

**Attachment A: Proposed Changes to the Huerfano County Land Use Code**

**1.03.02 District Characteristics and Requirements**

Minimum dwelling size in all districts shall be 600 square feet. In recognition that smaller dwelling unit sizes may be adequate to meet individual needs and able to meet criteria of adopted building codes, a variance may be requested for proposed dwellings under 600 square feet in accordance with Section 9.02 of this Code. -

The districts enumerated in Section 1.03.01 shall have the following characteristics and specifications:

**A Agricultural District**

This district is created for the purpose of protecting the productive agricultural lands of Huerfano County and preserving the visual and cultural values, historical and archeological features and critical wildlife habitat associated with the scenic vistas, natural topography and agricultural lifestyles in rural, unincorporated areas of Huerfano County.

- Minimum district size: 40 acres
- Minimum lot area: 35 acres
- Minimum lot width: 200 feet ~~per dwelling unit~~
- Front yard setback: 60 feet
- Side yard setback: 25 feet
- Rear yard setback: 30 feet
- Maximum structure height: Refer to Comprehensive plan, page 4, “Residential Use”
- ~~Minimum dwelling size: 600 square feet~~
- Maximum lot coverage: 15 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

**RR Rural Residential District**

This district is created for the purpose of allowing the establishment of moderate density rural residential development in predominantly agricultural and rural areas of unincorporated Huerfano County without compromising or otherwise significantly changing the visual, scenic and other natural characteristics of the surrounding area and providing as necessary for the protection of critical wildlife habitat.

- Minimum district size: 20 acres
- Minimum lot area: 2 acres
- Minimum lot width: 100 feet ~~per dwelling unit~~
- Front yard setback: 20 feet
- Side yard setback: 10 feet
- Rear yard setback: 20 feet
- Maximum structure height: 40 feet (refer to Comprehensive plan, page 4, “Residential Use”)
- ~~Minimum dwelling size: 600 square feet~~ Meets/Complies with currently adopted Building Code.
- Maximum lot coverage: 30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

**UR Urbanizing Residential District**

This district is created to accommodate the urbanizing areas of Huerfano County where relatively high density residential and associated commercial and service development has occurred, is occurring or is desired to occur.

Minimum district size: 10 acres

Minimum lot area: ½ acre  
 Minimum lot width: 50 feet  
 Front yard setback: 20 feet  
 Side yard setback: 10 feet  
 Rear yard setback: 20 feet  
 Maximum structure height: 40 feet (refer to Comprehensive plan, page 4, “Residential Use”)  
~~Minimum dwelling size: 600 square feet~~  
 Maximum lot coverage: 30 percent  
 For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

**C Commercial-Service District**

This district is created for the purpose of establishing medium to highly intensive use commercial and service areas at designated locations by major highways or in close proximity to urbanized and urbanizing areas within Huerfano County.

Minimum district size: 5 acres  
 Minimum lot area: ½ acre  
 Minimum lot width: 50 feet  
 Front yard setback: 20 feet  
 Side yard setback: 10 feet  
 Rear yard setback: 20 feet  
 Maximum structure height: 40 feet (refer to Comprehensive plan, page 4, “Residential Use”)  
~~Minimum dwelling size: 600 square feet~~ Meets/Complies with currently adopted Building Codes.  
 Maximum lot coverage: 30 percent  
 For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

**I Industrial District**

This district is created for the purpose of establishing exclusive areas for the construction, fabrication, assembly, storage, shipping and other general and light industrial processing of goods and the extraction, transport and processing of natural resources at appropriate locations within Huerfano County as designated by these regulations.

Minimum district size: 5 acres  
 Minimum lot area: ½ acre  
 Minimum lot width: 50 feet  
 Front yard setback: 20 feet  
 Side yard setback: 10 feet  
 Rear yard setback: 20 feet  
 Maximum building height: none, except in APO districts  
~~Minimum dwelling size: 600 square feet~~ Meets/Complies with currently adopted Building Codes.  
 Maximum lot coverage: 30 percent  
 For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

**1.04.01 Variances**

Variances from various provisions of this zoning regulation are heard by and decided by the Board of Adjustment. See Section 9.02.~~02-~~

**Process Summary**

1. Staff reviews application for completeness, notifies relevant referral agencies and prepares staff report
2. Public noticing
3. BOA Public Hearing and decision

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#### 9.02.02 Powers and Duties of the Board

~~4. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of enactment of these regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional physical characteristics or conditions of such piece of property not created by the applicant, subsequent to the adoption of these regulations or previously adopted County zoning regulations, or due to unique characteristics of the proposed project, the strict application of any zoning regulation or provision therein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, or that the requested variance would pose no substantial detriment to the public good, and is consistent with the Comprehensive Plan then the Board of Adjustment shall have the authority, upon an appeal relating to said property, to authorize a variance from such strict and literal application so as to relieve such difficulties or hardship. Such relief shall be granted, however, without substantial detriment to the public good and without altering or impairing the intent and purpose of the zoning regulations and other provisions contained within State or County regulations. The Board shall not, however, have the power to grant variances from the uses prohibited or allowed conditionally by special review for the zoning district involved.~~

#### ~~9.02.04 Appeal and Variance Application and Procedures~~

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#### 9.02.04.1 Criteria for Granting a Variance or Appeal

- ~~— The strict application of any zoning regulation or provision therein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property;~~
- ~~— That the requested variance would pose no substantial detriment to the public good and is consistent with the Comprehensive Plan;~~
- 1. ~~The requested variance does not alter or impair the intent and purpose of the zoning regulations and other provisions contained within State or County regulations;~~
- ~~— The requested variance does not permit a use prohibited or allowed conditionally by special review for the zoning district involved.~~
- ~~— If adverse impact on the public good or adjacent property values is cited as a reason for denial, it should be supported with evidence that the adverse impact is both likely and significant.~~

#### 9.02.03 Submittal Requirements for Appeals and Variances

~~In addition to general submittal requirements outlined in Section 8.03~~

1. Applicants appearing before the Board of Adjustment shall submit the following submittal materials and all other materials as the County Planner or the Board of Adjustment may deem necessary. These submittal requirements are in addition to those specified in Section 8.03 and 9.02.04, Application and Appeals Procedures, of these regulations.
  01. A full and accurate legal description of the land involved in the appeal action.
  02. A plot plan showing the existing and proposed location of all structures, uses, zoning district boundaries and setbacks on the land involved in the appeal action.
  03. Proof of ownership of the property or written evidence of authority to act on behalf of the lawfully demonstrated owner of the property.
  04. Proof of publication of the advertised legal notice of public hearing before the Board of Adjustment. A list of Names of owners of record and physical addresses of all property adjacent to the property in question and all

~~adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor. (10) days prior to the Board of Adjustment public hearing date, See Section 9.02.04, Appeals Procedures, below.~~

~~05. Proof of pPayment of the cost of publication of the advertised mailed and published public hearing notices.~~

~~06.01. Letter of Intent describing stating what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant regulation from which a variance is being requested, why requested variance is necessary, and how such variance request meets criteria for a variance described in 9.02.02 (4) and 9.02.04 (4).~~

~~07. A letter of intent addressing criteria described in 9.02.02 and 9.02.04 (4)~~

~~2. Items in Section 9.02.03 numbers .04, .05, and .06, above, need to be submitted not at the time of application but by or before the conduct of the public hearing.~~

