.

9-01-03-09 PUBLIC IMPROVEMENTS

During the review process and prior to approval, the County may require that new development and/or redevelopment projects participate in public improvements proposed in developed drainage reports and construction plans, and master plans for both local drainage systems (i.e., curb and gutter, inlets and storm sewers, culverts, bridges, swales, ditches, channels, detention areas, and other drainage facilities within the development) and major drainageway systems (i.e., channels, storm sewers, bridges, detention areas, and other facilities serving more than the subdivision or property in question).

9-01-03-10 FLOODPLAIN MANAGEMENT

As part of its zoning resolutions, the County has adopted floodplain regulations necessary to preserve and promote the general health, welfare, and economic well being of the region. The general purposes of floodplain regulations are summarized as follows:

1) To reduce the hazard of floods to life and property;
2) To protect and preserve hydraulic characteristics of watercourses used for conveyance of floodwaters;
3) To protect the public from the extraordinary financial expenditures for flood control and relief; and
4) To promote the multipurpose resource concept, previously outlined, with the intent to provide and preserve quality open space, trails, and tree lines.

These regulations are presented in Chapter 3 of these standards and regulations. It is the responsibility of the designer to comply with the most current zoning and floodplain regulations.

9-01-03-11 RETENTION

In those areas of the County where no outlet presently exists for positive drainage to a major drainage system, the County will require retention of the runoff from a 24-hour, 100-year storm event plus one foot of freeboard until such connection becomes available. Should the retention pond be confined behind an embankment, suitable protection from damage due to overtopping shall be provided. In addition, no parking lot retention shall be permitted.

The Developer shall be responsible for mitigating all impacts to water rights as a result of flood control retention.

9-01-03-12 DETENTION

The County considers storm runoff detention to be a viable method for reducing overall (construction and maintenance) urban drainage degradation. Temporarily detaining a few acre-feet of runoff can significantly reduce downstream flood hazards as well as pipe and channel requirements in urban areas. In addition, the storage of runoff provides for sediment and debris collection, which enhances downstream water quality. However, all benefits can only be obtained through consistent administration of detention and water quality policies. Therefore, during the review process and prior to approval, the County will require all new development and/or redevelopment projects include some form of onsite detention and water quality treatment. The minimum capacity and maximum release rates for the 5-year and 100-year recurrence interval storms will be determined by procedures and criteria presented in this Chapter.

The County does not allow the use of parking lots as detention structures.

The treatment of stormwater quality from surface runoff is required in regulations by federal and state agencies. Developers shall calculate the Water Quality Capture Volume as set forth in Volume 3, Chapter 3, Section 3, “Calculation of the Water Quality Capture Volume” of the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, as amended.

9-01-03-13 POST-CONSTRUCTION STORMWATER BMPS

In accordance with Adams County’s Municipal Separate Storm Sewer (MS4) Permit Adams County is mandated to require that development/redevelopment sites that disturbs (1) one acre or greater within unincorporated Adams County MS4 Area, or sites that disturbs less than one (1) acre but are part of a larger common plan of development or sale larger than one (1) or more acres, shall implement an allowed form of permanent stormwater quality post-construction BMP to treat and improve

the quality of stormwater that leaves such site. Refer to Section 9-04 Post-construction Run-off Regulations.

9-01-03-14 LOW IMPACT DEVELOPMENT (LID) STANDARDS AND REQUIREMENTS

All construction projects shall reduce drainage impacts to the maximum extent practicable, and implement practices such as:

1. On-site structural and non-structural BMPs to promote infiltration, evapo-transpiration or use of stormwater,
2. Minimization of Directly Connected Impervious Area (MDCIA),
3. Green Infrastructure (GI),
4. LID techniques,
5. Preservation of natural drainage systems that result in the infiltration, evapo-transpiration or use of stormwater in order to protect water quality and aquatic habitat.
6. Use of vegetation, soils, and roots to slow and filter stormwater runoff.
7. Management of stormwater as a resource rather than a waste product by creating functional, attractive, and environmentally friendly developments.
8. Treatment of stormwater flows as close to the impervious area as possible.

LID shall be designed and maintained to meet standards of this Regulation; the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volume 3; as the same may be amended from time to time. These manuals may be updated and expanded from time to time, at the discretion of the County, based on improvements in engineering, science, monitoring and local maintenance experience.

9-01-03-15 TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS

The County reserves the right to impose additional requirements during Development Review, if a stormwater-based TMDL has been adopted for the stream segment or lake into which the proposed development will discharge. Additional requirements may include pollution source controls, buffer zones, runoff treatment of a specific pollutant, selection of post-construction BMP according to the TMDL’s pollutant removal goals, etc.

9-01-03-16 STORM DRAINAGE STRUCTURES OWNERSHIP

Adams County owns and maintains the public storm drainage system in unincorporated Adams County. Unless otherwise noted in approved plans, written agreements or recorded documents, the delineation between the public and private storm drainage systems is typically located within the public right-of way or County property. The private system may extend up to be the connection to the main public storm sewer line. Storm culvert pipes installed to access a property are considered private.

9-01-03-17 STORM DRAINAGE SYSTEM OPERATIONS AND MAINTENANCE

Key issues in the long-term performance of all storm drainage systems are the proper operations and continued maintenance of the drainage facility (i.e. debris and sediment removal). In order to ensure proper system operations and maintenance of private drainage infrastructure, the County may perform periodic inspections of all drainage facilities and conveyance structures.

Refer to Section 9-04 Post-construction Run-off Regulations for maintenance requirements of the storm drainage system.

9-01-04 STORM DESIGN CRITERIA

In addition to land use, all drainage systems being designed within the County shall take into account both the minor (5 to 10-year) and the major (100-year) storm. The objectives of drainage system planning for the minor storm are to allow for the proper design of minor drainage systems (i.e. curb and gutters, storm sewers, open channels and detention ponds) while minimizing minor damage and maintenance costs. The objectives of drainage planning for the major storm are to allow for proper design of major drainage systems (i.e. bridges, storm sewers, open channels and detention ponds) while minimizing the possibility of major damage and/or loss of life. (Refer to Table 9.2 - Return Periods.)

It is the responsibility of the design engineer to develop, justify, and submit values used in the preparation of drainage plans prepared for County review and approval.

9-01-04-01 STORM DRAINAGE PLANNING

When determining design storm flows, the engineer shall follow appropriate criteria and guidelines to assure that minimum design standards and a regional based drainage solution are developed. The information presented below shall be used by the engineer in the development of design storm runoff for both onsite and offsite flows.

9-01-04-01-01 ONSITE FLOW ANALYSIS

When performing analysis on the onsite basin to determine peak volumes and time of concentrations, the engineer shall use the proposed fully developed land use plan to determine runoff coefficients and consider changes in flow patterns (from the undeveloped site conditions) caused by the proposed plan (including street alignments). When evaluating the estimated time of concentrations, the proposed lot grading shall be used to calculate the time of concentration. The proposed project shall in no way change historic runoff values, cause downstream damage, or adversely impact adjacent properties. In addition, phased or partial development analysis will not be accepted. The entire platted parcel shall be analyzed for full

build-out in order to properly site and size detention/retention areas and conveyance systems.

Different levels of onsite analysis may be required depending on the size of project or as directed by the County. Refer to the Appendices for a copy of the Application Package for analysis requirements.

9-01-04-01-02 OFFSITE FLOW ANALYSIS

The analysis of offsite runoff is dependent on regional drainage characteristics (whether or not the tributary offsite area lies within a major drainage basin) and the existing/proposed land use and topographic features. If an existing Storm Drainage Master Plan is available for the region being developed, the engineer shall use this as a baseline document (prior approval from the County on the Master Plan is required) and update it with proposed information. However, should no offsite information be available for fully developed flows (5-, 10- and 100-year), the engineer must perform a regional analysis to insure the proposed development does not change historic runoff values, cause downstream damage, or adversely impact adjacent properties.

Different levels of offsite analysis may be required depending on the size of project or as directed by the County. Refer to the Appendices for a copy of the Application Package for analysis requirements.

9-01-04-02 STORM RETURN PERIOD

The minor and major storm return period shall not be less than those found in Table 9.2 for all vital drainage structures or critical points of surface water flow.

Table 9.2—Return Periods

Land Use	Return Period (Yrs) for Minor Drainage Systems	Return Period (Yrs) for Major Drainage Systems
Residential-Urban	5	100
Residential-Rural	10[a]	100
Commercial	5	100
Industrial	5	100
Open Space	5	100
School	5	100

[a] All roadside ditches and culverts shall be sized to carry the 10-year peak runoff.

9-01-04-03 RAINFALL

Presented in this Section are guidelines for the development of rainfall data to be used in preparing a hydrological analysis (storm runoff) for a proposed development within the County.

The rainfall intensity information published by the National Oceanic and Atmospheric Administration (NOAA) in the "Precipitation-Frequency Atlas of the Western United States" was used to develop incremental rainfall distributions presented in Table 9.5. The incremental rainfall distributions presented in this table are based on procedures developed by the UDFCD. However, refinements have been made to closely match conditions within the County.

9-01-04-04 TIME-INTENSITY-FREQUENCY CURVES

A time-intensity-frequency curve was developed for the County by using one-hour point rainfall values (see Table 9.3) and factors for durations of less than one hour (see Table 9.4); both obtained from the NOAA Atlas. The outcomes of this distribution are point values that were then converted to intensities and plotted as Figure 9.1. Rainfall data from the Urban Drainage and Flood Control District (UDFCD) may be used as an alternative (see UDFCD Criteria Manual).

Table 9.3—One-Hour Point Rainfall (inches)

2-Year	5-Year	10-Year	50-Year	100-Year
1.00	1.42	1.68	2.35	2.71

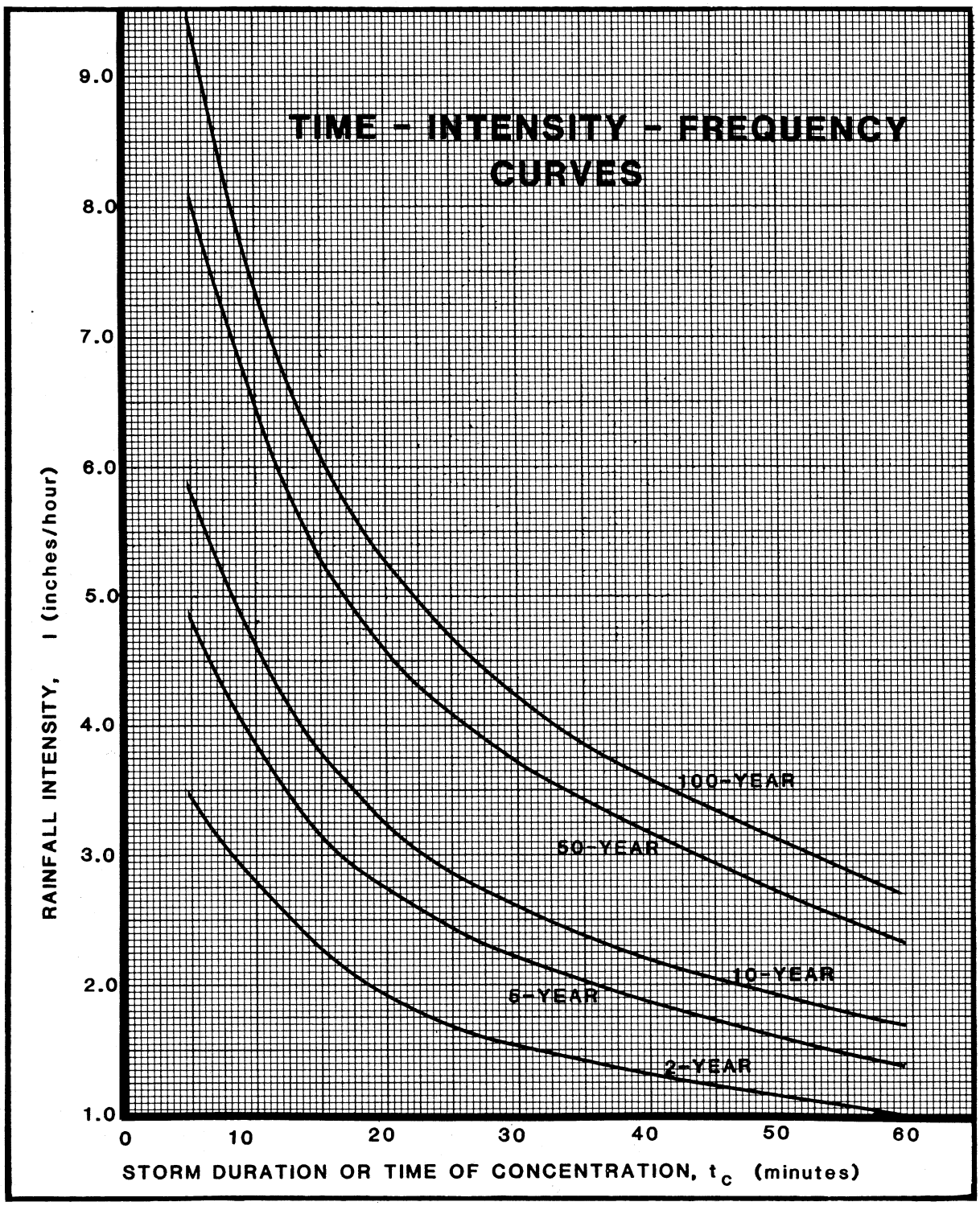
Table 9.4—Factors for Durations of Less than One Hour

Duration (minutes)	5	10	15	30
Ratio to 1-hour depth	0.29	0.45	0.57	0.79

Table 9.5—Incremental Rainfall Depths

Time (min)	Incremental Rainfall Depth (Inches)														
	Basins <5 SQ. Miles					Basins between 5 and 10 SQ. Miles					Basins between 10 and 20 SQ. Miles				
	Return Period (Yr.)					Return Period (Yr.)					Return Period (Yr.)				
	2	5	10	50	100	2	5	10	50	100	2	5	10	50	100
5	0.02	0.03	0.03	0.03	0.03	0.02	0.03	0.03	0.03	0.03	0.02	0.03	0.03	0.03	0.03
10	0.04	0.05	0.06	0.08	0.08	0.04	0.05	0.06	0.08	0.08	0.04	0.05	0.06	0.08	0.08
15	0.08	0.12	0.14	0.12	0.12	0.08	0.12	0.14	0.12	0.12	0.08	0.12	0.14	0.12	0.12
20	0.16	0.22	0.25	0.19	0.22	0.15	0.21	0.25	0.19	0.22	0.14	0.20	0.25	0.19	0.22
25	0.25	0.36	0.42	0.35	0.38	0.24	0.35	0.40	0.34	0.36	0.23	0.32	0.38	0.32	0.34
30	0.14	0.18	0.20	0.59	0.68	0.13	0.17	0.19	0.57	0.65	0.13	0.16	0.18	0.53	0.61
35	0.06	0.08	0.09	0.28	0.38	0.06	0.08	0.09	0.27	0.36	0.06	0.08	0.09	0.25	0.34
40	0.05	0.06	0.07	0.19	0.22	0.05	0.06	0.07	0.19	0.22	0.05	0.06	0.07	0.19	0.22
45	0.03	0.05	0.06	0.12	0.17	0.03	0.05	0.06	0.12	0.17	0.03	0.05	0.06	0.12	0.17
50	0.03	0.05	0.05	0.12	0.14	0.03	0.05	0.05	0.12	0.14	0.03	0.05	0.05	0.12	0.14
55	0.03	0.04	0.05	0.08	0.11	0.03	0.04	0.05	0.08	0.11	0.03	0.04	0.05	0.08	0.11
60	0.03	0.04	0.05	0.08	0.11	0.03	0.04	0.05	0.08	0.11	0.03	0.04	0.05	0.08	0.11
65	0.03	0.04	0.05	0.08	0.11	0.03	0.04	0.05	0.08	0.11	0.03	0.04	0.05	0.08	0.11
70	0.02	0.04	0.05	0.06	0.05	0.02	0.04	0.05	0.06	0.05	0.02	0.04	0.05	0.06	0.05
75	0.02	0.03	0.05	0.06	0.05	0.02	0.03	0.05	0.06	0.05	0.02	0.03	0.05	0.06	0.05
80	0.02	0.03	0.04	0.04	0.03	0.02	0.03	0.04	0.04	0.03	0.02	0.03	0.04	0.04	0.03
85	0.02	0.03	0.03	0.04	0.03	0.02	0.03	0.03	0.04	0.03	0.02	0.03	0.03	0.04	0.03
90	0.02	0.03	0.03	0.03	0.03	0.02	0.03	0.03	0.03	0.03	0.02	0.03	0.03	0.03	0.03
95	0.02	0.03	0.03	0.03	0.03	0.02	0.03	0.03	0.03	0.03	0.02	0.03	0.03	0.03	0.03
100	0.02	0.02	0.03	0.03	0.03	0.02	0.02	0.03	0.03	0.03	0.02	0.02	0.03	0.03	0.03
105	0.02	0.02	0.03	0.03	0.03	0.02	0.02	0.03	0.03	0.03	0.02	0.02	0.03	0.03	0.03
110	0.02	0.02	0.03	0.03	0.03	0.02	0.02	0.03	0.03	0.03	0.02	0.02	0.03	0.03	0.03
115	0.01	0.02	0.03	0.03	0.03	0.01	0.02	0.03	0.03	0.03	0.01	0.02	0.03	0.03	0.03
120	0.01	0.02	0.02	0.03	0.03	0.01	0.02	0.02	0.03	0.03	0.01	0.02	0.02	0.03	0.03
125											0.01	0.02	0.02	0.02	0.02
130											0.01	0.01	0.02	0.02	0.02
135											0.01	0.02	0.01	0.02	0.02
140											0.01	0.02	0.01	0.02	0.02
145											0.01	0.01	0.01	0.02	0.02
150											0.01	0.01	0.01	0.01	0.02
155											0.01	0.01	0.01	0.01	0.01
160											0.01	0.01	0.01	0.01	0.01
165											0.01	0.01	0.01	0.01	0.01
170											0.01	0.01	0.01	0.01	0.01
175											0.01	0.01	0.01	0.01	0.01
180											0.01	0.01	0.01	0.00	0.00
	1.15	1.61	1.89	2.72	3.12	1.12	1.58	1.86	2.68	3.05	1.22	1.68	1.97	2.76	3.14

Figure 9.1—Time-Intensity-Frequency Curves



9-01-04-05 RUNOFF COEFFICIENTS

The runoff coefficients to be used within the Rational Method, Colorado Urban Hydrograph Procedure (CUHP) or approved hydrologic models are to be determined based on existing and/or proposed land use and surface characteristics. When using the Rational Method and/or CUHP, the County requires the use of runoff coefficients presented in the Urban Storm Drainage Criteria Manual, Volume 1.

9-01-04-06 TIME OF CONCENTRATION

In order to determine the rate of runoff at a designated outfall, the time of concentration must be determined. The time of concentration is the time it takes for water to flow from the most remote part of the drainage basin to the outfall of the study area. For the Rational Method, a separate time of concentration is necessary for the overall basin and each sub-basin. The time of concentration (T_c) is composed of the sheet or overland flow time (t_{ov}) and channel flow time (t_t). The time of concentration formula shall be as described in the Urban Storm Drainage Criteria Manual, Volume 1 for this Section.

9-01-04-07 STORM FLOW ANALYSIS

The engineer shall use the Rational Method for basins less than 90 acres. CUHP or other approved hydrologic models shall be used for basins larger than 160 acres. Basins between 90 acres and 160 acres in area may use either method.

9-01-04-07-01 *RATIONAL METHOD EQUATION*

Equation 9.4

$$Q=CIA$$

Where

Q = Flow Rate, cfs
A = Total Area of Basin, acres
C = Runoff Coefficient (refer to Section 9-01-04-05)
I = Rainfall Intensity, inches per hour (refer to Section 9-01-04-04)

9-01-04-07-02 *COMPUTER AIDED HYDROLOGIC MODELS*

For analyzing larger basins (greater than 90 acres), the engineer may either use the CUHP (information detailed in Urban Drainage and Flood Control District's Criteria Manual) or another appropriate hydrology/hydraulics model. When using other hydrology/hydraulics models, the engineer will be required to develop unit, flood, routing and combination hydrographs for use in determining peak flows and time of

concentrations at vital drainage structures or critical points of surface water runoff. A unit hydrograph is defined as the direct runoff hydrograph that results from 1-inch of rainfall excess uniformly distributed throughout the basin over a specified duration. From this unit hydrograph, direct runoff hydrographs must be developed for a design storm by creating flood hydrographs. In addition, where surfaces (pervious and impervious) within the basin vary in characteristics, weighted or composite coefficients for each basin must be used in development of the unit and flood hydrographs. This is typically accomplished by breaking each basin into the appropriate number of sub-basins and using the corresponding surface coefficients. Each computer-aided model has default parameters for typical surface characteristics and soil types; the selection of these parameters is the key to a successful analysis and therefore must be submitted with the Storm Drainage Study.

9-01-05 OPEN CHANNELS

In many instances, special design or evaluation techniques will be required for stormwater conveyance. With exceptions as modified herein, all open channel criteria shall be in accordance with the Urban Storm Drainage Criteria Manual, Volumes 1 and 2.

For the purpose of design in this Section, all drainageways (major and minor) shall be designed using the Urban Storm Drainage Criteria Manual, Volumes 1 and 2. Due to the complexities of open channels, there is a wide range of design options available to the engineer. The exact method of analysis and design shall be clearly documented and submitted as part of the Storm Drainage Study.

Flood control channels for major drainageways shall include a low-flow channel with a capacity to convey the average annual flow rate, or other appropriate flow rate as determined through a sediment transport and channel stability analysis, without excessive erosion or channel migration, with an adjacent overbank floodplain to convey the remainder of the 100-year flow. The channel improvement shall not cause increased velocities or erosive forces upstream or downstream of the improvement.

9-01-06 STORM SEWERS

Storm sewers are to be viewed as an integral part of all Minor Drainage Systems. The installation of storm sewer systems is required when the other parts of the minor system (i.e. curb, gutter and roadside ditches) no longer have capacity to accommodate the runoff from the minor storm or spread widths exceed those requirements presented in this Section.

Except as modified herein, the design of storm sewers shall be in accordance with the Urban Drainage and Flood Control District (UDFCD)'s Urban Storm Drainage Criteria Manual Section on "Storm Sewers." The engineer is referred to the Manual and other references cited for additional discussion and basic design concepts.

The use of computer programs in the design of storm sewer systems will be permitted provided the model input and justifications are submitted to the County for review and approval.

9-01-06-01 LOCATION OF STORM DRAINAGE SYSTEM RELATED TO OTHER POLLUTION SOURCES

The storm sewer system shall not be extended through an area that is a real or potential source of contamination to stormwater, unless approved protection is provided.

If corrosive soils are present, or pipe is being proposed in a potential contaminated area such as, but not limited to a Brownfield or historic landfill, the designer shall incorporate appropriate measures to protect the pipe from damage and infiltration of pollutants into the storm drainage system.

The following minimum horizontal distances between the storm drainage system and bodies of water to On-Site Wastewater Treatment Systems (OWTS) can only be superseded by TCHD Regulations:

1. Septic tank: Minimum distance from Lake, water course, stream or wetland: 50ft
2. Unlined System Leach Field/Seepage Bed: Minimum distance from lake, water course, stream or wetland: 100ft
3. Lined System Leach Field/Seepage Bed: Minimum distance from lake, water course, stream or wetland: 50ft
4. Septic Tank: Minimum distance from dry gulch: 10ft
5. Unlined System Leach Field/Seepage Bed: Minimum distance from dry gulch: 25ft

6. Lined System Leach Field/Seepage Bed: Minimum distance from dry gulch: 10ft

All surface drainage must be diverted around the perimeter of the field and the field must be sufficiently crowned to provide good runoff.

A diversion ditch and/or berm shall be provided on the uphill side(s) of the bed to deflect precipitation and other outside water away from the evapo-transpiration system.

9-01-06-02 CONSTRUCTION MATERIALS

All storm sewers within the County right-of-way shall be constructed using reinforced concrete pipe class III (RCP class III) and/or reinforced concrete box culverts (RCBC). If a pipe is installed by boring & jacking, RCP class V or equivalent shall be used. The required pipe strength shall be determined from the actual depth of cover, true load, and proposed field conditions. Typical design strength calculations shall be submitted as part of the Storm Drainage Study.

Pipe joints shall be watertight and flexible gasket joints, both between pipe joints and for all pipe-structure connections. Pipe joints shall consist of resilient connections complying with the requirements of ASTM C-443 or ASTM C-923, as appropriate.

9-01-06-03 HYDRAULIC DESIGN

Storm sewers within the County right-of-way shall be designed to convey the minor storm runoff peaks without surcharging the sewer. To insure this objective is achieved, the hydraulic and energy grade lines shall be computed by calculating both the major and minor losses (i.e. friction, expansion, contraction, bend, and junction losses). The methods for estimating these losses are presented in the following Sections and in the Manual. The final energy grade line shall be at or below the proposed ground surface.

9-01-06-04 PIPE FRICTION LOSSES

Manning n-values to be used in the calculation of storm sewer capacity and velocity are to be based on the material being proposed. Table 9.9 presents typical Manning n-values.

9-01-06-05 PIPE FORM LOSSES

Generally, between the inlet and outlet the flow encounters a variety of configurations in the flow passageway (i.e. changes in pipe size, branches, bends, junctions, expansions, and contractions). These variations of configuration impose losses in addition to those resulting from pipe friction. These form loss values shall

be submitted, with full justification for the values chosen, as part of the Storm Drainage Study.

9-01-06-06 VERTICAL ALIGNMENT

The storm sewer grade shall be such that a minimum cover is maintained to withstand a live load conforming to AASHTO HS-20 (or as designated by the County) loading on the pipe. The minimum cover depends upon the pipe size, type and class, and soil bedding condition.

The minimum vertical clearance between the storm sewer and a sanitary sewer shall be 18 inches. In addition, when a sanitary sewer main lies above a storm sewer, the sanitary sewer (or storm sewer) shall have an impervious concrete or ductile iron encasement for a minimum of 5-feet on each side of the crossing centerline.

A minimum vertical clearance of 18 inches is required between a storm sewer and a water main. The minimum clearances shall occur from outer pipe diameter to outer pipe diameters. Additionally clearances shall also be in accordance with the appropriate Water and Sanitation District and as discussed in Chapter 7, Section 7-06-03, as amended.

9-01-06-07 HORIZONTAL ALIGNMENT

The storm sewer alignment may be curvilinear for pipe with diameters of 48-inches or greater but only when approved by the County. The applicant must demonstrate the need for a curvilinear alignment. The limitations on the radius for pulled-joint pipe are dependent on the pipe length and diameter, and amount of opening permitted in the joint. The maximum allowable joint pull shall be ¾ inch. The minimum parameters for radius type pipe are shown in Table 9.9. The radius requirement for pipe bends is dependent upon the manufacturer's specifications.

The County requires a minimum clearance of 10-feet between the storm sewer and a water line or sanitary sewer line. Clearance shall occur from the outer pie diameter to the outer pipe diameter.

9-01-06-08 PRIVATE CONNECTIONS TO THE PUBLIC DRAINAGE SYSTEM

All storm drain connections shall be subject to approval of the County and shall be in accordance with applicable standards and specifications. Permits shall be required to connect to the public storm drainage system. Cross connections between sanitary and storm systems are prohibited. Underground drains from fire hydrants, pits, or underground structures in general (valve pits, meter pits) shall not be directly connected to storm drains. Roof downspouts, roof drains, or roof drainage piping shall discharge onto the ground and shall not be directly connected to the storm drainage system. In special circumstances, the County may approve a variation from

this requirement as long as the downspout is designed to infiltrate before entering a storm drainage facility.

The discharge pipe of sump pumps discharging uncontaminated groundwater must daylight into a drainage feature such as curb and gutter, without creating erosion.

Table 9.9—Storm Sewer Alignment and Size Criteria

Vertical Dimension Of Pipe (inches)	Maximum Allowable Distance Between Manholes and/or Cleanouts
18 to 36	400 ft
42 and larger	500 ft

Minimum Radius of Curvature for Radius Pipe

Diameter of Pipe	Radius of Curvature
48” to 54”	28.50 ft
57” to 72”	32.00 ft.
78” to 108”	38.00 ft.

Short radius bends shall not be used on sewers 42 inches or less in diameter

Minimum Pipe Diameter

Type	Minimum Equivalent Pipe Diameter	Minimum Cross-Sectional Area
Main Trunk	18 in	1.77 sf
*Lateral from inlet	18 in	1.77 sf

*Minimum size of lateral shall also be based upon a water surface inside the inlet with a minimum distance of 1 ft below the grate or throat.

Manning n-Value

Sewer Type	Capacity Calculation	Velocity Calculation
Concrete (newer pipe)	0.013	0.011
Concrete (older pipe)	0.015	0.012
Concrete (preliminary sizing)	0.015	0.012
Plastic	0.011	0.009

Reference: Manual

9-01-06-09 PIPE SIZE

The minimum allowable pipe size for storm sewers is dependent upon the estimated flows and a practical diameter from a maintenance perspective. In addition, the length of the sewer affects the maintenance and, therefore, the minimum diameter. Table 9.9 presents the minimum pipe size for storm sewers located in the County right-of-way.

9-01-06-10 MANHOLES AND MANHOLE COVERS

Manholes or maintenance access ports will be required whenever there is a change in size, direction, elevation, grade, or where there is a junction of two or more conduits. Blind connections to storm sewer pipes shall not be allowed. In addition, a manhole may be required at the beginning and/or at the end of the curved section of storm sewer. The maximum spacing between manholes for various pipe sizes shall be in accordance with Table 9.9. Refer to Table 9.10 for the required manhole size.

Table 9.10—Manhole Size

Sewer Diameter	Minimum Manhole Inside Diameter
18”	4’
21” to 42’	5’
48”	6’
54” and larger	As approved by the County

Larger manhole diameters or a junction structure may be required when sewer alignments are not straight or more than one sewer line goes through the manhole. Manhole diameter may be increased should conditions require such.

All publicly owned storm sewer manhole lids/covers shall have the Adams County manhole cover design. Refer to the Appendices for this detail.

All privately owned storm sewer manhole lids/covers shall be permanently imprinted with the image of a fish and must incorporate the County’s approved educational message. The message must include the following (or equivalent) statement:

STORM SEWER

NO DUMPING << Fish image >> FLOWS TO RIVER

Storm sewer manhole cover requirement also applies to public and private manholes placed to access storm sewer inlets concrete boxes. Refer to Appendices for detail drawing.

9-01-07 STORM SEWER INLETS

Presented in the following Subsection is a discussion on the criteria and methodology for design and evaluation of storm sewer inlets in the County.

9-01-07-01 STANDARD INLETS

The standard inlets permitted for uses in the County are presented in Table 9.11. Other inlet types may be considered on a case-by-case basis. All open pipe inlets shall be provided with trash racks.

All public and private curb inlets and iron grates shall be permanently imprinted with the image of a fish and must incorporate the County's approved educational message. The message must include the following (or equivalent) statement:

NO DUMPING << Fish image >> FLOWS TO RIVER

Refer to Appendices for detail drawing.

Table 9.11—Inlet Types

Inlet Type	Permitted Use
Curb Opening Inlet Type R	All street types
Grated Inlet Type C or D	All streets with a roadside or median ditch
Grated Inlet Type 13	Alleys or private drives with a valley gutter (private areas only)
Combination Inlet Types 13 and 16	All street types

See standard detail drawings in Appendices

9-01-07-02 INLET HYDRAULICS

The procedures and basic data to define the capacities of the standard inlets under various flow conditions shall be calculated or obtained from the Urban Storm Drainage Criteria Manual, Volume 1, in the Section on "Storm Inlets", as amended. The engineer shall submit assumptions, and calculated inlet capacities as part of the Storm Drainage Study.

Inlet types and grates shall be selected to be appropriate for the intended use and location.

