

CHAPTER 22
Comprehensive Plan

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HISTORY OF AMENDMENTS

<i>Ord. No.</i>	<i>Effective Date</i>	<i>Description</i>
147	1/13/87	Original Document (Comprehensive Plan)
147-A	9/22/87	Addition of Mineral Resources; Environmental Quality and Natural Resources; Open Space, Parks and Recreation; and the Weld County Economy Sections
147-B	3/24/92	Conceptual Land Use Plan Map and I-25 Mixed Use Development area and Activity Centers Map revision
147-C		Tabled
147-D	5/8/95	Conceptual Land Use Plan Map and I-25 Mixed Use Development area and Activity Centers Map revision
147-E	5/15/95	Conceptual Land Use Plan Map and I-25 Mixed Use Development area and Activity Centers Map revision
147-F	5/31/95	Conceptual Land Use Plan Map and I-25 Mixed Use Development area and Activity Centers Map revision
147-G	11/21/95	Fundamental revision of Comprehensive Plan, repeal and readoption of Plan
147-H	7/30/96	Conceptual Land Use Plan Map and I-25 Mixed Use Development area and Activity Centers Map revision
147-I	8/27/96	Environmental section revision
147-J	10/22/96	Technical amendments; add Table 5, Land Use Plan Distribution; Mixed Use Development revisions
147-K	4/22/97	Wildlife Habitat Map revision
147-L	7/8/97	Structural Land Use Map 2.1 revision
147-M	2/9/98	Agriculture goal and policy revisions
147-N	4/13/98	Structural Land Use Map 2.1 revision
147-O	8/31/98	Structural Land Use Map 2.1 revision
147-P	3/25/99	Conceptual Land Use Plan Map and I-25 Mixed Use Development area and Activity Centers Map revision
147-Q	10/31/00	Structural Land Use Map 2.1 revision; Urban Growth Boundary map revision; Table 22.4, Land Use Plan Distribution; Art. I, General provisions; Art. II, Land use categories; Art. III, Land use amenities; Art. IV; Environmental resources; Appendix transportation definitions, Weld County's right to farm
2001-1	5/14/01	Title of Weld County's right to farm
2001-4	9/3/01	Table 22.4, Land Use Plan Distribution
2002-4	5/20/02	Table 22.4, Land Use Plan Distribution
2002-6	10/7/02	Repeal, reenact Comprehensive Plan
2003-1	4/23/03	Appx 22-G, MUD Land Use Plan Distribution
2004-6	8/30/04	Deleted Appx. 22-G

HISTORY OF AMENDMENTS

<i>Ord. No.</i>	<i>Effective Date</i>	<i>Description</i>
2005-01	3/28/05	Comprehensive Plan amendment procedure; Urban growth
2006-2	5/22/06	§22-2-210, Appendix 22-E, Right to Farm Statement
2006-4	6/26/06	Art. II, I-25 MUD area, Southeast Weld MUD area
2007-1	3/26/07	Comprehensive Plan amendment procedure
2008-5	7/14/08	Repeal, reenact Comprehensive Plan amendment procedure
2008-13	12/10/08	Repeal, reenact Comprehensive Plan
2009-8	10/20/09	§22-1-150, Comprehensive Plan amendment procedure

ARTICLE I
General Provisions

Division 1
Preface

Sec. 22-1-10. Introduction.

A. The Comprehensive Plan is a document that serves as the foundation of all land use and development regulations in the County. The Comprehensive Plan is adopted by the Board of County Commissioners as an ordinance and is the basis for the rules and regulations that govern planning, zoning, subdivisions and land use. Supplemental to the Comprehensive Plan are the zoning ordinances, development standards and requirements, subdivision procedures and policies and other documents, all of which combine to make the framework used by County government to manage land use in the County.

B. At first look, some elements of the Comprehensive Plan may seem overwhelming or unrealistic. Some elements may seem too far in the future to matter today, or they may seem too complex to consider influencing. However, it should be remembered that a Comprehensive Plan is a long-range look into the future, a twenty-year vision of changes. Many of our surroundings today were barely imaginable twenty (20) years ago, but in the year 2030, it is likely that half of all development – homes, shops and streets – will have been built since today.

C. By understanding the conditions of today, and by identifying goals for the future, Weld County citizens and officials can make decisions that allow us to reach those goals. Just as importantly, a Comprehensive Plan also helps us *avoid* making decisions that would *prevent* Weld County from reaching its long-term goals. In this sense, the Comprehensive Plan also functions as a short-range document, providing the context and rationale for decisions that are made today. The Comprehensive Plan should be an actively used document that helps implement actions today, to reach the goals for tomorrow. (Weld County Code Ordinance 2008-13)

Section 22-1-20. Overview of Weld County.

A. Weld County is located in the Northern Front Range of central Colorado. Spanning an area from northern metropolitan Denver to the Wyoming state line, the County is just less than four thousand (4,000) square miles in size – over twice the size of Delaware. The County seat is located in the City of Greeley, and thirty-one (31) incorporated municipalities lie within the County's borders. The population of over a quarter million residents is expected to double to nearly half a million by the year 2030.

B. Weld County is diverse physically, culturally and in its land use. The County is consistently one (1) of the top ten economically producing agricultural counties in the entire United States. Two (2) waterways in the County – the Platte and Cache la Poudre Rivers – are some of the most important sources of water in the otherwise semi-arid western Great Plains. The actively farmed portions of western Weld County, fed by a complex and critical system of irrigation canals, contrast against the drylands to the east. Similarly, the mixture of land uses and greater concentrations of the population are located in the western third of the County, while the eastern areas remain more open, less populated and more uniform in the use of land.

C. The Weld County Population and Development Report is an administrative supplement to the Comprehensive Plan that provides detailed information about the physical characteristics of the County, population trends, employment and housing. Because much of this information changes frequently and because new data is available on a regular basis, the Population and Development Report is informational and not an adopted portion of the Comprehensive Plan. (Weld County Code Ordinance 2008-13)

Division 2
General Provisions

Sec. 22-1-100. Definition and purpose of Comprehensive Plan.

The Comprehensive Plan, contained in this Chapter, is the document intended to fulfill the master plan requirement pursuant to state law (Section 30-28-106(1), C.R.S.) and, in part, to set land use policy pursuant to the Home Rule Charter. The Comprehensive Plan is intended to be used for the general purpose of guiding and accomplishing the coordinated, adjusted and harmonious development of the County. The Plan includes all geographic areas of the County and establishes policy guidelines for existing and future land use decisions. The Comprehensive Plan was originally developed in 1974 and revised in 1987, 1995 and 2002, as outlined in the History of Amendments. (Weld County Code Ordinance 2008-13)

Sec. 22-1-110. Relationship to planning documents.

A. The Comprehensive Plan identifies specific land use goals and policies which are intended to provide guidance and direction for existing and future land use. The basic documents used by the County to carry out the Goals and Policies of the Comprehensive Plan, as contained in this Chapter, are the Intergovernmental Agreements, Zoning and Subdivision Ordinances, Regional Urbanization Area Plans, and Planned Unit Development Plans, contained in Chapters 19, 23, 24, 26 and 27 of this Code.

B. The Intergovernmental Agreements in Chapter 19 illustrate coordinated planning agreements between the County and various municipalities.

C. The Zoning Ordinance in Chapter 23 is a regulatory document. It defines land use application procedures and responsibilities, standards and regulations pertaining to zone districts and overlay districts, nonconforming uses, enforcement and the Board of Adjustment.

D. The Subdivision Ordinance in Chapter 24 is the regulatory document defining regulations and minimum standards for subdivision development, including design standards for facilities, utilities and other improvements. Chapter 24 also explains the procedures for subdividing a parcel of land.

E. The Regional Urbanization Area Plans in Chapter 26 is the regulatory document defining regulations and minimum standards for development in specifically defined geographical regions of the County.

F. The Planned Unit Development Plan in Chapter 27 is a subdivision mechanism used that provides greater flexibility than the Subdivision Ordinance, Chapter 24.

G. The Intergovernmental Agreements, Zoning and Subdivision Ordinances, Regional Urbanization Area Plans, Planned Unit Development Plans and Chapters 19, 23, 24, 26 and 27 are intended to implement and carry out the Goals and Policies of this Chapter.

H. Goals and Policies in the Comprehensive Plan are implemented through these and other regulations. In the event of any conflict between the Comprehensive Plan and any land use requirements set forth in this Code, the land use regulations, including (but not limited to) those for zoning and subdivision, take priority. (Weld County Code Ordinance 2008-13)

Sec. 22-1-120. Comprehensive Plan guiding principles.

The following Guiding Principles are the foundation for land use policy in the County. All of the Goals and Policies that comprise the Weld County Comprehensive Plan are adopted with the intent that they are consistent with all of these six (6) Guiding Principles. While these Principles are not Goals or Policies in themselves, they provide the context and rationale for the Goals and Policies.