#### ~~9.02.04 Appeal and Variance Application Procedures~~

~~1. Appeals to the Board of Adjustment may be made by any person(s) aggrieved by an inability to obtain a building permit or by the decision or interpretation of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of these zoning regulations. Appeals to the Board shall be made within thirty (30) days of the order, requirement, decision, interpretation or refusal alleged to have occurred or to be in error. Applications to the Board of Adjustment may also be made by persons, organizations or corporations to provide applicants with an opportunity to apply for variances from zoning setback requirements and other circumstances for which a variance may be obtained.~~

~~2. The Board shall hold a public hearing on all applications for variances and appeals. Prior to such public hearing scheduled before the Board of Adjustment, noticing procedures outlined in Section 8.05 and 8.08 of the Land Use Code shall be followed. a notice of public hearing shall be published in a legal publication in Huerfano County at least ten (10) days before the scheduled date of the public hearing. Publication of such notice shall follow a form prescribed by the County and publication of the notice, which shall specify the time and place of the hearing and location of the land subject to the hearing. Such publication of the notice is the responsibility of the applicant. Applicants shall be billed directly by the County for costs associated with noticing newspaper and shall submit proof of publication of the notice and proof of payment of publication costs with the Board of Adjustment as a condition for action by the Board of Adjustment.~~

~~3. All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses of adjacent properties shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. A written notice of such hearing shall be mailed by certified or registered mail, return receipt requested, at least ten (10) days prior to the Board of Adjustment public hearing date to owners of record of all property adjacent to the property in question. This mailed notice shall also be sent to all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor, and identified in the application by the applicant, and the notice shall include a vicinity map, a short narrative describing the relief sought and an announcement of the date, time and location of the scheduled hearing.~~

~~Acceptable proof of mailing such notice shall be submitted to the Board of Adjustment as a condition for action by the Board of Adjustment.~~

~~4. All applications and appeals to the Board of Adjustment shall be in writing and on such forms as shall be prescribed by the Board and the appropriate filing fee shall accompany the application. Every application or appeal shall state what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant. The chairman of the~~

~~Board, or his appointed designee, shall call a meeting of the Board scheduled to take place within fifteen Thirty (1530) days of the submission of the required submittal materials. The Board of Adjustment may, at its discretion and by majority vote, transmit a copy of the application or appeal to the Planning Commission or other appropriate public organizations or private parties for review and comment.~~

~~5. Upon reaching a decision in the manner described above, the Board of Adjustment or its authorized agent shall notify applicant(s) in writing ten (10) working days after the Board of Adjustment takes action on an appeal brought before it.~~

1.05      USES ALLOWED BY RIGHT, CONDITIONAL USES AND PROHIBITED USES IN ZONING DISTRICTS

Table 1 on the following pages indicates which land uses are allowed by right, which are conditional uses and which are prohibited uses in the zoning districts listed in Section 1.03.01 and described in Section 1.03.02. Uses not listed or not substantially similar to listed uses are considered to be conditional uses. See Section 1.06 on conditional use provisions and Section 1.07 on uses not itemized.

**Table 1**  
**Uses allowed by Right. Conditional Uses and Prohibited Uses by Zoning District**

R = Use Allowed by Right      C = Conditional Use or License P = Use Prohibited      L=License Required

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<i>Zoning District</i>	<i>AA</i>	<i>RR</i>	<i>UR</i>	<i>C</i>	<i>I</i>	<i>Regulatory Reference</i>
.01 Single family dwelling on a single undivided parcel of land	R	R	R	R	C	1.06
.02 Additional dwellings; e.g., for rent, lease or sale, on any undivided parcel of land or lot	C	P	P	P	C	1.06
.02 Addition dwellings on tracts of land that meet a 35:1 land/dwelling ratio	R	C	C	C	C	1.06
A .03 Two family dwelling	C	C	R	C	P	1.06
.04 Multiple family dwelling, co housing facilities and single and multi family condominiums	C	C	C	C	P	1.06
.01 Up to two dwelling units on a single parcel of land	R	R	R	R	C	1.06
.02 Three to six dwelling units on a single, parcel of land.	C	C	R	R	C	1.06
.03 Over six dwelling units on a single parcel, including: Multiple family dwelling, co-housing facilities, condominiums or employee housing.	C	C	C	R	C	1.06
.04 <u>Tiny home and mobile home parks (over 6 units)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	
.05 <u>Unpurged mobile homes built prior to 1976 and mobile home parks and non-qualified manufactured mobile homes.</u>	P	P	P	<u>PP</u>	P	N/A
.55 Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise,	<u>C</u> <u>L</u>	P	P	<u>C</u> <u>L</u>	<u>R</u> <u>L</u>	1.06

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heat, dust, fumes or other adverse consequences

<del>.61</del>	<del>Medical Marijuana dispensaries</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>Section-18</del>
<del>.62</del>	<del>Commercial Medical Marijuana cultivation operations</del>	<del>C</del>	<del>P</del>	<del>P</del>	<del>C</del>	<del>C</del>	<del>Section-18</del>
.62	Commercial <u>and medical</u> Marijuana retail stores <u>and dispensaries</u>	<del>C-L</del>	P	<del>C-L</del>	<del>C-L</del>	<del>P-L</del>	<u>Ordinance 23-01</u> <del>Section-18</del>
.64	<u>Marijuana Hospitality – on-site consumption</u> <del>Commercial Marijuana testing facilities</del>	<del>P-RL</del>	P	<del>P-RL</del>	<del>P-RL</del>	<del>P-RL</del>	<u>Ordinance 23-01</u> <del>Section-18</del>
.65	Commercial Marijuana product manufacturing <u>and testing product infusion</u> facilities	<del>P-L</del>	P	P	<del>P-L</del>	<del>P</del>	<u>Ordinance 23-01</u> <del>Section-18</del>
.63	Commercial/ <u>recreational/medical</u> Marijuana cultivation facility	<del>C-L</del>	P	P	<del>C-L</del>	<del>C-L</del>	<u>Ordinance 23-01</u> <del>Section-18</del>
<del>.69</del> 6	<u>Any use not listed in this table</u>	C	C	C	C	C	

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1.14 MANUFACTURED HOME AND NON-QUALIFIED MANUFACTURED HOME REQUIREMENTS AND PROVISIONS

1.14.01 Treatment of Non-Qualified Manufactured Homes  
 Home built prior to 1993 HUD standards are considered non-qualified homes and are prohibited in all zoning districts. Such housing, for habitation or for storage, may not be installed or erected on any land within unincorporated Huerfano County, including, but not limited to a manufactured home park upon the date of adoption of these regulations. However, non-qualified manufactured homes lawfully located in the County prior to the date of adoption of these regulations shall be treated as legal non-conforming uses under Section 1.16.01.

1.14.02 Treatment of ~~Double-wide~~Qualified Manufactured Homes  
 A ~~double-wide~~qualified manufactured home, as defined in these regulations, ~~are-is~~ treated as a "single family dwelling" for all purposes. A ~~double-wide~~qualified manufactured home is a permitted use in any zoning district where a single family dwelling is a permitted use. A ~~double-wide~~qualified manufactured home is a prohibited use in those zoning districts in which a single family dwelling is a prohibited use. The placement, erection or installation of a ~~double-wide~~qualified manufactured home requires a conditional use approval in those zone districts where a conditional use approval is required for a single family dwelling. A ~~double-wide~~qualified manufactured home which is placed, erected or installed in the County must comply with all applicable

provisions including, but not limited to, applicable HUD or ICC regulations, set-back requirements, minimum dwelling size and minimum lot size requirements. All double wide qualified manufactured housing shall be installed according to the Colorado Division of Housing, Manufactured Home Installation Program.