9-01-08 STREETS

Urban and rural streets, specifically the curb and gutter or the roadside ditches, should be viewed as an integral part of a Minor Drainage System. When the drainage in the street exceeds allowable limits, a storm sewer system or an open channel is required to

convey the design flows. In addition, streets may be viewed as a critical part (subject to certain limitations) of the Major Drainage System when it conveys nuisance flows (flows less than minor events) quickly and efficiently to the storm sewer or open channel drainage without interfering with traffic movement.

Design criteria for the collection and conveyance of surface runoff on public streets is based on a reasonable frequency and magnitude of traffic interference (see Table 9.12 through Table 9.14). That is, depending on the classification of the street, certain traffic lanes can be fully inundated during a major storm event. However, during lesser intense storms, runoff will also inundate traffic lanes, but to a lesser degree. The streets in the County are classified for drainage according to the average daily traffic (ADT) for which the street is designed. The larger the ADT, the more restrictive the allowable drainage encroachment into the driving lanes will be. The limits of storm runoff encroachment for each Drainage Classification and storm condition are presented in Table 9.12.

Table 9.12—Theoretical Design of Streets for Minor Storm Runoff

Drainage Classification	Maximum Theoretical Street Encroachment
Urban Industrial and Local Residential	No curb overtopping, but flow may spread to crown of street (flow may spread to back of sidewalk).
Collector	No curb overtopping and flow spread must leave at least one 10-foot lane free of water (5-feet on each side of the street crown).
Major Arterial and Minor Arterial	No curb overtopping and flow spread must leave at least two 10-foot lanes free of water (10-feet each side of the street crown or median).

Table 9.13—Allowable Use of Streets for Major Storm Runoff

Drainage Classification	Maximum Theoretical Depth
Local Industrial, Local Residential, and Collector	Building structures shall not be inundated at the ground line. The depth of water at street crown shall not exceed 6-inches.
Major Arterial and Minor Arterial	Building structures shall not be inundated at the ground line. To allow for emergency vehicles, the depth of water shall not exceed the street crown and 12-inches at the gutter flow line, whichever is more restrictive.

Table 9.14—Allowable Cross Street Flow

Drainage Classification	Minor Storm Maximum Depth	Major Storm Maximum Depth
Local Industrial and Local Residential	6-inches of depth in cross pan or at gutter flow line.	12-inches of depth in cross pan or at gutter flow line.
Collector	6-inches of depth at gutter flow line.	12-inches of depth at gutter flow line.
Major Arterial and Minor Arterial	None	6”
Cross street flow can occur in an urban drainage system under three conditions. One condition occurs when the runoff in a gutter spreads across the street crowns to the opposite gutter. The second is when cross-pans are used. The third condition occurs when the flow in a drainageway exceeds the capacity of a road culvert and subsequently overtops the crown of the street.		

9-01-09 CULVERTS

A culvert is defined as a conduit that conveys, by gravity, surface drainage runoff under a road, highway, railroad, canal, or other embankment (except detention outlets). For County roads serving new development, culverts shall be constructed using reinforced concrete pipe and/or reinforced concrete box culverts (RCBC). All roadway culverts shall be designed to a minimum AASHTO HS-20 loading criteria. Private driveway culverts for residential properties may be allowed to use corrugated metal pipe and different loadings upon approval from the County since maintenance and replacement of these culverts are the property owner’s responsibility.

9-01-09-01 CULVERT HYDRAULICS

The procedures and basic data to be used for the hydraulic evaluation of culverts being proposed for installation in the County shall be in accordance with the Urban Drainage Criteria Manual, Volume 2 for this Section, as amended, except as modified herein.

The use of computer programs developed for the design of culverts will be permitted, provided the model input, justifications and related calculations are submitted to the County as part of the Storm Drainage Study.

9-01-09-02 INLET AND OUTLET CONFIGURATION

All culverts are to be designed with headwalls and wing walls, or with flared-end sections at the inlet and outlet. Flared-end sections are only allowed on pipes with a diameter of 42 inches (or equivalent) or less. Additional protection at the outlet may be required to minimize the potential of channel erosion. Refer to Section 9-023 Construction Stormwater Management for erosion protection design guidelines.

9-01-09-03 HYDRAULIC DATA

The design and evaluation of the capacity for a culvert shall be calculated using the appropriate methods. The computed culvert capacities must never exceed manufacturer's recommendations or best engineering practices. The assumptions and model input shall be submitted as part of the Storm Drainage Study.

9-01-09-04 VELOCITY CONSIDERATIONS

In designing culverts, both the minimum and maximum velocities must be considered. A flow velocity greater than approximately 3-fps is required to assure self-cleaning conditions exist and therefore reducing long-term maintenance costs. In addition, a velocity less than approximately 12-fps to minimize possible culvert damage due to scouring and downstream channel erosion.

9-01-09-05 CULVERT SIZING CONSIDERATIONS

The sizing of a culvert is dependent upon two factors, the street classification and the limits of allowable culvert overtopping. Limits for the various street classifications are presented in Table 9.15. The minimum culvert diameter shall be 18 inches. Unless under certain circumstances, the County may allow other sizes.

Table 9.15—Allowable Maximum Culvert Overtopping

Drainage Classification	Minor Drainage System Maximum Depth	Major Drainage System Maximum Depth
Local Industrial, Local Residential and Collector	No Overtopping	12-inches of depth at the gutter flowline (6-inches of depth at street crown for streets without gutters)
Major Arterial and Minor Arterial	No Overtopping	No Overtopping (H/D ≤ 1.5)
The maximum headwater (H/D) for the 100-year design flows shall be 1.5 times the culvert diameter, or 1.5 times the culvert rise dimension for shapes other than round. Driveway culverts shall be designed using criteria outlined in Tables 9.12, 9.13, and 9.14.		

9-01-09-06 STRUCTURAL DESIGN

At a minimum, all culverts shall be designed to withstand an HS-20 loading (unless designated differently by the County in accordance with the design procedures of AASHTO, "Standard Specifications for Highway Bridges", and with the pipe manufacturer's recommendation. Using this loading requirement, calculations shall be submitted to confirm the estimated depth of cover and bearing load on the selected culvert.

9-01-10 BRIDGES

The hydraulic and hydrologic design of bridges within the County shall be in accordance with the Urban Drainage Criteria Manual Volume 2, "Structures, Section 4 - Bridges for this Section, as amended. The Federal Highway Administration "Hydraulics of Bridge Waterways" or other County-approved resources shall also be used to determine the possible impacts on the drainageway (both upstream and downstream), scour potential and mitigation techniques for a proposed bridge structure.

All new and replacement bridges shall comply with the floodplain regulations. Therefore, the engineer is encouraged to communicate with the County prior to proposing the placement of a bridge structure within the County to obtain written approval.

Bridge plans shall require a separate review by a licensed professional engineer that specializes in structural design. The structural consultant will need to have County approval prior to review. The developer/applicant will be responsible for all costs associated with the structural consultant. The County may also mandate inspection services by the structural consultant.

9-01-11 DETENTION

Onsite detention is required for all development or redevelopment projects. Requirements for detention storage of storm runoff shall be based on the location of the development within its major drainage basin as determined by hydrological modeling and surface characteristics. The detention storage facility shall be sized to hold the 5-year and the 100-year runoff, and water quality capture volumes. Surface water shall not be released from the development at rates greater than provided for in Table 9.16.

Exemptions from flood control detention requirements may be granted by the County based upon the following criteria:

1. The total change in impervious area covers approximately 10,000 square feet or less; or
2. The site for which detention would be required is adjacent to a major drainageway where the ratio of major drainageway basin area to site area is 1000:1 or more; or
3. Rural residential subdivisions that consist of a lot split without the construction of roadways; or
4. Onsite flood control detention requirements for the control of runoff rates may be exempted where regional detention facilities are sized and constructed with the capacity to accommodate 100-year storm event flows from a fully developed basin and are publicly owned and maintained.

Exemptions from providing adequate water quality capture volume will not be granted within the County's MS4 Permitted area.

9-01-11-01 VOLUME AND RELEASE RATES

The methods to be used in calculating the required detention volumes and maximum release rates are presented in the following Section. These methods include empirical equations, tables, the CUHP method, or other computer aided models approved by the County. Early communication with the County is encouraged for the determination of the appropriate method and the level of detail required for submission.

9-01-11-01-01 *VOLUME ESTIMATES (EMPIRICAL FORMULA METHOD)*

The volume available for detention storage for tributary catchments of 90 acres or less shall be based on the following empirical equations that follow. For larger catchments a CUHP hydrograph shall be generated and hydrologic routing shall be used for site detention. The maximum release rates for detention design provided in Table 9.16 shall not be exceeded.

$$V=KA \qquad \text{Equation 9.5}$$

For the 100-year:

$$K_{100} = \frac{\left(1.78I - 0.002I^2 - 3.56\right)}{910} \qquad \text{Equation 9.6}$$

For the 5-year:

$$K_5 = \frac{\left(0.77I - 2.26\right)}{1000} \qquad \textit{Equation 9.7}$$

In which,

V = Required volume for the 100- or 5-year storm, acre-feet
A = Tributary catchment area, acres
I = Developed basin imperviousness, percent (%)

Adams County requires the WQCV be added to the 5-year detention volume. Adams County also requires that 50% of the WQCV be added to the calculated 100-year Volume.

An additional one-foot of depth must be added to the overall volume to accommodate for freeboard. Administrative relief for exemptions or reductions in freeboard requirements may be granted by the County on a case by case basis as supported by sufficient technical justification. These empirical equations were developed as part of the UDFCD hydrology research program and were based on a computer modeling study and represent average

conditions. It is believed these equations provide consistent and effective approaches to sizing onsite detention facilities. For basins larger than 90 acres, the CUHP computer model may be used to more accurately represent site conditions.

9-01-11-01-02 *VOLUME ESTIMATES (COMPUTER AIDED METHOD)*

Using a computer aided hydrology/hydraulics model the engineer can develop hydrographs that route flows to and away from the proposed detention facility. The routed or inflow hydrograph will represent the total volume of runoff from that particular rain event(s) while the outflow hydrograph represents the maximum allowable release rate permitted in Table 9.16. From this volume information plus the required freeboard, the design of the proposed facility may be performed. Using this method, the typical basin and outlet are designed from a detailed comparison of existing and proposed topographic information and downstream conditions. Although the County has helped to fund the UDPOND model for the design of detention and subscribes to its use, it recognizes many different computer models are available for this type of design. It will be the responsibility of the engineer to document and justify their use and the input and output parameters. These parameters and a detailed discussion on the method used for this design will be submitted as part of the Storm Drainage Study. The computer model must be approved by the County prior to review.

9-01-11-02 MAXIMUM ALLOWABLE RELEASE RATE

The maximum allowable release rates for the corresponding storm events (5 and 100-year) are as presented in Table 9.16.

Table 9.16—Allowable Release Rates (CFS/Acre)

Control Frequency	Dominant Soil Group		
	A	B	C & D
5-year	0.07	0.13	0.17
100-year	0.50	0.85	1.00

When using the empirical formula or a composite CUHP method, the predominate soil group for the total basin area contributing runoff to the detention facility will be used in determining the allowable release rate. However, when designing a facility using another type of computer aided model, the engineer shall select the soil group that best represents the surface characteristics of each sub-basin. The selected soil group(s) will be submitted as part of the Storm Drainage Study. In the event that the local drainage system lacks capacity to accommodate the 5-year release rate, a smaller release rate may be required by the County.

9-01-11-03 DETENTION BASIN OUTLET/OUTFALL

Selecting the most appropriate outlet configuration requires a detailed design, which insures the maximum release rate meets the requirements of the project and includes proper provisions for maintenance and reliability. In addition, care shall be taken as to insure the designed outlet will not cause downstream erosion or damage during the storm events less than or equal to the major storm. The following lists five typical outlet structures for use in the design of a detention facility depending on the conditions, storage structure design and discharge rates:

1) Circular Culverts
2) Rectangular Culverts
3) Orifices
4) Weirs
5) Orifice Plates

Details of each of these outlet structures are presented in the Urban Drainage Criteria Manual, Volume I, in the Section on "Outlet Structures" as amended. The engineer shall select the preferred outlet structure based on criteria presented in this Section or other references and will present back up information in the Storm Drainage Study.

The Engineer shall maximize the distance between the inlet and the outlet inside the detention basin.

The outlet shall be designed to minimize unauthorized modifications which affect proper function. To assist in this effort, a sign with a minimum area of 0.75 square feet shall be attached to the outlet or posted nearby with the following message:

"WARNING
Unauthorized modification of
this structure is a code violation
and subject to penalties as
provided by law."

9-01-11-03-01 DESIGN STANDARDS FOR DETENTION

The following Section presents additional design standards (depth of freeboard, location planning, grading, and revegetation) for an open space detention facility. The location, size and landscaping should be properly coordinated with the proposed project and surrounding areas.

The planning of a detention facility is very critical in assuring the facility meets the volume requirements for the proposed project and is properly located for long term operations and maintenance. The facility should be constructed in an area that best fits the existing and proposed topography,

facilitates the coordination with other regional facilities and where the building of habitat structures downstream is easily prohibited.

As part of the submitted project plans, the engineer shall accurately represent the location of the facility including limits of grading, approximate embankment slopes, and invert elevations for the outlet. In addition, a larger scale or regional map shall be supplied to show where the facility will discharge and how it interacts with existing or proposed regional facilities.

9-01-11-03-01-01 Depth of Freeboard

The minimum required freeboard for open space detention facilities is one-foot above the computed 100-year water surface elevation.

9-01-11-03-01-02 Grading

Detention basin grading shall not be steeper than (4) four horizontal and (1) one vertical for side slopes. Any dam constructed for the purpose of storing water or having a surface area, volume, or dam height as specified in Colorado Revised Statues 37-87-105, shall require the approval (in writing) of the State Engineer's Office prior to submission to the County.

All detention facility embankments shall be protected from catastrophic failure due to overtopping. Overtopping can occur when the pond outlets become obstructed or when an event larger than 100-year storm occurs. Failure protection for the embankment, downstream of the emergency spillway, shall be provided in the form of a buried heavy riprap layer on the entire downstream face of the embankment or a separate emergency outfall. The emergency spillway, or emergency outfall, shall have a minimum capacity of twice the pond inflow rate for the 100-year storm. The emergency spillway, or emergency outfall, shall be clearly depicted on the plans. It is the Engineer of Record's responsibility to ensure downstream properties are not adversely affected by drainage and the assessment shall be reflected in the drainage study. The proposed flow path for the discharge from the emergency spillway, or emergency outfall shall be constructed as approved by the County. Structures shall not be permitted in the path of the emergency spillway or emergency outfall. The invert of the emergency spillway or emergency outfall shall be set equal to or above the 100-year water surface elevation. The minimum required freeboard for open space detention facilities shall be at least one-foot above the computed weir flow water surface elevation at the emergency spillway, or the emergency outfall.

Depending on site conditions and characteristics, the County may grant administrative relief on slope requirements. The Applicant shall submit good and sufficient documentation sealed by a Colorado Registered Professional Engineer describing the site conditions that necessitate the

need for relief and that the proposed slopes are stable and not susceptible to erosion in order to be considered for relief.

9-01-11-03-01-03 Trickle Channel

Concrete trickle channels shall be used by the design engineer when appropriate. Design of trickle channels shall be in accordance with Volume 1 of the Urban Storm Drainage Criteria Manual, as amended.

9-01-11-03-01-04 Emergency spillway

An overflow section shall be provided for the detention facility that will protect embankments from overflow resulting from a 100-year storm assuming the detention basin is full and the tributary area is fully developed.

9-01-11-03-01-05 Revegetation

All detention facilities shall be revegetated with irrigated sod, natural dry-land grasses, or equivalent. In addition, erosion control blankets may be required by the County to maintain the slopes prior to vegetation maturation. The engineer shall submit the proposed revegetation plan to the County.

9-01-11-03-01-06 Maintenance Access

Access to the detention basin shall be provided. A minimum 10ft wide designated maintenance access around the perimeter and down into the basin shall be provided. Maintenance access into the bottom of the basin must be constructed of a stabilized, clean, material, 10% slope maximum.

9-01-11-03-01-07 Access and Maintenance Easements

A drainage maintenance easement shall be granted to the County for emergency maintenance and access to keep the detention drainage facility operable.

A separate access easement may be required by the County to ensure maintenance access to detention drainage facilities.

9-01-11-03-02 PARKING LOT DETENTION

Parking lot detention is not allowed.

9-01-11-03-03 UNDERGROUND DETENTION

Underground detention is generally discouraged and will only be allowed when all other options have been proven to be insufficient. However, if a property owner must use this technique, the owner will be responsible for long-term maintenance. The facility will be allowed if approval to do so is obtained in advance and the facility is designed according to the criteria outlined in this Section or as specified by the County.

9-01-11-03-03-01 Configuration

Pipe segments shall be sufficient in number, diameter (minimum 36-inches), and length to provide the required minimum storage volume for the 100-year design. As an option, the 5-year design can be stored in the underground pipe segments and the remaining volume of the 100-year storm event stored aboveground in an open space facility.

The pipe segments shall be placed side by side and connected at both ends by elbow tee fittings and across the fitting at the outlet. The pipe segments shall be continuously sloped at a minimum of 0.25% to the outlet. Manholes for maintenance access shall be strategically placed to identify the limits of the underground facility. In addition, maintenance access shall be provided in the tee fittings and in the straight segments of the pipe, when required.

Structural fill/gravel backfill for underground detention facilities shall be designed with a porosity not to exceed 30%, unless approved by the County.

Permanent buildings or structures shall not be placed directly above the underground detention.

9-01-11-03-03-02 Materials

The engineer shall design the underground detention facility using the appropriate materials. The required pipe strength shall be determined from the actual depth of cover, true load, and proposed field conditions. Typical design strength calculations for an HS-25 loading condition shall be submitted as part of the Storm Drainage Study.

9-01-11-03-03-03 Maintenance Access

Access to the underground detention facility shall be provided in accordance with this Section. To facilitate cleaning of the pipe segments, 3-feet diameter maintenance access ports shall be placed according to the schedule in Table 9.16.

Table 9.16—Underground Detention - Maintenance Access Requirements

Detention Pipe Size	Maximum Spacing	Minimum Frequency
36” to 54”	50’	Every pipe segment
60” to 66”	75’	Every other pipe segment
>66”	100’	One at each end of the battery of pipes

9-01-11-03-03-04 FLOOD HAZARD WARNING

In addition, all underground detention areas shall have a sign posted identifying the underground detention area. The signs shall have a minimum area of 1.5 square feet and contain the following message:

“Warning
There is an underground detention basin in this area.
Caution, digging in this area could cause damage.”

9-01-11-03-03-05 ACCESS AND MAINTENANCE EASEMENTS

A drainage maintenance easement shall be granted to the County for emergency maintenance and access to keep the underground detention facility operable. A separate access easement may be required by the County to ensure maintenance access to the underground facility

9-02 STORMWATER QUALITY REGULATIONS - PURPOSE AND INTENT

Protecting the quality of stormwater runoff is a priority to Adams County and is required by Colorado Discharge Permit System (CDPS) Regulations. The Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division (WQCD), through the Municipal Separate Storm Sewer System (MS4) Phase II permit issued to Adams County, requires Adams County to control and reduce the discharge of pollutants to protect stormwater quality and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act (25-8-101 et. seq., C.R.S) and the Colorado Discharge Permit Regulations (Colorado Regulation No. 61). It is the intent of these regulations to implement an effective Construction Site Stormwater Runoff Control Program, Post-construction Stormwater Management Program and Illicit Discharge and Detection Program to establish uniform criteria to minimize stormwater pollution to the maximum extent practicable from certain development and redevelopment sites, to improve flood control, protect the environment, and enhance the health and safety of County residents.

This Section includes:

1) Section 9-03 Construction Stormwater Management

2) Section 9-04 Post-construction Runoff Regulations

3) Section 9-05 Illicit Discharges

9-02-01 AUTHORITY

The Director of the Public Works Department shall administer, implement and enforce the provisions of the Stormwater Quality Regulations.

9-03 CONSTRUCTION STORMWATER MANAGEMENT

9-03-01 GENERAL REQUIREMENTS

Any person who undertakes or causes to be undertaken any construction activity within unincorporated Adams County that involves disturbance of the land surfaces, regardless of the size or location of the construction project, shall ensure that soil erosion, sedimentation, pollutant loads and changes to water flow characteristics resulting from their activities are controlled so as to minimize stormwater pollution and protect receiving waters.

The following are unincorporated Adams County minimum requirements (note that additional requirements apply within the Adams County MS4 Permitted Area):

1. All construction projects disturbing one (1) or more acres, or less than one (1) acre but belonging to a larger common plan of development or sale larger than one (1) acre, shall comply with the Colorado Discharge Permit System (CDPS) Stormwater Discharge Permit for Construction Activities when applying for a County Permit. Compliance with CDPS Stormwater Discharge Permit's term and conditions throughout construction is required.

2. All construction sites, proposing to disturb 3,000 sq ft or more of land, shall submit an Erosion Control (EC) Plan with their applicable County Permit application. The EC Plan, is a civil drawing depicting the project site with the location of all construction Best Management Practices (BMPs), including the associated BMP details, that will be installed and maintained during construction and final stabilization practices.

3. Landowners shall be responsible for ensuring that any temporary and/or permanent construction BMPs installed prior to purchase of a lot, parcel or site from a developer, previous landowner, or builder as part of the implementation of the EC Plan or State's CDPS Stormwater Discharge Permit for Construction Activities are properly maintained and remain in good working order. If not installed prior to individual lot acquisition, all temporary and/or permanent BMPs required by the EC Plan, State's CDPS Stormwater Discharge Permit or other written requirements of the County shall be installed by the landowner immediately and maintained until final stabilization is reached. All temporary BMPs shall be removed after work on the site has been completed, final stabilization has been reached and measures are no longer needed.

4. If the County determines there are non-compliance issues, the County may, in writing, direct the landowner, developer, builder, or Stormwater Quality (SWQ) Permittee, as the case may be, to repair, replace and/or install any stormwater pollution prevention construction BMPs as required by the site's EC Plan, Erosion and Sediment Control Plan (ESCP), Stormwater Management Plan (SWMP); or require additional measures be installed if deemed necessary by the County, in order to minimize said stormwater pollution. It shall be a violation of these regulations for any landowner, developer, builder

or SWQ Permittee to fail to undertake all reasonable and necessary measures to comply with such written directives.

9-03-02 TECHNICAL STANDARDS AND SPECIFICATIONS

All construction stormwater pollution prevention BMPs shall be designed and maintained to meet standards of this Regulation, the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volume 3; or the Colorado Department of Transportation (CDOT) Item Code Book as the same may be amended from time to time. These manuals may be updated and expanded from time to time, at the discretion of the County, based on improvements in engineering, science, monitoring and local maintenance experience.

9-03-03 STORMWATER QUALITY (SWQ) PERMIT APPLICABILITY

The following construction projects shall obtain an Adams County Stormwater Quality (SWQ) Permit, unless excluded under Section 9-03-04:

1. Any construction activity, within unincorporated Adams County MS4 Permitted Area, that disturbs one (1) or more acres of land.

2. Any construction activity within unincorporated Adams County MS4 Permitted Area that disturbs less than one (1) acres of land which is also part of a larger common plan of development or sale that would disturb, or has disturbed since the implementation of the County's MS4 permit construction requirements, at least one (1) or more acres, unless the disturbed areas have been finally stabilized.

3. If a construction project is partially located within the MS4 Permitted Area, then only the area disturbed within the County's MS4 Permitted Area is subject to the SWQ Permit requirements.

4. If there is an applicable construction site overlapping multiple jurisdictions, and a written agreement is in place with a co-regulating jurisdiction holding an MS4 Permit, the BMP requirements may be imposed in accordance with the requirements of the co-regulating jurisdiction pursuant to a written agreement. SWQ permit requirements, review and Adams County Regulatory Inspections may be delegated to the co-regulating jurisdiction.

It shall be unlawful for any person to commence or conduct qualifying construction activities, land disturbance activities or other development without first obtaining a SWQ Permit.

9-03-04 EXEMPTIONS

The Adams County SWQ Permit is not required for the following:

1. Construction projects outside the County's MS4 Permitted Area, regardless of the size of the project.
2. Land zoned for and used for agriculture; including agricultural practices such as tilling, planting, or harvesting. This exemption does not apply to buildings on agriculturally zoned land.
3. Gravel, sand, dirt or topsoil removal as authorized pursuant to approval of the Colorado Mined Land Reclamation Board;
4. Any construction activity waived or exempt of coverage under the State of Colorado CDPS Stormwater Construction Permit (i.e: R-Factor Waiver);
5. Pavement maintenance of public and private roadways, such as an overlay or pavement patching, that does not disturb the subsurface of the paved street.
6. Emergency situations that pose an imminent risk to life or property, such as hazardous waste cleanup operations, emergency fire fighting, or emergency utility repairs provided that applicable projects apply for a SWQ Permit within 14 days of the start of construction activity.
7. Land disturbance of one (1) or more acres for construction of a single family dwelling within Adams County MS4 Permit Growth Area on a large single family residential lot, or agriculturally zoned land, with an area greater than or equal to 2.5 acres, and having a total site impervious area that is equal to or less than 10% imperviousness.
8. Land disturbance of one (1) or more acres for construction of a single family dwelling within Adams County MS4 Permit Growth Area on a large single family residential lot, or agriculturally zoned land, with an area greater than or equal to 2.5 acres, and having a total site impervious area that is equal to or less than 20% imperviousness; only if a study specific to the watershed shows that expected soil and vegetation conditions are suitable for infiltration/filtration of 100% of the Water Quality Control Volume (WQCV) for a typical site has been conducted and approved by the County.
9. Land disturbance of one (1) or more acres for facilities associated with oil and gas exploration, drilling, production, processing, treatment operations, or transmission facilities within Adams County MS4 Permit Growth Area. These facilities are not exempt from CDPS Stormwater Discharge Permit for Construction Activities coverage.

Notwithstanding the foregoing SWQ Permit exemptions in this Section, those operations and construction activities that are exempted from obtaining a SWQ Permit must nevertheless comply with the rules and regulations concerning erosion and sediment control specified in Section 9-03-01 General County Requirements or other applicable provisions of this Regulation, and shall provide adequate stormwater pollution prevention controls.

9-03-05 SWQ PERMIT APPLICATION

The applicant must submit to the County the following documentation to obtain a SWQ Permit:

1. A complete SWQ Permit Application on the form prescribed by the County. The application shall be signed by a person responsible for compliance with the SWQ permit throughout the duration of the permit's validity.
2. An Erosion and Sediment Control Plan (ESCP) that includes the narrative and civil EC Plan, according to Section 9-03-08 ESCP.
3. A copy of the State CDPS Stormwater Construction Permit Certification.
4. Permit fees in accordance with Section 9-03-06 SWQ Permit Fees.
5. The BMP Cost Opinion Worksheet form or equivalent.
6. Financial surety according to Section 9-03-07 SWQ Permit Financial Surety.
7. When applicable:
    a. Recorded Plat including ownership and long-term responsibilities for the post-construction BMP; or recorded stand alone Post-construction BMP drainage access easement.
    b. Recorded Post-construction BMP Maintenance and Operation Plan.
8. Other materials as deemed appropriate by the County to ensure compliance with this Regulation.

SWQ permits are issued for a period of twelve (12) months, and solely for the specific applicant, scope of work, location and size of the proposed development. Any SWQ permit renewal or modifications to the scope of work, location or size of the permitted area (area within the construction boundary line where land disturbing activities are allowed to take place) must be pre-approved in writing by the County. Amendments to the permit shall be filed by the Permittee with the County on a form prescribed by the County.

SWQ permits will not be approved until construction plans are approved. If there is no construction activity for a period longer than 6 months then any SWQ Permit issued will be automatically terminated. All applicable SWQ permit fees are non refundable.

9-03-06 SWQ PERMIT FEES

SWQ Permit fees shall be established from time to time in the annual fee schedule adopted by the Board of County Commissioners. The permit fees shall be paid at the time of submittal of the SWQ Permit application.

9-03-07 SWQ PERMIT FINANCIAL SURETY

Financial surety shall be submitted in the form of check, irrevocable letter-of-credit or bond to the benefit of the County, in the amount determined by the estimated cost of the

work required to ensure compliance with the SWQ Permit requirements. Refer to Appendices for Irrevocable Letter of Credit and Bond template.

The amount shall be sufficient to purchase, install and maintain the construction site's temporary and permanent erosion and sediment control BMP measures as indicated on the ESCP. The amount shall be calculated using the BMP Cost Opinion Worksheet which uses the industry average cost to estimate the probable costs for erosion and sediment control BMPs. The Worksheet may be updated from time to time and is included in the Appendices.

The surety shall remain in place until final stabilization is reached in accordance with Section 9-03-11 Final Construction Site Stabilization.

The County has the authority to reduce the performance surety amount to 20% of the original approved amount, or retain a minimum amount of $1,500, whichever amount is higher, if construction activities have been completed, temporary and permanent construction BMPs are in place and the site is only waiting for Final Stabilization.

The County may consider release of a performance surety at such time as the development, in whole or in part, is sold by the Permittee, and responsibility for stormwater and erosion and sediment control is transferred to the new owner and acceptable substitute performance surety is provided by the new owner.

The surety, less any deductions in accordance with Section 9-03-20 Penalties, shall be promptly released and returned to the Permittee if all required work has been completed successfully and all other requirements of these Regulations have been met.

9-03-08 EROSION AND SEDIMENT CONTROL PLAN (ESCP)

The Permittee shall develop and implement a site specific Erosion and Sediment Control Plan (ESCP), utilizing Adams County's ESCP Template as outlined in the Appendices, Colorado Department of Transportation current SWMP Template, or equivalent. The ESCP shall comply, at a minimum, with the SWMP requirements established by the State of Colorado CDPS Stormwater Construction Permit, as amended. Additionally, the ESCP shall be prepared in accordance with good engineering and hydrologic pollution control practices by a Professional Engineer, or individual that holds and provides evidence of a current certification in development of Stormwater Management Plans, or Certified Professional in Erosion and Sediment Control.

The ESCP shall be implemented from start of land disturbance until final stabilization and permanent stormwater quality BMPs (if applicable) are effectively in place.

Adams County ESCP review and conditional acceptance process only intends to verify that minimum ESCP requirements set by the CDPS Stormwater Construction Permit, and Adams County Stormwater Quality Regulations are met. The acceptance of the ESCP by the County is granted with the condition that the ESCP is considered a living document and will change due to unforeseen issues or if the submitted plan does not function as intended. Revisions and updates of the ESCP shall be conducted regularly by the Permittee during

construction. Additional or revised BMPs will be required should inspections indicate the ESCP is not adequately controlling erosion, capturing sediment, or preventing contact of stormwater runoff from potential pollutant sources.

The main purpose of the ESCP is to reduce pollutants in stormwater discharges from construction sites. The ESCP describes implementation, maintenance and inspection of construction stormwater pollution prevention BMPs.

The ESCP is a detailed written plan that shall include:

1. Identification of all potential pollutant sources which may reasonably be expected to affect the quality of stormwater discharges associated with the following construction activities:
   a. Land disturbance and storage of soils.
   b. Vehicle tracking
   c. Loading and unloading operations
   d. Outdoor storage of construction site materials, building materials, fertilizers, and chemicals
   e. Bulk storage of materials.
   f. Vehicle and equipment maintenance and fueling
   g. Significant dust or particulate generating processes
   h. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents and oils.
   i. Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment.
   j. Dedicated asphalt and concrete batch plants
   k. Other areas or operations where spills can occur.
   l. Other non-stormwater discharges, including construction dewatering not covered under the CDPHE Construction Dewatering Discharges general permit and processed water discharges.
2. Description of the construction stormwater pollution prevention BMPs (erosion control, sediment control and waste management control), designed and selected for the potential pollutant sources listed above, which will be installed during each phase of construction (initial, interim and final). These can be temporary or permanent, structural or non-structural construction BMPs.
3. Erosion Control (EC) Plan, which is a site plan(s) including, but not limited to:
   a. Construction site boundary line or limits of construction,
   b. All areas of ground surface disturbance,
   c. Areas of cut and fill,
   d. Areas used for storage of building materials, equipment, soil or waste,
   e. Location of dedicated asphalt or concrete batch plants,

f. Location of all structural BMPs for each phase of the construction project (initial, interim and final),
g. Location of all non-structural BMPs as applicable for each phase of the construction project (initial, interim and final); and
h. Location of springs, streams, wetlands and other surface waters.
i. Any other requirements according to the State of Colorado CDPS Stormwater Construction Permit, as amended.