A. Private Property Rights. One (1) of the basic principles upon which the United States was founded, which it continues to preserve, and Weld County upholds, is the right of citizens to own and utilize their property. Private property rights are not unlimited rights but, rather, rights balanced with the responsibility of protecting community health, safety and welfare. It is the goal of the Comprehensive Plan to promote opportunities for County citizens, while protecting private property rights.

B. Respect for Our Agricultural Tradition. The County has an agricultural tradition, as reflected by its ranking as one (1) of the most economically productive agricultural producing counties in the nation. Land use changes are occurring, and agriculturally zoned land is being changed to residential, commercial and industrial development. As these new land uses evolve, it is important that the established agricultural businesses and associated infrastructures are allowed to continue to operate without adding excessive constraints. Individuals who move into these areas must realize that they will experience conditions and services unlike an urban setting and must be willing to accept this lifestyle. The Weld County Right to Farm Statement can be found as part of the Agriculture goals and policies and, as a part of this Plan, supports the importance of agriculture in the County.

C. Fairness in the Land Use Change Procedure. The County has established various regulations for the process of land use change. This process must be fair and equitable to all parties in the following ways:

1. It is a timely process.
2. It is an open process to facilitate public information and input; however, land use changes are not approved or denied solely on the basis of public input.
3. It provides open communication through the development review process to the applicant, neighbors and communities impacted by proposed changes.
4. It maintains consistent requirements, coupled with flexibility, within the implementation criteria.
5. It allows easy access to information about the process, so that affected parties may be adequately informed.
6. It has an established appeal process.
7. It allows for approval when all written criteria of the land use regulations are met.

D. Recognition of the County's diversity. The County's nearly four-thousand-square-mile area is diverse geographically, demographically, culturally, socially and economically. Therefore, land use policies must be flexible to adapt to the specific location and circumstances of each proposed land use change. It is also important to weigh the cumulative impacts that specific land use changes will have.

E. Regulations Addressing Land Use Changes. Land use regulations which address land use changes should be written so they protect the rights of private property owners and the public health, safety and welfare.

F. Economic Growth. Land use policies have a significant impact on economic conditions in the County and should be structured to encourage economic prosperity and economic growth. (Weld County Code Ordinance 2008-13)

Sec. 22-1-130. Principal plan components.

A. Goals and Policies are the two (two) principal components of the Comprehensive Plan. The Goals are expressed as written statements and represent the

direction County citizens have selected for the future. Goals were developed and adopted with input from the public, civic organizations, municipalities and agencies of the state and the federal governments. The adopted Goals of the Comprehensive Plan provide public officials and private citizens with criteria for making planning decisions.

B. The Policies contained in the Comprehensive Plan are expressed as written statements and conceptual maps. The written Policy statements are specific guidelines for public planning decisions.

C. Recommended Strategies are another component of the Comprehensive Plan. Recommended Strategies are not Goals or Policies, but rather suggested action items that the County may want to undertake to implement certain Policies, in an effort to achieve a stated Goal. Listing a Recommended Strategy does not imply that it is the only action that could be taken to support a particular Policy, nor is it a requirement that the action be undertaken. Recommended Strategies are suggested action points that officials may want to pursue in the future, in an effort to implement the goals and policies of the Comprehensive Plan.

D. The policy maps, the most recent copies of which are on file at the Department of Planning Services, graphically identify important wildlife areas, mineral resources and other reference maps. The Policy statements and maps provide additional background and clarification to the County Goal statements. (Weld County Code Ordinance 2008-13)

Sec. 22-1-140. Planning process.

A. Weld County's previous Comprehensive Plan was adopted in 2002. The 2008 Update to the Comprehensive Plan is designed to respond to land uses through the year 2030, and was developed through a lengthy, multi-faceted process. The Comprehensive Plan is the basis of the County's long-range planning process and efforts.

B. The Planning Staff, at the direction of the Board of County Commissioners and Planning Commission, embarked on the Plan Update in the middle of 2007, with public open house meetings and a three-day workshop, where citizens, business representatives, and elected officials examined three key planning issues in depth – water, rural development and the urban/rural interface. The overall Update process was designed to incorporate staff research, on-going public input, and a working review by a citizens' technical advisory committee. The advisory committee consisted of thirteen (13) County residents, representative of incorporated and unincorporated areas, rural and urban areas, various professional backgrounds and various levels of familiarity with land use practices. This group was commissioned to review and enhance the existing Plan, attending over forty (40) meetings, to produce a working draft. Citizen input was gained throughout the process, with eight (8) open houses held throughout the County. A "virtual forum" was maintained on a specially designated website, which received nearly ten thousand (10,000) "hits" and provided regular e-mail updates. The site provided public access to resource information, regular updates of drafts under review, and other opportunities for sharing ideas and comments. The Comprehensive Plan is adopted after formal referrals are sent to agencies throughout the County, and after public hearings, including citizen testimony, are held by the Planning Commission and the Board of County Commissioners.

C. The County's current planning process is designed to provide a consistent review of individual land use matters. County staff, the Board of Adjustment, the Utility Board and the Planning Commission are the four (4) groups responsible for processing and evaluating land use applications in the County. The Board of County Commissioners is responsible for planning decisions in the County. Chapters 19, 22, 23, 24, 26 and 27 of this Code are the essential documents implementing the planning review, decision-making and appeal processes.

D. The Department of Planning Services welcomes the opportunity to discuss the planning process with interested persons. Most initial discussions and inquiries about the planning process, including land use applications, site plan review procedures and zone district classifications, begin with the Department of Planning Services.

E. When the Department of Planning Services receives a land use application, it is processed and reviewed for compliance with the appropriate sections of this Comprehensive Plan and Chapters 19, 23, 24, 26 and 27 of this Code. The type of land use application determines the administrative body responsible for review and decision-making. For example, a Use by Special Review application is initially processed by the Department of Planning Services. The Planning Staff prepares a written recommendation for the applicant and presents that recommendation to the Planning Commission in a public meeting. The Planning Commission reviews the information presented, evaluates any public testimony and formulates a recommendation regarding the land use application. The Planning Commission's recommendation is then forwarded to the Board of County Commissioners. In a public meeting, the Board of County Commissioners reviews the Planning Commission's recommendation, evaluates any public testimony and makes a decision regarding the Use by Special Review application.

F. This Comprehensive Plan and Chapters 19, 23, 24, 26 and 27 of this Code enable the public to examine the relationship between general land use planning goals and specific policies and regulations to participate in the decision-making process. The planning process combines the interaction of elected officials, the support staff from the Department of Planning Services and other County departments.

G. In order to ensure joint cooperation between citizens and professionals, the County will rely upon the following five (5) principles:

1. The County will encourage citizen participation in the planning process.
2. The County will encourage and promote coordination and cooperation between federal, state and local governmental entities charged with making decisions which significantly affect land uses in unincorporated Weld County.
3. The County will discourage inappropriate development in natural hazard areas and reduce environmental degradation as much as possible.
4. The County will rely, in part, upon recommendations from referral agencies and professionals in making recommendations on land use applications.
5. The County will cooperate with the land use applicant in evaluating the objectives of the applicant and the options available to the applicant, while ensuring the health, safety and welfare of County residents. (Weld County Code Ordinance 2008-13)

Sec. 22-1-150. Comprehensive Plan amendment procedure.

Evaluation of the Comprehensive Plan contained in this Chapter is necessary to provide an accurate statement of County land use Goals and Policies based on current data and the needs of County citizens. Therefore, when changes in the social, physical or economic conditions of the County occur, it becomes necessary to reevaluate and change land use goals and policies. The following procedures have been established to amend the Comprehensive Plan.

- A. An overall review and update will be conducted at least every ten (10) years, or earlier as directed by the Board of County Commissioners. The update should include an evaluation of the entire Comprehensive Plan as contained in this Chapter. The procedure involved in the update shall include an opportunity for the general public, Department of Planning Services and municipal, state and federal agencies to submit proposed changes and to review and comment on any amendments being considered by the Planning Commission and the Board of County Commissioners.

B. Individuals may submit a proposal to amend this Chapter in accordance with the following procedure:

1. Comprehensive Plan amendment proposals will be considered biannually during a public hearing process.

2. The petitioner shall pay for the cost of legal publication of the proposed amendment and all land use application fees.

3. A typewritten original and thirty (30) copies of the proposed amendment must be submitted to the Department of Planning Services no later than February 1 or August 1 of any given year to be considered for review. The following items shall be submitted as part of the proposed amendment:

a. A statement describing why the Comprehensive Plan is in need of revision.

b. A description of any social, economic or land use conditions of the County that may have changed that would support amending the Comprehensive Plan.

c. A statement describing how the proposed amendment will be consistent with existing and future goals, policies and needs of the County.