#### 1.06 CONDITIONAL USE APPROVAL AND APPROVAL AMENDMENT PROVISIONS

Conditional uses may be allowed in an eligible zoning district upon review and recommendation by the Planning Commission and favorable action by the Huerfano County Board of County Commissioners. A public hearing may be ~~required~~ waived, upon a majority vote of if the Planning Commission determines the proposal would have a minor impact, before action is taken. ~~Upon favorable action, a conditional use application approval or amendment of an existing approval shall be granted by the Board.~~ Granting of a conditional use approval for a conditional use may be subject to such conditions and safeguards as the Board of County Commissioners may impose in order that the conditional use complies with the general intent and specific provisions of these regulations and be in harmony with the character of the surrounding area. Conditional uses shall be permitted for a duration of time, up to indefinite, as specified by the Board of County Commissioners. Specific decision-making criteria on conditional use approvals are contained in Section 1.06.03.

Each conditional land use approval approved by the Board is subject to review at intervals that the Board of County Commissioners deems appropriate and reasonable. In addition, the Board may, at its discretion and for proper cause, revoke an approval for a conditional use.

1.16.03 Conditional Use Permits for Shipping Containers may be considered a minor impact and may be processed administratively. An application for a shipping container shall include submittals outlined in Section 8.03, including a letter of intent describing the intended use of the container and any existing uses on adjacent properties.

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#### 1.06.01 Submittal Requirements

Application for a conditional use approval for a conditional use shall require submission a) of an application on a form provided by Huerfano County, ~~b) submission of a Letter of Intent and c), submission of a Site Plan along with submittal requirements outlined in Section 8.03.~~ These submissions shall be made to the Planning Commission Department and ~~it shall be by majority vote of the Planning Commission to staff shall~~ determine as necessary that the submittal materials applications are complete, accurate and ready for formal review and processing. In addition to the submittal requirements outlined in Section 8.03, the following shall apply to Conditional Use Permits:

1. In addition to those items listed in Section 8.03 (1), ~~t~~The Letter of Intent shall include the following items:

- ~~01.~~ 01. The current zoning of the property and of adjoining adjacent property.
- ~~02.~~ 02. Proof of ownership, which may include, where appropriate, a current title policy and as appropriate, certification from the owner recognizing the authority of an owner's appointed representative to represent that owner.
- ~~03.~~ 03. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining adjacent property.
- ~~04.~~ 04. A description of the proposed conditional use of the property and project activities, including all utility sources and supplies, needed to bring about that use.
- ~~05.~~ 05. A statement of the impacts of the proposed use on items such as roads, traffic and public safety protection services on the features of the subject property and the neighboring environment including but not necessarily limited to flora, fauna, critical wildlife habitat, wildlife migration corridors and the quantity and quality of surface and ground water resources.

~~06. A statement demonstrating that the proposed conditional use would be in compliance with the Comprehensive Plan.~~

~~07. A listing of additional local, state or federal permits and approvals required to bring about the proposed land use and notation of which permits have been applied for and which, if any, have been granted.~~

~~08. A list of the names and mailing addresses of all listed owners of record of all adjacent property.~~

2. The Site Plan shall include the following items:

~~01. A legible sheet or map drawn to an appropriate scale, as accepted by the Planning Commission, showing the location, height and approximate dimensions or envelope location of each existing and proposed structure in the proposed conditional use area, the uses to be contained within the existing and/or proposed structures and the name, mailing address and phone number of the applicant and applicant representative(s), if any.~~

02. The existing and proposed building setbacks and the building area with reference to property lines, highway, street or road rights-of-way, watercourses and other natural and historic features of the site.

03. The location, size, number of spaces and surfacing of any existing or proposed parking and loading areas.

04. The location of any existing and proposed roads, streets, footpaths, traffic devices, driveways and curb cuts with an indication of how pedestrian and vehicular movement will be controlled.

05. The dimensions, grade, right-of-way and roadway width of all proposed public and private roads and streets.

06. The location, if any, and pertinent characteristics of any existing or proposed signs, lighting fixtures and landscaping.

07. The location of any easements on the property.

~~08. The location of all water, sewage disposal, septic, electrical, telephone and other utilities and facilities needed to develop the proposed conditional use.~~

~~09. All grading, storm water runoff and re-vegetation plans needed to install the use.~~

~~10. A notation of the stages, if any, in which the project will be developed.~~

11. A vicinity map locating the proposed conditional use in relationship to the surrounding area within 500 feet of the boundaries of the proposed property and a description of any existing plats and improvements on this adjacent property.

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The appropriate filing fees shall accompany the submission of these above materials. The ~~Planning Commission Director, by majority vote,~~ may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. ~~In special cases additional submittal items may be required in the Letter of Intent or on the Site Plan, as specified by majority vote of the~~ The Planning Commission may vote to continue a public hearing in order to permit applicant time to prepare and submit additional information deemed necessary to make a recommendation. The Planning Commission may require additional documentation, including any requirements listed above that were waived by the Director before making a decision.

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1.06.02 Procedures for Referral, Review and Action on an Application for a Conditional Use Approval

**Process Summary:**

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. Planning Commission public meeting and recommendation
- ~~2-3.~~ Public noticing as outlined in Section 8.05 and 8.08.
4. Board of County Commissioners public hearing (major impact) or public meeting (significant impact) and decision.

1. Upon proper and adequate submission of the appropriate application form, fees and other submittal materials as specified in Section 1.06.01, the Planning Commission shall consider at a regular or special



public meeting the conditional use application. ~~When, as specified in Section 1.06 the Planning Commission determines by majority vote that a public hearing is required, the Board of County Commissioners and the Planning Commission shall conduct a joint public hearing on the application, with notice of such hearing published by the applicant in a newspaper of general circulation in Huerfano County at least ten (10) days prior to the scheduled hearing date. The applicant shall also mail notification of the hearing date and subject of the hearing to a All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and provide at the public hearing proof of publication, proof of payment of publication and proof of notification of adjacent property owners and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The applicant will be responsible for cost of noticing, which must be paid as a condition of approval. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.~~ In addition, the applicant shall cause to have posted on the property in question, in a conspicuous location, a sign supplied by Huerfano County, stating the time, date, location and subject of the hearing. Such sign(s) shall be posted at least ten (10) days before the scheduled date of the hearing.