4. Construction BMP details, which shall include information regarding appropriate uses, design, installation, maintenance and removal information.

9-03-08-01 EROSION CONTROL BMPS

A Permittee must control erosion during construction. Erosion control means reducing the movement of soil by keeping the disturbed ground in place. Five (5) examples of effective erosion controls:

1. Minimize disturbed area and protect natural features and soil.
2. Phase construction activity and seeding.
3. Control stormwater flowing onto and through the project.
4. Stabilize soils promptly.
5. Protect slopes.

9-03-08-02 SEDIMENT CONTROL BMPS

A Permittee must control the transportation of sediment during construction. To control the transportation of sediment is to control eroded sediment from leaving the disturbed area, i.e. the second line of defense. Four (4) examples of effective sediment control BMPs:

1. Protect storm drain inlets.
2. Establish perimeter controls.
3. Retain sediment on-site.
4. Establish stabilized construction entrances/exits.

9-03-08-03 WASTE MANAGEMENT CONTROLS

Waste management controls shall be included in the Erosion and Sediment Control Plan (ESCP) for solid and liquid waste, sanitary waste, chemical waste, contaminated groundwater or soils, etc. Waste management controls include, stockpile management, spill prevention, good housekeeping, proper vehicle maintenance, fueling and storage areas, adequate use of pesticides, herbicides and fertilizers, regular street sweeping, concrete/grout/paint washout area, and storm sewer system cleaning/vacuum and jetting.

Waste materials, such as discarded building materials and solid waste from construction activities, shall be contained and disposed of properly in a timely manner and removed from the construction site.

Waste materials shall not be buried, dumped or left at the permitted construction site. Waste materials shall not be temporarily placed or stored in the street, alley, or other public right-of-way with the exception of construction located within the public right-of-way.

All materials stored on-site shall be stored in a neat and orderly manner, in their original containers, with original manufacturer's labels. Materials shall not be stored in a location where they may be carried by stormwater runoff into the County's MS4 or State Waters.

9-03-08-04 ESCP FIELD CHANGES

The ESCP shall be kept at the construction site and shall be updated by the Permittee as construction progresses and field conditions change.

If major changes to the ESCP are needed related to hydrology, then the ESCP must be resubmitted to the County.

Minor changes such as BMP substitutions needed after initial submittal to the County, can be made directly at the site by the Permittee. Documentation of the changes must be available to the County upon request.

The ESCP shall be revised as soon as practicable, following the BMP installation or implementation and according to the SWMP requirements of the State of Colorado CDPS Stormwater Construction Permit, as amended. A notation shall be included in the ESCP with the initials and date of the change(s). If the ESCP is not up to date, or the Permittee fails to conduct a mandated stormwater inspection, it shall be deemed inadequate resulting in a SWQ permit violation.

9-03-09 SELECTION, INSTALLATION AND MAINTENANCE OF CONSTRUCTION BMPS

Adequate construction BMPs must be installed prior to the start of construction activity. BMPs must control potential pollutants (such as sediment, construction site waste, trash, concrete truck washout, chemicals, sanitary waste and contaminated soils) during each phase of construction, and must be maintained until final stabilization is reached. The Permittee must ensure that all BMPs are appropriate for the selected application, installed and maintained according to the conditionally accepted ESCP and BMP detail drawings and in effective working condition to function as designed.

9-03-09-01 PROPIETARY AND ALTERNATIVE CONSTRUCTION BMPS

The technology of construction stormwater pollution prevention BMPs is constantly changing. New innovations are developed and existing technologies are refined to be more effective. The BMPs included in these Regulations are not meant to be comprehensive. Should the owner or engineer desire to use other BMPs, it will be necessary to provide documentation that adequately demonstrates an alternative BMP option can effectively control stormwater runoff quality. Proprietary or alternative BMP options will be reviewed on a case-by-case basis by the County.

9-03-10 STORMWATER INSPECTION FREQUENCY

The Permittee shall perform and document site stormwater inspections following the inspection frequency requirements of the State CDPS Stormwater Construction Permit, as amended.

The Permittee must inspect for evidence of, or the potential for pollutants leaving the construction site permit boundaries, entering into the MS4, or discharging into State Waters. All erosion and sediment control BMPs identified in the ESCP shall be evaluated to ensure they are installed, maintained and operating correctly.

9-03-10-01 STORMWATER INSPECTION REPORT

The Permittee shall keep a record of all required stormwater site inspection reports, as well as all Adams County Regulatory Inspection reports. Records must be available on-site upon request. The Permittee must comply with the retention of record requirement set by the State CDPS Stormwater Construction Permit, as amended. Stormwater inspection reports must identify any incidents of non-compliance with the terms and conditions of the SWQ Permit.

At a minimum, the stormwater inspection report must contain and comply with the requirements set by the State CDPS Stormwater Construction Permit, and shall include the following information:

1. Inspection date;
2. Names(s) and titles(s) of personnel performing the inspection;
3. Locations(s) of any discharges of pollutants outside the SWQ Permit boundary;
4. Location(s) of BMPs that need to be maintained;
5. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
6. Location(s) where additional BMPs are needed that were not in place at the time of inspection;

7. Description of all BMP corrective actions and the date corrected;
8. Document when the BMPs are no longer necessary and are removed; and
9. Certification Statement signed by the Permittee or his/her designee stating that the inspection information is true and accurate.

9-03-11 FINAL CONSTRUCTION SITE STABILIZATION

Final Construction Site Stabilization occurs when all ground disturbing activities are complete, and all disturbed areas have either been built on, paved over or a uniform vegetative cover has been established per conditionally accepted ESCP.

Prior to SWQ Permit closeout, all items listed below must be completed in order for the construction site to be considered to have final stabilization:

1. The site has a uniform vegetative cover with a density of at least seventy percent (70%) compared to the original undisturbed site. Vegetative cover shall be established with the approved seed mix, sod or a combination thereof.
2. If applicable, proper installation and maintenance of all approved permanent post-construction stormwater quality BMPs.
3. Removal of all stockpiles of soil, construction material/debris, construction equipment, etc. from the construction site.
4. Streets, parking lots and other surrounding paved surfaces are clean and free of any sediment or debris.
5. Removal of sediment and debris within the private or adjacent public storm drainage system.
6. Restoration and stabilization of any damaged public infrastructure caused by the Permittee's construction activities.

Any acceptance of installed vegetative cover shall not be construed to relieve the property owner of the duty to warrant and maintain the installed vegetative measures as aforementioned.

9-03-12 PERMIT CLOSEOUT

In order to close out the SWQ Permit, the Permittee must complete the following:

9-03-12-01 PERMIT CLOSEOUT NOTIFICATION

The Permittee must contact the County to set up a Closeout Inspection.

The purpose of the Closeout Inspection is to verify the site is adequately stabilized and/or covered with pavement or structures, per the County accepted plans.

If the County needs to conduct more than one Closeout Inspection, an inspection fee may be assessed for each additional closeout inspection, as approved by Adams County Annual Fee Schedule adopted by the Board of County Commissioners.

9-03-12-02 REMOVAL OF TEMPORARY BMPS

Once the site has met the final stabilization conditions, as specified in Section 9-03-11 Final Construction Site Stabilization, the remaining temporary BMPs such as perimeter controls, inlet protection, silt fence, etc. shall be removed and disposed of properly.

9-03-13 RELEASE OF FINANCIAL SURETY

Once all conditions as specified in Section 9-03-12 Permit Closeout, have been met, the Permittee may request the release of the financial surety to the County.

9-03-14 ADAMS COUNTY REGULATORY INSPECTIONS

All Adams County SWQ Permits may be inspected regularly during construction by the County to ensure compliance with the County's Stormwater Quality Regulations, SWQ Permit and/or ESCP.

Adams County reserves the right to request, at any time, submittals of documents associated with the SWQ Permit, including; the Permittee's stormwater site inspection logs, the current ESCP, etc. The County will identify a time frame that specifies the date the Permittee must submit the requested documentation. If the Permittee fails to provide the requested documentation, a violation will be assessed. Adams County Regulatory Inspections shall not be used in place of the Permittee's stormwater inspections as required under the SWQ Permit.

9-03-15 RIGHT OF ENTRY

Refer to Chapter 1 of these standards and regulations for the authority to enter onto private property within unincorporated Adams County for inspection purposes.

Additionally, the landowner, developer, builder, or SWQ Permittee must allow County staff the right-of-entry for the following:

1. To enter upon the construction project premises where a regulated facility or activity is located or in which records are required to be kept under the terms and conditions of the Adams County Stormwater Quality Regulations or Adams County SWQ Permit.

2. To have access to the construction project premises to request copies of any records, stormwater inspection reports, plans or documentation required to be kept under the terms and conditions of the Adams County Stormwater Quality Regulations.

3. To enter upon the construction project premises to investigate, within reason, any actual, suspected, or potential source of water pollution, or violation of these regulations. The investigation may include, but is not limited to, the following: sampling of any discharge or process waters, the taking of photographs, interviewing associated personnel on alleged violations, and access to any and all facilities or areas within the project premises that may have any effect on the discharge, permit, or alleged violations.

9-03-16 ULTIMATE RESPONSIBILITY

Adams County Stormwater Quality Regulations are to be interpreted as minimum standards and regulations. These regulations may not be adequate to comply with the requirements of the State CDPS Stormwater Discharge Permit for Construction Activities. The Permittee is ultimately responsible for ensuring compliance with the State CDPS Stormwater Discharge Permit for Construction Activities.

These Regulations do not intend or imply compliance by any person will ensure there will be no contamination, pollution or unauthorized discharge of pollutants. These Regulations shall not be construed as implying County liability for any non-compliance by a Permittee or any other person, nor for any damage or injury to third persons.

9-03-17 AUTHORITY

Enforcement of the Adams County Stormwater Quality Regulations and the County SWQ Permit are the responsibility of the Department of Public Works.

The Department of Public Works is hereby authorized to issue the SWQ Permit and sign-off (or withhold the approval) of associated County permits (e.g. Building, Right-of-Way, Infrastructure, etc.) with a stormwater signature line once all SWQ Permit conditions have been.

The Department of Public Works is also hereby authorized to sign off on the Certificate of Occupancy (C.O.) for buildings holding a SWQ Permit. In order for the Department of Public Works to sign off on a C.O., the associated overall site shall be in compliance with the SWQ Permit. Sites that are under an enforcement action may not receive a sign off by the Department of Public Works.

9-03-18 ENFORCEMENT POLICIES

It is the policy of Adams County to encourage compliance with the Stormwater Quality Regulations by working with the landowner, developer, builder, or SWQ Permittee during construction.

The County may allow the landowner, developer, builder, or SWQ Permittee a reasonable amount of time to re-inspect the site to ensure necessary measures have been completed to bring a construction site into compliance prior to formal enforcement.

The County considers the owner of the land the ultimate responsible party for all construction activities. It is ultimately the responsibility of the landowner to take all necessary measures to ensure the site is in compliance with County, State and Federal statutes, regulations, ordinances and permits.

The County has, to the maximum extent practicable, made its Stormwater Quality Regulations consistent with the requirements of the State CDPS Stormwater Discharge Permit for Construction Activities. In the event of conflicting requirements, the most stringent or restrictive shall govern.

9-03-19 CONSTRUCTION STORMWATER VIOLATIONS

The following items are considered, but not limited to, a violation of the Stormwater Regulations and/or Stormwater Quality (SWQ) Permit:

1. Conducting a permit covered activity without a County SWQ Permit.
2. Failure to prepare an Erosion and Sediment Control Plan (ESCP).
3. Failure to prepare an Erosion Control (EC) Plan
4. Conducting a permit covered activity without Adams County review and conditional acceptance of the ESCP.
5. Conducting activity without a State CDPS Stormwater Discharge Permit for Construction Activities (when applicable).
6. Failure to renew the SWQ Permit.
7. Failure to renew the SWQ Permit’s financial surety.
8. Deficient ESCP.
9. Failure to update the ESCP adequately to reflect current site conditions.
10. Failure to install, maintain or properly select Best Management Practices (BMP).
11. Failure to correct findings from previous Adams County Regulatory Inspections.

12. Failure to perform stormwater inspections of the permitted construction site.
13. Failure to submit requested documentation.
14. Failure to adequately respond to the County's written directives.
15. Failure to install permanent post-construction BMPs (if applicable).
16. Lack of good housekeeping practices.
17. Pollution, contamination or degradation of stormwater quality.
18. An illicit discharge into the County's Municipal Separate Storm Sewer System.

9-03-20 PENALTIES

In addition to penalties listed under Chapter 1 of these standards and regulations, the following penalties may apply to any person, landowner, developer, builder, or SWQ Permittee if such person fails to adequately comply with the measures required by the ESCP, EC Plan, SWQ Permit, Stormwater Quality Regulations or other written requirements by the County. The remedies listed below are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the County to seek alternative and/or cumulative remedies.

Verbal or Written Warning: Advice of non-compliance given by the County to the Permittee that indicates the Permittee is in violation with County Regulations and directing immediate resolution.

Notice of Violation: As define in Chapter 1 of these standards and regulations. Additionally the NOV shall include re-inspection dates in which the County returns to the site to ensure completion of corrective and preventative measures. Possible measures may include, but are not limited to; vacuum and jetting storm sewer structures, attending educational training, submitting standard operating procedures, posting signage, reimbursing the County for any additional inspection cost and/or spill material provided by the County, etc. When clean-up and repairs are not feasible, then alternative equivalent activities may be directed such as, but not limited to, storm drain stenciling, attendance to compliance workshops, and trash cleanup.

Suspension or Revocation of Permits: As define in Chapter 1 of these standards and regulations. All fees for re-issuance of a new permit must be paid prior to re-issuance of the permit.

Permit Fee Increase: As established in the Annual Fee Schedule adopted by the Board of County Commissioners.

Certificate of Occupancy (C.O.) Withhold: As define in Chapter 1 of these standards and regulations. In Addition, the County may withhold the Certificate of Occupancy (C.O.) sign off if the associated overall site is not in compliance with the Stormwater Quality

Regulations or SWQ Permit requirements. Sites that are under an enforcement action will not receive a sign off by Public Works Department.

Cease and Desist Order: As define in Chapter 1 of these standards and regulations.

Payment of additional Inspections: A person or landowner may be charged inspection fees for more than one regular follow-up regulatory inspection or any inspection triggered by a Notice of Violation as established in the Annual Fee Schedule adopted by the Board of County Commissioners.

Stringent Stormwater Inspection Frequency: Permittees may be required to conduct stormwater inspections on a more stringent frequency if the Permittee is non-responsive after two NOV, or systematic/chronic violator.

Financial Surety Withdrawal: The County may, after notifying the SWQ Permitee of the required maintenance and/or BMP removal, and such person's failure to perform such maintenance and/or BMP removal within ten (10) business days thereafter, enter upon the property and perform or cause to be performed the required work and assess the reasonable costs and expenses of such work against such person. At such time, as any assessment for work performed by the County has not been paid by the SWQ Permittee, the County shall withdraw from the SWQ Permit Financial Surety;

Civil/Criminal Action: As define in Chapter 1 of these standards and regulations.

9-04 POST-CONSTRUCTION RUNOFF REGULATIONS

The purpose and intent of this Section is to establish minimum post-construction stormwater management requirements and controls to protect and enhance the water quality of receiving waters and to provide for the health, safety and general welfare of the residents of unincorporated Adams County.

The objectives are:

1. To require the implementation of post-construction practices and promote Low-Impact Development (LID) techniques to control stormwater runoff from development and redevelopment sites in order to prevent flooding, erosion and stormwater pollution;
2. To protect surface water resources from degradation by guiding the development of the community away from sensitive areas;
3. To preserve the natural infiltration of groundwater and to protect the quantity and quality of groundwater resources;
4. To ensure adequate long-term operation and maintenance of post-construction stormwater management practices; and
5. To enable the County to comply with the State of Colorado MS4 Permit and other applicable federal and state regulations.

9-04-01 APPLICABILITY

The following construction projects shall comply with Post-construction Run-off Regulation requirements, unless excluded under Section 9-04-02:

1. All development or redevelopment construction sites located within unincorporated Adams County's MS4 Permitted Area that disturb an area of one (1) acre or greater.

2. All development or redevelopment construction sites located within unincorporated Adams County's MS4 Permitted Area that disturb less than one (1) acre, which are part of a larger common plan of development disturbing (1) or more acres of land even though multiple, separate and distinct development activities may take place at different times on different schedules.

3. Any post-construction BMPs constructed outside Adams County MS4 Permitted Area, which were installed to fulfill the requirement of this Section for parcels that do not have sufficient space to install the post-construction BMP within the MS4 Permitted Area boundary.

In the case where an applicable post-construction BMP is part of future phasing, the temporary measure must meet one of the Minimum Design Standards in Section 9-04-04.

9-04-02 EXEMPTIONS

The following exemptions apply:

1. Any new development or redevelopment site, regardless of the size of the project, located outside Adams County MS4 Permitted Area, provided this exemption does not exclude long-term maintenance responsibilities of drainage structures as set under Section 9-04-13 Operations and Maintenance of Permanent Post-Construction BMPs.
2. Any development or redevelopment, regardless of the size or location (inside or outside the MS4 Permitted Area), approved by the County prior to the initial effective date of the implementation of the County's MS4 Permit Post-Construction Run-off Program requirements, provided this exemption does not exclude long-term maintenance responsibilities of existing drainage structures as set under Section 9-04-13 Operations and Maintenance of Permanent Post-Construction BMPs.
3. Activities that are exclusively for agricultural land use, regardless of the size or location (in or outside the MS4 Permitted Area).
4. Routine maintenance and repair to any post-construction BMP, regardless of the size or location (inside or outside the MS4 Permitted Area), deemed necessary to maintain original grade, hydraulic capacity or original purpose of drainage structures.
5. Pavement management sites or portions of sites, for the rehabilitation, maintenance, and reconstruction of roadway pavement, which includes roadway re-surfacing, mill and overlay, white topping, black topping, curb and gutter replacement, concrete panel replacement, and pothole repair. The purpose of the site must be to provide additional years of service life and optimize service and safety. The site must also be limited to the repair and replacement of pavement in a manner that does not result in an increased impervious area nor the infrastructure substantially change. The types of sites covered under this exclusion include day-to-day maintenance activities, rehabilitation, and reconstruction of pavement. Roadways include roads and bridges that are improved, designed or ordinarily used for vehicular travel and contiguous areas improved, designed or ordinarily used for pedestrian or bicycle traffic, drainage for the roadway, and/or parking along the

roadway. Areas primarily used for parking or access to parking are not roadways.

6. Excluded roadway redevelopment sites for existing roadways, when one of the following criteria is met:

   a. The site adds less than 1 acre of paved area per mile of roadway to an existing roadway, or

   b. The site does not add more than 8.25 feet of paved width at any location to the existing roadway.

7. Redevelopment site exclusion of only the area of the existing roadway when the site does not increase the width by two (2) times or more, on average, of the original roadways area. The entire site is not excluded from being considered an applicable development site for this exclusion, the area of the site that is part of the added new roadway area is still an applicable development site.

8. Activities for installation or maintenance of aboveground and underground utilities or infrastructure that do not permanently alter the terrain, ground cover, or drainage patterns from those present prior to the construction activity. This exclusion includes, but is not limited to, activities to install, replace or maintain utilities under roadways or other paved areas that return the surface to the same condition.

9. Single-family residential lot, or agriculturally zoned lands, greater than or equal to 2.5 acres in size per dwelling and having a total lot impervious area of less than ten percent (10%). A total lot imperviousness greater than ten percent (10%) is allowed when a study specific to the watershed and/or MS4 shows expected soil and vegetation conditions are suitable for infiltration/filtration of the WQCV for a typical site, and the County accepts such study as applicable within its MS4 boundaries. The maximum total lot impervious covered under this exclusion shall be twenty percent (20%).

10. Non-residential and non-commercial sites for which post-development surface conditions do not result in concentrated stormwater flow during the 80th percentile stormwater runoff event, as defined in Chapter 11 under the WQCV term. In addition, post-development surface conditions must not be projected to result in a surface water discharge from the 80th percentile stormwater runoff events. Specifically, the 80th percentile event must be infiltrated and not discharged as concentrated flow. For this exclusion to apply, a study specific to the site, watershed and/or MS4 must be conducted. The study must show rainfall and soil conditions present within the applicable site; and the County must

accept such study as Applicable within its MS4 boundaries. This exclusion does not apply to residential or commercial sites.

11. Sites with land disturbance to undeveloped land that will remain undeveloped (land with no human-made structures such as buildings or pavement).

12. Stream stabilization sites.

13. Pedestrian or bike trails detached from roadway projects. Bike lanes for roadways are not included in this exclusion, unless attached to a roadway that qualifies under another exclusion in this Section.

14. Facilities associated with oil and gas exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be an applicable construction activity.

15. In the event the project is located within Adams County Growth Area according to Adams County's MS4 Permit, as amended, the following is excluded:

    a. Agricultural facilities and structures on agriculturally zoned lands (e.g., barn, stables).

    b. Residential development site or larger common plans of development for which associated construction activities result in a land disturbance of less than or equal to 10 acres and have a proposed density of less than 1,000 people per square mile.

    c. Commercial or industrial development site or larger common plans of development for which associated construction activities results in a land disturbance of less than or equal to10 acres.

9-04-03 GENERAL REQUIREMENT

All applicable development or redevelopment projects shall incorporate in the design permanent post-construction BMP(s) and source control BMPs. Post-construction requirements must be met prior to receiving approval from the County to proceed with construction of the development or redevelopment.

Post-construction BMPs shall:

1. Be designed considering existing site conditions, site operations and potential pollution sources.

2. Be designed to minimize regular maintenance, facilitate the performance of required maintenance and repair tasks, ensure proper functioning and reduce the potential for extensive, difficult and costly remedial or emergency maintenance efforts.
3. Be strong, durable and corrosion-resistant.
4. Incorporate safety measures.
5. Include design features to prevent accumulation or discharge of trash and debris in drainage systems.
6. Include source control BMPs to prevent and/or contain spills at industrial or commercial developments.
7. Avoid adverse effects on water quality and quantity, or harm or damage to persons and property.

9-04-04 MINIMUM DESIGN STANDARD

Post-construction BMPs for applicable development and redevelopment sites shall meet one of the following base design standards listed below within the County's MS4 Permitted Area:

1. Water Quality Capture Volume (WQCV) Standard: The post-construction BMP shall be designed to provide treatment and/or infiltration of the WQCV and:

    a. 100% of the applicable development site is captured, except the County may exclude up to 20%, not to exceed one (1) acre, of the applicable development site area when the Developer has determined that it is not practicable to capture runoff from portions of the proposed site that will not drain towards post-construction BMPs. In addition, the Developer must also determine the implementation of a separate post-construction BMP for the portion of the site that is not practicable. (for example: driveway access that drains directly to the street)

    b. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the post-construction BMP implemented. Consideration of drain time shall include maintaining vegetation necessary for operation of the post-construction BMP (for example: wetland vegetation)

2. Pollutant Removal Standard: The post-construction BMP is designed to treat at a minimum the 80th percentile storm event. The post-construction BMP(s) shall be designed to treat stormwater runoff in a manner expected to reduce the event mean concentration of total suspended solids (TSS) to a median value of 30 mg/l or less.

a. 100% of the applicable development site is captured, except the County may exclude up to 20 percent not to exceed one (1) acre of the applicable site area when the Developer has determined that it is not practicable to capture runoff from portions of the site that will not drain towards a post-construction BMP. In addition, the Developer must also determine the implementation of a separate post-construction BMP for that portion of the site is not practicable (for example: driveway access that drains directly to street).

3. Runoff Reduction Standard: The post-construction BMP(s) is designed to infiltrate into the ground where site geology permits, evaporate, or evapotranspire a quantity of water equal to 60% of what the calculated WQCV would be if all impervious area or the applicable site discharged without infiltration. This base design standard can be met through practices such as green infrastructure. Green infrastructure generally refers to control measures that use vegetation, soils, and natural processes to mimic natural processes to mange stormwater. Green infrastructure can be used in place of or in addition to Low Impact Development (LID) principles.

4. Applicable Site Draining to a Regional WQCV Control Measure: The regional WQCV control measure must be designed to accept the drainage from the applicable site. Stormwater from the site must not discharge to a water of the state before being discharged to the regional WQCV control measure. The regional WQCV control measure must meet the requirements of Section 9-04-04.1) Minimum Design Standard - WQCV Standard.

5. Applicable Site Draining to a Regional WQCV Facility: The regional WQCV facility is designed to accept drainage from the applicable site. Stormwater from the site may discharge to a water of the state before being discharged to the regional WQCV facility. Before discharging to a water of the state, 20 percent of the total impervious surface of the applicable site must first drain to a control measure covering an area equal to 10 percent of the total impervious surface of the applicable site. The control measure must be designed in accordance with Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volume 3as amended and/or equivalent criteria. In addition, the stream channel between the discharge point of the applicable site and the regional WQCV facility must be stabilized. The regional WQCV facility must meet the following requirements:

   a. The regional WQCV facility must be implemented, functional and maintained following good engineering practices, hydrologic and pollution control practices.

   b. The regional WQCV facility must be designed and maintained for 100% WQCV for its entire drainage area.

c. The regional WQCV facility must have a capacity to accommodate the drainage from the applicable development site.

d. The regional WQCV facility must be designed and built to comply with all assumptions for the development activities planned by the County within its drainage area.

e. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the facility. Consideration of drain time shall include maintaining vegetation necessary for operation of the facility (for example: wetland vegetation).

f. The regional WQCV facility must meet the requirements under Section 9-04-09 Site Plan Review and Section 9-04-12 Inspections.

g. The regional WQCV facility must be subject to the County's regulatory authority, or ownership.

h. Regional WQCV facilities must be designed and implemented with flood control or water quality as the primary use. Recreational ponds and reservoirs may not be considered regional facilities for the purpose of this Section. Water bodies listed by name in surface water quality classifications and standards regulations (5 CCR 1002-32 through 5CCR 1002-38) may not be considered regional facilities.

9-04-05 MINIMUM DESIGN STANDARD FOR CONSTRAINED REDEVELOPMENT SITES

This Section applies to applicable redevelopment sites that meet the following criteria:

1. The applicable redevelopment site is for a site that is greater than 75% impervious area, and

2. The Developer has determined it is not practicable to meet any of the minimum design standards listed under Section 9-04-04. The Developer's determination shall include an evaluation of the applicable redevelopment site's ability to install a post-construction BMP without reducing surface area covered with the structures.

The post-construction BMP shall be designed to meet one (1) of the following:

1. Provide treatment of the WQCV for the area captured. The captured area shall be 50% or more of the impervious area of the applicable redevelopment site. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the post-construction BMP implemented; or

2. The post-construction BMP is designed to provide for treatment of the 80th percentile storm event. The post-construction BMP shall be designed to treat stormwater runoff in a manner expected to reduce the event mean concentration of total suspended solids (TSS) to a median value of 30 mg/l or less. A minimum of 50% of the applicable redevelopment area including 50% or more of the impervious area of the applicable redevelopment area shall drain to the post-construction BMP. This standard does not require that 100% of the applicable redevelopment site area be directed to the post-construction BMP(s) as long as the overall removal goal is met or exceeded (for example: providing increased removal for a smaller area); or

3. Infiltrate, evaporate, or evapotranspirate, through practices such as green infrastructure, a quantity of water equal to 30% of what the calculated WQCV would be if all impervious area for the applicable redevelopment site discharged without infiltration.

9-04-06 ACCEPTABLE POST-CONSTRUCTION BMPS

All post-construction BMPs within unincorporated Adams County shall be designed and maintained to meet erosion control, groundwater recharge and stormwater runoff quantity and quality standards of these Regulations; the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volume 3 as amended; and/or equivalent criteria.

The County allows, but is not limited to, the following types of stormwater quality permanent Best Management Practices (BMPs):

1. Grass Buffer
2. Grass Swale
3. Extended Detention Basin
4. Retention Pond
5. Other stormwater quality post-construction BMPs will be considered on a case by case basis. Refer to Section 9-04-07 Proprietary or Alternative Post-construction BMPs.

9-04-07 PROPRIETARY OR ALTERNATIVE POST-CONSTRUCTION BMPS

The technology of post-construction BMPs is constantly changing. New innovations are developed and existing technologies are refined to be more effective. The acceptable post-construction BMPs listed in Section 9-04-06 are not meant to be comprehensive. Should the owner or engineer desire to use other post-construction BMPs, it will be necessary to provide documentation that adequately demonstrates an alternative post-construction BMP option can effectively control stormwater runoff quality. Proprietary or alternative post-construction BMP options will be reviewed on a case-by-case basis.

9-04-08 PERMANENT POST-CONSTRUCTION BMP CONSTRUCTED OUTSIDE UNINCORPORATED ADAMS COUNTY

When the location of the permanent post-construction BMP of an applicable site is designed and constructed to meet the requirements of these Regulations outside of the jurisdictional control of Adams County, the Developer needs to request to the adjacent local jurisdiction a written letter stating the permanent post-construction BMP is accepted by the local jurisdiction as part of their Post-Construction Program to ensure said permanent post-construction BMP is design, constructed and accepted by the local jurisdiction to ensure long-term maintenance of said infrastructure.

9-04-09 SITE PLAN REVIEW

Applicable sites shall submit to the County the following information for review and approval prior to development or redevelopment of the site:

1. Design details for all structural post-construction BMPs.
2. A narrative for all non-structural BMPs for the site including measures to prevent or reduce pollutants being introduced to stormwater, or that prevent or reduce the generation of runoff (such as LID techniques) or illicit discharges according to Section 9-04-10 Source Control BMPs
3. Operation and Maintenance Plan describing procedures to ensure long-term function and integrity of the stormwater post-construction BMPs.
4. Recorded Easement or other legal means to allow the County's access to the post-construction BMP
5. Documentation and confirmation the post-construction BMP was designed according to Section 9-04-04 Minimum Design Standards.
6. If any modification is proposed to the approved Site Plan, the Site Plan must be re-submitted for approval prior to construction or modification of the proposed changes.

9-04-10 SOURCE CONTROL BMPS

Applicable sites shall be required to provide on-site structural and/or non-structural source controls to reduce the potential for illicit discharges into the storm drainage system from the normal operation of the constructed site. Examples of normal site activities which have the potential for pollutants to be discharged and carried off in stormwater runoff include, but are not limited to:

1. Outside material storage
2. Vehicle washing
3. Vehicle maintenance
4. Outside manufacturing
5. Painting operations
6. Above ground storage tanks
7. Loading and unloading areas
8. Fueling
9. Power washing

9-04-10-01 STRUCTURAL SOURCE CONTROLS

Applicable sites that propose outdoor uses and activities that are deemed by the County to have the potential to create illicit discharges shall be required to provide special source control Best Management Practices (BMPs). The source control BMPs shall be designed to prevent the contamination of stormwater runoff from the site. Source control BMPs can include, but are not limited to:

1. Permanent covering of outdoor storage areas
2. Spill containment and control (secondary containment, curbing, diking, etc.)
3. Proper sanitary sewer connections
4. Provision of designated storage and material handling areas
5. Provision of proper waste receptacles
6. Run-on diversion

9-04-10-02 NON-STRUCTURAL CONTROLS

Non-structural Best Management Practices (BMPs) reduce or prevent contamination of stormwater runoff by decreasing pollutant generation through changes in behavior. Non-structural controls are extremely effective, as they typically prevent or eliminate the entry of pollutants into stormwater at their source. The County encourages all development and redevelopment to require and implement non-structural controls throughout their site and within their facility operational practices. Non-structural BMPs, which may provide a significant benefit to water quality, include:

1. General good housekeeping practices

2. Preventative maintenance
3. Recycling programs
4. Spill prevention and response
5. Employee “awareness” education and training

9-04-11 OWNERSHIP

Permanent post-construction BMPs located on private property shall be operated, repaired, maintained and replaced as necessary by the landowner of the property on which the post-construction BMP is located within unincorporated Adams County, unless a written Operation and Maintenance Manual or recorded document exists stating that a person other than the landowner shall be responsible for the operation, repair, maintenance and replacement of such post-construction BMP.