4. In the case of an amendment to a Regional Urbanization Area, the County shall first determine the type of amendment proposed, which may be one (1) or more of the following: 1) an expansion of the RUA boundary; 2) a modification to the land use classification of property already within the RUA boundaries; and/or 3) a language amendment to the RUA. The following supporting documents shall be submitted as a part of the application, except for those items determined by the Director of Planning Services or the Board of County Commissioners to be unnecessary to a decision on the application.

a. Expansion of RUA boundaries. The proposed application must submit the following:

1) Demonstrate the proposed expansion of the Regional Urbanization Area Land Use Map, as outlined on the Regional Urbanization Area Land Use Map, has, at a minimum, one-sixth (1/6) contiguity to the existing RUA boundary.

2) Demonstrate through supporting documentation how the proposed amendment will address the impact on existing or planned service capabilities, including but not limited to roads, stormwater and emergency services.

3) Demonstrate through supporting documentation how the proposed amendment will address the impacts on the natural environment.

4) Delineate the number of people who will reside and work in the proposed area and the number of jobs created by the proposed development. This statement shall include the number of school-aged children and address the social service provision needs, such as schools, of the proposed population.

5) Include a certified list of the names, addresses and the corresponding parcel identification numbers assigned by the County Assessor to the owners of property of the surface estate within one thousand (1,000) feet of the property subject to the application. The source of such list shall be from the records of the County Assessor, or an ownership update from a title abstract company or attorney derived from such records or from the records of the County Clerk and Recorder. If the list was assembled

from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date. Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.

6) Include a list of mineral rights owners of subsurface property located below property subject to the application. Notice of the hearing will be sent by the applicant at least thirty (30) days prior to the Planning Commission hearing and shall be submitted prior to the date of the hearing. Inadvertent errors by the applicant in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a mineral rights owner to receive such notification

7) Outline the proposed use of the property, including the maximum number of dwelling units, amount of commercial and industrial space and percentage of open space projected for that area.

8) Submit a deed or legal instrument to the Department of Planning Services identifying the applicant's interest in the property.

9) Demonstrate that the site can be serviced by public water and sanitary sewer service that is adequate for the proposed use.

10) Include a prepared preliminary traffic impact analysis. All traffic analysis information and reports shall be prepared and certified by a state-registered professional engineer competent in traffic engineering and shall address impacts to on-site and off-site roadways, including strategic roadways within the County, State Highways and Interstate Highways. The intent of this analysis is to determine the project's cumulative development impacts, appropriate project mitigation and improvements necessary to offset a specific project's impacts. This analysis shall include the following information:

a) Introduction: Describe the proposed development and parameters of the study area, including off-site roadways.

b) Trip generation: Determine daily and a.m. and p.m. peak-hour trip generation for the proposed development using established rates identified in the Trip Generation Manual published by the Institute of Transportation Engineers or as agreed to by County Engineering Staff.

c) Trip distribution: Based on assumptions contained in the RUA traffic analysis or market estimate, describe the anticipated trip distribution patterns for the proposed development.

d) Trip assignment: Based on the projected trip generation, assumed trip distribution and the prevailing roadway network, assign the projected traffic to the intersections and streets within the study area.

e) Any reasonable additional information deemed necessary for review.

11) Include a preliminary drainage study. All drainage analysis information and reports shall be prepared and certified by a state-registered professional engineer competent in hydraulic engineering and shall address impacts to on-site and off-site drainage ways within the County and the surrounding area. The intent of this analysis is to determine the project's cumulative development impacts, appropriate project mitigation and improvements necessary to offset a specific project's impacts.

12) Submit an affidavit agreeing to all previous triggers and commitments as determined by prior applications and actions required by the Board of County Commissioners.

13) Demonstrate conformance with the maximum land use limitations of the RUA Land Use densities, or provide justifications if proposed for an amendment.

14) Provide an amended RUA Land Use Map.

b. Modification to Land Use Classification of Property Already Within the RUA Boundaries.

The proposed application must contain the following:

1) Demonstrate that the underlying planned services and/or infrastructure approved for the RUA are not materially affected, or, if materially affected, propose and support mitigation measures addressing the improvements required.

2) Demonstrate that the proposed land use designations are compatible with the existing land use designation of adjacent RUA planning areas.

3) Demonstrate, through supporting documentation, how the proposed amendment will address the impacts on the natural environment.

4) Delineate the number of people who will reside and work in the proposed area and the number of jobs created by the proposed development. This statement shall include the number of school-aged children and address the social service provision needs, such as schools, of the proposed population.

5) Include a certified list of the names, addresses and the corresponding parcel identification numbers assigned by the County Assessor to the owners of property of the surface estate within one thousand (1,000) feet of the property subject to the application. The source of such list shall be from the records of the County Assessor, or an ownership update from a title abstract company or attorney derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date. Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.

6) Include a list of mineral rights owners of subsurface property located below property subject to the application. Notice of the hearing will be sent by the applicant at least thirty (30) days prior to the Planning Commission hearing and shall be submitted prior to

the date of the hearing. Inadvertent errors by the applicant in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a mineral rights owner to receive such notification.

7) Outline the proposed use of the property, including the number of dwelling units, number of commercial and industrial units and percentage of open space projected for that area.

8) Submit a deed or legal instrument to the Department of Planning Services identifying the applicant's interest in the property.

9) Demonstrate that the site can be serviced by public water and sanitary sewer service that is adequate for the proposed use.

10) Include a preliminary traffic impact analysis. All traffic analysis information and reports shall be prepared and certified by a state-registered professional engineer competent in traffic engineering and shall address impacts to on-site and off-site roadways, including strategic roadways within Weld County, State Highways and Interstate Highways. The intent of this analysis is to determine the project's cumulative development impacts, appropriate project mitigation and improvements necessary to offset a specific project's impacts. This analysis shall include the following information:

a) Introduction: Describe the proposed development and parameters of the study area, including off-site roadways.

b) Trip generation: Determine daily and a.m. and p.m. peak-hour trip generation for the proposed development using established rates identified in the Trip Generation Manual published by the Institute of Transportation Engineers or as agreed to by County Engineering Staff.

c) Trip distribution: Based on assumptions contained in the RUA traffic analysis or market estimate, describe the anticipated trip distribution patterns for the proposed development.

d) Trip assignment: Based on the projected trip generation, assumed trip distribution and the prevailing roadway network, assign the projected traffic to the intersections and streets within the study area.

e) Any reasonable additional information deemed necessary for review.

11) Include a preliminary Drainage Study. All drainage analysis information and reports shall be prepared and certified by a state-registered professional engineer competent in the hydraulic engineering and shall address impacts to on-site and off-site drainage ways within the County and the surrounding area. The intent of this analysis is to determine the project's cumulative development impacts, appropriate project mitigation and improvements necessary to offset a specific project's impacts.

12) Provide an amended RUA Land Use Map.

13) Submit an affidavit agreeing to all previous triggers and commitments as determined by prior applications and actions required by the Board of County Commissioners.

c. Language Amendment to the RUA. The proposed application must contain the following:

1) The applicant shall demonstrate, through supporting documentation, how the proposed amendment will address the impact on existing or planned service capabilities, including but not limited to roads, stormwater and emergency services.

2) A certified list of the names, addresses and the corresponding parcel identification numbers assigned by the County Assessor to the owners of property of the surface estate within one thousand (1,000) feet of the property subject to the application. The source of such list shall be from the records of the County Assessor, or an ownership update from a title abstract company or attorney derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date. Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.

3) Include a list of mineral rights owners of subsurface property located below property subject to the application. Notice of the hearing will be sent by the applicant at least thirty (30) days prior to the Planning Commission hearing and shall be submitted prior to the date of the hearing. Inadvertent errors by the applicant in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a mineral rights owner to receive such notification.

4) Submit a deed or legal instrument to the Department of Planning Services identifying the applicant's interest in the property.

5) Demonstrate that the underlying planned services and/or infrastructure approved for the RUA are not materially affected or, if materially affected, propose and support mitigation measures addressing the improvements required.

6) Demonstrate that the proposed amendments are compatible with the existing land use designation of adjacent RUA planning areas.

7) Demonstrate conformance with the maximum land use limitations of the RUA Land Use densities.

8) The applicant shall submit an affidavit agreeing to all previous triggers and commitments as determined by prior applications and actions required by the Board of County Commissioners.