~~These public due process notification and proof of notification procedures shall apply to all joint public hearings conducted by Huerfano County for actions included within these regulations.~~

~~2. Following the conduct Upon the closing ofAt the public meeting or the public hearing meeting, the Planning Commission shall make a recommendation on the application for a conditional use approval to the Board of County Commissioners, recommending approval, denial or conditional approval. The Planning Commission shall forward its recommendation and any records of the hearing to the Board within ten (10) working days of its action.~~

~~Within thirty (30) days of receiving such materials the Board of County Commissioners shall consider the recommendation at a regular or special session of the Board and shall act to approve, deny or conditionally approve the application, including notice whether there shall be a time period for review of compliance with any approval conditions. The Board of County Commissioners shall also provide the Planning Commission with notification of the action taken.~~

~~3. When Planning Commission, as decided upon by majority vote, in the judgment of the a conditional use application has a potential impact on any of the referral agencies listed in 8.04.01 (4), requires referral review and comment by any agency, organization, governmental entity or person or persons, the Planning Commission may so cause the application materials or any portion thereof to be submitted staff will route the application for referral review and comment. The referral review and comment period shall be for a period of time of up to thirty (30) days from the date materials are received for review, that the Planning Commission so decides upon the need for such referral before the date of the conduct of the public meeting or public hearing.~~

#### 1.06.02.01 Modification of a Conditional Use Permit

Recognizing that there are circumstances which may cause the holder of a Conditional Use Permit to make changes to operations, premises and uses over time, the holder of a Conditional Use Permit must modify their permit to reflect those changes that potentially alter the impact on neighbors or infrastructure or represent a change of use in one or more buildings. Modifications could include an expansion of operations, modifications to the site plan, or adding additional, related uses. Should there be a modification or change in the use granted by a Conditional Use Permit, permit holder shall present a detailed description of the changes to the Planning Department for review. If the Director finds that the change presents minimal or no impact on nearby land owners, infrastructure, services or the community, the CUP will be modified administratively to reflect changes. If the Director finds that

changes present the potential to increase impacts on or nuisances to nearby land owners, infrastructure, services or the community, the application to modify the CUP will be presented to the Planning Commission for review. The Planning Commission may recommend to staff whether to approve, approve with conditions or deny the proposed modification.

## 1.18 Rezoning

### 1.18.01 General Information

Applications to rezone or change the zoning classification of a parcel or parcels of land shall be treated as proposed amendments to this zoning regulation and such applications also shall comply with the common procedures described in these regulations. Applications for rezoning shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials and by the necessary filing fees.

#### Process:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report →
2. PC public hearing meeting and recommendation
3. Noticing for public hearing
- 2.4. BOCC public hearing and decision. Changes to the text of the zoning regulations are addressed in The Amendment Process.

### 1.18.02 Special Rezoning Requirements and Provisions

All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and provide at the public hearing proof of publication, proof of payment of publication and proof of notification of adjacent property owners and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing in accordance with noticing guidelines in Section 8.05 and 8.08. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment to the Planning Commission before said hearing may take place. Applicants will be billed by the county for costs associated with public noticing, payment of such costs is a condition of approval.

In addition, the applicant shall also post notice on the property for which the rezoning is requested at least thirty (30) ten (10) days prior to a public hearing scheduled before the Planning Commission or and indicating information on the public hearings scheduled with both the Planning Commission and the Board of County Commissioners. SApplicant shall post notice on the property; such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right of way. Such signs shall measure at least three (3) feet by four (4) feet, the size of all letters shall be at least two (2) inches high and the signs shall be erected on posts no less than four (4) feet nor more than six (6) feet above ground level. The applicant shall also mail a Written notice of said hearing(s) shall be sent by registered mail, return receipt requested, at least fifteen (15) ten (10) days prior to a Planning Commission or Board of County Commissioners hearing date to owners of record of all property adjacent to the property proposed for rezoning. Notifications for Rezoning The notice shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the proposed land use change along with announcement of the date, time and location of the scheduled hearing.

Rezoning applications may be initiated by any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application.

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The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a rezoning.

- ~~1. The Board of County Commissioners.~~
- ~~2. The Huerfano County Planning Commission.~~
3. Any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application.

#### 1.18.03 Submittal Requirements

Applications for rezoning shall include those submittals outlined in Section 8.03. In addition to those submittal requirements, applications for rezoning shall include the following: a Letter of Intent and a Site Plan providing the information required in Section 1.06.01 for a conditional use review. ~~Additionally, the following items shall be submitted with an application:~~ In addition, applicants shall supply the following supplemental information and such additional information and documentary material as the Planning Commission shall reasonably stipulate by majority vote:

Required attachments:

1. The source and quantity of water required for the proposed use(s) within the area to be rezoned.
2. The method of wastewater treatment and anticipated quantity of wastewater generated.
3. When water or wastewater service would be provided by a municipality or a water or sanitation or water and sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question.
4. A description of any natural or man-made hazard within or in the vicinity of the land proposed for rezoning and a statement describing how the anticipated impact of such hazards will be mitigated.
- ~~5. A legal description of the property to be rezoned.~~
- ~~6.~~ 5. A vicinity map showing to scale the proposed area to be rezoned in relationship to the surrounding area within a distance of two (2) miles from the boundaries of the proposed rezoning.
- ~~7.~~ 6. A graphic description of all natural and manmade water courses, retention areas, streams, lakes and known one hundred (100) year flood plains on or adjacent to the property along with all areas in the proposed rezoning with a slope of twenty (20) percent or greater.
- ~~8.~~ 7. A description of any critical wildlife habitat and migration corridors and unique natural features, such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.
- ~~9.~~ 8. Description of any planned development.
- ~~10.~~ 9. Any additional information requested by staff or Planning Commission.

#### 1.18.05      Criteria for Action on a Rezoning Application

All actions by the Planning Commission in reviewing and making recommendations on a rezoning application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically ~~on the criteria contained in Section 1.06.03, Criteria for Action on a Conditional Use Application, and also on~~ the following additional criteria:

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan and other adopted planning documents.
2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.
3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.

In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

## 2.09 SUBMITTAL REQUIREMENTS FOR PROPOSED SUBDIVISIONS

Applications for approval of a subdivision shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. The Planning Commission may, at its discretion and upon written application by an applicant, waive any of these items not required by the laws of the State of Colorado, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate an application for a subdivision.

### Process Summary:

One public hearing to be held for each phase: Sketch Plan, Preliminary Plan, and Final Plat. For each phase, the following process will be followed:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting with PC and prepares staff report
2. PC public meeting/hearing and recommendation
3. Public Noticing
4. BOCC public hearing and decision

Public Notice: Public noticing requirements shall apply separately for each public hearing involved in the subdivision process. At least ten (10) days prior to public hearings for the Sketch Plan, Preliminary Plan and Final Plat, the County shall send notice to property owners by certified mail and to listed physical addresses by regular mail to properties within 1320 feet of the boundaries of the proposed subdivision where existing zoning is Agricultural, or 500 feet for properties in all other zones; This distance provision may be expanded up to twenty-five hundred (2,500) feet, or to include identified properties that have the potential to be impacted by the proposal by majority vote of the Planning Commission in the case of large subdivisions and when other special circumstances so warrant.

In addition to those submittal requirements outlined in Section 8.03, submittal requirements for each phase of a subdivision proposal are outlined in this section.

### 2.09.02 Preliminary Plan/General Submission

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The preliminary plan shall incorporate all modifications of and changes to the sketch plan agreed to by the applicant, the Planning Commission and the Board of County Commissioners. The purpose of a preliminary plan is to review the proposed subdivision in the context of the technical requirements, design standards and improvement requirements of Huerfano County and the various other terms and provisions of these regulations to ensure the compatibility of the proposed subdivision with these considerations and with the current and anticipated or desired future land use patterns within and in the vicinity of the proposed subdivision. Detailed review of a preliminary plan at the general submission stage provides further evidence of compliance or lack of compliance of the proposed subdivision with the comprehensive plan and other provisions of State & Local Regulations, along with the policies and plans of other public and quasi-public agencies in Huerfano County.