Prior to the approval of the development or redevelopment, the County may require the landowner to create an association to be responsible for the operation, repair, maintenance and replacement of stormwater post-construction BMP. The bylaws, covenants and restrictions of the association shall include the legal responsibility to operate, repair, maintain and replace the post-construction BMP installed in the development, as well as legal authority to levy an assessment on each property owner to pay for the operation, repair, maintenance and replacement of the post-construction BMP, and provisions for a lien on an owner's property for failure to pay the assessment.

9-04-12 INSPECTIONS

The landowner or person responsible for any applicable post-construction BMP shall perform regular inspections in accordance with the adopted criteria manuals or as specified in the Operation and Maintenance (O&M) Plan. Inspection records shall be retained for at least five (5) years, and shall be readily available to the County upon request.

9-04-13 OPERATION AND MAINTENANCE OF PERMANENT POST-CONSTRUCTION BMPS

An important part of water quality management is the continued maintenance of permanent post-construction BMP facilities to ensure they function as designed.

Repair, maintenance and replacement of post-construction BMPs include routine and non-routine operations. Routine maintenance may include inspections, lawn mowing and care, debris and litter removal, minor erosion mitigation, mechanical repairs, mosquito control, and sediment removal. Non-routine procedures may include removal of large amounts of accumulated sediments, dredging the bottom of a pond, restoration

of large eroded areas, fence repair or replacement, restoration of vegetation and structural repairs.

The owner of the property located within unincorporated Adams County is responsible for the maintenance in perpetuity of privately owned drainage facilities including storm inlets, storm pipes, culverts, channels, ditches, hydraulic structures, emergency spillways, post-construction BMPs such as detention basins or retention basins, etc. located on private land unless modified by the Subdivision Improvement Agreement (SIA), recorded Plat, approved and recorded Operation and Maintenance Manual or other acceptable recorded document. Preventative and corrective maintenance and replacement shall be performed to maintain the function and integrity of the stormwater post-construction BMP and other drainage facilities.

9-04-13-01 MAINTENANCE REQUIREMENT

The County requires maintenance of the private storm sewer systems, including permanent post-construction BMPs. The obligation to maintain post-construction BMPs and the County's legal right to enforce that obligation is a requirement of this Section. It may also be memorialized on the Subdivision Plat, Annexation Map, Subdivision Improvement Agreement, recorded Operation and Maintenance Manual or other instrument in a form acceptable to the County.

When recording a Plat, the maintenance requirement shall be clearly stated within the plat notes. Refer to the Appendices for Drainage Maintenance and Access Easement language, or equivalent statement, that must be included in applicable Plats or stand alone Warranty Deeds. The documents shall be filed in the office of Adams County Clerk and Recorder, and the terms thereof shall run with the land and be binding on all subsequent owners of the property, the person responsible for operation, repair, maintenance and replacement of the post-construction BMP or his or her successors and assigns, to ensure structural post-construction BMPs function as designed and nonstructural post-construction BMP are preserved and not altered.

9-04-13-02 MAINTENANCE ACCESS AND DRAINAGE EASEMENT

Adams County requires maintenance access be provided to private storm drainage facilities to assure continuous operational capability of the system.

The property owner shall designate a maintenance access around the perimeter of storm drainage facilities, provide a stabilized maintenance access to the bottom of the storm drainage facility; and ensure all necessary manholes and inlets are located properly and accessible for maintenance.

The property owner shall designate a Maintenance Access and Drainage Easement sufficient to ensure access to all post-construction BMPs on a permanent basis for the purpose of inspection, operation, repair, maintenance and replacement. Such easement shall be recorded in the office of the Adams County Clerk and Recorder and the easements shall run with the land. Should the

property owner fail to adequately maintain said facilities, the County shall have the right to enter said land for the purposes of repair or maintenance as described in Section 9-04-16 Penalties.

9-04-13-03 OPERATION AND MAINTENANCE PLAN

In addition to the Easement, the property owner is responsible for recording an Operation and Maintenance (O&M) Plan. The O&M Plan shall include:

1. Indicate person responsible for inspecting and performing long-term operation, repair, maintenance and replacement, emergency repairs, of all post-construction BMPs (Property Owner, HOA or County);
2. Description and identification of all stormwater post-construction BMPs, structural and nonstructural;
3. Description of specific preventative maintenance tasks and maintenance frequency for all post-construction BMPs;
4. Description of inspection procedures and frequency for all post-construction BMPs;
5. Designation of Maintenance Access and Drainage Easements on the property sufficient to ensure access to all post-construction BMPs;
6. Operational standards from the manufacturer of any manufactured BMPs structure or device;
7. Other information or provisions as required by the County.

Refer to the Appendices for O&M Plan template.

9-04-14 RIGHT OF ENTRY

Refer to Chapter 1 of these standards and regulations for authority to enter onto private property within unincorporated Adams County for inspection purposes. The inspection may include, but is not limited to, the following: sampling of any discharge and/or process waters; taking of photographs; interviewing staff on alleged violations; and access to any and all facilities or areas within the premises that may have any effect on the discharge.

9-04-15 POST-CONSTRUCTION VIOLATIONS

The following items are considered, but not limited to, a violation of the Adams County Standards and Regulations:

1. Failure to maintain Post-Construction BMPs.
2. Failure to perform regular post-construction inspections.

3. Failure to submit requested documentation.
4. Failure to adequately respond to the County's written directives.
5. An illicit discharge into the County's MS4.

If operation standards for post-construction BMPs are not being met; or repairs, maintenance or replacement of the post-construction BMP is required, the County may, in writing, direct the landowner and/or the person responsible therefore, or their agents or representatives, to correct operational failures, repair, maintain, replace and/or install any post-construction BMP in order to keep the post-construction BMP in acceptable working condition.

9-04-16 PENALTIES

In addition to the penalties listed under Chapter 1 of these standards and regulations, the following penalties may apply to any person or landowner within unincorporated Adams County, if such person fails to adequately comply with the measures required under Section 9-04 Post-construction Run-off Regulations, Stormwater Quality Regulations or other written requirements of the County.

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the County to seek alternative and/or cumulative remedies

Verbal or Written Warning: advice of non-compliance given by the County to the Permittee that indicates the Permittee is in violation with County Regulations and directing immediate resolution.

Notice of Violation: As define in Chapter 1 of these standards and regulations. Additionally the NOV shall include re-inspection dates on which the County returns to the site to ensure completion of such measures were completed. Possible remediation measures may include vacuum and jetting storm sewer structures, attending educational training, submitting standard operation procedures, posting signage, reimbursing the County for any additional inspection cost and/or spill material provided by the County, etc. When clean-up and repairs are not feasible, alternative equivalent activities may be directed such as, but not limited to, storm drain stenciling, attendance to compliance workshops, and trash cleanup.

Cease and Desist Order: As define in Chapter 1 of these standards and regulations.

Payment of additional Inspections: A person or landowner may be charged inspection fees for any inspection triggered by a Notice of Violation as established in the Annual Fee Schedule adopted by the Board of County Commissioners.

Stormwater Inspection Frequency: The landowner or responsible person may be required to conduct inspections on a more stringent frequency if the person or landowner is non responsive after two NOV or a systematic/chronic violator.

Mandatory Inspection: Upon written notification by the County, the person or landowner responsible for any post-construction BMP shall, at his or her own cost and within a reasonable time period determined by the County, have an inspection of the post-construction BMP conducted by a qualified professional; file with the County a copy of the written report of inspection prepared by the professional; and, within the time period specified by the County, complete any repair, maintenance or replacement work recommended in the report to the satisfaction of the County.

Civil/Criminal Action: As define in Chapter 1 of these standards and regulations.

9-05 ILLICIT DISCHARGES

No person shall cause, allow, or contribute to the discharge of pollutants into the storm drainage system within unincorporated Adams County.

Penalties and enforcement shall be applied according to Chapter 1 of these standards and regulations.

9-05-01 PROHIBITION OF ILLICIT DISCHARGES

1. No person shall discharge or cause to be discharged into the storm drainage system or watercourses any pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, or any state established TMDL, other than stormwater.

2. It shall be a violation of these Regulations to cause pollutants to be deposited in such a manner or location as to constitute a threatened illicit discharge into the storm drainage system or Waters of the State.

9-05-02 PROHIBITION OF ILLICIT CONNECTIONS

1. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

2. The prohibition expressly includes illicit connections made prior the effective date of this Chapter, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

9-05-03 EXEMPTIONS

The commencement, conduct or continuance of any illicit discharge to the storm drainage system is prohibited except as described as follows:

1. The following non-stormwater discharges are exempt from the discharge prohibitions established by this Section when managed according to County regulations:
   a. Discharges from potable water sources, including waterline flushing, in accordance with CDPHE Water Quality Control Division's Low Risk Policy Discharge Guidance for Portable Water as amended. Potable water shall not be used in any other additional process such as, but not limited to, any type of washing, heat exchange, manufacturing, or hydrostatic testing of pipelines not associated with treated water distribution systems;

b. Uncontaminated pumped groundwater, not including construction dewatering systems);
c. Landscape irrigation and lawn watering;
d. Irrigation return flow;
e. Springs;
f. Rising groundwater;
g. Air conditioning condensation;
h. Uncontaminated water from crawl space pumps;
i. Individual residential car washing;
j. Foundation drains;
k. Roof drains;
l. Footing drains;
m. Dechlorinated swimming pool discharges in accordance with CDPHE Water Quality Control Division's Low Risk Discharge Guidance: Swimming Pools;
n. Diverted stream flows;
o. Dye testing, in accordance with the manufacturer's recommendations and that notification is provided to the County prior to the test;
p. Flow from natural riparian habitats and wetlands;
q. Uncontaminated groundwater infiltration (not including construction dewatering systems);
r. Water incidental to street sweeping (including associated sidewalks and medians) not associated with construction;
s. Discharges resulting from emergency fire fighting activities;
t. Emergency utility repairs and emergency situations that pose imminent threat to life or property; and
u. Discharges that are in accordance with the CDPHE Water Quality Control Division's Low Risk Policy guidance documents or other policies and guidance documents where the Division has stated that it will not pursue permit coverage or enforcement for specified point source discharges.

2. Agricultural stormwater run-off.

3. Permitted discharges with an NPDES or CDPS permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency or Colorado Department of Public Health and Environment as being necessary to protect public health and safety, provided the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided written approval has been granted for any discharge to the storm drainage system.

9-05-04 WATERCOURSE PROTECTION

Every person owning, leasing or otherwise occupying property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, animal waste excluding agricultural

practices specifically exempted in Section 9-05-03 and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner, lessee or tenant shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

CHAPTER 10—SPECIAL DISTRICT GUIDELINES AND REGULATIONS

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Chapter 10—SPECIAL DISTRICT GUIDELINES AND REGULATIONS

10-01 PURPOSE

This Chapter identifies the requirements for submittals and the procedures for review of Special District service plans in unincorporated Adams County.

10-02 POLICIES

These policies are the basis for these Special District standards and regulations:

1. Adams County encourages land development to occur in the incorporated areas of the County.
2. The creation of one (1) multi-purpose Service District is preferred over the proliferation of single-purpose Districts.
3. Before any service plan for the creation of a Title 32 District will be reviewed by the County, service provision from all existing service providers should be investigated to examine if the proposed services are available from other service providers.
4. If land development does occur in an unincorporated area, Adams County encourages service provision be acquired through an existing service provider by agreement or inclusion. The County recognizes, however, that in certain circumstances a new Special District may be the most logical and economical alternative for service. If this is the case, the County advocates the formation of a Metropolitan District.
5. Adams County will only consider in public hearing complete service plans as defined in these standards and regulations.
6. Adams County promotes cooperation with other governmental jurisdictions in the planning process and in the service plan review process.
7. When a new Special District is proposed in partner with a Planned Unit Development, the proposed District formation should be coordinated with the Planned Unit Development application.

10-03 RELATIONSHIP TO COLORADO REVISED STATUTES

These standards and regulations correspond to C.R.S. Sections 32-1-201 to 208, and are designed to be used with and as an addition to the Colorado Revised Statutes.

10-04 SCOPE

These standards and regulations apply to all service plans for those Special Districts that propose to have any portion of the District located in unincorporated Adams County.

10-05 SUBMITTAL AND REVIEW PROCESS

The submittal and review process will follow the sequence of actions listed below. This process corresponds to C.R.S. Section 32-1-202 (1), concerning the filing of the service plan which states:

10-05-01 SUBMISSION OF SERVICE PLAN REQUIRED

Persons proposing the organization of a Special District, except for a Special District which is contained entirely within the boundaries of a municipality shall submit a service plan to the Board of County Commissioners of each county which has territory included within the boundaries of the proposed Special District prior to filing for the organization of the proposed Special District in any District Court.

10-05-02 REVIEW OF A SERVICE PLAN

10-05-02-01 REVIEW AUTHORITY

Authority of the Board of County Commissioners: In review of a service plan, C.R.S. Section 32-1-203 gives the Board of County Commissioners the authority:

1. To approve without condition or modification the service plan submitted;
2. To disapprove the service plan submitted; or
3. To conditionally approve the service plan subject to the submission of additional information relating to or the modification of the proposed service plan.

10-05-02-02 REVIEW CRITERIA

C.R.S. Section 32-1-203 (2) of the state statutes also lists two (2) sets of review criteria the Board of County Commissioners must consider in their decision.

10-05-02-02-01 *REQUIRED FINDINGS*

The Board of County Commissioners shall disapprove the service plan unless evidence satisfactory to the Board of each of the following is presented:

1. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed District;
2. The existing service in the area to be served is inadequate for present and projected needs;

3. The proposed Special District is capable of providing economical and sufficient service to the area within its proposed boundaries; and
4. The area to be included in the proposed Special District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

10-05-02-02-02 *DISCRETIONARY FINDINGS*

The Board of County Commissioners may disapprove the service plan if evidence satisfactory to the Board of any of the following, at the discretion of the Board, is not presented:

1. Adequate service is not, or will not be, available to the area through the County, other existing municipal or quasi-municipal corporations, including existing Special Districts, within a reasonable time and on a comparable basis;
2. The facility and service standards of the proposed Special District are compatible with the facility and service standards of each county within which the proposed District is to be located and each municipality which is an interested party under C.R.S. Section 32-1-204 (1);
3. The proposal is in compliance with a master plan adopted pursuant to C.R.S. Section 30-28-106;
4. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area; and
5. The creation of the proposed District will be in the best interest of the area proposed to be served.

10-05-02-03 REVIEW STEPS

The service plan submittal and review process will follow these eight steps:

10-05-02-03-01 *REVIEW STEP 1*

Persons proposing the formation of a Special District (the applicant) shall contact the Director of Community and Economic Development in the early stages of the proposal for a pre-application conference. This conference is used to identify any concerns early in the process and to evaluate the feasibility of the proposed service plan.

10-05-02-03-02 *REVIEW STEP 2*

After attending the pre-application conference, and after the applicant has gathered and prepared the appropriate materials, the applicant shall submit six (6) copies of a draft service plan to the Director of Community and Economic Development.

10-05-02-03-03 *REVIEW STEP 3*

The District Review Team shall review the draft service plan for consistency with the Colorado Revised Statutes and these standards and regulations. The Director of Community and Economic Development will forward any comments from the District Review Team to the applicant within thirty (30) days. These comments may include suggested changes concerning format, content and adherence to the state statutes and county regulations.

10-05-02-03-04 *REVIEW STEP 4*

After reviewing the comments, the applicant shall submit one (1) copy of the service plan to the Office of the Adams County Clerk and Recorder and twenty (20) copies of the service plan and the required application fee to the Director of Community and Economic Development.

10-05-02-03-05 *REVIEW STEP 5*

The Director of Community and Economic Development shall refer the service plan to all municipalities and existing Special Districts, within a radius of three (3) miles from the boundaries of the proposed District. In addition, in support of Adams County's policy to coordinate land development planning, the service plan shall be referred to any municipality whose Intergovernmental Agreement with the County includes any part of the area proposed to be in the District, and to the appropriate School District or Districts for information and comment. The District Review Team shall review the service plan and shall submit all comments, findings and recommendations, including those from referral agencies, in the form of a staff report to the applicant, the Planning Commission and the Board of County Commissioners. It is understood the applicant can withdraw the service plan at any time during this process.

10-05-02-03-06 *REVIEW STEP 6*

A hearing will be scheduled before the Planning Commission at which hearing the Planning Commission shall consider the service plan and recommend denial, conditional approval, or approval to the Board of County Commissioners. A recommendation shall be forwarded to the Board of County Commissioners within thirty (30) days after the service plan was filed with the Adams County Clerk and Recorder. A proposed health service district or

health assurance district shall not be referred to the Planning Commission and shall instead follow Review Step 7.

10-05-02-03-07 *REVIEW STEP 7*

At the next regular meeting of the Board of County Commissioners at least ten days after the final Planning Commission action on the service plan (or filing of the service plan with the Adams County Clerk and Recorder for health service and health assurance districts), the Board of County Commissioners shall schedule a public hearing for a date within thirty (30) days of such meeting to hear the service plan of the proposed Special District.

10-05-02-03-08 *REVIEW STEP 8*

The Board of County Commissioners shall consider the service plan at public hearing and shall deny, conditionally approve, or approve the service plan. If the Board of County Commissioners finds sufficient information has not been presented at the scheduled hearing, the Board may continue the hearing on the service plan for a period not to exceed thirty (30) days unless the proponents of the special district and the Board of County Commissioners agree to continue the hearing for a longer period.

10-05-03 CONTENTS OF THE SERVICE PLAN

The county requirements include each of the items listed in C.R.S. Section 31-1-202 (2), and the further specifications stated in these standards and regulations.

10-05-03-01 RELATIONSHIP BETWEEN SUBMITTAL REQUIREMENTS AND REVIEW CRITERIA

In order to assist the applicant in the preparation of the service plan, the County offers some examples of how it may review the criteria from the state statutes. It is important the applicant understands the relationship between the submittal requirements and the review criteria.

1. Projected need for the District may be determined by the zoning and by reasonable market projections.
2. The map of the proposed District and the explanation of services may be used to review the criterion to determine if the existing service to the area is inadequate.
3. Sufficient service may be evaluated through an examination of the site plan and the description of the facilities, including standards and cost estimates. Economical service may be evaluated through an examination of the financial plan and the cost estimates.

4. The financial abilities of the District may be evaluated by examining the financial plan and by determining if the financial plan includes reliable and reasonable projections of market performance. For Districts of certain size and impact, a market study may be the appropriate vehicle to demonstrate the validity of the District's development assumptions.
5. In evaluating the criterion that adequate service will not be available through other means, the County may take into consideration the distance of the proposed District from existing service providers and the expansion and/or master plans of those providers in examining the provision of service in a "reasonable time". Also important in the evaluation of this criterion is the information concerning the investigation of all service provision alternatives. In evaluating services on a "comparable basis", the review may be similar to that for the review of "economical and sufficient service".
6. The detailed explanation of the facilities and improvements may be used to review the criterion to determine if the proposed standards of the District are compatible with existing standards. The applicant needs to demonstrate that the planned improvements the District proposes to make, such as roads and water and sewer lines, meet the specifications of the County, existing Special Districts, and any interested party.
7. The proposed District must be in conformance with the Adams County Comprehensive Plan as well as the master plans of any applicable city, which is an interested party. If proposed Districts are to be located in areas included in an Intergovernmental Agreement between Adams County and one of the municipalities in the County, the service plan will be evaluated in terms of said agreement.
8. The current Clean Water Plan prepared through the Denver Regional Council of Governments and adopted by the Water Quality Control Commission is the official long-range water quality management plan for Adams County and will be used to satisfy this criterion.
9. The "best interest" may be evaluated by reviewing the service plan and comparing it to other viable alternative means of providing the proposed services. This review may take into consideration the master plans of the municipalities in the area, the plans for existing Special Districts, and the plans for any water user associations or other providers.

10-05-03-02 STATE REQUIREMENTS

The service plan shall include all requirements as stated in C.R.S. 32-1-202(2).

10-05-03-03 COUNTY REQUIREMENTS

10-05-03-03-01 *STANDARDS OF PREPARATION*

In addition to its contents, the service plan should meet the standards required of a professionally prepared document. The narrative should be presented clearly; any maps or other graphics should be legible and contain explanatory legends, titles, and text. The plan should contain a table of contents, be well organized, and clearly demonstrate it meets the requirements as stated in the state statutes and in these regulations.

10-05-03-03-02 *COUNTY SUBMITTALS*

10-05-03-03-02-01 *Description of the District*

The plan shall include an explanation of the proposed services and a discussion of the criteria, such as buildout rate or market conditions, which would be used to determine when and if certain services are to be supplied. This requirement is similar to the requirement of the financial plan (below), which asks for a description of any phasing plans.

10-05-03-03-02-02 *The Financial Plan*

This is the most important Section of the service plan. All figures shall be in constant dollars. The financial plan shall contain but is not limited to:

1. A letter from the person or organization responsible for the financial plan evaluating the financial and economic presentation and identifying sources and methods used in estimating interest rates, buildout rates, mill levy, and other data included in the plan.
2. A development anticipation section, which describes development projections in amount, time, type, and value. These projections should be supported by a market research report and an opinion letter from a market analyst acceptable to Adams County.
3. A pro forma with a year by year listing for the period of expected indebtedness beginning with the expected date of District formation. The pro forma shall include a detailed description of all funding mechanisms to be employed by the District. This pro forma shall list individual yearly totals for bond issues, debt service, operating and maintenance expenses, legal and administrative expenses, capital expenses, buildout rate, assessed valuation, mill levy, facility fees, other fees, and all other costs and revenues. Any extraordinary or one-time expenses shall be explained.

4. Maximum bonded indebtedness proposed to be incurred by the District and justification for said amount of indebtedness. Because the issuance of bonds by one entity may adversely affect the bond rating of another entity due to overlapping debt, the plan shall contain a list of indebtedness for all cities, counties, and Special Districts within which the proposed District will be included.
5. A description of the scheduling and phasing of improvements and their relationship to the financial stability of the District.
6. If the financial plan identifies any contributions by the developer to the District, any agreement between the developer and the proposed District explaining the developer's financial participation shall be included.
7. A description of the flexibility, which has been built into the financial plan, including alternative means of repaying the debt, if the estimated revenue stream is not realized.
8. A description of the total cost of improvements proposed in the development and the percentage of those improvements to be financed by the proposed District.
9. A list of mill levies and other fees for Districts supplying similar services for a similar market located in the region.
10. The maximum mill levy proposed by the District.
11. The total of all mill levies currently imposed on property within the proposed District.

10-05-03-03-02-03 *Site Plan*

This plan shall show the entire boundary of the proposed District and clearly delineate the location of any current improvements within the proposed District boundaries, any improvements planned by the District, and any development currently built or planned to be built within the District:

1. The sheet size shall be 18" vertical by 24" horizontal with a scale of 1" = 200' or other scale as approved by the Director of Community and Economic Development.
2. Noted on the plan, shall be the date of preparation and last revision, and clear identification of the location of proposed services and/or improvements, and the names of abutting subdivisions (in the case of unplatted land the word "unplatted" shall appear).

10-05-03-03-02-04 *Map of the Proposed District*

There shall be included in the service plan a map of the proposed District and the surrounding area.

1. The map shall be legible, shall contain explanatory legends, titles and text and shall show the District boundaries and the relationship of the proposed District to the surrounding area within a three (3) mile radius. The map shall identify all municipalities and existing Special Districts within said radius. Also identified on this map or on a separate map shall be the existing zoning within the proposed District and the zoning for properties within a three (3) mile radius.
2. Accompanying the map shall be a list of the services proposed to be supplied by the District provided by each of the municipalities and Special Districts shown on the map.

10-05-03-03-02-05 *A Complete Description of any Facilities to be Constructed*

Though the construction costs are summarized in the financial plan, under this requirement detailed descriptions and cost estimates for all the facilities and improvements shall be included. All materials and labor costs for each planned facility shall be estimated and the facilities shall be shown to be compatible with the standards of Adams County and each interested party as defined in C.R.S. Section 32-1-203 (b).

10-05-03-03-02-06 *Service Agreements*

The applicant shall provide a copy of any signed, proposed, or promised service agreements between the District and any municipality, District, or other existing or proposed service provider, and shall contact all service providers in a three (3) mile radius by certified mail in a form to be approved by the District Review Team.

10-05-03-03-02-07 *Additional Information*

1. If the proposed Special District is being formed in partner with a Planned Unit Development, the service plan review process and the Planned Unit Development review process should be coordinated. The review processes should occur concurrently and the proposed District should be identified as a service provider in the Planned Unit Development application.
2. An explanation of the proposed District's policy for inclusion which provides objective procedures for the determination of costs, standards and criteria to allow the orderly extension of services to developable adjacent lands.

3. A list of the persons or organizations responsible for each Section of the service plan to include the name and telephone numbers of the engineer, the legal counsel, the developer, and the financial analyst.
4. A legal description of the area to be included in the proposed Special District.
5. A list of all persons, corporations, and other private or public entities involved in the formation of this District and an explanation of the role played by each of those involved, and a discussion of the entities' previous work in Adams County or the region related to District and land development.
6. A list of owners of real property within and adjacent to the proposed District.
7. Proof of ownership of all property within the District. If the proposed District includes any property owned by someone other than the petitioners, evidence of such owners' consent to the formation of the District shall be provided in a form acceptable to Adams County.

10-05-03-03-02-08 *Special Review Fee*

In addition to the processing fee, the applicant must make a deposit with the County for payment of reasonable direct fees for special review of the service plan in the amount provided for by state statute, Section 32-1-202(3), Colorado Revised Statutes, as amended.

10-06 ANNUAL REPORT

This report will take the form of a survey mailed out to each of the Districts by the Director of Community and Economic Development not later than April 1 of each year and returned by the Districts to the Director of Community and Economic Development by June 1 of each year. The District shall be responsible for checking existing information and for filling in new information. Adams County will coordinate information gathering with the State Division of Local Government. The authorization for requiring annual reports is described in C.R.S. Section 32-1-207 (3) (c), a Board of County Commissioners may request any Special District located wholly or partially within the County's unincorporated area to file, not more than once a year, a Special District annual report.

CHAPTER 11—DEFINITIONS

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Chapter 11—DEFINITIONS

11-01 RULES OF CONSTRUCTION

This chapter contains definitions of words, terms, and phrases used in these standards and regulations.

The following rules of construction apply:

1. All words, terms, and phrases shall be construed and understood according to the common and approved usage of the language, unless otherwise defined;
2. Words, terms, and phrases used in the present include the future tense, and words, terms, and phrases used in the future tense include the present tense;
3. The word “shall” is mandatory;
4. The word “may” is permissive;
5. Words, terms, and phrases used in the singular include the plural, and words, terms, and phrases used in the plural include the singular; and
6. Words, terms, and phrases used in the masculine include the feminine, and words, terms, and phrases in the feminine include the masculine.

11-02 WORDS, TERMS, AND PHRASES

The following listed words, terms, or phrases are defined as follows.

11-02-01 100-YEAR FLOOD

A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance-flood). The terms "base flood", "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

*Adopted by the BOCC on June 27, 2011.

11-02-02 100-YEAR FLOODPLAIN

The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

*Adopted by the BOCC on June 27, 2011.

11-02-03 500-YEAR FLOOD

A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

*Adopted by the BOCC on June 27, 2011.

11-02-04 500-YEAR FLOODPLAIN

The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

*Adopted by the BOCC on June 27, 2011.

11-02-05 ABANDONMENT OF USE

If active and continuous operations are not carried on in a nonconforming use during a continuous period of six months, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the forgoing. The burden of proof that an operation has been continuous rests with the owner or operator of the use. The evidence an operation has been continuous must be clear, indicate at the specific time in question the use was in operation, and must be conclusive.

11-02-06 ACCESS

Provision for the passage of vehicles by a public or private street, or by a driveway connected to a public or private street, such that delivery of people, goods, and services is possible to individual properties or buildings.

11-02-07 ACCESSORY STRUCTURE (OR BUILDING)

An ancillary or subordinate structure which the use of is incidental to and customary in connection with the principal building or use and which is located on the same zoning lot as the principal building or use.

11-02-08 ACCESSORY USE

A subordinate use, which is incidental and customary in connection with the principal building or use and is located on the same zoning lot as the principal building or use.

11-02-09 ADJACENT LOT

A lot or parcel of land, which shares all, or part of a common lot or property line with another lot.

11-02-10 ADJACENT PROPERTY OWNERS (IN REGARD TO NOTIFICATION)

Lots containing existing residences, grounds, or other types of structures located on the same street frontage as the subject lot and is located within one- hundred-fifty (150) feet of the opposite side of the street for an equal

distance. If there are no structures within this area, structures within a distance of five hundred (500) feet from all property lines will be considered adjacent properties.

11-02-11 ADULT ARCADE

An establishment where one (1) or more still or motion picture projectors, slide projectors, or other image producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical area".

11-02-12 ADULT BOOKSTORE

See "Adult Novelty Store".

11-02-13 ADULT CABARET

A nightclub, bar, restaurant "pop shop", or similar commercial establishment which features: (a) persons who appear nude or in a state of nudity or seminude; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

11-02-14 ADULT MOTEL

A motel, hotel or similar commercial establishment which: (a) offers public accommodations and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually -oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time of less than ten (10) hours, or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.

11-02-15 ADULT MOTION PICTURE THEATER

A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing "specified sexual activities" or "specified anatomical areas" are regularly shown.

11-02-16 ADULT NOVELTY STORE

A commercial establishment which: (a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to; (b) receives a significant or substantial portion of its revenues from; or (c) devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical area".

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of the first paragraph of this section are met.

11-02-17 ADULT THEATER

A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical area" or by "specified sexual activities."

11-02-18 ADULT VIDEO STORE

See "Adult Novelty Store".

11-02-19 ADVERTIZING BANNER

An Advertising Banner is an 'off-premise sign', horizontal to the ground and of sufficient size to be seen by air passengers either landing or departing Denver International Airport or other areas near commercial airports as approved by the Board of County Commissioners. It must not be legible to the general public at ground level and is solely intended to be viewed by air passengers. All Advertising Banners shall meet the standards contained in this Section 4-16.

11-02-20 AFFIDAVIT OF CORRECTION

A recorded document correcting minor changes and/or errors in a recorded plat such as boundary, directional or distance mistakes.

11-02-21 AGRICULTURE (OR FARM)

The use of land for agricultural purposes, including farming, dairying, floriculture, horticulture pasturage, viticulture, grazing, animal and poultry husbandry, and the necessary accessory uses for packing, treating, storing, and shipping of farm products.

11-02-22 AGRICULTURAL BUSINESS

This use category includes: dairies, poultry farms, fur farms, exotic animal farms, and animal confinement operations.

11-02-23 AGRICULTURAL SUPPORT BUSINESS AND SERVICE USES

This use category includes business or commercial uses operated primarily for the support of agricultural needs, which may consist of products, materials, and equipment servicing and sales; storage or processing of agricultural products or animals; veterinary services; or technical support services. Examples include, but are not limited to, farm machinery sales and service, farm supply sales, and underground fuel storage for use on the property.

11-02-24 AGRICULTURAL USES

Agricultural uses include agricultural support businesses and services; agricultural business; equestrian arena, commercial; equestrian arena, personal; farming; nurseries; and ranching.