5. In the case of an amendment to create a new Regional Urbanization Area, the following supporting documents shall be submitted as a part of the application, except for those items determined by the Director of Planning Services or the Board of County Commissioners to be unnecessary to a decision on the application:

- a. A statement describing why the Comprehensive Plan is in need of revision.
- b. A description of any social, economic or land use conditions of the County that may have changed, that would support amending the Comprehensive Plan.
- c. A statement describing how the proposed amendment will be consistent with existing and future goals, policies and needs of the County, including those for an RUA as described in this Chapter.
- d. Demonstrate, through supporting documentation, how the proposed Comprehensive Plan amendment for a new RUA will address the impact on existing or planned service capabilities, including but not limited to roads, stormwater and emergency services.
- e. Demonstrate, through supporting documentation, how the proposed RUA will address the impacts on the natural environment.
- f. Delineate the number of people who will reside and work in the proposed area and the number of jobs created by the proposed RUA. This statement shall include the number of school-age children and address the social service provision needs, such as schools, of the proposed population.
- g. Include a certified list of the names, addresses and corresponding parcel identification numbers assigned by the County Assessor to the owners of property of the surface estate within one thousand (1,000) feet of the property subject to the application. The source of such list shall be from the records of the County Assessor, an ownership update from a title abstract company or attorney derived from such records, or the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date. Inadvertent errors by the applicant in supplying such list, or the Department of Planning Services in sending such notice, shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.
- h. Include a list of mineral rights owners of subsurface property located below parcels located within the proposed RUA. Notice of the hearing will be sent by the applicant at least thirty (30) days prior to the Planning Commission hearing and shall be submitted prior to the date of the hearing. Inadvertent errors by the applicant in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a mineral rights owner to receive such notification.
- i. Outline the proposed uses within the proposed RUA, including the maximum number of dwelling units, amount of commercial and industrial space, and percentage of open space projected for that area.
- j. Submit a deed or legal instrument to the Department of Planning Services identifying the applicant's interest in the property.
- k. Demonstrate that the site can be serviced by public water and sanitary sewer service that is adequate for the proposed use.
- l. Include a prepared preliminary traffic impact analysis. All traffic analysis information and reports shall be prepared and certified by a Colorado registered professional engineer competent in traffic

engineering and shall address impacts to on-site and off-site roadways, including strategic roadways within the County, state highways and interstate highways. The intent of this analysis is to determine the project's cumulative development impacts, appropriate project mitigation and improvements necessary to offset a specific project's impacts. This analysis shall include the following information:

1) Introduction: Describe the proposed development and parameters of the study area, including off-site roadways.

2) Trip generation: Determine daily and a.m. and p.m. peak-hour trip generation for the proposed development using established rates identified in the *Trip Generation Manual* published by the Institute of Transportation Engineers or as agreed to by County engineering staff.

3) Trip distribution: Based on assumptions contained in the RUA traffic analysis or market estimate, describe the anticipated trip distribution patterns for the proposed development.

4) Trip assignment: Based on the projected trip generation, assumed trip distribution and the prevailing roadway network, assign the projected traffic to the intersections and streets within the study area.

5) Any reasonable additional information deemed necessary for review.

m. Include a preliminary drainage study. All drainage analysis information and reports shall be prepared and certified by a Colorado registered professional engineer competent in hydraulic engineering and shall address impacts to on-site and off-site drainage ways within the County and the surrounding area. The intent of this analysis is to determine the project's cumulative development impacts, appropriate project mitigation and improvements necessary to offset a specific project's impacts.

n. Goals and Policies for the new RUA. Such Goals and Policies should establish the nature and character of future development proposals, and they should include the criteria used to evaluate future land use applications in the RUA. Because each RUA is unique and different, consult with staff about what form would be best for this section.

o. RUA map, showing generalized targeted planning areas and uses; key transportation corridors; general service facilities such as schools, emergency service centers and parks; and any other elements determined by staff.

p. Other supporting information or documentation as deemed necessary by the County.

6. The Department of Planning Services shall, upon submission of a request to amend the Comprehensive Plan:

a. Ensure that all application submittal requirements are met prior to initiating any official action.

b. Set a Planning Commission hearing date.

c. Arrange for legal notice of said hearing to be published one (1) time in the newspaper designated by the Board of County Commissioners for publication of notices. The date of publication shall be at least ten (10) days prior to the hearing.

d. Arrange for a press release regarding the proposed amendment in order to inform as many County citizens and interested parties as possible.

e. Prepare a recommendation for consideration by the Planning Commission.

7. The Department of Planning Staff's recommendation shall consider whether the proposal complies with the standards for approval.

8. The Planning Commission shall hold a public hearing to consider the proposed amendment to the Comprehensive Plan text and maps. The Planning Commission shall recommend approval or denial of the proposed amendment to the Board of County Commissioners.

9. The Planning Commission shall consider the proposed amendment, the Department of Planning Services' recommendation and any public testimony, and determine whether the proposal complies with the standards for approval.

10. The Board of County Commissioners shall receive the Planning Commission recommendation and Planning Staff recommendation at a public meeting. Receipt of the recommendation shall constitute the first reading of the Comprehensive Plan ordinance. The second reading of the ordinance shall take place not more than sixty (60) days after receipt of the Planning Commission's recommendation. The Board of County Commissioners may then proceed to a third and final hearing of the Comprehensive Plan ordinance. At the close of the public hearing, the Board of County Commissioners may amend the Comprehensive Plan according to the procedures established in Section 3-14 of the Home Rule Charter.

11. The Board of County Commissioners shall consider the proposed amendment, the Planning Commission's recommendation and any public testimony, and determine whether the proposal complies with the standards for approval.

12. Standards for Approval. The following standards must be met:

a. The existing Comprehensive Plan is in need of revision as proposed.

b. Social, economic or land use conditions of the County have changed, if applicable, that would support amending the Comprehensive Plan.

c. The proposed amendment will be consistent with existing and future goals, policies and needs of the County.

d. In the case of any amendment to the Regional Urbanization Area:

1) The proposed amendment inclusion into the Regional Urbanization Area Land Use Map or modification to the existing land use classification as outlined on the Regional Urbanization Area Land Use Map has one-sixth ($\frac{1}{6}$) contiguity with the existing Regional Urbanization Area Land Use Map boundary.

2) The proposed amendment will address the impact on existing or planned service capabilities, including but not limited to all utilities, infrastructure, stormwater infrastructure and transportation systems.

3) The proposed amendment will address impacts on the natural environment.

- 4) The proposed land use is compatible with the existing and surrounding land uses.
 - 5) The proposed number of new residents will be adequately served by the social amenities, such as schools and parks of the community.
 - 6) Local, accessible employment opportunities exist, and there is an integrated balance of housing and employment.
 - 7) The proposed amendment has demonstrated that adequate services are currently available or reasonably obtainable.
 - 8) Referral agency responses have been received and considered.
- e. In the case of any proposed new Regional Urbanization Area:
- 1) The proposed amendment includes a diversity of land uses and will address the impact on existing or planned service capabilities, including but not limited to all utilities, infrastructure, stormwater infrastructure and transportation systems.
 - 2) The proposed amendment will address impacts on the natural environment.
 - 3) The proposed land use is compatible with the existing and surrounding land uses.
 - 4) The proposed number of new residents will be adequately served by the social amenities, such as schools and parks of the community.
 - 5) Local, accessible employment opportunities exist, and there is an integrated balance of housing and employment.
 - 6) The proposed amendment has demonstrated that adequate services are currently available or reasonably obtainable.
 - 7) Referral agency responses have been received and considered. (Weld County Code Ordinance 2008-13; Weld County Code Ordinance 2009-8)

ARTICLE II

Land Use Categories

Sec. 22-2-10. Agriculture.

A. Historically, Weld County is one (1) of the economically largest agricultural producing counties in the nation, regularly the top producer of traditional crops (i.e., when excluding citrus- or nut-producing counties). The agricultural sector is an important element of the overall County economy. The diversity of agriculture in the County ranges from crops, rangelands and feedlots to other forms of agribusiness, agri-tourism, agri-tainment and hobby farms.

B. The intent of the agricultural Goals is to support all forms of the agricultural industry and, at the same time, to protect the rights of the private property owners to convert their agricultural lands to other appropriate land uses. The County recognizes the importance of maintaining large contiguous parcels of productive agricultural lands in nonurbanizing areas of the County to support the economies of scale required for large agricultural operations.

C. The diversion and application of irrigation waters to farmland in the County has been the main economic driver for the County since the 1860s. Currently, the majority of these waters are used for

irrigation. In addition, shallow wells in alluvial areas are also productive sources of irrigation. As the population expands, so does the need for domestic, commercial and industrial supplies. Land use regulations in the County should protect the infrastructure used for the delivery of water to users.

D. Extraction of natural resources is an important part of the economy of the County. Such extraction operations should minimize the impacts to agricultural lands and agricultural operations.

E. In keeping with the intent of the preamble of the Weld County Charter "to provide uncomplicated, unburdensome government, responsive to the people," development in rural areas provides opportunities for land divisions that are exempt from subdivision regulations and allows land use by small agricultural operations and home businesses. These lots retain the agricultural zoning designation and support a high-quality rural character, while maintaining freedom from cumbersome regulations.

F. Land use policies should support a high-quality rural character which respects the agricultural heritage and traditional agricultural land uses of the County, as agricultural lands are converted to other uses (excluding urban development). Rural character in the County includes those uses which provide rural lifestyles, rural-based economies and opportunities to both live and work in rural areas. The natural landscape and vegetation predominate over the built environment. Agricultural land uses and development provide the visual landscapes traditionally found in rural areas and communities. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-20. Agriculture goals and policies.

A. A.Goal 1. Respect and encourage the continuation of agricultural land uses and agricultural operations for purposes which enhance the economic health and sustainability of agriculture.

