

## Overarching Suggestions:

- Applications start with the Planning/Building department (change language that states applications are submitted to Commissions).
- Review Agencies impacted by an application should be notified by staff upon submission of a complete application. This means that by the time PC/BOCC reviews application in a public hearing comments from review agencies are part of that review.
- Decisions should be made upon the closing of public hearings (rather than at a subsequent meeting).
- Staff should determine whether an application is complete based on application requirements outlined in the Code. Change from Planning Commission determining whether to waive requirements or require additional materials. This would make it possible for staff to submit both complete applications and staff reports to Commissions prior to a hearing or meeting.
- Determine which parts of each process require a public hearing versus a public meeting and clarify in the code. (This is significant because of noticing requirements that can impact development timelines).
- The number of required public meetings/hearings should be minimized.
- Staff should send notices to paper, adjacent property owners to ensure accuracy, timeliness and thoroughness. Requiring applicants to complete these steps increases risk of error, omission and confusion. This will require a resolution amending or replacing Resolution 78-33.
- What processes should be subject to administrative approval? (i.e. not require a public hearing or Commission review). In some cases, administrative approval is allowed when a proposal is under a certain size. For example, administrative approval for setback, lot size, or building height adjustments of up to 20%. This could also apply to parts of the code that allow Commissioners to waive “any but not all” submission requirements. If flexibility in applying all articulated requirements is intended, it would make more sense to define administrative flexibility; by the time an application is submitted to a commission for review, staff should have been able to determine whether it is complete. Perhaps a commission could be reserved right to overrule an administrative waiver during a hearing.
- Lack of articulation of when staff review application causes lack of clarity of when PC receives staff report.
- Change “zoning enforcement” to “planning staff”. Language in code does not refer to a specific, existing position.
- Consider allowing administrative approval for minor variances to allow some flexibility in enforcing district characteristics before a public hearing is required. (for example: a 20% reduction in setbacks, lot size/density, square footage, or a 20% increase max height, etc. This could apply to conditions that are likely to come up frequently and have minimal neighborhood impact).
- Require pre-application meetings between applicants and staff so staff can work with applicants to ensure a complete and thorough application and that applicants understand process code requirements and expectations.
- **Standardize Timelines. Different types of meetings have different noticing timeline requirements.**

—15-day notice:

Recommend: 15-day period prior to next regularly scheduled public meeting from receipt of application to first public hearing/public meeting (10 days to receive/review and prepare staff report; 5 days for Commission to review application and staff report before meeting/hearing).

VACATE: currently requires 90-day notification to neighbors. Change to 15 or 30?

## Summary of Clean Copy of Changes to Processes for each by application type

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### Conditional Use Permits 1.06

#### 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. 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.

**Commented [2]:** Is Commission bound by this word?

...  
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.

#### 1.06.02

**Process Summary: One public hearing: Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report → Planning Commission public meeting and recommendation → Board of County Commissioners public hearing 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

**Commented [3]:** Whether a public hearing is required should be established in code.

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 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 of 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.~~

**Commented [4]:** This is public record. Not necessary.

## Marijuana Conditional Use Permits 18.

### Process Summary: One public hearing:

18.03.04 Conditional Use Permits for Commercial Marijuana Cultivation Facilities or Facility Operator shall not be transferable. Any change of the identity of person or ownership listed as the applicant or combination thereof as defined in Section 17 of the Huerfano County Land-Use Regulations' requires a new Conditional Use Permit be approved by the Board of County Commissioners.

18.04.01 Time of application and operation.

18.04.01.01 Annual Compliance Reviews shall be performed by the Building Department ~~Board of County Commissioners, or its designees, and~~ no later than 30 days following the anniversary date of the issuance of a Commercial Building Permit .

18.04.02.03 When determined necessary by the Building Inspector, Commercial Marijuana Facilities shall be equipped with an automatic fire sprinkler system, meeting the commercial building standards adopted by Huerfano County at the time of construction.

~~Consider adding a county licensing process in addition to CUP process in order to improve ongoing oversight with annual renewal requirements.~~

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 any actual or perceived violation. Subject to forfeiture in the event that the CUP is 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.