11-02-25 AIRCRAFT ACTIVITY COVENANT WITH DISCLOSURE

A covenant signed by landowner(s) and recorded at the Office of the Adams County Clerk and Recorder to notify present and future landowners of the aircraft flight activity that will occur in the airspace above the property.

11-02-26 AIRPORT

A facility, which provides space for aircraft to take off and land usually equipped with a control tower, hangars, and accommodations for passengers and cargo.

1. Private: Airport used for an individual or corporate private use and is not open to the public.
2. Public: Airport open to the general public.

11-02-27 AIRPORT, LANDING STRIP AND HELIPORT USES

This use category includes: all airports, as well as landing strips and heliports, including those for private use including those used by ultra-light aircraft.

11-02-28 ALLEY

A public or private thoroughfare that affords only a secondary means of access to an abutting property and primarily used to provide vehicular access to the rear or side of properties.

11-02-29 AMENDED PLAT

A plat which contains modifications to an existing approved and recorded plat which do not significantly affect the land use of an area and/or are technical in nature as determined by the Director of Community and Economic Development, which does not involve the construction of public improvements, or an increase in density in a subdivision. Amended Plats

may be processed under the terms of either a Major or Minor Subdivision, subject to the terms of Chapter 2.

11-02-30 AMUSEMENT CENTER

A commercial establishment with three (3) or more machines of amusement.

11-02-31 AMUSEMENT PARK

An outdoor commercial establishment, which may include structures where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and structures for shows and entertainment.

11-02-32 ANIMAL FEEDING OPERATION (AFO) AND CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)

An operation for the growing, feeding, and fattening of livestock and/or poultry for commercial purposes, where:

1. The animals are confined within a closed structure and/or the animals are kept within permanent corrals, pens, or yards;
2. Food is supplied by means other than grazing, foraging, or other natural means; and
3. These animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) consecutive days or more in any twelve (12) month period.

A CAFO is a large or medium AFO, as defined by the United States Environmental Protection Agency, National Pollutant Discharge Elimination System (NPDES) regulations.

11-02-33 ANIMAL HOSPITAL

An establishment for the care of sick or injured animals. Such facilities may include veterinarian offices, administrative offices, space for examination, surgery, recovery, and may include boarding of animals while under treatment, but does not include animal boarding generally.

11-02-34 ANIMAL SLAUGHTERHOUSE

An establishment or area for the purpose of slaughtering animals for commercial purposes.

11-02-35 ANIMATED SIGN

Any sign or part of a sign which changes physical position by any rotation or which gives the visual impression of such movement or rotation through special effects including, but not limited to, lights.

11-02-36 ANNUAL REPORT, SPECIAL SERVICE DISTRICT

An annual report requiring certain information about a Special District required to be submitted each year at the request of the Adams County Community and Economic Development Department.

11-02-37 APPLICANT

A person submitting an application for permit or approval, and may be referred to as the *Permittee*.

11-02-38 APPURTENANT FACILITIES

Any buildings, structures, or other property, which are clearly essential to, and customarily found in connection with major energy facilities at the site of the major facility, excluding the federal government and its agencies.

11-02-39 AQUACULTURE FACILITY

Any structure, lake, pond, tank, tanker truck, or the like used or intended to be used for the controlled propagation, growth, and harvest of cultured aquatic stock including, but not limited to, fish and other aquatic vertebrates, mollusks, crustaceans, and algae and other aquatic plants. This definition includes fish hatcheries.

11-02-40 AREA OF SHALLOW FLOODING

An area of shallow, indeterminate flooding not related to the flood profile where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate and velocity flow may be evident.

11-02-41 AREA OF SPECIAL FLOOD HAZARD

The land located within the area subject to a one (1) percent or greater chance of flooding in any given year.

11-02-42 ARTERIAL STREET (INCLUDING MAJOR AND MINOR)

A street that has limited access control designed to provide continuity throughout the metropolitan area. An arterial street may form boundaries for neighborhoods, may have signals at major intersections, and may have limited access. Intersections occur at grade, and in some cases, direct access to abutting property is provided. However, access should be limited to allow for more efficient traffic flow.

11-02-43 ASPHALT MIXING PLANTS

An industrial establishment or plant where gravel or sand are combined with a mixture of bitumens to create a substance for paving, roofing, and waterproofing.

11-02-44 ASPHYXIATION

Death caused by exposure to an atmosphere with less than 10% oxygen.

11-02-45 ATTRACTIVE DEVICES

Any device intended to attract attention including, but not limited to fixed aerial displays, balloons, pennants, strings of flags, streamers, devices affected by the movement of the air, devices utilizing light or sound, or inflatable or inflated devices.

11-02-46 AUCTION

A sale at which property or goods are sold to the highest bidder.

11-02-47 AUCTION HOUSE

A completely enclosed commercial establishment at which an auction takes place, excluding the sale of livestock.

11-02-48 AUCTION YARD

A commercial establishment or area at which an auction takes place at which livestock sale rings are permitted.

11-02-49 AUTOCLAVE

A pressurized, steam heated vessel used for sterilization.

11-02-50 AUTOMOBILE PARKING LOT

An area used for parking of motor vehicles.

1. Accessory: A parking lot associated with a residential or nonresidential building or use which is primarily for the use of residents living in the development or their guests or for the use of customers or employees of a nonresidential building.
2. Commercial: A parking lot, which is not associated with either a particular residential or nonresidential development but is made available for parking by the general public for a fee.

11-02-51 AUTOMOBILE RACE DRAG STRIP

A paved strip or race course where automobile drag races are held.

11-02-52 AUTOMOBILE RENTAL (OR LEASING)

A commercial establishment offering the temporary use of automobiles or trucks in exchange for payment. Such establishments may include office space, parking areas for rental vehicles, parking areas for customers and employees, and servicing and repair facilities, but shall not include facilities for bodywork, painting, or restoration.

11-02-53 AUTOMOBILE SALES

The use of any structure or land for a business involving the sale of new or used motor vehicles and recreational vehicles. Such establishments may include office space, parking lots for the display and storage of vehicles available for sale, parking areas for customers and employees, vehicle repair facilities, facilities for bodywork, painting, or restoration, and sale of parts.

11-02-54 AUTOMOBILE SERVICE STATIONS

This use category includes gas stations, car washes, and convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.

11-02-55 AUTO TOWING AND STORAGE YARD

A parcel of land used for the temporary storage of vehicles which have been towed by a towing company or for impounded vehicles, but which does not include permanent vehicle storage or dismantling of vehicles.

11-02-56 AVERAGE TRIP LENGTH

The average length in miles of trips on the County's major road system.

11-02-57 AVIGATION EASEMENT

A right generally established by deed or recorded plat to permit the unobstructed passage of all aircraft to an infinite height, together with the right to cause in all airspace above the surface of the grantor’s property such noise, frequent overflights, vibrations, fumes, dust, fuel particles, radio energy emissions, and all other effects that may be caused by the operation of aircraft landing, or taking off, or operating at an aviation facility.

11-02-58 BAKERY, RETAIL

A structure, room, or place used for making, preparing, or baking, bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni, or spaghetti to be sold on-premises at retail and consumed on or off premises.

11-02-59 BAKERY, WHOLESALE

A structure, room, or place used for making, preparing, or baking, bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni, or spaghetti to be sold on or off premises at wholesale and consumed off premises.

11-02-60 BANK

See "Financial Institution".

11-02-61 BANNER

Any sign of lightweight fabric or similar material that is mounted to a pole or a structure.

11-02-62 BARN

An accessory building associated with agricultural zoning or use.

11-02-63 BASE FLOOD ELEVATION

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

*Adopted by the BOCC on June 27, 2011.

11-02-64 BEACON

Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate, flash or move.

11-02-65 BED AND BREAKFAST ESTABLISHMENTS

This use category includes all residential structures used for commercial lodging purposes occupied by either an owner or resident manager.

11-02-66 BEE COLONY

A community of live bees having a queen, some thousands of workers, and, during part of the year, a number of drones who live together as one (1) family in a hive and all the offspring, inputs and byproducts, including comb(s), honey, pollen, and brood.

11-02-67 BEE

Any stage of the domestic honeybee, *Apis Mellifera,* species.

11-02-68 BEEHIVE

Structure intended for the housing of a bee colony usually composed of brood frame(s) and attached bees that are also used to create a new bee colony.

11-02-69 BERM

A mound of soil, either natural or manmade, used to obstruct views or direct the flow of stormwater.

11-02-70 BEST MANAGEMENT PRACTICES (BMP)

Technique, process, activity, schedule of activities, control measures, structures, prohibitions of practices, maintenance procedures, and other management practices utilized during construction or post-construction to prevent, reduce or eliminate pollution or degradation of Waters of the State to the maximum extent practicable based on available technology and economically practicable solutions that are achievable in light of best industry practices. BMPs can be temporary or permanent. BMPs can also be structural (engineered structures designed to treat runoff) or non-structural (source control practices).

Structural BMPs are designed to manage or treat stormwater runoff before it reaches a waterway, pond or lake. Examples of construction structural BMPs include, but are not limited to; silt fence, inlet protection, sediment basins, extended detention basins, etc.

Non-structural BMPs focus on management of pollutants at their source by minimizing exposure to runoff, rather than treating runoff in constructed facilities. Non-structural BMPs are used as source controls. Examples of construction non-structural BMPs include, but are not limited to;

construction phasing, good housekeeping practices, spill prevention and response, employee education and training, mulch and seeding, soil roughening, vegetation buffers, operation and maintenance procedures to control site runoff, spills, sludge, waste, and drainage from raw material storage, etc.

BMPs must be selected for the specific activity and applicable pollutant source, designed, installed, implemented prior to the start of the activity to control potential pollutants, and maintained in effective operating condition in accordance with good engineering, hydrologic, and pollution control practices.

11-02-71 BEVERAGE MANUFACTURING

An establishment or area for the purpose of manufacturing beverages, excluding alcoholic beverages.

11-02-72 BILLBOARD

A permanent large sign characterized by a single or double sign face structure to direct attention to a business, commodity, service, activity or product sold, conducted, or offered off the premises where such sign is located. The owner of the sign usually sells use of the sign to an advertiser on a time-contract basis.

11-02-73 BIOSOLIDS

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

*Adopted by the BOCC on December 13, 2010.

11-02-74 BOARD OF ADJUSTMENT

The Board of Adjustment of Adams County.

11-02-75 BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of Adams County.

11-02-76 BOARDING HOUSE

A structure where lodging and/or meals are offered for a fee, and where the length of residence may continue for an extended period of time, as distinguished from a motel or hotel.

11-02-77 BOAT SALES

A commercial establishment or area for the purpose of boat sales.

11-02-78 BOOK BINDING

An industrial establishment or area for the purpose of binding books.

11-02-79 BROOM (OR BRUSH) MANUFACTURING

An industrial establishment or area for the purpose of manufacturing brooms and/or brushes.

11-02-80 BUFFERING

Buffering shall mean the installation of plant materials, fencing, or landforms (or a combination of these measures), between two (2) or more properties which inhibits visibility and/or mitigates the transmission of noise, dust, lights, and other nuisances from one property to another.

11-02-81 BUILDING HEIGHT

See “Structure Height”.

11-02-82 BUILDING INSPECTOR

The Chief Building Official of Adams County or his designee (See Section 11-02-88).

11-02-83 BUILDING MATERIAL SALES AND STORAGE

A commercial establishment or area for the purpose of providing building material at retail or wholesale.

11-02-84 BUILDING MARKER

Any sign indicating the name of a building, date, and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material.

11-02-85 BUILDING PERMIT

A development permit issued by the Adams County Community and Economic Development Department before any building or construction activity can be initiated on a parcel of land.

11-02-86 BUILDOUT RATE

Actual or projected amount of development which has been built, sold, or leased or is expected to be built, sold, or leased as presented in a ratio of units of development to time, such as residential dwelling units per year or square feet of commercial space per year.

11-02-87 BUS REPAIR AND STORAGE

An establishment or area for the purpose of bus repair, service, and storage.

11-02-88 BUS TERMINAL

An establishment, which provides space for arrival and departure of busses offering transportation to the public usually equipped with accommodations for passengers and for fueling and servicing of busses.

11-02-89 BUSINESS PARK USES

This use category includes research and production and certain light industry uses. Examples of business park uses include: apparel and other finished products made from fabrics and similar materials; measuring, analyzing, and controlling instrument manufacturing; photographic;

medical and optical goods; watches and clocks; musical instruments and sporting/athletic goods manufacturing; united states postal service; arrangement of transportation of freight and cargo; communications; motion picture production and allied services; research; development and testing services; space research and technology; bakeries; and moving companies.

11-02-90 CABINET SHOP

A commercial establishment for the purpose of sales, refinishing, or repair of cabinets.

11-02-91 CAMPGROUNDS, COMMERCIAL

This use category includes: camps; recreational vehicle parks; campsites; tents; and trailer parks.

11-02-92 CANOPY SIGN

Any sign, which is a part of or attached to an awning or a canopy; or any other fabric, plastic, or protective cover over a door, entrance, window, or outdoor service area.

11-02-93 CAPACITY

The maximum number of vehicles which have a reasonable expectation of passing over a given section of a road during a given time period, under prevailing traffic conditions, expressed in terms of vehicles per hour. Capacity is measured in this Regulation and the Road Impact Fee Study during the evening peak hour.

11-02-94 CAR WASHING AND WAXING

A commercial establishment or area containing facilities for washing or waxing automobiles.

11-02-95 CARNIVAL

A traveling amusement show typically having various devices for entertainment, including rides and booths for the conduct of games or sale of items.

11-02-96 CEMETERIES

A place for burying or housing the dead; includes mausoleum.

11-02-97 CHANNEL

The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries. Channels may be natural or man-made

*Adopted by the BOCC on June 27, 2011.

11-02-98 CHANNELIZATION

The artificial creation, enlargement or realignment of a stream channel.

*Adopted by the BOCC on June 27, 2011.

11-02-99 CHIEF BUILDING OFFICIAL

The Director of Community and Economic Development or his or her assigned representative.

11-02-100 CHRISTMAS TREE LOT

An area for the temporary retail sale of Christmas trees usually set up in the parking lot of a large commercial business.

11-02-101 CHURCH

See “Place of Worship”.

11-02-102 CIRCUS

A traveling amusement show typically performed in large tents featuring daring acts, performing animals, and clowns.

11-02-103 CLINIC, MEDICAL (OR DENTAL)

An establishment providing health services, medical, or surgical care for patients where overnight stays are on an emergency basis only.

11-02-104 COLD STORAGE PLANT

An establishment for the storage of items in an artificially cooled environment.

11-02-105 COLLECTOR STREET

A street designed as a main interior street that collects and distributes traffic between local and arterial streets, typically with stop signs on side streets and traffic signals at arterials.

11-02-106 COLORADO DISCHARGE PERMIT SYSTEM (CDPS)

The state of Colorado's system of permitting discharges (e.g., stormwater, wastewater) to waters of the state which corresponds to the federal nodes permits under the federal clean water act.

11-02-107 COLORADO MARIJUANA CODE

Sections 14 and 16 of Article XVIII of the Colorado Constitution and C.R.S. §44-10-101, et seq., as amended, and any rules promulgated pursuant thereto.

11-02-108 COMBUSTIBLE

A material, which will ignite or burn when exposed to fire and is not capable of supporting its design load under the attack of fire for an extended time period without failure.

11-02-109 COMMERCIAL COMPOSTING OPERATION

A commercial establishment or area where organic matter is degraded through a controlled process by microorganisms.

11-02-110 COMMERCIAL AND/OR INDUSTRIAL COMPLEX

A commercial and/or industrial multi-structure development or an establishment where multiple principle uses exist within a single commercial or industrial structure on one (1) lot.

11-02-111 COMMERCIAL MESSAGE

Any sign wording, logo, or other representation directly or indirectly, names, advertises, or directs attention to a business, product, service or other commercial activity.

11-02-112 COMMERCIAL RETAIL

This use category includes: building supplies; general merchandise stores; food stores; apparel and accessory stores; furniture and home furnishings stores; greenhouses (retail) and greenhouses with garden supplies; miscellaneous retail except fuel dealers; health services; legal services; social services except care facilities; membership organizations; miscellaneous services; engineering and management services; dry cleaners; cabinet sales. This use does not include bars, restaurants, pawnshops or drive-in facilities.

11-02-113 COMMERCIAL USES

This use includes airports, landing strips and heliports; animal hospitals; automobile service stations; bed and breakfast establishments; campgrounds, commercial; communications towers, commercial; commercial retail; convenience retail stores; drive-in establishments; golf courses and driving ranges; heavy retail and heavy services; indoor commercial recreation/entertainment; kennels, commercial; lodging, commercial; massage business; off-premise advertising devices; offices; outdoor commercial recreation; parking lots, commercial; racing facilities; restaurants; services; sexually oriented business; and trade schools.

11-02-114 COMMISSION

The Adams County Planning Commission.

11-02-115 COMMISSIONERS

The Board of County Commissioners of Adams County.

11-02-116 COMMON PLAN OF DEVELOPMENT OR SALE

A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. "Contiguous" means construction activities located in close proximity to each other, within ¼ mile.

11-02-117 COMMUNICATIONS TOWERS, COMMERCIAL

This use category includes radio or TV broadcasting towers; telecommunications towers; and antenna arrays (satellite dishes).

11-02-118 COMPARABLE BASIS

Generally equivalent in terms of costs, timelines, and quality of service.

11-02-119 COMPATIBLE

Uses or structures although not identical, are similar, show some resemblance to each other, are related in appearance, are harmonious, and/or are congenial in combination.

11-02-120 CONCRETE MIXING PLANT

An industrial establishment or plant where a material made from sand, pebbles, and/or crushed stone is held together by a mass of cement or mortar.

11-02-121 CONDITIONAL LETTER OF MAP REVISION (CLOMR)

FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

*Adopted by the BOCC on June 27, 2011.

11-02-122 CONDITIONAL USE

A use which may be suitable, as determined by the Board of County Commissioners, in a zone district, but which would impair the integrity and character of the zone district in which it is located, or in an adjoining zone district, unless restrictions on location, size, extent and character of performance are imposed.

11-02-123 CONSERVATION PLAN

A written plan submitted to the appropriate soil conservation district, which describes measures designed to prevent, to the extent possible, soil erosion from occurring on the land for which the plan was developed.

11-02-124 CONSERVATION PLAN PERMIT

The approved Conservation Plan signed by all parties concerned and recorded with the Office of the Adams County Clerk and Recorder.

11-02-125 CONSTRUCTION ACTIVITIES

Any ground surface land disturbing activity associated with construction that occurs from initial groundbreaking to final stabilization, regardless of ownership of the construction activities. Construction activities include, but are not limited to; clearing, grading, excavation, demolition, utility work, paving, building, installing new or improved roads and access roads, haul roads, staging areas, stockpiling of fill materials, and borrow areas. Construction activities also include repaving activities where underlying or surrounding soil is exposed, graded or excavated as part of the repaving operation; and activities to conduct repairs or replacements that are not part of regular and routine maintenance. Construction activities do not include

routine maintenance performed to maintain original line grade, hydraulic capacity, or original purpose of the facility.

11-02-126 CONSTRUCTION TRAILER

A temporary structure for the storage of construction materials and a construction office to be used for managing a construction job.

11-02-127 CONSUMPTION AREA

A designated and secured area within the Licensed Premises of a Hospitality Business where consumers can use and consume marijuana and where no one under the age of 21 is permitted.

11-02-128 CONTINUOUS SOUND

A steady, fluctuating or impulsive noise which exists essentially without interruption for a period of five (5) minutes or more, or for an accumulation of fifteen (15) minutes or more for any one (1) hour period.

11-02-129 CONTOUR TILLAGE/CONTOUR FARMING

A conservation tillage and planting system in which farming is conducted on sloping land and the land is prepared, planted, and cultivated on the contour by following established grades of terraces, diversions, or contour strips.

11-02-130 CONVALESCENT HOME

See “Nursing Home”.

11-02-131 CONVENIENCE RETAIL STORE

A small commercial establishment selling packaged food and other convenience items, which may include gasoline. This use category includes any retail establishment selling consumer products and having a gross floor area of less than two thousand (2,000) square feet.

11-02-132 CORNICE

Any prominent, continuous, horizontally projecting feature crowning a building, or dividing it horizontally for architectural design purposes.

11-02-133 CREMATORY

An establishment containing a furnace or other means used to reduce human remains to ashes or its equivalent.

*Adopted by the BOCC on December 13, 2010.

11-02-134 CRITICAL FACILITY OR CRITICAL FACILITIES

1. This a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado (2 CCR 408-1), that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. Critical Facilities are classified under the following categories: (1) Essential Services; (2) Hazardous Materials; (3) At-risk Populations; and (4) Vital to Restoring Normal Services. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

   These facilities consist of:

   a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

   b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);

   c. Designated emergency shelters;

   d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

f. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), Non-Potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances. Owners of these facilities are encouraged to meet the spirit of Rule 6(D) when practicable in order to protect their own infrastructure and to avoid system failures during extreme flood events. Emergency restoring plans following major flood events should be considered as a prudent addition to operation and maintenance plans for those facilities.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Board that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with this rule, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board on an as-needed basis upon request.

2. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

   These facilities may include:

   a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

   b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

   c. Refineries;

   d. Hazardous waste storage and disposal sites; and

   e. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010), available at http://www.access.gpo.gov/nara/cfr/waisidx_03/40cfr302_03.html, and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010), available at http://www.access.gpo.gov/nara/cfr/waisidx_99/29cfr1910_99.html, are incorporated herein by reference and include the regulations in existence at the time of the promulgation of these Rules, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include: a) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use. b) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public. c) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products. These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in these Standards and Regulations.

3. At-risk population facilities include medical care, congregate care, and schools.

   These facilities consist of:

   a. Elder care (nursing homes);

b. Congregate care serving 12 or more individuals (day care and assisted living);

c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

4. Facilities vital to restoring normal services including government operations.

These facilities consist of:

a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Board that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this rule, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Floodplain Administrator on an as-needed basis upon request.

*Adopted by the BOCC on June 27, 2011.

11-02-135 CROP FARM

Land used for the growing, processing, storage, and/or packing of agricultural products such as, but not limited to, vegetables, fruits, grains, seeds, flowers, ornamental crops, trees, sod, or the like. This includes associated crop preparation, harvesting, and processing activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop processing. Types of crop farms include, but are not limited to, hemp farms, nurseries, sod farms, and tree farms.

11-02-136 CUL-DE-SAC

A local street with only one (1) outlet, which terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

11-02-137 CULVERT

A drain, ditch or conduit not incorporated in a closed system that carries drainage water under a driveway, roadway, pedestrian walk, or public right-of-way.

11-02-138 CURB

A vertical or sloping edge of a roadway.

11-02-139 DAIRY FARM

An agricultural operation where milk and milk products are produced, processed, packaged, and/or stored.

11-02-140 DAIRY PRODUCTS PROCESSING

An establishment that converts raw dairy into a finished packaged form and distributes the product to be sold for consumption offsite.

11-02-141 DANGEROUS TREES

Those trees or their parts within the boundaries of any lot or open area which may be considered troublesome, a hindrance to the general public, or endanger the security and usefulness of any public street, highway, alley, sewer or sidewalk.

11-02-142 DAY

One calendar day.

11-02-143 DAY CARE CENTER, ADULT

A facility which provides services to individuals who cannot be left alone during the day because of health care and social need, confusion or disability. An alternative to long-term facility care.

*Adopted by BOCC on December 13, 2010.

11-02-144 DAY CARE CENTER, CHILD

An establishment for the care and supervision of children for periods of less than twenty-four (24) hours per day. Day care centers include preschools and nursery schools.

11-02-145 DAY CARE HOME, ADULT

A facility which provides services to no more than four (4) individuals who cannot be left alone during the day because of health care and social need, confusion or disability. An alternative to long-term facility care.

*Adopted by the BOCC on December 13, 2010.

11-02-146 DAY CARE HOME, CHILD

A private residence used for the care of twelve (12) or fewer children including the occupant's own children for a period of less than twenty-four (24) hours per day. The operator must possess a license from the Colorado Department of Social Services.

11-02-147 DEDICATION

Gift or donation of property by the owner to another party.

11-02-148 DEMOLITION AND CONSTRUCTION DEBRIS LANDFILL

A disposal site for metal, plastic, glass, concrete, asphalt, brick, wood, dirt, and limited amounts of paper products if such paper is an integral part of materials used for construction purposes.

11-02-149 DENSITY

The permitted number of dwelling units per gross acre of land to be developed.

11-02-150 DEVELOPMENT

Man-made change to alter or improve real estate including, but not limited to; any land disturbing activity, excavation, grading, fill, alteration, land subdivision, change in land use, or structural development, including but not limited to; construction or installation of a building or structure, creation of impervious surfaces for a site that does not meet the definition of "Redevelopment", which affects the quantity or quality of the discharge of stormwater runoff. Depending on the scale of the development activity, a Stormwater Quality (SWQ) Permit and/or Post-Construction Stormwater requirements may be required.

11-02-151 DEVELOPMENT PERMIT

A preliminary or final approval of an application for rezoning, planned unit development, conditional or special use permit, subdivision, building permit, development or site plan, or similar application for new construction.

11-02-152 DEVELOPMENTALLY DISABLED

Persons having cerebral palsy, multiple sclerosis, mental retardation, autism, or epilepsy.

11-02-153 DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

The Director of Community and Economic Development is empowered to render interpretations, establish application requirements, provide advice, review applications, maintain the comprehensive plan, administer standards and regulations, promulgate administrative forms, make administrative decisions, and issue administrative permits.

11-02-154 DIRECTOR OF PUBLIC WORKS

The Director of Public Works is empowered to provide advice, review applications, administer agreements, administer and enforce standards and regulations, promulgate administrative forms, make administrative decisions, render interpretations, establish application requirements, and issue administrative permits.

11-02-155 DISTRICT REVIEW TEAM (SPECIAL DISTRICT SERVICE PLAN REVIEW)

Staff representatives from departments within Adams County government who are responsible for the review of Special District service plans and the writing of staff reports to the Planning Commission and the Board of County Commissioners.

11-02-156 DISTURBED AREA

Any construction activity that results in a change of the existing land (both vegetative and non-vegetative). Disturbed area does not include routine maintenance to maintain original line and grade, hydraulic capacity or original purpose of the facility, normal farming, tillage, fanning, or plowing of land that is zoned agricultural, nor does it include the performance of emergency work necessary to remedy or prevent an immediate threat to life, property or the environment. However, any person performing such emergency work shall immediately notify the Department of the emergency situation and the actions taken in response to such emergency. The Department may require such person to obtain a Stormwater Quality (SWQ) Permit in order to implement such emergency remedial measures.

11-02-157 DOG TRACK

An establishment where live dogs are raced or live broadcasts of dog races are televised. Typically, bets are placed and paid out within the establishment.

11-02-158 DRIVE-IN ESTABLISHMENT

An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicle.

11-02-159 DRIVING RANGE

A tract of land and the related facilities for practicing golf shots.

11-02-160 DRUG MANUFACTURING

An industrial establishment or area used for the purpose of manufacturing pharmaceutical and non-illicit drugs.

11-02-161 DRY CLEANERS, RETAIL

A commercial establishment or area where customers drop off, pick up, and pay for garments to be dry-cleaned.

11-02-162 DRY CLEANING PLANT

An industrial establishment or area for the purpose of cleaning garments and fabrics with any of a variety of nonaqueous agents.

11-02-163 DWELLING

A structure or portion thereof used exclusively for human habitation including mobile homes, manufactured homes, one-family, two-family, multiple family, but not including hotels, motels, or similar establishments.

11-02-164 DWELLING, ACCESSORY

Living quarters provided for the sole use of persons (and their families) employed on the premises where a principal use exists.

11-02-165 DWELLING, CONDOMINIUM

A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners.

11-02-166 DWELLING, MULTI-FAMILY

A dwelling containing more than two (2) dwelling units.

11-02-167 DWELLING, SINGLE-FAMILY (ATTACHED)

A single-family residence attached in any way to another residence.

11-02-168 DWELLING, SINGLE-FAMILY (DETACHED)

A single-family residence located on a single lot, being the principal use of the lot, and not connected to any other residence.

11-02-169 DWELLING, TOWNHOUSE

An attached single family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

11-02-170 DWELLING, TWO-FAMILY

A residence designed, arranged or used exclusively by two (2) families living independently of each other in a single structure, excluding Accessory Dwelling Units.

11-02-171 DWELLING UNIT

One (1) or more rooms used by one (1) family for living or sleeping purposes, which contains kitchen and bathroom facilities for the sole use of the resident family.

11-02-172 DWELLING UNIT, ACCESSORY (ADU)

A subordinate dwelling unit added to, created within, or detached from a single-family structure with a separate entrance that provides basic requirements for living, sleeping, eating, cooking and sanitation. As the purpose of an ADU is to be an accessory use/structure to a primary dwelling, an ADU shall not be separated to a different parcel or conveyed to different ownership from the primary dwelling's parcel or owner. A single-family structure with an accessory dwelling unit is not considered to be a two-family dwelling or duplex. If the ADU is adjoined to or placed atop an unoccupied structure, such as a garage or covered porch, the garage or covered porch shall not be included in the gross floor area counted towards the ADU. Storage and mechanical space, including utility rooms and closet space, associated with the ADU shall be counted towards the floor area calculation.

11-02-173 EASEMENT

A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

11-02-174 EATING ESTABLISHMENT

A retail establishment for selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared food and drink for immediate consumption. See also "Restaurant".

11-02-175 ECONOMICAL SERVICE

Service equivalent in terms of cost to the service proposed in a Special Service District Plan.

11-02-176 ELECTION SIGN

A sign advocating or advertising the election of any candidate for public office or any question upon which a public vote is being taken.

11-02-177 ELECTRONIC MANUFACTURING

An industrial establishment or area for the purpose of manufacturing electronics. This includes the manufacturing and assembly of small electronic appliances.

11-02-178 ELECTROPLATING

The process of plating or coating objects with a metal through electrolysis or an industrial establishment or where such processing occurs.

11-02-179 ENAMELING, LACQUERING, OR GALVANIZING OF METAL

The process of bonding a glassy substance, usually opaque, to the surface of metal through the process of fusion or an industrial establishment or area where such processing occurs.

11-02-180 ENCROACHMENT LINES

Limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming the area landward (outside) of the encroachment lines may be ultimately developed in such a way it will not be available to convey flood flows. The stream channel and adjoining floodplains between these lines will be maintained as open space and will be adequate to flood heights, such increase under any condition not exceeding one-half (1/2) foot.

11-02-181 ENVIRONMENTALLY SENSITIVE AREAS

Environmentally sensitive areas include, but are not limited to, wetlands, biological resources, habitats, national parks, archaeological/historic sites, natural heritage areas, tribal lands, drinking water sources, intakes, marinas/boat ramps, and wildlife areas.

11-02-182 EQUAL DEGREE OF ENCROACHMENT

Equal degree of encroachment is determining the loss of hydraulic carrying capacity due to encroachment on each side of the floodplain such that the loss of capacity on one side equals the loss of capacity due to encroachment

on the other. Determination of the equal degree of encroachment on the floodplain shall be performed along a significant reach of the stream.

11-02-183 EQUESTRIAN ARENA, COMMERCIAL

An area where activities including, but not limited to, horseback riding, a rodeo, a charreada, calf roping and/or riding, bulldogging and barrel racing, excluding horse racing, practice and/or training are conducted on premises. User fees, dues, admission fees, or other compensation may be paid. Food and/or alcohol may be bought or sold on the premises.

11-02-184 EQUESTRIAN ARENA, PERSONAL

An area where activities including, but not limited to, horseback riding, a rodeo, a charreada, calf roping and/or riding, bulldogging and barrel racing are conducted for practice, competition or entertainment for the private, non-commercial enjoyment of the owner. No more than twenty persons in addition to those residing on the property are permitted at any given time. Activities exceeding twenty persons in addition to those residing on the property are considered commercial equestrian arenas. User fees, dues, admission fees, or other compensation are not permitted.