1. A.Policy 1.1. Establish and maintain an agricultural land use designation to promote the County's agricultural industry and sustain viable agricultural opportunities for the future.

2. A.Policy 1.2. Support the development of creative policies for landowners to voluntarily conserve agricultural land.

a. Recommended Strategy A.1.2.a. Examine opportunities to provide preservation techniques and incentives for voluntary conservation.

3. A.Policy 1.3. Encourage management practices which sustain practical agricultural productivity when irrigated lands are converted to nonirrigated agricultural uses through water transfers, dry-ups or land-idling programs.

a. Recommended Strategy A.1.3.a. Explore incentives or programs to ensure that weeds are properly managed on dried-up properties.

4. A.Policy 1.4. Recognize the changing dynamics of agricultural land uses, their locations and the size and scope of operations when developing land use regulations.

5. A.Policy 1.5. Support and entice agriculturally related businesses and processing facilities.

B. A.Goal 2. Continue the commitment to viable agriculture in Weld County through mitigated protection of established (and potentially expanding) agricultural uses from other proposed new uses that would hinder the operations of the agricultural enterprises.

1. A.Policy 2.1. Adjacent lands owned or leased by an agricultural operation should be used in determining allowable animal unit densities.

2. A.Policy 2.2. Allow commercial and industrial uses, which are directly related to or dependent upon agriculture, to locate within agricultural areas when the impact to surrounding properties is minimal or mitigated and where adequate services and infrastructure are currently available or reasonably obtainable. These commercial and industrial uses should be encouraged to locate in areas that minimize the removal of agricultural land from production.

a. Recommended Strategy A.2.2.a. Establish land use regulations which minimize burdensome restrictions placed on the land use changes.

b. Recommended Strategy A.2.2.b. Facilitate a timely determination in the approval process for agriculturally related enterprises.

3. A.Policy 2.3. Encourage development of agriculture and agriculturally related businesses and industries in underdeveloped areas where existing resources can support a higher level of economic activity. Agricultural businesses and industries include those related to ranching, confined animal production, farming, greenhouse industries, landscape production and agri-tainment or agri-tourism uses.

C. A.Goal 3. County land use regulations recognize and respect the rights afforded by the State Constitution and associated statutes of individually decreed water rights. Water rights are considered real property and should be protected as any other private property right.

1. A.Policy 3.1. Land use regulations and policies should encourage water rights to voluntarily remain and be put to beneficial use in the County.

2. A.Policy 3.2. Land use regulations should not interfere with the transfer of water rights and/or their associated uses.

3. A.Policy 3.3. Land use regulations should consider the traditional and future operational viability of water-delivery infrastructure when applications for proposed land use changes are considered.

4. A.Policy 3.4. Land use regulations should attempt to limit increased exposure of liability to water-delivery entities when land use changes are considered.

D. A.Goal 4. Promote a quality environment which is free of derelict vehicles, refuse, litter and other unsightly materials.

1. A.Policy 4.1. Property owners should demonstrate responsibility of ownership by minimizing safety and health hazards resulting from, but not limited to, unsafe or dangerous structures and noncommercial junkyards.

a. Recommended Strategy A.4.1.a. Develop programs for cleanup of abandoned property, junk and weeds.

E. A.Goal 5. Provide for the minimum buildable lot size of parcels in the agricultural areas created without County approval to be in conformance with state statutes.

1. A.Policy 5.1. Recognize that viable agricultural operations can function on small acreages.

a. Recommended Strategy A.5.1.a. Review County regulations and consider creating a minimum lot size standard of thirty-five (35) acres in agricultural areas.

F. A.Goal 6. Provide mechanisms for the division of land in agricultural areas to support the continuation of agricultural production.

1. A.Policy 6.1. Support the continuation of division of lands in agricultural areas that are exempt from subdivision regulations.

a. Recommended Strategy A.6.1.a. Consider road reservation/dedication and road access location requirements for land use changes that are exempt from the subdivision process, as applicable, and in accordance with the Weld County Transportation Master Plan.

2. A.Policy 6.2. Support opportunities, such as but not limited to hobby farming and home businesses, to supplement family income and reduce living expenses for farm families and others who prefer a rural lifestyle.

3. A.Policy 6.3. Encourage multi-generational, caretaker, guest and accessory quarters.

a. Recommended Strategy A.6.3.a. Develop land use regulations that allow for auxiliary housing, without an attachment or square footage requirement, on agricultural lands that are suitable for those uses. This would include those units that are now considered nonconforming. Regulations could address compatibility and impacts associated with such housing.

4. A.Policy 6.4. Encourage agri-tourism.

a. Recommended Strategy A.6.4.a. Review land use regulations to ensure that they are consistent with this Policy and that they support agri-tourism. Explore other regulatory and nonregulatory options that promote and enable rural tourism events and sites.

G. A.Goal 7. County land use regulations should protect the individual property owner's right to request a land use change.

1. A.Policy 7.1. County land use regulations should support commercial and industrial uses that are directly related to, or dependent upon, agriculture, to locate within the agricultural areas, when the impact to surrounding properties is minimal, or can be mitigated, and where adequate services are currently available or reasonably obtainable.

a. Recommended Strategy A.7.1.a. Review the zoning regulations to ensure that they are consistent with this Policy.

2. A.Policy 7.2. Conversion of agricultural land to nonurban residential, commercial and industrial uses should be accommodated when the subject site is in an area that can support such development, and should attempt to be compatible with the region.

a. Recommended Strategy A.7.2.a. Review land use regulations for small home-based businesses that are not uses allowed by right in the Agricultural Zone District, and which are located in rural subdivisions.

3. A.Policy 7.3. Conversion of agricultural land to urban residential, commercial and industrial uses should be considered when the subject site is located inside an Intergovernmental Agreement area, Urban Growth Boundary area, Regional Urbanization Area or Urban Development Nodes, or where adequate services are currently available or reasonably obtainable. A municipality's adopted comprehensive plan should be considered, but should not determine the appropriateness of such conversion.

H. A.Goal 8. Ensure that adequate services and facilities are currently available or reasonably obtainable to accommodate the requested new land use change for more intensive development.

1. A.Policy 8.1. The land use applicants should demonstrate that adequate sanitary sewage and water systems are available for the intensity of the development.

2. A.Policy 8.2. The land use applicants are responsible for contacting and determining the status of a water well through the State Division of Water Resources and should be aware that ownership of a parcel of land with a well does not guarantee the use of the well.

3. A.Policy 8.3. The land use applicants should demonstrate that the roadway facilities associated with the proposed development are adequate in width, classification and structural capacity to serve the proposed land use change.

4. A.Policy 8.4. The land use applicants should demonstrate that drainage providing stormwater management for the proposed land use change is adequate for the type and style of development and meets the requirements of county, state and federal rules and regulations.

5. A.Policy 8.5. The land use applicants should demonstrate that public service providers, such as but not limited to schools, emergency services and fire protection, are informed of the proposed development and are given adequate opportunity to comment on the proposal.

I. A.Goal 9. Reduce potential conflicts between varying land uses in the conversion of traditional agricultural lands to other land uses.

1. A.Policy 9.1. Employ consistency and fairness in the application of the principles of this Comprehensive Plan to help reduce conflicts between the residents, the County, the municipalities and the varying land uses.

2. A.Policy 9.2. Consider the individuality of the characteristics and the compatibility of the region of the County that each proposed land use change affects, while avoiding requirements that do not fit the land use for that specific region.

3. A.Policy 9.3. Consider mitigation techniques to address incompatibility issues. Encourage techniques and incentives, such as but not limited to clustered development and building envelopes, to minimize impacts on surrounding agricultural land.

4. A.Policy 9.4. Consider conservation of natural site features such as topography, vegetation and water courses, in conjunction with the conversion of land uses.

a. Recommended Strategy A.9.4.a. Provide land owners with information about voluntary techniques to preserve significant agricultural lands, historic sites and wildlife habitats.

5. A.Policy 9.5. Applications for a change of land use in the agricultural areas should be reviewed in accordance with all potential impacts to surrounding properties and referral agencies. Encourage applicants to communicate with those affected by the proposed land use change through the referral process.

6. A.Policy 9.6. Municipalities should be encouraged to include all private property owners, business owners and residents outside of their municipal boundaries in any growth management discussions and decisions that affect the future land use of such private property owners' land.

a. Recommended Strategy A.9.6.a. Collaborate with municipalities to notify unincorporated property owners of municipal land use policies that may affect the future land uses of private property owners' land.

7. A.Policy 9.7. Protect privately owned open space. Privately owned agricultural lands provide relatively open landscapes. Unlike urban open space areas, public access to these lands is not allowed. These lands are not guaranteed to remain traditional agricultural lands, but can be converted by the individual land owner to other uses through the appropriate land use processes.

a. Recommended Strategy A.9.7.a. Explore strategies for educating the public about protecting privately owned open space.

J. A.Goal 10. The County recognizes the right to farm.

1. A.Policy 10.1. Distribute informational handouts and make available electronic sources of information pertaining to what should be expected of living in agricultural areas, for use by rural homeowners, landowners and residents.