Preliminary plans shall be prepared by appropriately qualified persons in a clear and legible manner on reproducible stock in a manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet or another scale approved by the County Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted.

Preliminary plans approved by the Board of County Commissioners shall remain valid for one (1) year following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

A preliminary plan shall require the following information:

1. The name(s) and address(es) of the property owner(s) and of the applicant(s), if other than the owner(s), and the person(s) preparing the preliminary plan submittal materials.
2. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
3. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the state of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.
4. The name or identifying title of the proposed subdivision.
5. The date of preparation of the preliminary plan, a north arrow and a written and graphic scale.
6. An accurate legal description of the property included within the proposed subdivision and the total acreage of the proposed subdivision.
7. The location of the proposed subdivision as a part of a larger subdivision, if any, and with reference to permanent survey monuments with a tie to a section or a quarter-section corner.
8. A location map showing the relationship of the proposed subdivision to the characteristics of the surrounding area along with the names of adjacent subdivisions and the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
9. A list from the County Assessor's office of current property owners of record and their complete mailing address ~~as well as physical addresses for properties within 1320 feet of the boundaries of the proposed subdivision for properties zoned Agricultural, or 500 feet for properties in all other zones within five~~

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~~hundred (500) feet of the boundaries of the proposed subdivision. At the Planning Commission's discretion, this can be expanded to 2,500 feet and to include other properties likely to be impacted. This distance provision may be expanded up to twenty five hundred (2,500) feet, or to identified properties that have the potential to be impacted by the proposal, by majority vote of the Planning Commission in the case of large subdivisions and other special circumstances that so warrant. The County shall send notices by certified mail with return receipt, to listed property owners, and letters by regular mail to physical addresses on listed properties at least ten (10) days prior to a public hearing.~~

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10. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.

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11. Site data in chart form presenting the total number of proposed residential lots, the net size of the average (mean) lot, minimum lot size, maximum lot size, the types of land use proposed and the area of land proposed for each such land use.

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12. The proposed sites, if any, for multi-family residential use, business use, commercial and industrial areas and other public and non-public uses exclusive of single family residential areas within the proposed subdivision.

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13. The total number of projected square feet of non-residential floor space to be included within the proposed subdivision.

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14. The current zoning districts on the site and any zoning changes to be requested.

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15. The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown. All streets and access easements must have proposed names for addressing according to the County's emergency systems. All roads & access names must be approved in writing by the Huerfano County Land Use Department before the final plat is submitted.

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16. The location and current and proposed future uses of all buildings and other structures in and within one hundred (100) feet of the boundaries of the proposed subdivision.

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17. A lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.

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18. The location of and preliminary engineering from any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants and the sizes and types thereof, along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all under-ground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.

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19. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.

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20. The topography of the proposed subdivision at two (2) foot contour intervals for predominant ground slopes up to five (5) percent grade and five (5) foot contours for predominant ground slopes within the site that are over five (5) percent grade. Upon request of and at the discretion of the County Planner, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea level data.

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21. The delineation of any known identified or designated areas where a flood statistically has a one (1) percent chance of occurring in any given year and localized areas subject to periodic flooding. Mitigation measures, if any, proposed to overcome the consequences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.

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22. The delineation of the geological characteristics of the area with evidence regarding the extent and intensity of any geological, radiological, seismic or other related hazards within or in close proximity to the proposed site. Mitigation measures, if any, proposed to overcome such geological, radiological, seismic or other hazards shall also be included in the submission. ▲
23. Soil suitability and interpretation information developed from National Cooperative Soil Survey data and accompanied by a table of interpretation for the soil types shown on the soils map or equivalent qualified private research sources, along with a narrative description of the mitigating measures, if any, proposed to overcome soils limitations present on the site of the proposed subdivision. ▲
24. Preliminary drainage, erosion and sedimentation control plans, as required. ▲
25. Delineation of the type and extent of vegetative cover on the site. ▲
26. All areas to be reserved for community or public uses and all areas to be dedicated to Huerfano County along with any other areas to be used for open space and a statement describing how such reserved, dedicated and open space lands shall be maintained. ▲
27. Preliminary copies of the protective covenants to be filed with the final plat. ▲
28. Evidence that the proposed system for the disposal of sewage will comply with State of Colorado and regional health department statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound. The peak capacity of the sewage treatment system shall be provided if a centralized collection and treatment system is proposed. ▲
29. Evidence from the Colorado Division of Water Resources that the proposed system for the supply of potable water would be sufficient in terms of quantity, quality, dependability and pressure to provide adequate water supply to the proposed subdivision. The peak capacity of the proposed water supply system shall be provided if a centralized distribution system is proposed. ▲
30. Where water supply or sewage collection and treatment is to be provided by an already existing centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed subdivision and that the owners of the system are willing and able to provide the proposed water supply or sewage collection and treatment services. ▲
31. Information regarding the relationship of the proposed location of the subdivision to any critical wildlife habitat and wildlife migration corridors and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of future human settlement on such wildlife habitat and migration corridors. ▲
32. Information regarding the relationship of the proposed location of the subdivision to any historical or archeological resources and proposed mitigation measures to preserve such resources and measures to be employed to reduce the impact of future human settlement on these historical and archeological resources. ▲
33. A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing. ▲
34. A discussion of any special districts that would be created wholly or partly within the proposed subdivision, listing the proposed boundaries of the service district and what services it would provide. ▲
35. A preliminary phasing plan when the proposed subdivision would be developed in more than one phase. ▲
36. ~~Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the preliminary plan.~~ ▲

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~~2.09.02 (36) & 2.09.03 (25) – preliminary and final plat submittals. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request, to review and act upon the preliminary plan to:~~

2.09.02 Preliminary Plan/General Submission

...

Preliminary plans approved by the Board of County Commissioners shall remain valid for ~~one (1) year~~ **eighteen (18) months** following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

...

~~2.09.03 Final Plat/Final Submission~~

...

Final plats shall be submitted to the Planning Commission for action within eighteen (18) months after the date that a preliminary plan for the same proposed development was granted approval by the Board of County Commissioners, except that one extension of up to an additional eighteen (18) months may be granted by the Board of County Commissioners upon the submission of a written request for such extension by the applicant prior to the expiration of the initial eighteen (18) month period. Failure to submit an acceptable final plat within this allowable time period or extension period, if granted, shall require that an applicant resubmit a preliminary plan with the appropriate filing fees and associated materials.

...

2.14 AMENDMENTS TO APPROVED AND RECORDED PLATS

The re-subdivision of land or substantial changes to a recorded plat shall be considered a subdivision or the subdivision of land and shall be subject to the subdivision and other applicable provisions of these regulations. Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included ~~within an overall site~~ within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, create no new dedication of public land or right-of-way, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein. If more than three new lots are created, Staff analysis of impact and recommendation on whether it should be an amendment or subdivision to PC for determination on how to treat the application.

Referral agencies: HOA/POAs, Utilities, Fire Dept, and other agencies reasonably expected to be impacted as determined by staff, Planning Commission or County Commissioners.