11-02-185 EROSION

Process by which soil particles are detached and transported by wind, water, and gravity to a down wind, down slope or downstream location.

11-02-186 EROSION CONTROL (EC) PLAN

Civil construction drawing depicting the project site with the locations of all erosion and sediment control BMPs, including the associated BMP details, which will be installed and maintained during construction. It also includes final stabilization practices that will be implemented after construction is completed.

11-02-187 EROSION AND SEDIMENT CONTROL PLAN (ESCP)

Detailed written plan required to obtain a Stormwater Quality Permit. This plan identifies measures that will be implemented to control erosion, prevent sediment from traveling outside the construction site's permitted area, and minimize the discharge of pollutants in stormwater from the

commencement of construction activities until Final Stabilization is achieved. The narrative ESCP also includes the EC Plan. Also referred to as "Stormwater Management Plan" (SWMP) by the State of Colorado, or "Stormwater Pollution Prevention Plan" (SWPPP) for construction activities by EPA.

11-02-188 ESSENTIAL FACILITIES

Water dependent uses shall be located in or adjacent to water bodies and/or in floodplains and/or in wetland areas.

11-02-189 ESTABLISHMENT

A place of business together with its employees, merchandise, and equipment.

11-02-190 EVENT CENTER

A facility consisting of structures or premises used to accommodate the assembly of persons for private or public meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and any other social engagement purposes, or similar such uses. Such use may include the provision of food, beverages, and entertainment.

11-02-191 EVIDENCE

Any map, table, chart, contract, or any other document or testimony given, prepared, or certified by a qualified person to attest to a specific fact.

11-02-192 EXCAVATION AND HAULING OPERATION, MAJOR

Any significant disturbance and removal of soils from a property that will affect an area of more than ten (10) acres or have a term in excess of three-hundred-sixty-five (365) days.

11-02-193 EXCAVATION AND HAULING OPERATION, MINOR

Any significant disturbance and removal of soils from a property that will affect a maximum area of ten (10) acres and have a term less than three-hundred-sixty-five (365) days.

11-02-194 EXEMPTION FROM PLATTING

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.

11-02-195 EXISTING TRAFFIC-GENERATING DEVELOPMENT

The most intense use of land within the twelve-(12) months prior to the time of commencement of Traffic-Generation Development.

11-02-196 EXOTIC ANIMAL FARM

An agricultural operation where animals native to a foreign country or of foreign origin or character, not native to the United States, or introduced from abroad are kept, raised, bred, or slaughtered for the purposes of commercial sale.

11-02-197 EXPLOSION

The rapid oxidation of a combustible creating heat and fire, and displacing large amounts of air.

11-02-198 EXPLOSIVE MANUFACTURING AND STORAGE

An industrial establishment or area for the purpose of manufacturing and storage of explosives.

11-02-199 EXPLOSIVES

Materials or products, which decompose by detonation when in sufficient concentration.

11-02-200 EXTRACTION AND DISPOSAL USES

This use category includes: extraction uses such as mining, quarrying, drilling, and pumping, and disposal uses such as junk, scrap, or salvage yards, landfills, sludge disposal or storage, construction material stockpiling, resource recovery facilities, and trash compaction or transfer stations, and any other form of waste management facilities and all extraction uses, not including oil and gas well drilling and production as defined within this chapter. These uses create major disruptions to the area's environment even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated. None of these uses is an acceptable neighbor in a residential environment.

11-02-201 EXTRAORDINARY COSTS

Unique and/or one-time costs defined as such according to Generally Accepted Accounting Principles (GAAP).

11-02-202 FAA AERONAUTICAL STUDY ON OBSTRUCTIONS

A study conducted by the Federal Aviation Administration to examine the effects of buildings and structures on such factors as aircraft operational capabilities; electronic and procedural requirements; and airport hazard standards.

11-02-203 FACT FINDING REVIEW

An investigation by the Director of Community and Economic Development as to the facts regarding compliance of an operator with a permit approved by the Director of Community and Economic Development.

11-02-204 FAMILY

An individual or three (3) or more persons related by blood, marriage, or legal adoption, living together in a dwelling unit as a single housekeeping unit. Persons not related by blood, marriage, or legal adoption shall be deemed to constitute a family where they are living and cooking together as a single housekeeping unit, but shall not include unrelated students attending colleges or universities.

11-02-205 FARMING

This use category includes farming and other supporting agricultural uses. Farming includes traditional farming, sod farming, tree farming, and animal farming in unconfined operations.

11-02-206 FARM MACHINERY MANUFACTURING AND ASSEMBLY

An industrial establishment or area for the purpose of farm machinery manufacturing and assembly.

11-02-207 FARM MACHINERY SALES

A business or commercial use where agricultural equipment such as, but not limited to, tractors, cultivators, plows, sprayers, spreaders, mowers, balers, front end loaders, and skid loaders, is repaired, maintained, or offered for sale.

11-02-208 FARM SUPPLY SALES

A business or commercial use operated primarily for the support of agricultural needs through the sale of farm tools and implements, animal feed, grain, tack, plants and seeds, horticultural supplies, and similar products. This definition excludes the sale of large implements, such as tractors and combines.

11-02-209 FEEDLOTS

A commercial establishment where livestock are kept confined in a compound or fenced area in order to be fattened for sale or slaughter.

11-02-210 FEEPAYER

A person commencing traffic generating land development activity who is obligated to pay a Regional Traffic impact fee in accordance with the terms of these regulations.

11-02-211 FENCE

An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials.

11-02-212 FERTILIZER MANUFACTURING AND PROCESSING

Any place where a commercial fertilizer, soil conditioner, plant amendment, or compost is manufactured, produced, compounded, mixed, blended, or in any way altered chemically or physically.

11-02-213 FINAL PLAT

The final map of all or a portion of a subdivision, which is presented for final approval.

11-02-214 FINAL STABILIZATION

Condition reached when all ground surface disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least seventy percent (70%) of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

11-02-215 FINANCIAL INSTITUTION

A business engaged in monetary transactions including banks, savings and loans, thrifts, and lending institutions.

11-02-216 FIRE CHIEF

The chief of staff or top employee of a fire protection district.

11-02-217 FIRE DISTRICT

A special district created according to state statutes to provide fire protection and prevention services to property within Adams County.

11-02-218 FIRE STATION

An establishment used for the storage of fire trucks and emergency medical vehicles, which also contains office space and living quarters for firefighting personnel.

11-02-219 FIREWOOD SALES, STORAGE, AND SPLITTING

A commercial establishment or area for the purpose of firewood sales, splitting, and storage.

11-02-220 FIREWORKS

Only those items not prohibited by Colorado Law (See C.R.S. Section 12-28-101) which include toy caps which do not contain more than twenty five hundredths of a grain of explosive compound per cap, sparklers, trick matches, cigarette loads, trick noise makers, toy smoke devices, and novelty auto alarms.

11-02-221 FIREWORKS STAND

A temporary structure permitted by these standards and regulations for the sale of or dispensing of fireworks.

11-02-222 FISH HATCHERY

A commercial establishment where fish eggs are hatched and fish are raised and sold for use in stocking streams and lakes, or for food.

11-02-223 FLAG

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

11-02-224 FLAMMABLE GAS

Gas that has no flash point and will ignite without preheating of any kind.

11-02-225 FLEA MARKET

An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

11-02-226 FLOOD CONTROL OVERLAY DISTRICT VARIANCE

A grant of relief from the requirements of the Flood Control regulations, which permit construction in a manner that would otherwise be prohibited by these standards and regulations.

11-02-227 FLOOD CONTROL REGULATIONS APPEAL

A request for a review of the interpretation of any provision of the flood control regulations or a request for a determination or variance.

11-02-228 FLOOD INSURANCE RATE MAP (F.I.R.M.)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zone applicable to the community.

11-02-229 FLOOD INSURANCE STUDY

The official report provided in which the Federal Emergency Management Agency has provided flood profiles, as well as the flood boundaries, floodway map, and the water surface elevation of the base flood.

11-02-230 FLOOD HAZARD AREA

The land in the floodplain subject to one (1) percent or greater chance of flooding in any given year. It normally consists of the floodway and the flood fringe areas.

11-02-231 FLOOD HAZARD AREA, DEVELOPMENT IN A

Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

11-02-232 FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

11-02-233 FLOOD PROFILE

A graph or a longitudinal profile drawing showing the relationship of the water surface elevation of a flood event to location along a stream or river.

11-02-234 FLOOD PROOFING

A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures, and contents of buildings.

11-02-235 FLOOD PROTECTION ELEVATION

An elevation one (1) foot above the elevation or flood profile of the 100-year flood under existing channel and floodplain conditions. Critical facilities, as identified by the Board of County Commissioners pursuant to these Standards and Regulations, shall be subject to a flood protection elevation of two (2) feet above the base flood elevation or flood profile of the 100-year flood under existing channel and floodplain conditions.

11-02-236 FLOOD STORAGE AREA

The fringe area of the floodplain in which flows are characteristically of shallow depths and low velocities.

11-02-237 FLOODPLAIN

Land adjacent to a watercourse subject to flooding as a result of the occurrence of the 100-year or one percent (1%) frequency flood of a watercourse. This term is synonymous with the term “flood hazard area”.

11-02-238 FLOODPLAIN ADMINISTRATOR

The person designated by these standards and regulations to administer the provisions of the Flood Control Overlay Zone District Regulations and subject to the provisions of Section 3-34-04-03 Floodplain Administrator.

11-02-239 FLOODWAY

The area of the floodplain required for the reasonable passage or conveyance of the 100-year flood which will convey the base flood with not more than a one-half (0.5) foot rise in the water surface elevation based on the assumption there will be an equal degree of encroachment extended for a significant segment on both sides of the water course.

11-02-240 FLOOR AREA, COMMERCIAL/INDUSTRIAL

The total area of floor space within interior walls of a structure, excluding basement.

11-02-241 FLOOR AREA, RESIDENTIAL

Total area of a dwelling excluding basement, carport or garage.

11-02-242 FLOUR MILL

A mill for grinding grain into flour.

11-02-243 FOOD PROCESSING AND STORAGE

An industrial establishment used to process, package, and store food product, excluding the killing and dressing of any flesh or fowl. Retail sales of food product are permitted as an accessory use for off premise consumption.

11-02-244 FOSTER FAMILY CARE

A home designated by the Courts, Social Service Department, or other competent authority for care and/or education of children under the age of eighteen (18) years unrelated to the foster parents by blood, adoption, or marriage.

11-02-245 FORESTRY AND SILVICULTURE

This use category includes uses related to the management, cultivation, harvest, and/or reforestation of forests.

11-02-246 FRAGILE SOILS

Those soils which (1) have not been under tillage within the five (5) years previous to the filing of an application for a permit to till fragile soils under these regulations and (2) are designated as Class VI or Class VII soils in the Soil Survey of Adams County, Colorado published by the United States Department of Agriculture in cooperation with the Colorado Agricultural Experiment Station in October, 1974, and any other subsequent soil survey of Adams County issued by the above-named agency.

11-02-247 FREESTANDING SIGN

Any sign supported by structures or supports placed on or anchored in the ground and are independent from any building or other structure.

11-02-248 FRONTAGE ROADS

Those roads lying between a controlled access street or highway and adjacent property that provide access to said property.

11-02-249 FUNERAL HOME / FUNERAL PARLOR

An establishment with facilities for the preparation of the deceased for burial or cremation to include embalming, for the viewing of the body, and for funerals. Also known as a Mortuary.

*Adopted by the BOCC on December 13, 2010.

11-02-250 FUR FARM

An agricultural operation where fur-bearing animals are kept, raised, bred, or slaughtered for the purposes of commercial sale.

11-02-251 GALVANIZING OF METAL

See "Enameling, Lacquering, or Galvanizing of Metal".

11-02-252 GARAGE, MOTOR VEHICLE REPAIR AND SERVICE

An establishment or area used for the repair, rebuilding, reconstruction, painting, inside storage, or servicing of vehicles or a portion thereof up to 1-1/2 ton factory rated capacity, but which does not include the storage or dismantling of wrecked motor vehicles or storage of junk.

11-02-253 GARAGE, PRIVATE

A structure that is accessory to a dwelling and which is used for the parking and storage of vehicles owned and operated by the residents of the dwelling, and which is not a separate commercial enterprise available to the public.

11-02-254 GARAGE SALE

A sale of old or used belongings held at a private residence.

11-02-255 GARDEN PLOT

An assigned space reserved for the use of an organized group of community members for the purpose of gardening. The garden plot shall be managed and maintained by the active participation of the gardeners themselves.

*Adopted by the BOCC on December 13, 2010.

11-02-256 GAS OR LIQUIFIED PETROLEUM GAS STORAGE

An industrial establishment or area for the storage of gas or liquefied petroleum gas in approved portable metal cylinders for above ground storage.

11-02-257 GAS MIGRATION

The movement of combustible gases through porous soil.

11-02-258 GAS PROCESSING PLANT

Any establishment and appurtenant facilities utilized in the gas stripping process or coal gasification process to obtain a refined product.

11-02-259 GASOLINE SERVICE STATION

A structure or property on or in which the principal use is the retail sale of gasoline, oil, or other fuel for motor vehicles and which may include, as an incidental use, the retail sale and installation of vehicle accessories, the making of minor repairs, and facilities for washing and servicing of not more than three (3) vehicles completely enclosed in a structure.

11-02-260 GOLF COURSE

A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

11-02-261 GOLF, MINIATURE

A tract of land for playing miniature golf which is played with a putter and golf ball in which each hole constitutes an obstacle course consisting of alleys, tunnels, bridges and the like through which the ball must be driven to hole it.

11-02-262 GRAFFITI

Any writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn, or otherwise placed on any exterior surface of a structure, wall, fence, sidewalk, curb, or other permanent structure on public or private property which have the effect of defacing the property.

11-02-263 GRAIN ELEVATOR

A structure in which grain is stored and handled by means of mechanical elevator and conveyor devices, for the eventual transferal to trucks, train cars, or other forms of transportation.

11-02-264 GRAIN MILL

A facility where grain, such as corn, wheat, rye, oats, or barley, is ground into flour.

11-02-265 GRASSED WATERWAY / SOD WATERWAY

A natural or constructed waterway or outlet shaped or graded and established in suitable vegetation as needed for the safe disposal of runoff from a field, diversion, terrace, or other structure.

11-02-266 GREENHOUSE

A structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

11-02-267 GROSS USABLE AREA

The total floor area within a building excluding storage area, common hallways, etc.

11-02-268 GROUND FLOOR AREA OF PRINCIPAL BUILDING

The area, in square feet, of the ground floor of the principal building on the lot measured by the extreme outside dimensions of the structure.

11-02-269 GROUP LIVING FACILITY

A facility licensed by the Courts, Social Service Department, or other competent governmental authority for housing residents in a group home which include a group home for the aged, residential treatment center, group home for the mentally ill, home for social rehabilitation, group home for the developmentally disabled, communal home, specialized group facility, receiving home for more than four (4) foster home residents, residential child care facility, or shelter for domestic violence.

11-02-270 GUARD DOGS

Any dog placed within an enclosure, on a commercial or industrial zoned lot, for the protection of persons or property by attacking or threatening to attack any unauthorized person found within the enclosure patrolled by the dog.

11-02-271 GUN AND ARCHERY RANGE

An establishment designed to provide practice in the use of firearms and bow and arrow under controlled conditions so public health and safety are protected. Gun and archery ranges may include the sale of firearms, bows, arrows, associated equipment or supplies, food, and sanitary facilities.

11-02-272 HALFWAY HOUSE

A facility which houses residents which have been sent subject to criminal corrective action by means of any sentence, suspended sentence, probation, parole, work release, conditional release from prison, jail, or other correction facility, deferred judgment, deferred prosecution, criminal diversion program, or similar order, program, condition, or requirements imposed, arranged, or ordered by any referring agency resulting from any criminal charge or conviction. Also known as: transitional house or diversion center.

*Adopted by the BOCC on December 13, 2010.

11-02-273 HAZARDOUS MATERIALS

Includes, but is not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids such as phenol and cresols and their salts and all radioactive materials and wastes.

11-02-274 HAZARDOUS WASTE

Any hazardous material so defined in C.R.S. Section 25-15-101 (9), and any waste that requires special handling to avoid illness or injury to persons or damage to property.

11-02-275 HAZARDOUS WASTE DISPOSAL SITE

A disposal site as defined in C.R.S. Section 25-15-200.3 (5).

11-02-276 HEALTH SPA

A commercial establishment providing instruction or equipment designed to promote or improve the health of clients.

11-02-277 HEAVY INDUSTRIAL

This use category includes: construction, manufacturing, processing, transportation, and public utilities, and those uses with severe potential for negative impact on any uses located relatively close to them. It includes uses that require unenclosed structures that are large, tall and unsightly, such as concrete batch plants. Heavy industrial uses have enormous potential for generation of dust, noise and odor and may require large areas of exterior storage. The following uses are permitted: heavy construction contractors; heavy logistics center; meat processing, packing, packaging, and slaughter; alcoholic beverages; sawmills; paper, pulp, or paperboard mills; chemicals and allied products manufacturing except drugs; petroleum products manufacturing; rubber and miscellaneous plastics manufacturing; stone and clay products; transportation equipment; railroad transportation; utility production or processing facilities, but not offices or transmission or distribution; the storage and disassembly of vehicles and the re-assembly of various parts; asphalt and concrete production facilities; chemical manufacturing; manufactured homes, trailers, truck, and automobile manufacturing; auction yards with livestock; and salvage yards.

11-02-278 HEAVY MANUFACTURING OR PROCESSING

Manufacturing and processing in which operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, or which may be detrimental to the health, safety, or general welfare of the community. The following uses are examples of heavy manufacturing or processing: abrasive manufacturing, acid manufacturing; asbestos products manufacturing; boiler or tank manufacturing; bone reduction; caustic soda manufacturing; celluloid manufacturing; coal, coke yards, or coal classifications, felt manufacturing; fossil fuel manufacturing; detergent, soap and by-products manufacturing using animal fat; disinfectant, insecticide, or poison manufacturing; distillation of bone, refuse, grain, and wood; dye manufacturing; fuel, oil, gasoline, and petroleum products (bulk storage and/or sale); hazardous waste treatment facility; linseed oil, shellac,

and turpentine manufacturing and refinery; lubrication and grease manufacturing; lumber mills, planing mills, and storage of logs; oil compounding; paint and enamel manufacturing; pickle manufacturing; scrap processing or shredding yard; smelting or refining of metal; sugar and beet refining; tar and waterproofing (materials manufacturing, treatment, and bulk storage).

11-02-279 HEAVY RETAIL AND HEAVY SERVICES

This use category includes: all activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products that would be considered as light or heavy industrial shall be prohibited in this use. For example, while auto or engine repair is permitted, the storage and disassembly of vehicles and the re-assembly of various parts are considered heavy industry. Salvage yards are also considered heavy industry. Heavy retail and heavy service uses include retail and/or service activities that have large amounts of exterior service or storage areas or partially enclosed structures such as: automobile dealers; automotive repair except top, body, upholstery repair, paint, and tire retreading shops; automotive services except wrecking or towing storage yards; mobile home and manufactured housing dealers with mobile home sales office; auto/truck rental/leasing; cold storage; cabinet manufacturing with sales; radio and TV broadcasting station; flea market; firewood sales, storage, and splitting; and pawn shops.

11-02-280 HELIPORT

An area, either at ground level or elevated on a structure, licensed and approved for the landing and takeoff of helicopters, and any appurtenant structures or facilities which may include parking, waiting room, refueling, maintenance, repair, or storage facilities.

11-02-281 HEMP FARM

Land used for the growing, cutting, baling storage, and packaging of industrial hemp.

11-02-282 HEMP MANUFACTURING AND EXTRACTION

The act of taking the cultivated hemp plant and extracting cannabidiol (CBD) oil to then add said oil to already manufactured products and/or manufacturing products containing the CBD oil. This use also includes the

manufacture of products from cultivated hemp such as rope and textiles. Hemp for these purposes shall be industrial hemp as defined in CRS Article 61, section 35-61-101(7) that means a plant of the genus Cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol (THC) concentration of no more than three-tenths of one percent (0.3% THC) on a dry weight basis.

11-02-283 HIGH OCCUPANCY BUILDING UNIT

Means any School, Nursing Facility as defined in C.R.S. § 25.5-4-103(14), hospital, life care institutions as defined in C.R.S. § 12-13-101, or correction facility as defined in C.R.S. § 17-1-102(1.7), provided the facility or institution regularly serves 50 or more persons; or an operating child care center as defined in C.R.S. § 26-6-102(1.5).

11-02-284 HIGH RISE

A multifamily dwelling greater than three (3) stories in height and requiring an elevator for access to upper floors.

11-02-285 HOME OCCUPATION

A business, profession, occupation or trade conducted for personal gain or support of the residential occupation and conducted within a residential building or accessory structure to a residential use.

11-02-286 HORSE TRAILER SALES AND RENTAL

A commercial establishment or area for the purpose of horse trailer sales and rental.

11-02-287 HOSPITAL

An establishment that provides medical or surgical care and treatment for the sick and the injured, where overnight stays are routine, and may include necessary accessory facilities such as laboratories, outpatient, or training facilities.

11-02-288 HOSPITALITY BUSINESS

A Marijuana Hospitality Business or Retail Marijuana Hospitality and Sales Business, as defined.

11-02-289 HOTEL OR MOTEL

A commercial establishment, which offers transient lodging accommodations to the general public and provides additional services such as restaurants, meeting rooms, and recreation facilities. A hotel or motel shall provide a minimum of six (6) guestrooms.

11-02-290 HOUSEHOLD PETS

Domesticated dogs and cats, small animals (rabbits, guinea pigs, hamsters, chinchillas, mice, and fish), reptiles (non-venomous only), and birds (parakeets, canaries, cockatiels, parrots) kept in cages, which are customarily kept in the home.

11-02-291 ILLICIT / ILLEGAL DISCHARGE

Any direct or indirect discharge to the storm drainage system that is not composed entirely of stormwater as defined in Adams County Ordinance No.11, as amended.

11-02-292 IMPACT FEE ADMINISTRATION

The person or persons designated by the County Administrator to administer the Regional Traffic Impact Fee Regulations.

11-02-293 IMPERVIOUS AREA

Developed area with covering or pavement that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events. Impervious areas include, but are not limited to; roof tops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous non-pervious pavement or covering.

11-02-294 IMPROVEMENT

Any man-made, immovable item that becomes part of, is placed upon, or is affixed to a structure or lot.

11-02-295 INCIDENTAL SIGN

A sign without a commercial message, usually informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," telephone," and other similar directives.

11-02-296 INCINERATOR

An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.

11-02-297 INCLUSION

The process by which a Special District's boundaries are altered through the addition of real property.

11-02-298 INCREASING THE EXISTING DESIGN CAPACITY

The addition of any buildings, structures, or other property which creates an increase in the capacity of the facility, beyond which was approved in the original application, but shall not apply to technological modifications or minor apparatus which increase capacity without an increase in resource consumption, pollutant discharge, or noise levels.

11-02-299 INDIVIDUAL SEWAGE DISPOSAL SYSTEM

An absorption system of any size or flow, or a system or facility for collecting, storing, treating, neutralizing, stabilizing, or disposing of sewage which is not part of or connected to a sewage treatment works. An ISDS with a design hydraulic capacity equal to or greater than two thousand gallons per day is considered to be a domestic wastewater treatment works and subject to State Health and Tri-County Health regulation.

*Adopted by the BOCC on December 13, 2010.

11-02-300 INDOOR COMMERCIAL RECREATION/ENTERTAINMENT

This use category includes: all indoor commercial amusement facilities (except "Sexually Oriented Businesses") including, but not limited to: bowling alleys; indoor sports arenas; physical fitness facilities; movie theaters; Event Centers; video arcades; and pool arcades.

11-02-301 INDUSTRIAL USES

Industrial uses include business park uses; extraction and disposal uses; heavy industry; heavy manufacturing or processing; landscape storage yards; light industry; light manufacturing or processing; major energy facilities; moderate manufacturing or processing; and outdoor storage.

11-02-302 INERT FILL MATERIAL FOR GRADING

Uncontaminated, natural earthen material including sand, loam, crushed rock, soil, and/or rock or stones either singularly or in combination, that does not contain putrescible or hazardous matter, liquid or hardened cementitious material, brick, concrete, metal materials, asphalt or asphalt pieces, or any chemical substance in concentrations of residential screen levels for soil contaminants as specified by Colorado Department of Public Health and Environment.

11-02-303 INERT FILL MATERIAL FOR LANDFILLING

As defined in C.R.S. Section 25-15-101(14), non-water soluble, non-putrescible, stable, inorganic, non-hazardous, non-leaching solid material that is uneconomic or impractical to reuse or recycle and that is visibly free of oil, adhesives, stains, paint, metal materials, and free of contaminants based on the knowledge of the source of the material or on representative sampling and analysis of such material. Inert fill material for landfilling purposes includes brick, ceramic, cement cured for more than 60 days, concrete, masonry, bituminous concrete, asphalt fragments which are not located within the water table, rock and dirt. Street sweepings from street cleaning machines are not considered inert material and are instead considered solid waste.

11-02-304 INFECTIOUS WASTE

Any material as defined in C.R.S. Section 25-15-402 (1). This includes waste capable of producing an infectious disease and requires the

consideration of certain factors as described in state statutes necessary for induction of disease. Generally, the waste must contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in disease.

11-02-305 INSTITUTIONAL CARE

This use category includes: convents or monasteries; nursing homes; hospitals/clinics; foster homes; sanitariums; convalescent homes; protective living facilities; boarding/rooming houses; and sheltered care homes.

11-02-306 INSTITUTIONAL USES

Institutional uses include institutional care; jails and prisons; neighborhood indoor uses; outdoor public uses; places of worship; public service; and universities.

11-02-307 INSULATION MATERIAL SALES AND STORAGE

A commercial establishment or area for the sale and/or storage of insulation materials.

11-02-308 INTERNATIONAL AIRPORT CLEAR ZONE

An area devoted to those uses identified in Article IV of the Intergovernmental Agreement on a New Airport.

11-02-309 JAILS AND PRISONS

This use category includes jails; prisons; penal institutions; or other facilities for the processing and confinement of persons held in lawful custody.

11-02-310 JUNK

Any manufactured goods, appliances, fixtures, furniture, machinery, motor vehicle or trailer which is abandoned, demolished or dismantled, and such discarded or generally unusable material as scrap metal, scrap material, waste, bottles, tin cans, paper, garbage, boxes, crates, rags, used lumber,

building materials, motor vehicles, machinery parts, and used tires (these are by way of example and not by way of limitation).

11-02-311 KENNEL/CATTERY, COMMERCIAL

This use category includes facilities where four (4) or more animals of the canine or feline family are kept, maintained, sheltered or boarded for compensation.

11-02-312 KENNEL/CATTERY, PRIVATE

Premises where more than the maximum allowable number of dogs and/or cats are kept for the private, non-commercial enjoyment of the owner(s). This does not include offspring less than five (5) months of age belonging to one of the adult animals. Boarding dogs and/or cats other than those animals owned by the resident and/or owner and immediate family is prohibited.

11-02-313 LANDSCAPE STORAGE YARD

An unenclosed portion of the lot or parcel upon which a landscape business owner maintains a principal office or a permanent business. Designation of the lot or parcel as a landscape storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade.

*Adopted by the BOCC on December 13, 2010.

11-02-314 LANDSCAPED AREA

Land set aside for the purpose of planting and maintaining trees, shrubs, ground cover or grasses, as well as associated ornamental nonliving materials.

11-02-315 LANDSCAPING

Landscaping shall mean those plants and associated nonliving ornamental materials, which are permitted in Section 4-15.

11-02-316 LARGER COMMON PLAN OF DEVELOPMENT OR SALE

Contiguous area where multiple, separate and distinct construction activities may be taking place at different times on different schedules but remain related. Contiguous means construction activities located in close proximity to each other, within ¼ mile. This includes phased projects, projects with multiple filings or lots, and projects in a contiguous area that may be unrelated but still under the same contract or same plan. If a construction project disturbs less than one acre, but is part of a common plan of development or sale, the disturbed area of the entire plan within the MS4 Permitted Area must be considered in determining SWQ Permit and/or Post-Construction Stormwater requirements, and all portions of the project must be covered.

11-02-317 LEVEL OF SERVICE

A qualitative measure describing operational conditions, from "A" (best) to "F" (worst), within a traffic stream or at intersections, which is quantified for road segments by determination of a volume to capacity ratio (V/C), which is a measurement of the amount of capacity of a road which is being utilized by traffic.

11-02-318 LETTER OF MAP REVISION (LOMR)

A Letter of Map Revision is an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

11-02-319 LETTER OF MAP REVISION BASED ON FILL (LOMR-F)

FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

11-02-320 LIBRARY, PUBLIC

An establishment operated by a public agency or nonprofit organization used to keep literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, for reading, reference, or borrowing.

11-02-321 LICENSE

Means: (a) to grant a license or registration pursuant to these Regulations; and (b) (i) Official or legal permission to do a specific thing; (ii) Proof of permission granted in the form of a document.

11-02-322 LICENSED HOSPITALITY BUSINESS

A Marijuana Hospitality Business or Retail Marijuana Hospitality and Sales Business.

11-02-323 LICENSED PREMISES

The premises specified in an application for a license under these Regulations, which are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, consume or sell marijuana in accordance with the provisions of these Regulations and in accordance with the provisions of the Colorado Marijuana Code and any rules adopted pursuant thereto.

11-02-324 LICENSEE

a person licensed or registered pursuant to these Regulations.

11-02-325 LICENSING REGULATIONS

The Adams County Licensing Regulations as adopted by the Adams County Board of County Commissioners.

11-02-326 LIGHT INDUSTRIAL

This use category includes: manufacturing, assembly, processing, storage transportation, construction, repair and wholesale uses such as: general building contractors; special trade contractors; dairy and food processing and manufacturing facilities; textiles and apparel; logistics center; lumber, building materials, and wood products; furniture and fixtures; paper products, except mills; printing and publishing; drug manufacturing; leather and leather products, including tanning and finishing; fabricated metal, sheet metal shops, metal products manufacturing; electric and electronic equipment, including electronic distribution and electrical industrial; instruments and related products; meat processing and packaging,

excluding meat packing and slaughter; miscellaneous manufacturing industries; local and interurban passenger transit; trucking and general warehousing, including mini-storage; transportation services; wholesale trade (durable and non-durable); fuel and ice dealers; welding repair; automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops; special warehousing and storage; recreational vehicle storage; dry cleaning plants; auction houses without livestock; and bus repair. Light industrial uses shall have limited outdoor storage and are those uses where no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.

11-02-327 LIGHT MANUFACTURING OR PROCESSING

Manufacturing and processing in which no operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, or which will be detrimental to the health, safety, or general welfare of the community. The following are examples of light manufacturing or processing: beverage manufacturing; book binding; canvas products manufacturing; clothing or cloth manufacturing; office and computing machines; electronics manufacturing; furnace installation, repair, and cleaning; hosiery manufacturing; machine shops; machine tool manufacturing; machinery sales; public utility storage, yards, and service installments; shoe manufacturing; sign manufacturing, repair, and maintenance.

11-02-328 LIMITED ACCESS AREAS

Subject to the provisions of C.R.S. §44-10-1001,means a building, room or other contiguous area upon the licensed premises where regulated marijuana is consumed, grown, cultivated, stored, weighed, packaged, sold, or possessed for sale, under control of the licensee, with limited access to only those persons licensed by the State Licensing Authority and those visitors escorted by a person licensed by the state licensing authority. All areas of ingress or egress or limited access areas must be clearly identified as such by a sign as designated by the state licensing authority.

11-02-329 LINSEED OIL, SHELLAC, AND TURPENTINE MANUFACTURING OR REFINERY

An industrial establishment or area for the purpose of manufacturing or refining linseed oil, shellac, or turpentine.