2. A.Policy 10.2. In order to validate this recognition of a right to farm, the statement listed below should be incorporated into all land use plats and Homeowners' Association (HOA) documents.

Weld County Right to Farm Statement

Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface

expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high-speed traffic, sand burs, puncture vines, territorial farm dogs and livestock and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-30. Urban development.

A. Urban development goals and policies are designed to plan for anticipated growth by directing urban uses to areas where urban services exist. However, sometimes successful economic growth will require the conversion of lands to urban uses, such as mixed-use developments.

B. Urban development is characterized by designated areas for residences, retail, offices, services and other uses that are primarily located along major roadways, at major intersections and in subdivisions designed to accommodate these more intense uses. It relies on higher levels of services and infrastructure. Urban development patterns typically include a mix of residential, commercial, industrial and civic land uses in a compact transportation-oriented form. Larger areas of pavement for roadways, plazas and parking lots often accompany these uses. Industrial uses in urban areas vary from heavy industry and manufacturing to manufacturing combined with research and development, which is less obtrusive and disruptive to surrounding properties. Frequently the heavier industrial uses are segregated into areas around the perimeter of communities and linked to major transportation networks. Light industry and manufacturing may also be at the perimeters, but they are more often integrated into the community.

C. Urban residential development includes multi-family housing, single-family residential subdivisions and many variations between these two (2) categories. Typically, the overall density of urban residential developments exceeds one (1) unit per acre, and neighborhoods are characterized by paved streets, sidewalks, parks and a variety of housing types and other urban-type land uses. Some commercial or institutional uses, such as churches, daycares, small-scale offices, schools, convenience stores and small shopping areas are usually associated with urban residential subdivisions. Motorized and nonmotorized transportation options are typically built into urban residential developments.

D. Conflicts can exist between urban residential development and existing land uses. Tension may result, not only from impacts to present uses, but also from resistance to change and growth. It is important that the County recognize its ability to reduce conflicts between urban development and other uses when implementing land use policies. Because of the complexities associated with urban development and the increased impacts to surrounding properties, scrutiny of new urban development proposals is essential to address issues associated with urban development.

E. Growth should pay for itself, in terms of initial costs and long-term costs. New urban development should pay its proportionate share to upgrade existing systems that benefit everyone.

F. One (1) facet of urban development is the efficient use of land as a resource. Since urban development accommodates more density on each acre, the amount of land relative to the number of people who live on or use the land is less. Locations

where urban development can occur should be encouraged to develop as urban. Jurisdictions that can accommodate urban development should employ policies and regulations that facilitate urban development, while at the same time managing the quality of this development.

G. Municipal urban growth areas, and uses within these areas, should be determined through coordination between the County, the participating jurisdiction and the individual landowner. Development in the area surrounding municipalities requires this type of coordination, which is achieved, in part, through these methods: the three-mile referral, Intergovernmental Agreements, a standard quarter-mile County Urban Growth Boundary, landowner notification and community dialogue. When growth at the municipal/county level is not coordinated, numerous problems can occur with incompatible adjacent land uses and violations of private property rights as the most obvious.

H. The County, in accordance with state statutes, refers land use proposals for review and comment to any jurisdiction within three (3) miles of the site of the proposed change. The municipality is given an opportunity to comment, and the comments are considered by the Planning Commission and the Board of County Commissioners when they vote on the proposed land use change. The County should diligently continue the three-mile referral process, regardless of any other agreements between a municipality and the County.

I. The Regional Urbanization Areas (RUAs) are also identified as areas of potential urban growth. The RUAs are intended to provide a foundation to enable the County and its citizens to make appropriate decisions regarding future development within specified geographic areas. RUAs are based on several central ideas, including employment development, interconnection of neighborhoods within the RUA, consistent development and design standards, diverse land uses and a planned transportation network. Specific goals and policies concerning RUAs are found in Section 22-2-140.

J. Urban Development Nodes are also identified as areas of potential urban growth. An *Urban Development Node* is defined as a site of potentially concentrated urban development located along, or adjacent to, the intersection of two (2) or more roads in the state highway system, or as otherwise defined. Existing Urban Development Nodes are generally located in the more central and eastern portions of the County.

K. Definitions and clarifications.

Cooperative planning area – This generalized term refers to all areas where the County and a specific municipality or service district have mutual land use interests. It includes areas defined by an UGB or IGA, but not exclusively so.

County Urban Growth Boundary (UGB) – Unincorporated portions of the County located within a one-quarter-mile perimeter around the physically existing central sewer facilities located within municipal limits. These are only recognized when an IGA is not in force between the County and the municipality. A UGB will not typically correspond to a municipality's own comprehensive planning areas.

Intergovernmental Agreement (IGA) urban growth area – A geographic area specifically defined by a given approved Intergovernmental Agreement, usually intended to define areas where policies supporting urban development apply. (Intergovernmental Agreements may define multiple policy areas.) An IGA may or may not correspond to a municipality's own comprehensive planning areas.

Municipalities' comprehensive plan areas and boundaries – Municipalities are statutorily required to adopt a comprehensive plan (sometimes called a "master plan"). [Section 31-23-206, C.R.S.] As a matter of practice, most will also adopt some form of planning map that contains a

defined planning area. This area will not typically correspond to the various planning areas described in this Section, except in such cases where the County and municipality have mutually adopted it in conjunction with an Intergovernmental Agreement. Municipalities will use many different terms to describe policy areas in their comprehensive plan, and these should not be confused with terms as they are defined herein.

Municipalities' Three-Mile Plans – Municipalities are statutorily required to plan within three (3) miles of their current municipal boundaries in order to consider annexations (Section 31-12-105(e), C.R.S.). The area of this plan is separate from any County-defined planning areas and may or may not correspond to various cooperative planning areas.

Regional Urbanization Areas (RUAs) – Geographic areas designated in the Weld County Comprehensive Plan, supported by urbanization policies found in Section 22-2-140 and Chapter 26 of this Code. RUAs were formerly referred to as Mixed Use Development (MUD) areas.

Urban Development Node (UDN) – Areas defined as a one-quarter-mile radius of the intersection of two (2) or more roads in the state highway system, or as otherwise defined. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-40. Urban development Goals and Policies.

A. UD.Goal 1. Concentrate urban development within existing municipalities, an approved Intergovernmental Agreement urban growth area, the Regional Urbanization Areas, County Urban Growth Boundary Areas, Urban Development Nodes or where urban infrastructure is currently available or reasonably obtainable.

1. UD.Policy 1.1. Individuals making initial contact with the County regarding land use development should be informed of the policy of directing urban development to the areas described above.
2. UD.Policy 1.2. Providing urban infrastructure and/or services should be the responsibility of the landowner proposing urban development.
3. UD.Policy 1.3. The official Urban Development Map will be compiled based on the tools and policies discussed in this Section. The current copy of the Urban Development Map is maintained on file at the Department of Planning Services.

B. UD.Goal 2. Strive to establish an Intergovernmental Agreement concerning urban growth areas with each municipality in the County.

1. UD.Policy 2.1. The County should consider the following elements when beginning to form an Intergovernmental Agreement with a municipality concerning urban growth areas:
 - Establish an agreed-upon urban growth area boundary, giving consideration to the municipality's comprehensive plan. Likewise, the municipality agrees to limit its expansion to defined areas where it plans to provide municipal services within a defined time period.
 - Annexation patterns should directly correlate with municipalities' and/or agencies' recognized service areas and the timing of infrastructure availability.
 - Annexations should be with both municipality and County approvals.

- Expansion of municipal boundaries through annexation should include notification of all unincorporated property owners within one (1) mile of the subject property.
- Common development standards should be agreed upon within designated geographic areas, which may include areas within the municipal boundaries. These should include items such as roadways (types, widths, horizontal design, access and spacing) and drainage (on-site, off-site, discharge, easement treatment and regional facilities).
- Establish provisions addressing extension of infrastructure and services required by urban development. Include a definite time line and capital improvements funding strategy for roadways, sewer, water, drainage, schools, emergency services, civic facilities and other infrastructure and services necessary to support urban development, defining how and when these areas will be served.
- Establish provisions for removal of property from the Intergovernmental Agreement urban growth area if infrastructure and service provision is not completed as described above.
- Strive to set common urban development fees within the Intergovernmental Agreement urban growth area, to encourage parity when a developer is processing land use cases in either the County or a municipality.
- Municipalities should take responsibility for roads that are annexed and the addressing of annexed properties.
- Intergovernmental Agreements should also contain clauses addressing rural and agricultural land uses.

2. UD.Policy 2.2. Inform other area municipalities when an Intergovernmental Agreement between the County and a specific municipality is being considered.

3. UD.Policy 2.3. Support joint Intergovernmental Agreements with multiple municipalities, when appropriate.

4. UD.Policy 2.4. Inform property owners within and near the areas discussed in a potential Intergovernmental Agreement that the area is being considered for Intergovernmental Agreement policies.