**Commented [5]:** PC does not want to change at this time.

## Variances 1.04.01; 9.02.02

### 1.04 RELIEF PROVISIONS REFERENCE

Various types of relief from the provisions of this zoning regulation are available.

#### 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: Board of Adjustment Public Hearing:** Staff reviews application for completeness, notifies relevant referral agencies and prepares staff report → BOA Public Hearing and decision

#### 9.02.03 Submittal Requirements

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 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.

05. ~~Proof of payment of the cost of publication of the advertised public hearing notice~~ public noticing.

06. ~~Proof of timely mailing by certified or registered mail, return receipt requested, at least ten~~

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 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 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. ~~The applicant shall also mail a~~ 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 (15) 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.

#### 9.02.02 (4) Criteria

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, or due to unique characteristics of the proposed project, subsequent to the adoption of these regulations or previously adopted County zoning regulations, 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, 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 or neighborhood character, 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.

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 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~~

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

06. ~~Proof of timely mailing by certified or registered mail, return receipt requested, at least ten~~

#### Additional submittal requirements for Variances

06. Letter of Intent describing 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).

## Rezoning 1.18

### 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.

~~Suggested Process: A. Two public hearings: Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting/public hearing with PC and prepares staff report→ PC public hearing meeting and recommendation→ 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~~

~~being of public notice and proof of publication of the notice shall be required in the same manner as for a 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.~~

~~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.~~

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 ~~and indicating information on the public hearings scheduled with both the Planning Commission and~~ the Board of County Commissioners. ~~Applicant 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 W~~ritten 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. 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.

#### 1.18.03 Submittal Requirements

Applications for rezoning shall include 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. 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. 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. 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. Explanation of how proposal is consistent with the Comprehensive Plan.
10. Any additional information requested by staff or Planning Commission.

The appropriate filing fees shall accompany the submission of these above materials. The ~~Planning Commission, by majority vote~~ Director, 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. Planning Commission may require additional documentation, including any requirements listed above that were waived by the Director before making a decision. 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 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.

**Commented [6]:** Reference Resolution 78-33 if a change is made to this process.

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.

## Subdivisions 2.07

### 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~~**Two public hearing for each phase – Sketch Plan, Preliminary Plan, and Final Plat:** Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting/public hearing with PC and prepares staff report → PC public ~~meeting~~**hearing** and recommendation → ~~Public Notices go out~~ → BOCC public hearing and decision

**B. Public Notice:** Public noticing requirements shall apply 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 physical addresses by regular mail to properties within five hundred (500) feet of the boundaries of the proposed subdivision. 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.

#### 2.09.02 Preliminary Plan/General Submission

A.

9. A list from the County Assessor's office of current property owners of record and their complete mailing address for property within five hundred (500) feet of the boundaries of the proposed subdivision. ~~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.~~

#### 2.14 Amendments to Approved and Recorded Plats

##### 2.14.01 Procedures for Amendment

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, ~~upon the close of a public meeting,~~ 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 ~~then~~ consider the application at ~~a public hearing 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.

2.09.02 (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 ~~t. review and act upon the preliminary plan to.~~

#### 2.09.02

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 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.

### Plat Amendment 2.14

#### 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, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein

##### 2.14.01 Procedures for Amendment

**Process Summary: One public hearing: If more than three new lots are created, PC recommendation on whether to treat application as subdivision or plat amendment. → Full application submitted; Staff determines completeness, routes to relevant referral agencies and schedules public meeting/public hearing with PC and prepares staff report → PC public hearing meeting and recommendation → BOCC public meeting hearing 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. Upon closing the public meeting, 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

making following the decision of the Board of County Commissioners. Applications that are denied by the Board of County Commissioners shall result in a statement to the applicant giving the reason for the denial.

#### Submission Requirements (2.14.02)

2. A narrative statement 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.

#### 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, 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.

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, 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.

3. 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 identified mineral estate owners 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.

In addition, the applicant shall also mail a written notice of said hearing(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.

### 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: One Two public hearings – PC & BOCC: Staff determines completeness, routes to relevant referral agencies, schedules & posts notices for public meeting/public hearing with PC and prepares staff report → PC public hearing meeting and recommendation → 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.