11-02-330 LIVESTOCK AND POULTRY

Domestic animals of types customarily raised or kept on farms or ranches for profit or other productive purposes.

11-02-331 LIVESTOCK AND POULTRY CONFINEMENT OPERATION

An operation for the growing, feeding and fattening of livestock and/or poultry for commercial purposes, where the animals are confined within a closed structure; and/or the animals are kept within permanent corrals, pens, or yards; and these animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) consecutive days or more in any twelve (12) month period.

11-02-332 LIVESTOCK UNIT

A term and number used to establish an equivalency for various species of livestock. Any combination of livestock species shall not exceed the maximum number of livestock units allowed in the applicable zone district.

11-02-333 LOADING OR UNLOADING SPACE

An off-street area used for the temporary parking of a commercial vehicle for the loading or unloading of merchandise or materials.

11-02-334 LOCAL LICENSING AUTHORITY

The Board of County Commissioners of the County of Adams, Colorado, or its designee.

11-02-335 LOCAL STREET (RESIDENTIAL OR INDUSTRIAL)

A street designed for local service with no through traffic that may have stop signs or traffic signals.

11-02-336 LOCATION

A particular parcel of land that may be identified by an address or other descriptive means.

11-02-337 LODGES, FRATERNAL AND SOCIAL ORGANIZATIONS

An establishment used by an organization of persons joined together for a common purpose or interest.

11-02-338 LODGING, COMMERCIAL

This use category includes hotels; motels; and convention centers.

11-02-339 LOGISTICS CENTER, HEAVY

A wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistic centers may be warehouses in which goods are stored (a.k.a. "product warehouses"), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. "truck terminals"), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistic centers are expected to generate at least 50 truck trips per day.

11-02-340 LOGISTICS CENTER, LIGHT

A wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. A logistic center may be warehouses in which goods are stored (a.k.a. "product warehouses"), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Logistic centers are expected to generate fewer than 50 truck trips per day.

11-02-341 LOT

A single designated parcel, tract, or area of land established by a recorded subdivision plat or a separate parcel of land that existed as such prior to July 1, 1972.

11-02-342 LOT AREA

The total area of a horizontal plane bounded by the lot lines but not including any areas occupied by right-of-way, floodplains, the waters of any lake, river, canal, or major drainage ditch.

11-02-343 LOT, CORNER

A lot or parcel of land abutting two (2) or more streets at their intersection, or upon two (2) parts of the same streets forming an interior angle of less than one-hundred-thirty-five (135) degrees. The setback shall be the same as a front setback for all corner lots.

11-02-344 LOT COVERAGE

The portion of a lot that can be legally occupied by the ground floor of the principal structure and use and all permitted accessory uses, buildings or structures.

11-02-345 LOT DEPTH

The horizontal distance between the front lot line to the rear lot line measured from the midpoint of the front lot line to the midpoint of the rear lot line.

11-02-346 LOT, DOUBLE FRONTAGE

A lot, other than a corner lot, which has frontage on more than one (1) street.

11-02-347 LOT, FLAG

A lot where access to the public road is by a narrow, private, right-of-way.

11-02-348 LOT FRONTAGE

Any lot line of a lot abutting a street or public right-of-way.

11-02-349 LOT, INTERIOR

A lot with one frontage on a dedicated public right-of-way, other than an alley.

11-02-350 LOT LINE

A line of record bounding a lot, which divides one lot from another lot or from a public or private street or any other public space.

11-02-351 LOT LINES, FRONT

The lot line separating a lot from a street right-of-way. For corner or double frontage lots, there shall be as many front lot lines as there are frontages on street rights-of-way.

11-02-352 LOT LINES, REAR

The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, the Chief Building Official shall designate the rear and side lot lines by address.

11-02-353 LOT WIDTH

The horizontal distance between the side lot lines of a lot, measured at the established or minimum front setback line.

11-02-354 LOT, ZONING

A lot or a series of contiguous lots, not separated by a street or other right-of-way, designated by their owner as a tract to be used, developed, built upon as a unit, under single ownership and control.

11-02-355 LOWEST FLOOR

The lowest floor of the lowest enclosed area including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, structure access or storage, in an area other than a basement area, is not considered lowest floor of a structure, provided said enclosure is not built

so as to render the structure in violation of the applicable non-elevation design requirements of the regulation.

11-02-356 LUMBER MILL

A commercial establishment or area equipped with machinery for the purpose of dressing logs or lumber or modifying the shape or size of the lumber in any way.

11-02-357 MALODOROUS CONDITION

An odor reading greater than the permitted odor standard allowed by state statutes or regulations. Odor readings will be taken to determine whether such conditions exist. The odor readings shall be made by an agent certified in Odor Intensity Rating by the Colorado Department of Public Health and Environment by use of a Barneby Cheney Scentometer. The reading shall be taken at any location on or outside the permit boundary.

11-02-358 MAJOR ENERGY FACILITIES

Transmission lines, power plants, and substations; gas processing plants, and related storage areas providing fossil fuels, manufactured gas, or other petroleum derivatives; microwave installations; and pipelines above ground in excess of one (1) mile in length.

11-02-359 MAJOR ENERGY FACILITY OPERATION APPLICANT

Any individual, partnership, corporation, association, company, or other public or corporate body, including any political subdivision, agency, instrumentality, or corporation of the state, engaged in the operation of a public utility and/or major energy facilities.

11-02-360 MAJOR REPAIRS

Work or renovation estimated to cost more than fifty percent (50%) of the market value of the structure to be renovated. The costs of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair or replacement and no person may seek to avoid the intent of Section 4-22-02 by doing such work incrementally. The market value shall mean either the market value for property tax purposes, updated as necessary by the increase in the

consumer price index since the date of the last valuation, or the valuation determined by an independent qualified appraiser, mutually selected by the Director of Community and Economic Development and the applicant. A qualified appraiser shall be a Member of the Appraisal Institute (M.A.I.) or an Accredited Rural Appraiser (A.R.A.).

11-02-361 MAJOR ROAD SYSTEM

All arterial roads within unincorporated Adams County, excluding state and federal highways.

11-02-362 MANUFACTURED HOME

A structure manufactured pursuant to the authority of the "National Manufactured Housing Construction and Safety Standards Act (42 U.S.C 4501 et seq., as amended) that is transferable in one (1) or more sections and which is built on a permanent chassis off site, with wheels and axles that are a temporary means of transport of the unit to its site. Manufactured homes are designed to be used with or without a permanent foundation. The sections of the home when assembled must have dimensions of at least eight (8) by forty (40) feet, excluding hitches and transport apparatus. All mobile homes manufactured after June 15, 1976, and meet federal standards are considered manufactured homes.

11-02-363 MANUFACTURED HOME PARK

A tract of land under individual or corporate ownership with two (2) or more spaces for lease or rent upon which individual manufactured home residences are placed and used for residential purposes.

11-02-364 MANUFACTURED HOME SALES LOT

An establishment or area for the sales of manufactured homes.

11-02-365 MANUFACTURED HOME SUBDIVISION

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

11-02-366 MANUFACTURING, GENERAL

Establishments engaged in the mechanical or chemical transformations of materials or substances into new products including the assembling of components, parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

11-02-367 MANUFACTURING OF SMALL COMPONENTS AND INSTRUMENTS

An establishment or area for the purpose of assembly and production of small components and instruments.

11-02-368 MARIJUANA

Medical Marijuana and Retail Marijuana as those terms are defined herein.

11-02-369 MARIJUANA BUSINESS

A "Medical Marijuana Business" and/or a "Retail Marijuana Business" as defined by the Colorado Department of Revenue Marijuana Enforcement Division (1 CCR 212-2).

11-02-370 MARIJUANA HOSPITALITY BUSINESS

An entity licensed pursuant to these Regulations and pursuant to C.R.S. § 44-12-101, et seq., to permit the use or consumption of marijuana within a Consumption Area.

11-02-371 MARIJUANA HOSPITALITY MOBILE LICENSE

An entity licensed to permit the use or consumption of marijuana within a Mobile Premises.

11-02-372 MARQUEE

Any permanent roof-like structure projecting beyond, and supported by the wall of a structure, generally designed and constructed to provide protection from the weather.

11-02-373 MARQUEE SIGN

Any sign attached to, in any manner, or made part of a marquee.

11-02-374 MASSAGE

A method of treating the body for remedial or hygienic purposes, including, but not limited to rubbing, stroking, kneading, or tapping with the hand or an instrument or both.

11-02-375 MASSAGE BUSINESS

An establishment providing massage, but does not include training rooms of public and private schools accredited by the state board of education or approved by the division charged with the responsibility of approving private occupational schools, training rooms of recognized professional or amateur athletic teams, and licensed health care facilities. A facility which is operated for the purpose of massage therapy performed by a massage therapist is a massage business.

11-02-376 MASSAGE THERAPIST

A person who has graduated from a massage therapy school accredited by the state board of education or division charged with the responsibility of approving private occupational schools, or from a school with comparable approval or accreditation from another state with transcripts indicating completion of at least five hundred (500) hours of training in massage therapy. A massage therapy school may include an equivalency program approved by the state board of education or division charged with the responsibility of approving private occupational schools.

11-02-377 MATERIAL MODIFICATION (SPECIAL DISTRICT SERVICE PLANS)

A basic or essential change to the method of providing services including the exclusion or addition of services.

11-02-378 MATURITY

For the purposes of these standards and regulations, maturity shall mean five (5) years after planting for shrubs, ten (10) years after planting for

trees, and one (1) year after planting for ground covers. Large trees shall be those which typically reach a height of over twenty (20) feet at maturity, and ornamental trees shall mean those which typically reach a height of twenty (20) feet or under at maturity.

11-02-379 MEDICAL MARIJUANA

Marijuana that is grown and sold pursuant to the provisions of these regulations, the Colorado Marijuana Code and Section 14 of Article XVIII of the Colorado Constitution.

11-02-380 MEDICAL MARIJUANA BUSINESA

A medical marijuana store, medical marijuana products manufacturing operation, or an optional premise cultivation operation.

11-02-381 MEDICAL MARIJUANA PRODUCT

A product infused with medical marijuana that is intended for use or consumption other than by smoking, including, but not limited to edible products, ointments, and tinctures.

11-02-382 MEDICAL MARIJUANA PRODUCTS MANUFACTURER

A person licensed pursuant to these Regulations and to C.R.S. §44-10-101, et seq. to operate a business as described in these regulations and as is also described in C.R.S. § 44-10-503

11-02-383 MEDICAL MARIJUANA STORE

A person licensed pursuant to these Regulations and pursuant to C.R.S. §1044-10-101, et seq., to operate a business as described in these Regulations and as is further described in C.R.S. § 44-10-501 that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Constitution of the State of Colorado, but is not a primary caregiver.

11-02-384 MICROWAVE INSTALLATION

Any non-mobile facility and appurtenant facilities transmitting or receiving microwave energy to a location, or from a location other than the structure to which the device is attached, and any addition thereto increasing the existing design capacity. Microwave installations with towers less than ninety (90) feet in height and/or utilizing less than one (1) acre in size for tower installation shall be exempt from this definition.

11-02-385 MINERAL DEPOSITS OF COMMERCIAL QUANTITY AND QUALITY

Natural mineral deposits of limestone, coal, gravel, sand, and quarry aggregate for which extraction is or will be commercially feasible and for which it can be demonstrated by geologic, mineralogical, or other scientific data, the deposit is of significant value to the County.

11-02-386 MOBILE HOME

A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which has not been certified under the "National Manufactured Housing Construction and Safety Standards Act" (42 U.S.C. 4501 et seq., as amended). Mobile homes have not been produced since 1976. See also "Manufactured Home".

11-02-387 MOBILE HOME PARK

This use category includes: a parcel of land, under single ownership, planned and improved for the placement of mobile homes, where each mobile home is designed, arranged and intended to be occupied by one (1) living unit, located on a single or multiple lots, being the principal use of the lot, and not connected to any other residence.

11-02-388 MOBILE PREMISES

A licensed premises operated by a Marijuana Hospitality Business in a motor vehicle, which includes any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; but does not include electrical assisted

bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power.

11-02-389 MODERATE MANUFACTURING OR PROCESSING

Manufacturing and processing in which operations are carried on which may be likely to create smoke, fumes, noise, odor, vibration, or dust, but which are not detrimental to the health, safety, or general welfare of the community. The following uses are considered medium manufacturing or processing for the purpose of these standards and regulations:

1. Can Manufacturing
2. Candy Product Manufacturing (for sale off premises)
3. Cement, Cinder Block, Concrete, Lime or Plaster Manufacturing
4. Cosmetic and Perfume Manufacturing
5. Creosote Manufacturing or Treatment Plant
6. Fat Rendering Production (of edible fats and oils from animal or vegetable products)
7. Forging Plant and Foundry
8. Glass or Glass Product Manufacturing
9. Metal Ingots, Casting Sheets or Bearings, Forging or Rolling Mills
10. Millinery Manufacturing
11. Mobile Homes Manufacturing and Storage
12. Vacation Camper Manufacturing

11-02-390 MORTUARY

An establishment with facilities for the preparation of the deceased for burial or cremation to include embalming, for the viewing of the body, and for funerals. Also known as Funeral Home or Funeral Parlor.

*Adopted by the BOCC on December 13, 2010.

11-02-391 MOSQUE

See “Place of Worship”.

11-02-392 MOVER

The drilling contractor or trucking contractor actually transporting the drilling rig for the operator.

11-02-393 MOVING AND TRANSFER COMPANY

A commercial establishment, which moves and transfers items.

11-02-394 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

Any public owned conveyance or system of conveyances of stormwater that discharge to State Waters and is designed for or used for collecting or conveying stormwater. The MS4 is not a combined sewer, and is not part of a Publicly Owned Treatment Works (POTW). Examples include, but are not limited to; roads with drainage systems, roadside ditches, curbs, gutters, man-made channels, ditches, catch basins, municipal streets, storm drainage facilities (detention or retention ponds) storm sewer infrastructure (pipes, manholes, culverts, inlets/drains), and conveyances that are owned or operated by the County through agreement, contract, direct ownership, easement or right-of-way and are for the purpose of managing floodplains, stream banks and channels. This term may also be referred to as "storm drainage system".

11-02-395 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT

State or federal stormwater discharge permit that regulates discharges from Municipal Separate Storm Sewer Systems (MS4) for compliance with Clean Water Act regulations.

11-02-396 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMITTED AREA, ADAMS COUNTY

Area within unincorporated Adams County's Urbanized Area, including projected Adams County's Growth Area (if applicable), designated based on census information, which is revised and adopted as part of the Adams County's MS4 Permit application and renewal permit process.

11-02-397 NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

FEMA's program of flood insurance coverage Program (NFIP) and floodplain management administered in conjunction with the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

11-02-398 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

The national program under Section 402 of the Clean Water Act that regulates of discharges of pollutants from point sources to waters of the U.S.

11-02-399 NATURAL HAZARD

A geologic, wildlife, or flood condition which is adverse to past, current, or foreseeable construction or land use and constitutes a significant hazard to public health and safety or to property.

11-02-400 NEIGHBORHOOD INDOOR USES

This use category includes: neighborhood community or recreational centers; day care centers (day or nursery schools); gymnasiums; branch libraries; indoor recreational centers; public or private primary and secondary schools (excluding trade schools); indoor skating rinks (ice or roller); indoor swimming pools; tennis; racquetball; handball; handball courts; and all other indoor institutional uses.

11-02-401 NO TILL OR SLOT PLANTING

A conservation tillage system in which the soil is left undisturbed prior to planting. Planting is completed in a narrow seedbed approximately one (1) to three (3) inches wide. Weed control is accomplished primarily with herbicides. Residue from the preceding crop is to be retained on the soil surface with the exception of that buried by the drill.

11-02-402 NONCOMBUSTIBLE BUILDING CONSTRUCTION

A material of which no part will ignite and burn when subjected to fire. Any material conforming to Uniform Building Code Standard No. 4-1 as adopted in the County Building Code shall be considered noncombustible, or a material having a structural base of noncombustible materials as defined above, with a surfacing material not over 1/8 inch thick which has a flame spread rating of fifty (50) or less.

11-02-403 NONCONFORMING CONDITIONS

An activity of a building, sign, fence, structure, or a portion thereof which lawfully existed before the adoption or amendment of these standards and regulations, but which does not conform to all of the regulations contained in these standards and regulations, or amendments thereto, which pertain to the zone district in which it is located.

11-02-404 NONCONFORMING LOT

A lot, the area, dimensions or location of which were lawful at the time the lot was created, but which fail to conform to the current standards and regulations due to adoption, revision or amendment.

11-02-405 NONCONFORMING MOBILE HOME PARK

A mobile home park lawfully created prior to January 1, 1980, that may or may not be located in the Mobile Home Dwelling Zone District and is recognized as an established mobile home park by the County Treasurer's Office.

11-02-406 NONCONFORMING SIGN

Any sign, the area, dimensions or location of which were lawful at the time the sign was erected, but which fail to conform to the current standards and regulations due to adoption, revision or amendment.

11-02-407 NONCONFORMING STRUCTURE

Any structure for which the size, dimensions or location of which was lawful when erected or altered, but which fails to conform to the current standards and regulations due to adoption, revision or amendment.

11-02-408 NONCONFORMING USE

A use or activity, which was lawful when, originally established, but which fails to conform to the current standards and regulations due to adoption, revision or amendment.

11-02-409 NONCONFORMITY, DIMENSIONAL

A nonconforming situation that occurs when any one of the following items does not conform to the standards and regulations applicable to the district in which the property is located:

1. The height, size, or minimum floor area of a structure;
2. The relationship between an existing structure or structures and other structures; or
3. The lot lines of a parcel.

11-02-410 NONHAZARDOUS MATERIALS

Materials not defined as "Hazardous Materials" or "Hazardous Waste" in this document.

11-02-411 NONLIVING MATERIAL

Material associated with landscaping such as lava rock, washed river rock, wood chips, and other similar nonliving decorative material.

11-02-412 NON-SITE RELATED IMPROVEMENTS

Road capital improvements and right-of-way dedications for roads on the County's major roadway system. Roadway improvements identified in the Regional Traffic Impact Fee Section are not site-related improvements.

11-02-413 NUDE MODEL STUDIO

Any place where a person appears in a state of nudity or displays "specified anatomical areas" and is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

11-02-414 NUDITY OR STATE OF NUDITY

The appearance of human bare buttock, anus, male genitals, or the areola or nipple of the female breast; or a state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

11-02-415 NURSERIES

Land and/or greenhouses used to raise flowers, shrubs, trees, grass, and/or other plants for the primary purpose of commercial sale.

11-02-416 NURSERY SCHOOL

See "Day Care Center".

11-02-417 NURSING HOME

A health establishment, which provides nursing care under the direction of a Colorado, licensed physician to patients who, for reason of illness or physical infirmities, are unable to care for themselves.

11-02-418 OBSTRUCTION

Any dam, wall, embankment, levee, dike, pile, abutment, soil material, bridge, conduit, culvert, building, wire, fence, refuse, fill, structure or other matter in, along, across, or projecting into any channel which may impede, retard, or change the direction of the flow of water, either in itself or by catching debris carried by such water, or that is placed where the flow of water might carry the same downstream.

11-02-419 OFF-PREMISE ADVERTISING DEVICES

This use category includes: signs advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located. These signs are commonly referred to as billboards.

11-02-420 OFFENDING VEGETATION

Noxious weeds as defined by the Colorado Department of Agriculture and/or as identified for mandated control and enforcement by the County Weed Manager. Areas for cultivation of crops shall not be considered landscaping or offending vegetation.

*Adopted by the BOCC on December 13, 2010.

11-02-421 OFFICES

This use category includes: banking and other credit agencies (offices only); security, commodity brokers and services; insurance carriers; real estate; holding and other investments; business services; and medical offices.

11-02-422 OFF-SITE DIRECTIONAL SIGN

A sign, which directs attention to a business, commodity, service, activity or product, sold, conducted, or offered off the premises where such sign is located. An Off-Site Directional Sign shall be used to advertise a business, commodity, service, campaign, drive, or special event, which is located within one thousand (1,000) feet of the property on which the sign is placed.

11-02-423 OFF-STREET PARKING SPACE

An area of three hundred (300) square feet, which shall include the parking space and the necessary area for ingress and egress.

11-02-424 OIL AND GAS FACILITY

Oil and Gas Facility means an oil and gas facility as defined by the rules and regulations of the Colorado Oil and Gas Conservation Commission.

11-02-425 OIL AND GAS WELL DRILLING AND PRODUCTION

The drilling for and production of gas and oil, along with the installation of pumps, tanks, pits, treaters, and separators and other equipment.

11-02-426 OPEN AREA

Any real property in single or joint ownership with no structures.

11-02-427 OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such lands.

11-02-428 OPEN SPACE, ACTIVE

Open space that may be improved and set aside, dedicated, designated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, court games, picnic tables, etc.

11-02-429 OPERATIONS

The business activities that a Hospitality Business engages in to provide a service to their customers.

11-02-430 OPERATOR

The mineral estate owner, the mineral estate lessee, drilling contractor, production company, or any party or parties acting on behalf of any of the above.

11-02-431 OUTDOOR ADVERTISING SIGN

See “Billboard”.

11-02-432 OUTDOOR COMMERCIAL RECREATION

This use category includes: outdoor commercial amusement facilities; music arenas; theme parks; amusement parks; go-cart establishments; miniature golf establishments; ice and roller skating rinks; water slides; batting cages; archery ranges; pistol and shooting ranges; and drive-in theaters.

11-02-433 OUTDOOR CONSUMPTION AREA

A Consumption Area that is outdoors and surrounded by a sight-obscuring wall, fence, hedge, or other opaque or translucent barrier.

11-02-434 OUTDOOR CONCERTS AND EVENTS

An outdoor establishment or facility used to accommodate an audience at public meetings or artistic performances, which usually includes a stage and seating.

11-02-435 OUTDOOR STORAGE

The storage of materials or inventory naturally and normally incidental to the primary use of a property limited to the primary user of the property, and located on the same lot with the primary use. Accessory storage shall not include vehicles, which can be driven off the property under their own power and are licensed to be driven on public rights-of-way. Merchandise for sale or lease shall not be considered accessory storage, except storage of gravel, rock, recycled asphalt, or other landscaping materials shall be considered outdoor storage.

*Adopted by the BOCC on December 13, 2010.

11-02-436 OVERALL DEVELOPMENT PLAN

A plan, map, and supporting materials required by these standards and regulations that outlines general, rather than detailed, development intentions and depicts a proposed subdivision in schematic form.

11-02-437 OUTDOOR PUBLIC USES

This use category includes: public areas for active recreational activities including, but not limited to, jogging, cycling, tot lots, playing fields, playgrounds, outdoor swimming pools, tennis courts, public campgrounds, and publicly operated golf courses. Also included are recreational uses such as: arboretums; areas for hiking; nature areas; wildlife sanctuaries; picnic areas; garden plots; recreation-oriented parks; and other public open spaces. Cemeteries, with or without caretaker residences, are also considered outdoor public uses.

11-02-438 OWNER

Any person who alone, jointly, or severally with others:

1. Has a legal, possessory or equitable interest in a dwelling unit, with or without accompanying actual possession thereof; or
2. Acts as the agent of a person having a legal, possessory or equitable interest in a dwelling or dwelling unit thereof; or
3. Is the general representative or fiduciary of an estate through which a legal or equitable interest in a dwelling unit is administered.

11-02-439 PAINTING AND BODY SHOP

An establishment or area for the purpose of the replacement, painting, restoration, welding, rebuilding or refinishing of vehicle parts or body components of automobiles, trucks, and other motor vehicles.

11-02-440 PARKING GARAGE

A multi-level covered structure that provides primary parking to the public.

11-02-441 PARKING LOT, COMMERCIAL

This use category includes: a parking lot or parking garage for public parking for a fee, not including parking lots or garages operated as an accessory use in association with a residential, commercial, or industrial business. See “Automobile Parking Lot”.

11-02-442 PARKS, PUBLIC

A tract of land designed for and used by the public for active or passive recreation, which may include structures containing athletic facilities, cooking facilities, and restrooms.

11-02-443 PAWNBROKER

Defined in accordance with C.R.S. Section 12-56-101. Used motor vehicles, used clothing, and nonprofit establishments are excluded from the provisions of this definition.

11-02-444 PAWNSHOPS

A retail sales establishment where a pawnbroker regularly engages in or solicits business.

11-02-445 PENNANT

Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

11-02-446 PERCENT OF NEW TRIPS FACTOR

The percentage of peak hour trips which a proposed land use will generate that constitutes new or additional trips added to the County's major roadway system. Those trips that do not represent additional trip ends shall not be counted as new or additional trips. Pass-by trips and diverted trips do not constitute new trips.

11-02-447 PERMANENT

For the purpose of these standards and regulations, the term "permanent" shall mean any use or structure lasting for a period of five (5) years or longer.

11-02-448 PERMANENT GRASS

A conservation system in which native grass has been left untilled or reseeded to native or adapted/introduced grasses.

11-02-449 PERMANENT MONUMENT

Any structure of masonry and/or metal placed on or in the ground, including those exclusively placed for surveying reference, which meet the requirements of state law.

11-02-450 PERMANENT STRUCTURES

Existing structures constructed after issuance of a valid building permit(s) by Adams County and occupied after the issuance of a valid Certificate(s) of Occupancy by Adams County.

11-02-451 PERMIT

An express written and formal approval, including any conditions of approval, to conduct a use allowed by a Certificate of Designation, Conditional Use, Special Use Temporary Use, Domestic Sewage Sludge Application Permit, or other written and formal approvals adopted as a part of these standards and regulations.

11-02-452 PERMIT ISSUING AUTHORITY

The entity authorized by these standards and regulations to issue a permit for a particular type of land use (the Director of Community and Economic Development for zoning review approval and temporary uses, Board of Adjustment for special uses, or Board of County Commissioners for conditional uses).

11-02-453 PERMITTED USE

A use permitted by right in a zone district. The use must comply with all applicable performance standards for the use or uses and all County and State regulations to be permitted.

11-02-454 PERSON

An individual, corporation, partnership, association, firm, other legal entity, state or political subdivision thereof, federal agency, state agency, municipality, commission, interstate body or other organization recognized by law and acting as either the owner or as the owner's agent.

11-02-455 PLACE OF WORSHIP

A structure, or group of structures, which is intended for the conducting of organized religious services and associated activities such as religious classes, childcare during services, and committee and office work. For

purposes of these standards and regulations, references to churches include all of these facilities.

11-02-456 PLAINS AREA OF ADAMS COUNTY

For purposes of these standards and regulations, the Plains Area of Adams County shall mean those areas east of the areas designated for urban uses in the Airport Environs Plan. Separated by a line as follows: I-76 from the Weld County line to 152nd Avenue, then east to Watkins Mile Road, then south to 124th Avenue, then east to Quail Run Mile Road, then south to 80th Avenue, then east to Manila Mile Road, then south to 72nd Avenue, then east to Schumaker Mile Road, then south to the Arapahoe County line.

11-02-457 PLANNED UNIT DEVELOPMENT (P.U.D.)

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.

*Adopted by the BOCC on December 13, 2010.

11-02-458 PLANNING COMMISSION

Planning Commission shall mean the Adams County Planning Commission, appointed by the Board of County Commissioners pursuant to C. R. S. Section 30-28-103, as amended.

11-02-459 PLAT

A map or maps together with supporting documentation of certain described land prepared in accordance with these standards and regulations as an instrument which shall be filed with the Adams County Clerk and Recorder for providing a permanent and accurate record of the legal description, dedications, exact size, shape, and location of lots, blocks, streets, easements, and parcels of land within a subdivision. The plat, when recorded by the Adams County Clerk and Recorder, becomes the legal

instrument whereby the location and boundaries of separate parcels of land within a subdivision are identified.

11-02-460 PLUGGING

As defined by the State of Colorado Oil and Gas Conservation Commission Rules and Regulations.

11-02-461 POLICE STATION

An establishment used for administration of police operations, the dispatch of police personnel and vehicles, and the incarceration of criminals.

11-02-462 POLLUTANT

Pollutants may include, but are not limited to, any dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, sediment, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, or any industrial, municipal or agriculture waste, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes including grass clippings and leaves; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; pet wastes; wastes and residues that result from constructing a building or structure, concrete washout waste; wastes and residues that result from mobile washing operations; noxious or offensive matter of any kind, and any soil, mulch, or other type of landscaping material.

11-02-463 POLLUTION

Man-made, man-induced, or natural alteration of the physical, chemical, biological, and/or radiological integrity of water. Pollution includes the presence of any foreign substance (organic, inorganic) in water or wastewater which in sufficient concentration tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which may not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for their designated use.

11-02-464 PORTABLE SIGN

A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

11-02-465 POST OFFICE

An office or station of a government postal system at which mail is received and sorted, from which it is dispatched and distributed, and at which stamps are sold or other services rendered.

11-02-466 POULTRY FARM

An agricultural operation where chickens, turkeys, ducks, geese, or other domestic fowl are kept, raised, bred, or slaughtered for eggs or meat for the purposes of commercial sale.

11-02-467 POWER PLANT

Any electrical energy generating facility and appurtenant facilities which utilize a substation prior to distribution to a consumer, or any addition thereto, increasing the existing design capacity, except portable generators used in emergency situations.

11-02-468 PRE-APPLICATION CONFERENCE (SPECIAL DISTRICT SERVICE PLAN REVIEW)

A scheduled meeting between the applicant and one (1) or more members of the District Review Team. The representative of the District Review Team and one (1) staff person from the Development Review Section of the Community and Economic Development Department must attend this meeting. At the pre-application conference, the proposed District, the state statutes, and these regulations shall be discussed in detail.

11-02-469 PREMESIS

A distinct and definite location, which may include a building, a part of a building, a room or any other definite contiguous area.

11-02-470 PRESCHOOL

See “Day Care Center”.

11-02-471 PRIMARY RESIDENCE

Primary residence means a residence which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, Colorado state identification card, voter registration, tax documents, or a utility bill. A person can only have one primary residence.

11-02-472 PRINCIPAL STRUCTURE OR USE

The main or primary purpose for which a structure or land is used, and to which all other uses on the property are accessory.

11-02-473 PRIVATE ROOM

A room in an adult motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.

11-02-474 PRIVATE STREETS

Those streets located on private land maintained by private entities and generally restricted to private use.

11-02-475 PRO FORMA (SPECIAL DISTRICT SERVICE PLAN)

A presentation of all projected expenses to be incurred and revenues to be generated by a proposed Special District showing the year-end financial status of the Special District for each year from the organization of the Special District until the repayment of all proposed debt.

11-02-476 PROFESSIONALLY PREPARED (SPECIAL DISTRICT SERVICE PLAN REVIEW)

Meeting the standards set for Special District service plans by the District Review Team, to include, but not limited to, quality of map preparation, organization, and readability.

11-02-477 PROHIBITED ANIMAL

Any animal which is ordinarily found in an unconfined state and is usually not kept as a household pet, including, but not limited to, lions, tigers, cheetahs, panthers, leopards, cougars, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, non-human primates, wolves and coyotes; poisonous lizards, poisonous and/or constrictor snakes; lethal toads and arachnids (spiders, scorpions and tarantulas). "Prohibited Animal" shall not include domestic ferrets (Mustelia furo), livestock, or household pets as defined herein. Alleged domestication of any prohibited animal shall not affect its status under this definition. The determination of prohibited animal status for an animal not listed herein will be made by the Director of Community and Economic Development.

11-02-478 PROJECTING SIGN

Any sign affixed to a structure or wall in such a manner so that its leading edge extends more than six (6) inches beyond the surface of such structure or wall. Signs affixed to the structure that extend less than six (6) inches beyond the surface are considered to be wall signs.

11-02-479 PUBLIC IMPROVEMENT

Any improvement, facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services.

11-02-480 PUBLIC SERVICE

This use category includes: emergency service buildings or garages (e.g. ambulance; fire; police; rescue); utility substations or transmission and distribution facilities; government offices; and all government-owned facilities except landfills or mining facilities.