5. UD.Policy 2.5. Update and revise Intergovernmental Agreements, as needed, because of changing conditions.

a. Recommended Strategy UD.2.5.a. Utilize a third party, such as the Department of Local Affairs, to facilitate new and revised Intergovernmental Agreements discussions.

6. UD.Policy 2.6. Consider agreements with municipalities that Planning Staff be notified and invited to any pre-hearing neighborhood meetings for municipal land use cases near unincorporated areas, so that unincorporated County residents' concerns can be noted and included in County referral comments to the municipality.

C. UD.Goal 3. Until Intergovernmental Agreements are in place with a particular municipality, define a standard County Urban Growth Boundary as a one-quarter-mile perimeter around the municipal limits that are currently physically served by central sewer (whether by the municipality or other recognized agencies).

1. UD.Policy 3.1. In the absence of an Intergovernmental Agreement urban growth area, the County recognizes a County Urban Growth Boundary.

2. UD.Policy 3.2. The perimeter of a County Urban Growth Boundary should be modified if it is apparent that physical boundaries prevent the extension of sewer service.

3. UD.Policy 3.3. Inside the County Urban Growth Boundary, urban-type uses and services are planned and supported, and annexation is encouraged.

4. UD.Policy 3.4. Inform all property owners in the County Urban Growth Boundary that their property is within the County Urban Growth Boundary.

5. UD.Policy 3.5. Encourage any lower-density uses proposed within the County Urban Growth Boundary to be designed in a manner that will accommodate more intensive redevelopment, as planned or projected, for the future in that location.

D. UD.Goal 4. Define Urban Development Nodes as being located within a one-quarter-mile radius of two (2) or more roads in the state highway system, or as otherwise defined.

1. UD.Policy 4.1. Development of Urban Development Nodes requires appropriate infrastructure, well-designed and managed road access and high visibility.

2. UD.Policy 4.2. Encourage urban development within Urban Development Nodes.

3. UD.Policy 4.3. Other Urban Development Nodes may be designated at significant roadway intersections, in areas where commercial services would otherwise not be practically available within a reasonable proximity. Such other Urban Development Nodes should be determined in conjunction with transportation planning.

E. UD.Goal 5. The County and municipalities should strive to coordinate urban land use planning in cooperative planning areas, including such items as development policies and standards, zoning, street and highway construction, open space, public infrastructure and other matters associated with urban development.

1. UD.Policy 5.1. The County should consider approving an urban development proposal if all of the following criteria are met:

- The adjacent municipality does not consent to annex the land or property in a timely manner, or annexation is not legally possible.
- The proposed development, including public facility and service provision, is consistent with other urban-type uses and conforms to County regulations.
- The proposed urban development attempts to be compatible with the adjacent municipality's comprehensive plan (though it may not necessarily conform to it).

2. UD.Policy 5.2. Encourage joint planning, by the County, metropolitan planning organizations and municipalities, of areas within cooperative planning areas and other significant areas of joint interest. Such joint planning could include the use of mutual studies, sub-area plans or shared data.

a. Recommended Strategy UD.5.2.a. Conduct regular staff-level meetings between the County and municipalities.

3. UD.Policy 5.3. Support mechanisms to include landowners located outside municipal boundaries in the planning and review of urban development in and around the municipality.

a. Recommended Strategy UD.5.3.a. Develop mechanisms to ensure that the expansion of municipal boundaries through annexation, and all urban developments inside or around the municipality, includes notification of all unincorporated property owners within one (1) mile of the subject property.

4. UD.Policy 5.4. Encourage municipalities to establish Intergovernmental Agreements with one another, recognizing the rights of private landowners in unincorporated Weld County.

5. UD.Policy 5.5. The County should diligently continue the three-mile referral process, regardless of any other agreements between a municipality and the County. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-50. Unincorporated communities and historic townsites.

A. The County's rural areas contain a number of small unincorporated residential communities that are surrounded by agricultural districts and agricultural uses. Of particular note are the numerous historic townsites, which are typically small-lot communities that platted before the creation of state subdivision laws in 1972. Many historic townsites are nearly a century old.

B. Historic townsites and other unincorporated communities provide housing for those predominantly employed in agricultural and other industries. The communities also serve as small commercial centers for surrounding farm areas.

C. Some population growth has occurred in these communities despite a lack of community water and/or sewer facilities and their remote locations. These settlements will probably continue to function as rural centers serving the needs of the surrounding rural population.

D. Regional services, such as wastewater treatment plants and water treatment facilities, are encouraged to service unincorporated communities. Further development in unincorporated communities will be encouraged only when adequate services and infrastructure are currently available or reasonably obtainable. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-60. Unincorporated communities and historic townsites goals and policies.

A. UC.Goal 1. Assure proper location and operation of compatible land uses by maintaining land use regulations within unincorporated communities.

1. UC.Policy 1.1. Base the expansion of existing unincorporated communities on the following criteria:

- Urban growth boundary goals and policies should apply in reviewing land use applications which are adjacent to, or propose to expand, existing unincorporated communities.
- Additionally, any goals and policies adopted for a particular type of development should also be used for review and evaluation. For example, the Commercial Goals and Policies would also apply when reviewing a commercial application adjacent to an unincorporated community.

B. UC.Goal 2. Maintain the rural character of the unincorporated communities.

C. UC.Goal 3. Encourage infill of existing vacant platted lots within unincorporated communities.

D. UC.Goal 4. Promote a quality environment which is free of unsightly materials, including but not limited to derelict vehicles, refuse and litter.

1. UC.Policy 4.1. Property owners should demonstrate responsibility of ownership by minimizing safety and health hazards resulting from, but not limited to, derelict structures, derelict vehicles and noncommercial junkyards.

a. Recommended Strategy UC.4.1.a. Develop programs for the cleanup of derelict property, junk and weeds. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2006-4; Weld County Code Ordinance 2008-13)

Sec. 22-2-70. Industrial development.

A. The intent of the industrial Goals is to establish industrial areas where a balanced, diversified economy can be encouraged in an effort to maintain and enhance the quality of life of Weld County citizens. These Goals and Policies intend to assure desirable local employment opportunities and to strengthen and stabilize the economy.

B. When reviewing proposed industrial development, there should be a thorough examination of issues, such as compatibility with surrounding and regional land uses, availability and adequacy of infrastructure and services serving the proposal and impacts on the natural environment.

C. It is essential to have supporting utilities, public services and related facilities for any industrial development. The fiscal limitations of both the private and public sector cannot sustain indiscriminate development without regard for how such services and facilities will be provided.

D. Industrial development can occur throughout the County in a variety of targeted locations, and it differs in intensity and character. Various zone districts are used to implement County goals for industrial development. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-80. Industrial development Goals and Policies.

A. I.Goal 1. Promote the location of industrial uses within municipalities, County Urban Growth Boundary areas, Intergovernmental Agreement urban growth areas, growth management areas as defined in municipalities' comprehensive plans, the Regional Urbanization Areas, Urban Development Nodes, along railroad infrastructure or where adequate services are currently available or reasonably obtainable.

1. I.Policy 1.1. Ensure that adequate industrial levels of services and facilities are currently available or reasonably obtainable to serve the industrial development or district.
2. I.Policy 1.2. Encourage new industrial development within existing industrial areas.
3. I.Policy 1.3. Encourage industrial development by improving major transportation corridors.

a. Recommended Strategy I.1.3.a. Identify these corridors in a Transportation Master Plan.

B. I.Goal 2. Encourage appropriate industrial development to annex into a municipality if the new or expanding industrial development is adjacent to the municipality's corporate limits.

1. I.Policy 2.1. Municipalities may have comprehensive plans that include lands in unincorporated areas of the County. Applicants are encouraged to discuss their land use plans with those affected municipalities.

a. Recommended Strategy I.2.1.a. Pursue Intergovernmental Agreements between municipalities and the County.

C. I.Goal 3. Consider how transportation infrastructure is affected by the impacts of new or expanding industrial developments.

1. I.Policy 3.1. Support transportation systems within and into industrial developments that address a full range of mobility needs, and which effectively provide connectivity in a cost effective, efficient and comprehensive manner.

2. I.Policy 3.2 The land use applicant should demonstrate that the roadway facilities associated with the proposed industrial development are adequate in width, classification and structural capacity to serve the development proposal.

a. Recommended Strategy I.3.2.a. Coordinate transportation plans between Weld County, other counties, municipalities and other jurisdictions.

b. Recommended Strategy I.3.2.b. Establish road reservation/dedication standards for industrial developments that are in accordance with the Weld County Transportation Master Plan.

D. I.Goal 4. All new industrial development should pay its own way.

1. I.Policy 4.1. New development should pay for the additional costs associated with those services directly impacted by the new industrial development.

2. I.Policy 4.2. Cooperation or consolidation of urban services among counties, municipalities, special districts and companies should be encouraged, when appropriate, to avoid duplication and overlapping costs and to establish a satisfactory level of quality, quantity and dependability of those services.