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2.14.01 Procedures for Amendment

Process Summary:

1. If more than three new lots are created and no public right of way or other public space is dedicated, PC recommendation on whether to treat application as subdivision or plat amendment.
2. Full application submitted; Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
3. PC public meeting and recommendation
4. BOCC public meeting and decision

Applicants wishing to amend an approved and recorded plat shall submit to the Planning ~~Commission~~ Department an application on a form supplied by the County, the appropriate submittal materials and the required filing fees. Applications to amend an approved and recorded plat shall be reviewed by the Planning Commission following the submission of the required materials. The Planning Commission shall make a recommendation on the application for the amendment of an approved and recorded plat and transmit the application to the Board of County Commissioners for a decision. The Board of County Commissioners shall consider the application at a regularly scheduled meeting following ~~at their discretion, the submission of the application to any appropriate review agencies and interested parties;~~ and the decision of the Board shall be recorded in the minutes of the meeting and transmitted in writing to the applicant. Applications that are denied by the Board of County Commissioners shall result in a statement to the applicant giving the reason for the denial.

2.14.02 ~~Submission-Submittal~~ Requirements

~~Submittal~~ requirements for an application to amend an approved and recorded plat include a completed application, the appropriate filing fees, submittal requirements outlined in Section 8.03 and the following items:

1. ~~Proof of ownership of the lot(s), parcel(s) or subdivision plat to be amended and evidence that the applicant, if not the owner, has full legal authority to act on behalf of the owner.~~
2. A copy of the previously approved and recorded final plat along with drawings done to the same scale as the recorded final plat indicating the amendment(s) proposed to be made to the approved and recorded plat. The drawings submitted with the recorded final plat shall meet all requirements for the preparation of a final plat and be suitable for recording in the office of the County Clerk and Recorder. The drawings shall also show the location of all structures, streets, rights-of-way and easements within the area of the proposed plat
3. A narrative statement as part of the letter of intent describing the proposed changes to the approved and recorded final plat and providing an explanation of why the proposed changes should be approved by the Planning Commission and the Board of County Commissioners. Included with the narrative statement shall be the acreage or square footage of all lots before and after adjustment, a legal description of each lot ~~before and after adjustment~~ and a statement of the current zoning of all portions of the plat to be amended.
4. Applications for amendment of an approved and recorded plat submitted to correct minor surveying or drafting errors shall be accompanied by an affidavit by a Colorado licensed land surveyor attesting to the changes that have been made in the previously approved and recorded final plat.

5. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of these submission items listed above, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for a plat amendment submitted to it. The Planning Commission may also submit the application for review to such referral agencies and interested parties as it reasonably sees fit.

## 2.15 VACATION

### 2.15 VACATING OF APPROVED AND RECORDED PLATS, ROADS OR EASEMENTS

Applicants may apply for the vacating of any plat, road, easement or portion thereof so long as the plat, road, easement or portion thereof has been filed and recorded in the office of the Huerfano County Clerk and Recorder.

#### Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting /public hearing with PC and prepares staff report
2. Public notices and notices to referral agencies-
3. PC public hearing and recommendation
4. BOCC public meeting and decision.

#### 2.15.01 \_\_\_\_\_ Procedures for Vacating Plats, Roads and Easements

1. Applications to vacate approved and recorded plats, roads, easements or portions thereof shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials listed in Section 8.03 and 2.15.02. and by the necessary filing fees. Copies of the vacating submittal materials shall be submitted to the school district and any other special purpose districts in which the proposed vacating is located along with all utility companies and municipalities potentially affected by the proposed vacating. Additional referral agencies may be contacted by-at the Planning Commission's, at its discretion. All referral agencies shall be allowed a review period, or the extension period shall be deemed an approval by referral agencies, twenty-one (21) days from the receipt of the referral materials to report their findings and/or recommendations to the County, and an additional twenty-one (21) day extension period with the approval by a majority vote of the Planning Commission. Failure to respond within the original review period or the extension period shall be deemed a de facto approval by referral agencies.

2. At least ten (10) days prior to a ~~joint~~ public hearing scheduled before the Planning Commission ~~and the Board of County Commissioners~~ to consider a vacating application, a notice of the ~~joint~~ public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice ~~is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33~~ in accordance with notification requirements outlined in Section 8.05 and 8.08. applicants shall be billed directly by the ~~newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place~~ County for costs associated with noticing.

3. Notice: All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones, as well as all identified mineral estate owners identified, shall be

~~notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote. At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place. Applicants will be billed by the county for costs associated with public noticing.~~

~~In addition, the applicant County shall also mail a written notice of said hearing(s) or meeting(s) by certified or registered mail, return receipt requested, at least ten (10) days prior to the Planning Commission hearing date to owners of record of all property adjacent to or within the property where the proposed vacating is located and to owners of record of all property located within five hundred (500) feet of the boundaries of the property in question. Pursuant to C.R.S. § 24-65.5-103 (2) (a) The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the County Tax Assessor and Clerk and Recorder. The notice shall include a vicinity map, a short narrative describing the proposed action and an announcement of the date, time and location of the scheduled hearing.~~

4. Applications for vacating shall be processed as a final submission except as otherwise provided for in this Section 2.15.

Applications for vacating may be initiated by the owner of record or duly authorized agent of any owner of record of any approved and recorded plat or easement. The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a vacation of land.

±

~~01. The Board of County Commissioners~~

~~02. The Huerfano County Planning Commission~~

~~03. The owner of record or duly authorized agent of any owner of record of any approved and recorded plat or easement.~~

5. The vacation of internal lot lines for the purpose of consolidating or merging parcels shall be processed administratively and shall not require a public hearing unless requested by the owner of an affected parcel and subject to procedures outlined in CRS 30-128-139. Any easements along vacated lot lines cannot be vacated administratively.

#### 2.15.02 Submittal Requirements

Submittal requirements for an application to vacate an approved and recorded plat or easement shall include a completed application, submittal requirements listed in Section 8.03, the appropriate filing fees and the following items:

~~1. Proof of ownership of the property to be vacated and evidence that the applicant, if not the owner, has full legal authority to act on behalf of the owner.~~

21. A copy of the approved and recorded plat or easement and a vacated plat. Said plat shall be prepared as a final plat and shall be prepared by and have the seal of a registered land surveyor, duly registered to practice in the state of Colorado.

~~32. A narrative statement describing the proposed vacating action and providing an explanation of why the proposed vacating should be approved by the Planning Commission and the Board of County Commissioners. Included within the narrative should be~~ A legal description of the land to be vacated and the area, in acreage or square feet, ~~of the land in question.~~

43. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of the submittal requirements listed above and the Planning Commission may also, at its discretion, add such submittal items as it deems necessary and appropriate to evaluate and recommend upon any application for the vacating of a plat, right-of-way or easement.

#### 3.05.01

7. The construction, installation and repair of right-of-way openings for subsurface utilities require the issuance of a permit from Huerfano County, the posting of an appropriate bond, and evidence of adequate insurance. All applicants and excavators who, for any reason, cut, disturb or otherwise deface any County property being a public right-of-way for purposes of constructing, installing or repairing or for any other reason pertaining to the presence of an underground utility or structure shall comply with the terms and provisions of ~~BOCC Resolution No. 12-20,~~ Section 19.00 of the Land Use Code, "Huerfano County Roadway Design and Construction Standards".

#### 3.07 SUBMITTAL REQUIREMENTS FOR PROPOSED PUDS

Applications for a PUD approval shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. ~~Staff The Planning Commission~~ may, at its discretion and upon written application by an applicant, waive any but not all of these items. The Planning Commission may ~~also~~, by majority vote, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for the issuance of a PUD approval.