11-02-481 PUBLIC STREETS

Any streets or highways recognized by the public agency having jurisdiction over them.

11-02-482 PUBLIC UTILITY STORAGE AND YARD

An area used for storage for establishments engaged in public services or utilities.

11-02-483 PUTRESCIBLE WASTE

Those solid wastes that contain organic matter capable of being decomposed by microorganisms, and of such character and proportion as to be capable of attracting or providing food for birds or disease vectors.

11-02-484 RACING FACILITIES

This use category includes automobile racing; horse racing; truck racing; and dog tracks.

11-02-485 RADIO AND TV BROADCASTING STATION

A structure with electronic equipment that generates and amplifies a carrier radio or TV wave, modulates it, and radiates the resulting signal from an antenna.

11-02-486 RADIO AND TV TOWER, COMMERCIAL

A structure intended for transmitting or receiving radio or television communications that may include parabolic dishes or microwave relay dishes mounted on the tower.

11-02-487 RAILROAD YARD

An area of land, a portion of which is covered by a system of train tracks, used for the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of train cars, trains, engines, locomotives, and rolling stock.

11-02-488 RANCHING

Land used for grazing livestock for the primary purpose of obtaining a monetary profit.

11-02-489 REACH

A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by manmade or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most likely be a reach.

11-02-490 REAL ESTATE SALES SIGN

A temporary sign erected to advertise the sale or lease of the premises on which the sign is located or the location of an open house, and does not require a sign permit or application fee.

11-02-491 REAR LOT LINE

See “Lot Line, Rear”.

11-02-492 RECREATIONAL VEHICLE

A vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

11-02-493 RECYCLABLE MATERIALS

A type of material subject to reuse or recycling. Recyclable materials include metal, glass, cloth, paper, plastic, or any other material which presently has a commercial use or value as a commodity, raw material, or feedstock and is intentionally separated from a waste stream for reprocessing or remanufacture. Recyclable materials do not include any material meeting the definition of a hazardous waste under Section 25-15-101(6), CRS, any material meeting the definition of an infectious waste

under Section 25-15-402(1), CRS, any material meeting the definition of a putrescible waste, or any other materials likely to contaminate ground water, create off-site odors, or otherwise pose a threat to human health or the environment as a result of processing, reclaiming, recycling, storage prior to recycling, or use of the material.

11-02-494 RECYCLING FACILITY

Operators and owners claiming exclusion from Certificate of Designation Regulations by operating facilities, or sites receiving solid waste materials, for the purpose of processing, reclaiming, or recycling solid waste materials. The exclusion requires submittal of a design and operations plan to the Community and Economic Development Department, which will be reviewed in accordance with the recyclable materials criteria.

11-02-495 REDEVELOPMENT

Improvements to a site that is already substantially developed with 35% or more of existing impervious area. Improvements include the creation or addition of impervious area (including removal and/or replacement), to include the expansion of a building footprint or addition or replacement of a structure; structural development including construction, replacement of impervious area that is not part of a routine maintenance activity; and land disturbing activities. Depending on the scale of the redevelopment activity, a Stormwater Quality (SWQ) Permit and/or post-construction stormwater requirements may be required.

11-02-496 REDUCED-TILL (MINIMUM-TILL)

A tillage and planting system that meets at least one thousand (1,000) pounds flat small grain residue equivalent for wind erosion control and at least thirty percent (30%) ground cover for water erosion control.

11-02-497 RESIDENCE

A place of primary habitation. For the purposes of these standards and regulations, the terms residence and dwelling are interchangeable.

11-02-498 RESIDENTIAL SIGN

A freestanding or building sign located in a district zoned for residential uses that contains non-commercial messages or commercial advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of these standards and regulations.

11-02-499 RESIDENTIAL USES

Residential uses include manufacture home parks, mobile home parks; single-family dwellings, attached; single-family dwellings, detached; two-family dwellings; multi-family dwellings; and group homes.

11-02-500 RESTAURANTS

This use category includes: all establishments primarily oriented to serving food and/or beverages (including alcoholic beverages). This category does not include those restaurants serving to customers in vehicles.

11-02-501 RESTRICTED ACCESS AREA

A designated and secure area within a Licensed Premises in a Retail Marijuana Hospitality and Sales business where Retail Marijuana is sold to consumers, processed for sale, and displayed for sale, and where no one under the age of 21 is permitted.

11-02-502 RETAIL MARIJUANA

Marijuana that is grown, tested, manufactured, and/or sold pursuant to the provisions of these regulations, the Colorado Marijuana Code and Section 16 of Article XVIII of the Colorado Constitution, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana business. If the context requires, retail marijuana includes retail marijuana concentrate and retail marijuana products.

11-02-503 RETAIL MARIJUANA BUSINESS

A retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, a retail marijuana hospitality and sales business, a marijuana hospitality business, or a retail marijuana testing

facility as set forth in Section 16 of Article XVIII of the Colorado Constitution and as may be more fully defined in the Colorado Marijuana Code.

11-02-504 RETAIL MARIJUANA CULTIVATION FACILITY

A person licensed pursuant to these Regulations and the Colorado Code as defined therein and in Section 16 of the Colorado Constitution.

11-02-505 RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS

An entity licensed to (1) purchase Retail Marijuana from a Retail Marijuana Business, (2) Transfer Retail Marijuana to consumers, and (3) permit the use or consumption of Retail Marijuana Transferred to a consumer within the Restricted Access Area

11-02-506 RETAIL MARIJUANA PRODUCTS MANUFACTURER

A person licensed pursuant to these Regulations and the Colorado Marijuana Code as defined therein.

11-02-507 RETAIL MARIJUANA STORE

a person licensed pursuant to these Regulations and the Colorado Marijuana Code as defined therein.

11-02-508 RETAIL SALES

Establishments engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. A retail sales establishment is usually a place of business and is engaged in activity to attract the general public to make purchases.

11-02-509 RETIREMENT HOME

An establishment used as a multiple dwelling residence for retired persons in separate dwelling units with limited accessory services such as recreation and other common facilities, and may include nursing or hospital care.

11-02-510 REVEGETATION

The reseeding or planting of native or introduced plant species adapted to the land site and have been approved by the Soil Conservation District Board.

11-02-511 RIDING STABLE OR ACADEMY

Any establishment where horses are boarded and cared for; where instruction in riding, jumping, and showing is offered; and/or where horses may be hired for riding. A riding stable or academy may also be an accessory use in the operation of a club, association, ranch, or similar establishment.

11-02-512 RIGHT-OF-WAY

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use.

11-02-513 ROAD CAPITAL IMPROVEMENT

Includes transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of all necessary features for any road construction project on an arterial road on the County's major road system, undertaken to accommodate traffic resulting from new traffic-generating land development activity. Road capital improvements shall include but not be limited to: (a) construction of new through lanes, (b) construction of new bridges, (c) construction of new drainage facilities in conjunction with new road construction; (d) purchase and installation of traffic signals, including new and upgraded signalization, (e) construction of curbs, gutters, sidewalks, medians and shoulders, (f) construction of turn lanes, and (g) widening of existing roads.

11-02-514 ROADSIDE STAND

A temporary structure used primarily to sell products produced on the property.

11-02-515 RODEO

See Equestrian Arena, Commercial and Equestrian Arena, Personal.

11-02-516 ROOF SIGN

Any sign painted, erected, or constructed wholly on and over the roof of a structure, supported by the roof structure, or extending vertically above the highest portion of the roof.

11-02-517 RURAL STREET

Section line roads function in similar capacity to arterials, although may not have the levels of traffic. Paved and gravel rural roads can function in a similar manner as collector or local streets in rural areas.

11-02-518 SALE OR SELL

Includes to exchange, barter, or traffic in, to solicit or receive and order except through a licensee licensed under these Regulations, to deliver for value in any way other than gratuitously, to peddle or possess with intent to sell, or to traffic in for any in for any consideration promised or obtained directly or indirectly.

11-02-519 SALES AND OFFICE TRAILER

A temporary residential sales office used in conjunction with a residential development or subdivision.

11-02-520 SALVAGE YARD

An industrial use contained within a structure, or parcel of land where junk, waste, discarded, or salvage materials are bought, sold, exchanged, stored, baled, packed, assembled, or handled, including automobile wrecking yards, but not including scrap processing or shredding.

11-02-521 SANATORIUM

A hospital used for treating chronic and long-term illness and various nervous and mental disorders.

11-02-522 SANITARY LANDFILL/SOLID WASTE DISPOSAL

A site for the disposal of refuse on land without creating a nuisance or hazard to public health and safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, reduce it to the smallest practical volume, and regularly cover it with a layer of earth on a daily or more frequent basis.

11-02-523 SAVINGS AND LOAN INSTITUTIONS

See "Financial Institutions".

11-02-524 SCENIC VIEW

A view from a highway or from private property of a natural setting that contains one (1) or more of the following: mountains, valleys, rivers, wetlands, farmlands, or other open spaces.

11-02-525 SCHOOL, COLLEGE OR UNIVERSITY

A public or private institution of higher learning (beyond grade 12) providing courses as approved by the Colorado Department of Education.

11-02-526 SCHOOL, COMMERCIAL

A structure or group of structures where instruction is given to pupils in arts, religion, crafts, philosophy, or trades, and is operated as a commercial enterprise.

11-02-527 SCHOOL, PUBLIC, PRIVATE, AND PAROCHIAL

A school for any grades between the first and twelfth grade teaching accredited courses of instruction as approved by an agency of the State of Colorado.

11-02-528 SEMI-NUDE

A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

11-02-529 SEPTAGE

A liquid or semisolid that includes normal household wastes, human excreta, and animal or vegetable matter in suspension or solution generated from a residential, commercial, or industrial septic tank system.

*Adopted by the BOCC on December 13, 2010.

11-02-530 SERVICE PLAN

The documentation submitted to Adams County by an applicant proposing the organization of a Special District, including text, maps, charts, and tables, and containing all the information required in the Colorado Revised Statutes and these standards and regulations.

11-02-531 SERVICE PROVIDER, SPECIAL DISTRICT SERVICE PLAN

Any municipal or quasi-municipal organization, which currently has or plans to have the ability to provide any or all of the services proposed in the service plan under review.

11-02-532 SERVICES

This use category includes a wide variety of personal and commercial services. This category does not include those services serving customers in vehicles, such as drive-up banking facilities, but shall include uses such as commercial services and personal services.

11-02-533 SETBACK

The distance between the street right-of-way line and the front line of a structure or any projection thereof, excluding uncovered steps.

11-02-534 SETBACK LINE

A line defining the minimum front, side, and rear yard requirements.

11-02-535 SETTLEMENT

The lowering of the top grade of the landfill due to further compaction of the soil and the decomposition of organic matter.

11-02-536 SEWAGE SLUDGE

A combination of liquid wastes that may include chemicals, house wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution that is discharged from a dwelling, building, or other establishment.

*Adopted by the BOCC on December 13, 2010.

11-02-537 SEXUAL ENCOUNTER ESTABLISHMENT

A business or commercial establishment, as one of its primary business purposes, offers, for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one (1) or more of the persons is in a state of nudity or seminude. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact it offers private rooms for rent.

11-02-538 SEXUALLY ORIENTED BUSINESS

An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

11-02-539 SHOOTING RANGE

See "Gun and Archery Range".

11-02-540 SHOULDER

The graded part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the curb line.

11-02-541 SIDE LOT LINE

Any property line of a lot other than front or rear lot lines.

11-02-542 SIDEWALK

A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way, which meets specifications set forth in these standards and regulations.

11-02-543 SIGN

Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person, or entity, institution, organization, business, product, event, or location, to communicate information to the public.

11-02-544 SIGNIFICANT CHANGE

A change consisting of or relating to the essential nature, fundamental or characteristic part or quality of the approved Certificate of Designation.

11-02-545 SITE PLAN

An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

11-02-546 SITE RELATED IMPROVEMENTS

Road capital improvements and right-of-way dedications, which provide direct access to the development. Direct access improvements include, but are not limited to the following: (a) driveways and streets leading to and from the development; (b) right and left lanes leading to those driveways

and roads; (c) one through lane; (d) curb, gutter and sidewalks where applicable, (e) acceleration and/or deceleration lanes (f) traffic control measures for those driveways; and (g) internal streets. Credit is not provided for site-related improvements under the terms of this Regulation.

11-02-547 SITE SELECTION

The process for determining the location of major energy facilities.

11-02-548 SITE SPECIFIC DEVELOPMENT PLAN

A land use approval that grants vested rights in accordance with C.R.S. 24-68-103. For the purposes of these regulations and standards, the following approvals are deemed "site specific development plans": Exemptions from Subdividing, Final Plats, Preliminary Development Plan (PDP), Final Development Plan (FDP), Major Subdivision, Minor Subdivision. In addition, the following approvals are intentionally omitted from the definition of a "site specific development plan": Conditional Use Permits, Overall Development Plan (ODP), Rezoning, Sketch Plan, Special Use Permits, Temporary Use Permits, and Variances.

11-02-549 SIXTY (60) LDN

The standard established for maximum noise exposure in the residential areas of Adams County. This measurement of sound is computed by following the methods described in Appendix A of Federal Aviation Regulation, Part 150, and concerning Airport Noise Compatibility Planning.

11-02-550 SKETCH PLAN

A rough plan of a proposed subdivision or other development, drawn and submitted in accordance with these standards and regulations, used to evaluate project feasibility and design characteristics at an early stage.

11-02-551 SOCIAL ORGANIZATIONS

See “Lodge, Fraternal, and Social Organizations.”

11-02-552 SOD FARM

Land used for the growing of turfgrass sod for the primary purpose of commercial sale.

11-02-553 SOIL CONSERVATION DISTRICT

Soil Conservation District in Adams County organized pursuant to C. R. S. Section 35-70-101(ff).

11-02-554 SOLAR ENERGY SYSTEM

Any device or structural design feature whose primary purpose is to provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

Roof-mounted solar energy system: A solar energy system that is structurally mounted to the roof of a building or structure not solely designed to support the solar energy system.

Ground-mounted solar energy system: A solar energy system that is structurally mounted to the ground and is not roof-mounted. Ground-mounted systems include parking lot or parking canopy solar.

11-02-555 SOLAR ENERGY SYSTEM, LARGE-SCALE

Solar Energy Systems that encompass 320 acres or more of surface area.

11-02-556 SOLAR ENERGY SYSTEM, MEDIUM-SCALE

Solar Energy Systems that encompass greater than 35 and less than 320 acres of surface area.

11-02-557 SOLAR ENERGY SYSTEM, SMALL-SCALE

Solar Energy Systems that encompass less than 35 acres of surface area.

11-02-558 SOLID WASTE

Material such as garbage, refuse, sludge of sewage disposal plants, mill tailings, mining wastes, junk automobiles and parts thereof, and other

discarded solid waste material, including solid wastes resulting from industrial, commercial, and community activities, but does not include agricultural wastes. "Solid Waste" does not include any solid or dissolved materials in domestic sewage, or agricultural wastes, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under the provisions of the "Colorado Water Quality Control Act," C. R. S. Article 8 of Title 25, or materials handled at facilities licensed pursuant to the provisions on radiation.

11-02-559 SOLID WASTE DISPOSAL SITE

The location and facilities at which the collection, storage, treatment, utilization, processing, and/or final disposal of solid wastes occur control in C R. S. Article 11 of Title 25.

11-02-560 SOLID WASTE DISPOSAL SITE AND FACILITY

The location and/or facility at which the deposit and final treatment of solid wastes occur.

11-02-561 SPECIAL DISTRICT

A special service district organized under and existing by virtue of, the provisions of C. R. S. Title 32.

11-02-562 SPECIAL SIGN

Any sign incidental to the development or promotion of real estate properties and subdivisions.

11-02-563 SPECIAL USE

A non-permanent exception from these standards and regulations for use of land, structures, or both approved by the Board of Adjustment.

11-02-564 SPECIFIED ANATOMICAL AREAS

As used herein means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

11-02-565 SPECIFIED SEXUAL ACTIVITIES

As used herein means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. Human genitals in a state of sexual stimulation, arousal or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

11-02-566 STANDARDS, DEVELOPMENT

Standards and regulations pertaining to the physical development of a site including requirements pertaining to yards, heights, lot area, fences, walls, landscaping area, access, parking, signs, setbacks, and other physical requirements.

11-02-567 STANDARDS, PERFORMANCE

Regulations and criteria established to control the operation of a use, including noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, dust, radio-activity, electrical disturbance, heat, glare, or other factors generated by or inherent in uses of land or structure.

11-02-568 START OF CONSTRUCTION

This term is to be used for assistance in determination of substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one-hundred-eighty (180) days following the

permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or, the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or as part of the main structure. This definition shall not imply permits are not required for grading or excavation work.

11-02-569 STATE LICENSING AUTHORITY

The authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of marijuana in this State pursuant to the Colorado Marijuana Code.

11-02-570 STOCKYARD

An enclosure with pens and sheds connected to a slaughterhouse, railroad, or market for the temporary keeping of livestock.

11-02-571 STORAGE

The keeping of machinery, equipment, vehicles, including recreational vehicles, parts, materials, or other goods at the same location for a period of time in excess of seventy-two (72) hours.

11-02-572 STORAGE AREA

Any non-mobile facility used for keeping possessions, belongings, goods, materials or other items, including appurtenant facilities utilized to store fossil fuels, manufactured gas, or other petroleum derivatives for eventual distribution capacity.

1. Private: Items are stored by the owner on the owner's property.
2. Commercial: A fee is charged for the service of storing items for others.

11-02-573 STORAGE CAPACITY OF A FLOODPLAIN

The volume of space above an area of floodplain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving. Storage capacity tends to reduce downstream flood peaks.

11-02-574 STORAGE STRUCTURE

An enclosed structure used for the keeping of possessions, belongings, goods, materials or other items.

1. Private: A structure is used for storing items by the owner on the owner's property.
2. Commercial: A fee is charged for the use of the structure for storing items for others.

11-02-575 STORAGE YARD

An outdoor area used for the keeping of possessions, belongings, goods, materials or other items in which the items are screened from view in accordance with these standards and regulations.

11-02-576 STORMWATER

Precipitation-induced surface runoff. Stormwater is any surface flow, runoff, or drainage occurring during or following any form of natural precipitation event and resulting there from and consisting entirely of water from natural precipitation events.

11-02-577 STORMWATER QUALITY (SWQ) PERMIT

Permit issued by Adams County for the unincorporated portions of the County located within the County's MS4 Permitted Area. The SWQ Permit, when required by County Regulations, is in addition to, and does not replace the State CDPS Stormwater Discharge Permit for Construction Activities.

11-02-578 STORY

That part of a structure between the surface of a floor and the ceiling immediately above.

11-02-579 STRIP CROPPING

Growing crops in a systematic arrangement of strips or bands to reduce wind and water erosion. To counteract wind erosion, the rows of wind-resisting crops are arranged at angles to offset adverse wind effects. To counteract water erosion, the strips are on or near the contour of the land. The crops are arranged so that a strip of grass or a close-growing crop is alternated with a no-till, reduced-till, clean-till or fallow strip.

11-02-580 STRUCTURE

Anything constructed, erected, located or placed on the ground, excepting mailboxes, ornamental light fixtures, flag and utility poles, railroad trackage, or ground covering not more than six (6) inches above ground level.

11-02-581 STRUCTURE HEIGHT

The vertical distance from the established grade elevation to the highest point of the coping of a flat roof or the deck line of a mansard roof or the mean height level between eaves and ridges for gable, hip, or gambrel roofs. Chimneys, spires, towers, elevator penthouses, tanks, and similar accessory projections shall not be included in calculating the height unless specifically referred to.

11-02-582 STRUCTURE, PERMANENT

Any structure resting on and attached to its footings or foundation, excluding mobile homes.

11-02-583 SUBDIVIDER

Any person, firm, partnership, joint venture, association, corporation, or other entity who participates as owner.

11-02-584 SUBDIVISION

The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The terms "subdivision" or "subdivided land" shall not apply to any division, or any parcel, or interest in land which:

1. Creates cemetery lots;
2. Is created or which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law;
3. Is created by a lien, mortgage, deed of trust, or any other security instrument;
4. Is created by a security unit of interest in any investment trust regulated under the laws of this state or any other interest in an individual entity;
5. Creates an interest in oil, gas, coal, gravel, sand, minerals, or water, which is severed from the surface ownership of real property;
6. Creates or conveys only easements and rights-of-way;
7. Is created by a lease agreement for a base period of less than twenty-five (25) years or which is created by a lease agreement for a structure or a portion of a structure only. This provision applies only to commercial, industrial, and multifamily zoned properties;
8. Creates parcels of land each of which comprise thirty-five (35) or more acres of land;
9. Is granted to or from the United States; the State of Colorado, county, municipality, or quasi-municipality; or
10. The Board of County Commissioners, pursuant to rules and regulations or resolution, exempts from the definition of the terms "subdivision" and "subdivided land" in accordance with state law.

11-02-585 SUBDIVISION IMPROVEMENT AGREEMENT

Security arrangements which may be accepted by the County to secure the construction of such public improvements as are required by the County, which shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposits of certified funds, letters of credit, or other similar financial guarantees. Such collateral shall guarantee one-hundred twenty percent (120%) of the cost of the improvements adjusted for inflationary increases. The expiration date of the collateral shall be a date at least eighteen (18) months beyond the estimated completion or acceptance date, whichever is later, as established by the Department of Public Works.

11-02-586 SUBJECT PROPERTY

Property for which a Conservation Plan Permit is sought.

11-02-587 SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

11-02-588 SUBSTANTIAL IMPROVEMENT

Any rehabilitation addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not however include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

11-02-589 SUBSTATION

Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity at 115 kilovolts or more, and any addition thereto increasing the existing design capacity.

11-02-590 SUFFICIENT SERVICE (SPECIAL DISTRICT SERVICE PLAN REVIEW)

Service adequate in terms of technical, mechanical, organizational, and operational criteria, to meet the public need as proposed in the Special District service plan under review.

11-02-591 SUSPENDED SIGN

A sign suspended from the underside of a horizontal plane surface and is supported by such surface.

11-02-592 SYNAGOGUE

See “Place of Worship”.

11-02-593 TEMPLE

See “Place of Worship”.

11-02-594 TEMPORARY DISPLAY STRUCTURE

Any structure used only for display of retail sales items and does not require a building permit.

11-02-595 TEMPORARY SIGN

Any sign used only temporarily and is not permanently mounted.

11-02-596 TEMPORARY STANDS

Those structures permitted by these standards and regulations for the sale or dispensing of fireworks and will be referred to as "Stands".

11-02-597 TEMPORARY USE

Use for a maximum ninety (90) day period by a permit from the Community and Economic Development Department or a maximum of one (1) year by the Board of Adjustment.

11-02-598 TERRACING

An earth embankment, channel, or combination ridge and channel constructed across the slope.

11-02-599 TEXTILE OR CLOTH MANUFACTURE

An establishment or area for the purpose of manufacturing textiles or cloth.

11-02-600 THEATER

A structure, room, or outdoor area for the presentation of plays, motion pictures, or other dramatic performances.

1. Indoor: A theater entirely contained within a structure.
2. Outdoor/Drive-in: A theater located partially or entirely outdoors, within a roofed structure having sides open to the outdoors, or within a tent.

11-02-601 TILLAGE

The practice of plowing or disking or any other mechanical or chemical preparation of the land for the purpose of producing a crop for harvest by any means other than grazing of animals.

11-02-602 TIMBERING AND LOGGING

The growth and harvest of forest tree species on a production cycle of ten years or more.

11-02-603 TRADE SCHOOLS

This use category includes: educational facilities which are publicly or privately operated and provide training for trades, such as welding, automobile mechanic, dog grooming, barbers, etc.

11-02-604 TOPOGRAPHY

Configuration of the land surface elevation; the graphic delineation or portrayal of that configuration in map form, as by lines of constant elevation called contour lines.

11-02-605 TOTAL MAXIMUM DAILY LOAD (TMDL)

Calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes Waste Load Allocations (WLAs), Load Allocations (LAs), Margin of Safety (MOS), and accounts for seasonal variations. (Refer to Section 303(d) of the Clean Water Act and 40 C.F.R. 130.2 and 130.7).

11-02-606 TRADITIONAL FARMING

See "Tillage"

11-02-607 TRAFFIC-GENERATING DEVELOPMENT

Land development designed or intended to permit a use of the land containing more dwelling units or floor space than the most intensive use of the land within the twelve (12) months prior to the Commencement of Traffic-Generating Development in a manner, which increases the generation of vehicular traffic. The land development will be in accordance with the application and permitting procedures outlined in these regulations. Commencement of a traffic generating development occurs upon the issuance of a building permit following approval of a development permit as defined by these regulations.

11-02-608 TRAILER, TRUCK SALES AND SERVICE

An establishment or area for the purpose of trailer and truck sales, service, and repair.

11-02-609 TRANSFER STATION

A facility at which waste material is stored on an interim basis (less than ninety (90) days) while awaiting transportation to a final disposal or treatment site. The waste is generally brought in on one type of collection vehicle and transferred to a larger vehicle at such a site.

11-02-610 TRANSMISSION LINES

Any electric transmission lines and appurtenant facilities which transmits electricity at 115 kilovolts or more and addition thereto, increasing the existing design capacity.

11-02-611 TRANSMISSION SHOP

An establishment or area for the purpose of sales, service, repair, or replacement of motor vehicle transmissions.

11-02-612 TREE FARM

Land used to raise or harvest trees for wood products, such as lumber, posts and poles, fuel wood, and Christmas trees where forest products are sold on-site or transported to market. Tree farms typically operate on a production cycle of ten years or less.

11-02-613 TRIP

A one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

11-02-614 TRIP, DIVERTED

A trip already on a particular route for a different purpose, diverting travel to a particular land use.

11-02-615 TRIP GENERATION

The attraction or production of trips caused by a certain type of land development.

11-02-616 TRIP, PASS-BY

A trip already on a particular route for a different purpose which simply stops at another particular land use.

11-02-617 TRUCK STOP

A structure or land intended to be used primarily for the sale of fuel for trucks and usually incidental service or repair of trucks. This includes a group of facilities consisting of those uses and attendant eating, sleeping, or truck parking facilities. As used in this definition, the term "truck" includes any vehicle whose maximum gross weight is more than 10,000 pounds.

11-02-618 UNDERGROUND FUEL STORAGE FOR USE ON THE PROPERTY

A container located below ground level and designed to hold fuel for vehicles or equipment used on the property where the container is located.

11-02-619 UNIVERSITIES

This use category includes universities, colleges, and other institutions of higher learning.

11-02-620 UPHOLSTERY SERVICE

An establishment or area for the purpose of sales, service, cleaning, or repair of upholstery.

11-02-621 URBAN ADAMS COUNTY

For purposes of these standards and regulations, Urban Adams County shall mean those areas west of the Airport Environs Plan, and including the urban uses identified in the Airport Environs Plan. Separated by a line as follows: I-76 from the Weld County line to 152nd Avenue, then east to Watkins Road, then south to 124th Avenue, then east to Quail Run Road, then south to 80th Avenue, then east to Manila Road, then south to 74th Avenue, then east to Schumaker Road, then south to the Arapahoe County line.

11-02-622 USE

Use of property allowed to carry on under these standards and regulations in a particular district.

11-02-623 USE BY RIGHT

Use of land, structures, or both, which is authorized by the zone district classification.

11-02-624 UTILITY PRODUCTION OR PROCESSING FACILITY

See “Major Energy Facilities”.

11-02-625 VACATION CAMPGROUND

An outdoor area providing space for vacationers to live on a temporary basis in either tents, tent trailers, or recreational vehicles. A campground may also include an area with rental cabins, but its primary function is to accommodate visitors providing their own shelter.

11-02-626 VACATION OF A PLAT, RIGHT-OF-WAY, OR PUBLIC EASEMENT

Recorded plats, rights-of-way, or public easements made null and void by action of the Board of County Commissioners pursuant to these standards and regulations.

11-02-627 VARIANCE

An exception in the application of the specific physical requirements, not use, of these standards and regulations to a specific piece of property which, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and district, and which adjustment remedies disparity in privileges.

11-02-628 VEHICLE

A device capable of moving itself, or of being moved, from place-to-place upon wheels or tracks.

11-02-629 VEHICLE-MILES OF TRAVEL

The combination of the numbers of vehicles traveling during a given time period and the distance (in miles) traveled.

11-02-630 VENDING / PRODUCE STAND

A concession stand, vending stand, cart service, or other facility at which food, drinks, or other products or related items are sold. Farmer's market also falls under the same category.

*Adopted by the BOCC on December 13, 2010.

11-02-631 WALL SIGN

Any sign attached parallel to, but within eighteen (18) inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any structure, which is supported by such wall or structure, and which displays only one (1) sign surface.

11-02-632 WAREHOUSING

Terminal facilities for handling freight with or without maintenance facilities.

11-02-633 WASTE DISPOSAL SITE

See "Waste Impoundment".

11-02-634 WASTE IMPOUNDMENT

Any pit, pond, lagoon, trench, or basin used for the storage, treatment, or disposal of solid waste.

11-02-635 WASTE PROCESSING FACILITY

A site or structure in which waste materials are collected, stored on a temporary basis, separated by material, compacted and/or treated in preparation for some use or for shipment to a final disposal or additional treatment site. Such facilities may include, but are not limited to, transfer stations; operations where sorting, crushing, grinding, chipping, and baling occur; and sterilizers, incinerators, and composting operations. Disposal, intentional or not, is not permitted at such a facility unless the disposal activity is separately addressed in a permit. In addition, all of the definitions listed in C. R. S. 30-20-101 and the regulations promulgated pursuant to the Solid Waste Disposal Sites and Facilities Act, and C. R. S. 25-15-101, and the Colorado Hazardous Waste Regulations as promulgated by the Colorado Department of Public Health and Environment are hereby incorporated in these standards and regulations.

11-02-636 WATER BODIES

Water Bodies means Waters of the State of Colorado as defined in Section 11-02-600.

11-02-637 WATER AND SEWER TREATMENT PLANT

A facility for the treatment of water to ensure health standards are met prior to its distribution for human use which complies with state and federal standards.

11-02-638 WATER QUALITY CONTROL VOLUME (WQCV)

The volume equivalent to the runoff from an 80th percentile storm; meaning that 80% of the most frequently occurring storms are fully captured and treated while larger events are partially treated.

11-02-639 WATER STORAGE

A closed facility for the storage of water.

11-02-640 WATER SURFACE ELEVATION

The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

11-02-641 WATER SURFACE PROFILE

A water surface profile is a graph that shows the relationship between the vertical elevation of the top of the floodwater and of the streambed with the horizontal distance along the stream channel or other watercourse.

11-02-642 WATERCOURSE

A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake in which storm runoff and flood water flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.

11-02-643 WATERS OF THE STATE OF COLORADO

Any and all surface waters which are contained in or flow in or through the State of Colorado, including, but not limited to, streams, lakes, rivers, ponds, wells, impounding reservoirs, watercourses, watercourses that are usually dry, springs, drainage systems, and irrigation systems, all sources of water such as snow, ice, and glaciers; and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, located wholly or partially within or bordering upon this state and within the jurisdiction of this state. This does not include waters in sewerage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. This definition includes water courses that are usually dry.

11-02-644 WELDING SHOP

An establishment or area for the purpose of welding.

11-02-645 WHOLESALING

An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, professional business users, or other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals as companies.

11-02-646 WINDOW SIGN

Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpane or glass and is visible from the exterior of the window.

11-02-647 XERISCAPE

A reduced water usage landscape achieved through the use of good planning and design, limited turf areas, soil improvements, efficient irrigation, mulching, low water use plants, and appropriate turf material.

11-02-648 YARD SALE

See "Garage Sale".

11-02-649 ZONING REVIEW

A review performed by planners in the Development Review Section of the Community and Economic Development as part of the building permit or change in use review process to determine conformity with the requirements of these standards and regulations. This review is under the authority of the Director of Community and Economic Development and the approval of building permits requires a positive zoning review approval.