## Sign Permit 14.

~~Process Summary: Building Inspector review and approval unless admin decision is appealed or a variance is requested.~~

### 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.

#### 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 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.

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.~~

## VACATION 2.15

### 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:** ~~One Public Hearing (Optional for lot consolidations); BA. One~~ **Two public hearings—PC & BOCC:** Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting ~~/public hearing with PC and prepares staff report, sends public Notices out~~ → PC public meeting ~~hearing~~ and recommendation → ~~\_Public Notices go out~~ → ~~(If public hearing requested for lot consolidation)~~ BOCC public hearing 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 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 the Planning Commission, 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. ~~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 78-23, 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.~~

3. ~~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.

#### 2.15.01(4)

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.:

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.~~

The Board of County Commissioners or The Huerfano County Planning Commission may also initiate a vacation of ROW, or other county owned land,

**Commented [7]:** to Attorney: Sufficient to indemnify the Couty? Look at state statutes on mineral rights, entitled to protections from surface regs?

**Section 12 Submittal Copies**  
Repeal Section

**Section 1.05**

Replace items 1.05.01 – 1.05.04 in the use table with items .01 - .03 below

|     |                                                                                                                                           | A | RR | U | C | I | Reference |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------|---|----|---|---|---|-----------|
|     |                                                                                                                                           | A |    | R |   |   |           |
| .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      |

For consistency, the following changes are also proposed:

**Section 1.03.02 District Characteristics and Requirements**

Agricultural District

Minimum lot width: 200 feet ~~per dwelling unit~~

Rural Residential District

Minimum lot width: 100 feet ~~per dwelling unit~~

**1.05.05:** Allow mobile homes and mobile home parks as a conditional use in UR

|     |                                               |   |   |   |                |   |     |
|-----|-----------------------------------------------|---|---|---|----------------|---|-----|
| .05 | Individual mobile homes and mobile home parks | P | P | P | <del>C</del> P | P | N/A |
|-----|-----------------------------------------------|---|---|---|----------------|---|-----|

Additional changes to Use Table:

|                |                                                                                                                                                                        |              |              |              |              |              |                       |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|--------------|--------------|--------------|-----------------------|
| .55            | Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise, heat, dust, fumes or other adverse consequences | C            | P            | P            | C            | R            | 1.06                  |
| .61            | Medical Marijuana dispensaries                                                                                                                                         | P            | P            | P            | P            | P            | Section 18            |
| <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> |
| .63            | Commercial Marijuana                                                                                                                                                   | P            | P            | P            | P            | P            | Section 18            |

|     |                                                       |   |   |   |   |   |            |
|-----|-------------------------------------------------------|---|---|---|---|---|------------|
|     | retail stores                                         |   |   |   |   |   |            |
| .64 | Commercial Marijuana testing facilities               | P | P | P | P | P | Section 18 |
| .65 | Commercial Marijuana product manufacturing facilities | P | P | P | P | P | Section 18 |
| .66 | Commercial/medical Marijuana cultivation facility     | C | P | P | C | C | Section 18 |

Add category to use table 1.05.xx

|    |                                  |   |   |   |   |   |  |
|----|----------------------------------|---|---|---|---|---|--|
| xx | Any use not listed in this table | C | C | C | C | C |  |
|----|----------------------------------|---|---|---|---|---|--|

## Other Considerations:

### Insurance Requirements

Resolution 21-22: "Resolution amending res 17-77 creating the huerfano cty bldg authority", #20 Insurance requirements

Huerfano County requires Commercial General Liability insurance of @250,000 per occurrence and \$500,000 aggregate.

This is lower than what other jurisdictions in Colorado require. Not certain if state has established requirements for general liability insurance for contractors, but we may consider increasing our requirement to be in line with other jurisdictions. A common requirement is \$500,000 per occurrence and \$1,000,000 aggregate.

## Summary of changes to Notice to Neighbors

CUP: 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 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.

Plat Amendment, Vacation: 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 identified mineral estate owners 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 Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

Plat Amendment: All listed owners of record of adjacent properties shall be notified by certified mail and all adjacent registered addresses 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 Planning

~~Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.~~  
Subdivisions: **Public Notice:** Public noticing requirements shall apply 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 for properties zoned 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.

Rezoning, Variance: 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. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.