#### 3.08 PROCESSING PROCEDURES FOR SUBDIVISION AND NON-SUBDIVISION PUDS

##### Process Summary:

1. Staff determines completeness, routes to relevant referral agencies, schedules public meeting with PC and prepares staff report→
2. PC public meeting and recommendation
3. Schedule and post notices for BOCC public hearing
4. BOCC public hearing and decision

The review and processing procedures for non-subdivision PUD development plans shall be as specified in the County's Common Land-use Procedures and Requirements for Preliminary Submission, of these regulations. In the event that a conflict or inconsistency exists between the procedures and requirements contained the County's Common Land-use Procedures and in these regulations, the procedures contained herein in these PUD regulations shall prevail.

#### 9.02.02 Powers and Duties of the Board

4. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of enactment of these regulations, or by reason of exceptional topographic conditions

or other extraordinary or exceptional physical characteristics or conditions of such piece of property not created by the applicant, subsequent to the adoption of these regulations or previously adopted County zoning regulations, or due to unique characteristics of the proposed project, the strict application of any zoning regulation or provision therein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, or that the requested variance would pose no substantial detriment to the public good, and is consistent with the Comprehensive Plan then the Board of Adjustment shall have the authority, upon an appeal relating to said property, to authorize a variance from such strict and literal application so as to relieve such difficulties or hardship. Such relief shall be granted, however, without substantial detriment to the public good and without altering or impairing the intent and purpose of the zoning regulations and other provisions contained within State or County regulations. The Board shall not, however, have the power to grant variances from the uses prohibited or allowed conditionally by special review for the zoning district involved.

#### 9.02.04 Appeal and Variance Application and Procedures

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##### 9.02.04.1 Criteria for Granting a Variance or Appeal

1. The strict application of any zoning regulation or provision therein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property;
2. That the requested variance would pose no substantial detriment to the public good and is consistent with the Comprehensive Plan;
3. The requested variance does not alter or impair the intent and purpose of the zoning regulations and other provisions contained within State or County regulations;
4. The requested variance does not permit a use prohibited or allowed conditionally by special review for the zoning district involved.
5. If adverse impact on the public good or adjacent property values is cited as a reason for denial, it should be supported with evidence that the adverse impact is both likely and significant.

#### 9.02.03 Submittal Requirements for Appeals and Variances

In addition to general submittal requirements outlined in Section 8.03

1. Applicants appearing before the Board of Adjustment shall submit the following submittal materials and all other materials as the County Planner or the Board of Adjustment may deem necessary. These submittal requirements are in addition to those specified in Section 8.03 and 9.02.04, Application and Appeals Procedures, of these regulations.

~~01. A full and accurate legal description of the land involved in the appeal action.~~

~~02. A plot plan showing the existing and proposed location of all structures, uses, zoning district boundaries and setbacks on the land involved in the appeal action.~~

~~03. Proof of ownership of the property or written evidence of authority to act on behalf of the lawfully demonstrated owner of the property.~~

~~04. Proof of publication of the advertised legal notice of public hearing before the Board of Adjustment. A list of Names of owners of record and physical addresses of all property adjacent to the property in question and all adjacent mineral rights owners and lessees and easement holders, as shown~~

~~on the records of the Huerfano County Assessor (10) days prior to the Board of Adjustment public hearing date, See Section 9.02.04, Appeals Procedures, below.~~

~~05. Proof of payment of the cost of publication of the advertised mailed and published public hearing notices.~~

~~06.012. Letter of Intent describing stating what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant regulation from which a variance is being requested, why requested variance is necessary, and how such variance request meets criteria for a variance described in 9.02.02 (4) and 9.02.04 (4).~~

~~07. A letter of intent addressing criteria described in 9.02.02 and 9.02.04 (4)~~

~~2. Items in Section 9.02.03 numbers .04, .05, and .06, above, need to be submitted not at the time of application but by or before the conduct of the public hearing.~~

#### 9.02.04 Appeal and Variance Application Procedures

1. Appeals to the Board of Adjustment may be made by any person(s) aggrieved by an inability to obtain a building permit or by the decision or interpretation of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of these zoning regulations. Appeals to the Board shall be made within thirty (30) days of the order, requirement, decision, interpretation or refusal alleged to have occurred or to be in error. Applications to the Board of Adjustment may also be made by persons, organizations or corporations **to provide applicants with an opportunity to apply** for variances from zoning setback requirements and other circumstances for which a variance may be obtained.

2. The Board shall hold a public hearing on all applications **for variances** and appeals. Prior to such public hearing scheduled before the Board of Adjustment, **noticing procedures outlined in Section 8.05 and 8.08 of the Land Use Code shall be followed.** ~~a notice of public hearing shall be published in a legal publication in Huerfano County at least ten (10) days before the scheduled date of the public hearing. Publication of such notice shall follow a form prescribed by the County and publication of the notice, which shall specify the time and place of the hearing and location of the land subject to the hearing. Such publication of the notice is the responsibility of the applicant. Applicants shall be billed directly by the County for costs associated with noticing, newspaper and shall submit proof of publication of the notice and proof of payment of publication costs with the Board of Adjustment as a condition for action by the Board of Adjustment.~~

3. ~~All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses of adjacent properties shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. A written notice of such hearing shall be mailed by certified or registered mail, return receipt requested, at least ten (10) days prior to the Board of Adjustment public hearing date to owners of record of all property adjacent to the property in question. This mailed notice shall also be sent to all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor and identified in the application by the applicant, and the notice shall include a vicinity map, a short narrative describing the relief sought and an announcement of the date, time and location of the scheduled hearing.~~

**A acceptable proof of mailing such notice shall be submitted to the Board of Adjustment as a condition for action by the Board of Adjustment.**

~~43.~~ All applications and appeals to the Board of Adjustment shall be in writing and on such forms as shall be prescribed by the Board and the appropriate filing fee shall accompany the application. ~~Every application or appeal shall state what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant.~~ The chairman of the Board, or his appointed designee, shall call a meeting of the Board scheduled to take place within ~~fifteen~~ Thirty (30) days of the submission of the required submittal materials. ~~The Board of Adjustment may, at its discretion and by majority vote, transmit a copy of the application or appeal to the Planning Commission or other appropriate public organizations or private parties for review and comment.~~

~~54.~~ Upon reaching a decision in the manner described above, the Board of Adjustment or its authorized agent shall notify applicant(s) in writing ten (10) working days after the Board of Adjustment takes action on an appeal brought before it.

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## 10.02 GENERAL PROVISIONS

### 10.02.01 Permit Requirements

It shall be unlawful to erect, construct, reconstruct, alter or remodel any building, structure or improvements of land within the unincorporated territory of Huerfano County without a building permit, except as allowed for within Section R105 of the International Residential Code and Section 105 of the of the International Building Code, as have been adopted by Huerfano County.

### 10.02.02 Conditions for Permit Issuance

The County Building Inspector shall approve and issue building permits only if upon review of an application and submittal materials and upon site inspection, as required, the proposed building, structure, foundation or improvements are in full compliance with and not in conflict with or in violation of:

1. All applicable policies, requirements and other provisions contained within these Regulations.
2. The specifications and other provisions of all current Building, Plumbing, Fire and Mechanical codes adopted by the Board of County Commissioners or other governmental organizations authorized to adopt related laws, rules and regulations pertaining to Huerfano County.
3. All other such specifications and codes as are adopted in future by the Board of County Commissioners.

#### 10.02.02.1 Posting of Permit

Upon issuance of a building permit, applicant must post a copy of the permit in a conspicuous location visible from the public right-of-way near the entrance to the property. The permit must remain posted and in such condition that all parts of the permit remain legible as long as the permit is active. Building permit on display must include a permit number, scope of work, expiration date and how to obtain more information.

**11.03 FEE STRUCTURE**

Comprehensive Plan or Text Amendment.....	\$200.00
<u>Sign Deposit – land use (refundable) .....</u>	<u>..\$75</u>
<u>Sign Deposit – Building Permit (refundable) .....</u>	<u>..\$45</u>
<u>Public Hearing Noticing.....</u>	<u>\$15 plus cost of certified letter for</u> <u>each property owner to be notified.</u>

**Section 12 Submittal Copies**

Repeal Section

**14.04 SIGN PERMIT PROCEDURES**

Applications for sign permit shall be made to the County Building Inspector who shall, except as specified otherwise herein, administer this sign code. Upon payment of the required application fee and the submission of the required application materials, the County Building Inspector shall decide, on the basis of the provisions contained herein, whether to issue a sign permit, whether to deny the permit.  
Signs on CDOT roads require both a County permit and a CDOT permit.

**14.04.01 Submittal Requirements**

Applications for a sign permit shall include, in addition to the application fee and an application on a form supplied by Huerfano County, a legibly done rendering, in ink, fully dimensioned, showing the sign message and a site plan showing the location, setbacks, height, construction materials and sign are of all proposed signs and sign alterations. ~~For signs not expressly included within the scope of this code, The Planning Commission will review the application at a public meeting and may, at its discretion, and by majority vote, require additional information for sign applications submitted to it for review.~~

**14.04.02 Permit Issuance by the County Building Inspector**

Sign permit applications meeting the requirements contained herein shall be approved by the County Building Inspector so long as such applications do not expressly require Planning Commission approval as described in 14.04.03.

Sign permit applications failing to meet the requirements contained herein shall be denied by the County Building Inspector.

**14.04.03 Permit Appeal Review, ~~Denial and Issuance~~ by the Board of Adjustment ~~and the Planning Commission~~**

Any person denied a sign permit by the County Building Inspector may seek a variance by appealing that decision to the Board of Adjustment within sixty (60) days of the denial. ~~The Planning Commission shall review all sign applications for signs not otherwise expressly included within the scope of this code.~~ For sign code appeals and the applications brought before them, the board of Adjustment ~~and the Planning Commission~~ shall base their actions on the following criteria:



~~1. That there exists a clear and reasonable need for the sign at the proposed location. That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations, or that the proposed sign poses no significant nuisance.~~

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~~2. That the type, style, size and other characteristics of the proposed sign are consistent with the character of the proposed location. —That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.~~

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~~3. That the benefits that the sign would provide to residents of Huerfano County and the motoring public outweigh any esthetic or other negative impacts of the proposed sign.~~

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~~4. That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations. 3. That the proposed sign poses no significant nuisance.~~

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~~—That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.~~

## Marijuana Conditional Use Permits 18.

### 18.0 AUTHORITY AND PURPOSE OF THESE REGULATIONS:

After the effective date of the Huerfano County Licensing Ordinance, all applications for marijuana-related uses shall be made according to the provisions of the Marijuana Ordinance and not this Section. This section will remain in effect and will govern only those conditional use permits active at the time of the effective date of the Marijuana Ordinance.

18.0.1 Authority. These regulations are authorized by and adopted pursuant to the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S.; the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; and C.R.S. § 30-28-102.

### 18.3 CONDITIONAL USE PERMIT (CUP) GENERAL REQUIREMENTS:

#### Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Public Noticing
4. BOCC public hearing and decision

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Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. Marijuana facilities and hemp processing-related facilities present unique potential land use impacts such as placing significant demand on water and other resources and utilities, potential odor drift and heightened safety and security concerns. As such, in addition to the provisions applicable to Conditional Use Permits (CUP) in Sections 1.05 and 1.06 of the Huerfano County Zoning Regulations, the following apply to each Conditional Use Permit to operate a facility:

## 18.06 FEES

18.06.01 Initial Review Fee: \$400, non-refundable.

Fee shall be paid when the application is submitted to the Land-Use Department.

18.06.02 Application Fee: \$1,300, non-refundable. Operating Fee: \$10,000 Fees shall be paid prior to the Planning Commission's completeness review. This operating fee shall be utilized by Huerfano County to cover any costs to the County associated with the review and enforcement of said Conditional Use Application or Permit. This fee may include, but shall not be limited to, outside review agencies, staff inspections & enforcement, and professional services. Staff expenses related to CUP and inspections not limited to those related to any actual or perceived violation. Subject to forfeiture in the event that the terms of the CUP are violated. Can be used to cover the cost of any fines assessed to CUP holder. Following the first or any subsequent annual compliance reviews, the Applicant may request a reimbursement of any unused operating fees.

## Section 17.00

### Definitions

**Dwelling:** ~~A building designed to be used or used as the living quarters for one or more persons, families or housekeeping units, including modular homes but excluding mobile homes.~~ See Dwelling Unit

**Dwelling unit:** A building or portion thereof designed to be used or used as the living quarters for one person, family or housekeeping unit, including modular homes but excluding mobile homes.

**Manufactured homes, qualified and non-qualified:** ~~A single-wide or double-wide factory-manufactured home or otherwise a non-qualified manufactured home as defined herein.~~

~~1. Double-wide~~ **Qualified manufactured home:** A structure which is designed and used as a single family dwelling, as defined herein, and which is partially or entirely manufactured in a factory; ~~is not less than twenty-four feet in width and thirty-six feet in length; meets all HUD building codes or building codes adopted by the County;~~ is installed on an engineered, permanent perimeter foundation; and was constructed after 1992.

A non-qualified manufactured home as defined herein does not meet the requirements of a ~~double-wide~~ manufactured home.

~~2. Single-wide manufactured home:~~ A structure which is designed to house a single family, and which is partially or entirely manufactured in a factory; is less than twenty-four feet in width; (iii) has brick, wood, or cosmetically equivalent siding and a pitched roof; can be installed on a permanent foundation, and was constructed after 1992.

A non-qualified manufactured home as defined in herein does not meet the requirements of a ~~single-wide~~ manufactured home.

~~3. Non-qualified manufactured home:~~ A structure which is designed and used to house a single family, and which is partially or entirely manufactured in a factory, and ~~is not attached to an engineered, permanent foundation or~~ does not meet the requirements of either a "single-wide manufactured home" or "double-wide" ~~qualified~~ manufactured home" as defined herein.

~~4. Mobile home:~~ A non-qualified manufactured home.

**Single family dwelling:** A building or structure or portion therein designed to be used as the living quarters for one person, family or housekeeping unit. In accordance with the provisions described in Sections 1.05 and 1.14 of these regulations, the term ~~double-wide~~ qualified manufactured home shall meet and qualify for the definition of a "Single family dwelling."

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## Section 4.00 Flood Damage Prevention

### Definitions

***MANUFACTURED HOME*** - ~~A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".~~  
See Qualified Manufactured Home definition in Section 17.00