3. I.Policy 4.3. The applicant has the option to provide a cost/benefit evaluation. This evaluation may be considered for potential economic incentives.

a. Recommended Strategy I.4.3.a. Develop criteria for considering if and when incentives are appropriate.

E. I.Goal 5. New industrial uses or expansion of existing industrial uses should meet existing federal, state and local policies and legislation.

1. I.Policy 5.1. Industrial uses should be evaluated using criteria, including but not limited to the effect the industry would have on air and water quality, natural drainage ways, soil properties and natural patterns and suitability of the land.

a. Recommended Strategy I.5.1.a. Review the zoning regulations to ensure that they are consistent with this Policy.

2. I.Policy 5.2. Development improvements should minimize permanent visual scarring from grading, road cuts and other site disturbances. Require stabilization and landscaping of final land forms, and that runoff be controlled at historic levels.

F. I.Goal 6. Minimize the incompatibilities that occur between industrial uses and surrounding properties.

1. I.Policy 6.1. Consider the compatibility with surrounding land uses and natural site features.

a. Recommended Strategy I.6.1.a. Establish development standards for such issues as use, building height, scale, density, traffic, dust and noise.

b. Recommended Strategy I.6.1.b. Consider identifying industrial sub-areas and corresponding design guidelines after notification to the relevant landowners.

2. I.Policy 6.2. Support the use of visual and sound barrier landscaping to screen open storage areas from residential uses or public roads.

3. I.Policy 6.3. Encourage informational neighborhood meetings for proposed industrial uses that do not require a public hearing.

a. Recommended Strategy I.6.3.a. Develop options for neighborhood meeting processes.

4. I.Policy 6.4. Ensure that industrial properties are free of derelict vehicles, refuse, litter and other unsightly materials.

a. Recommended Strategy I.6.4.a. Develop programs for cleanup of derelict property, junk and weeds.

G. I.Goal 7. Recognize the importance of railroad infrastructure to some industrial uses.

1. I.Policy 7.1. Support the continued and expanded use of existing railroad infrastructure for industrial uses.

2. I.Policy 7.2. Communicate with landowners along railroads concerning the significance of railroads to some industrial uses.

3. I.Policy 7.3 Maintain development standards along heavy railroad lines.

a. Recommended Strategy I.7.3.a. Review existing regulations and consider development standards for industrial uses along heavy railroad.

4. I.Policy 7.4 Develop design guidelines along heavy railroad lines.

a. Recommended Strategy I.7.4.a. Define heavy railroad in the Weld County Code. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-90. Commercial development.

A. The purpose of commercial development Goals is to characterize, by intensity, those areas throughout the County for retail, offices, services and other similar uses. Commercial uses are primarily located along major roadways, at major intersections and in commercial parks designed to accommodate these uses. When of an appropriate scale that accounts for pedestrians and public space, limited commercial activity is also appropriate within neighborhoods.

B. These commercial Goals and Policies intend to further enhance and solidify the economic base of the County. It is critical to attract sustainable commercial growth and economic development. This is achieved by accommodating patterns that neither undermine the quality of life for County citizens, nor compromise the viability of the agricultural and industrial economies.

C. Generally, commercial development is located within or adjacent to existing urban areas.

D. Regional commercial activity, which has impacts on multiple jurisdictions and the County, should be developed in a culture of collaboration. By respecting the differences in their values and policies, municipalities and the County can create the best possible development and improve the delivery of services.

E. Neighborhood commercial development provides locations for uses that supply conveniences, goods and services for residents of the immediate area. It should typically link to transportation networks, while minimizing traffic and parking problems for the adjacent residences and promoting compatibility between such commercial areas and nearby residential areas. The design, scale and scope of commercial facilities are particularly important when neighborhood commercial uses are planned. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-100. Commercial development Goals and Policies.

A. C.Goal 1. Promote the location of commercial uses within municipalities, County Urban Growth Boundary areas, Intergovernmental Agreement urban growth areas, growth management areas as defined in municipal comprehensive plans, the Regional Urbanization Areas, Urban Development Nodes or where adequate services are currently available or reasonably obtainable.

1. C.Policy 1.1. Ensure that adequate levels of services and facilities are currently available or reasonably obtainable.
2. C.Policy 1.2. Encourage new commercial development within existing commercial areas.
3. C.Policy 1.3. Neighborhood commercial uses should be allowed in residential areas. These commercial uses should consist only of neighborhood-oriented businesses. Commercial uses that service a greater area than the neighborhood and create an undesirable impact, such as increased vehicular traffic, are not considered appropriate in residential neighborhoods.

B. C.Goal 2. Encourage appropriate commercial development to annex into a municipality if the new or expanding commercial development is adjacent to the municipality's corporate limits.

1. C.Policy 2.1. Municipalities may have comprehensive plans that include lands in unincorporated areas of the County. Applicants are encouraged to discuss their land use plans with those affected municipalities.

a. Recommended Strategy C.2.1.a. Pursue Intergovernmental Agreements between municipalities and the County.

C. C.Goal 3. All new commercial development should pay its own way.

1. C.Policy 3.1. New development should pay for the additional costs associated with those services directly impacted by the new commercial development.
2. C.Policy 3.2. Cooperation or consolidation of urban services among counties, municipalities, special districts and companies should be encouraged, when appropriate, to avoid duplication and overlapping costs and to establish a satisfactory level of quality, quantity and dependability of those services.

D. C.Goal 4. New commercial uses or expansion of existing commercial uses should meet existing federal, state and local policies and legislation.

1. C.Policy 4.1. Commercial uses should be evaluated using criteria, including but not limited to the effect the development would have on air and water quality, natural drainage ways, soil properties and natural patterns and suitability of the land.

a. Recommended Strategy C.4.1.a. Review the zoning regulations to ensure that they are consistent with this Policy.

2. C.Policy 4.2. Commercial uses should be encouraged to enhance desirable natural features, which may include favorable space for wildlife, and minimize pollution. Development improvements should minimize permanent visual scarring from grading, road cuts and other site disturbances. Require stabilization and landscaping of final land forms, and that runoff be controlled at historic levels.

E. C.Goal 5. Minimize the incompatibilities that occur between commercial uses and surrounding properties.

1. C.Policy 5.1. Consider the compatibility with surrounding land uses and natural site features.

a. Recommended Strategy C.5.1.a. Establish development standards for such issues as use, building height, scale, density, traffic, dust and noise.

b. Recommended Strategy C.5.1.b. Consider identifying commercial sub-areas and corresponding design guidelines after notification to the relevant landowners.

2. C.Policy 5.2. Support the use of visual and sound barrier landscaping to screen open storage areas from residential uses or public roads.

3. C.Policy 5.3. Encourage informational neighborhood meetings for proposed commercial uses that do not require a public hearing.

a. Recommended Strategy C.5.3.a. Develop options for neighborhood meeting processes.

4. C.Policy 5.4. Ensure that commercial properties are free of derelict vehicles, refuse, litter and other unsightly materials.

a. Recommended Strategy C.5.4.a. Develop programs for cleanup of derelict property, junk and weeds.

F. C.Goal 6. Consider how transportation infrastructure is affected by the impacts of new or expanding commercial developments.

1. C.Policy 6.1. Support transportation systems within and into commercial developments that address a full range of mobility needs, and which effectively provide connectivity in a cost-effective, efficient and comprehensive manner. Encourage shared access points.

2. C.Policy 6.2. The land use applicant should demonstrate that the roadway facilities associated with the proposed commercial development are adequate in width, classification and structural capacity to serve the development proposal.

a. Recommended Strategy C.6.2.a. Coordinate transportation plans between Weld County, other counties, municipalities and other jurisdictions.

b. Recommended Strategy C.6.2.b. Establish road reservation/dedication standards for commercial developments that are in accordance with the Weld County Transportation Master Plan and with other local and regional transportation plans. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2005-01; Weld County Code Ordinance 2006-2; Weld County Code Ordinance 2006-4; Weld County Ordinance 2008-13)

Sec. 22-2-110. Residential development.

A. The intent of the Residential Goals and Policies is to establish residential areas, which reflect affordability and lifestyle choices that include dwelling unit type, density, environmental setting and convenience levels.

B. Thorough examination of issues such as compatibility with surrounding and regional land uses, availability and adequacy of infrastructure, services serving the proposal, impacts on the natural environment and other issues should occur in the review of all residential developments.

C. Supporting utilities and public services and related facilities are essential to any residential development. Recognition of this has led the public sector to require that residential development include adequate facilities and services. The fiscal limitations of both the private and public sector cannot sustain indiscriminate development without regard for how such services and facilities will be provided.

D. Residential development can occur throughout the County in a variety of locations, and it varies in location, intensity, character and density. Various zone districts are used to implement County goals for housing.

E. Residential development on large parcels primarily used as agricultural lands is essential to the continuation of agriculture in the County and takes on many forms particular to the specific agricultural use (i.e., dairy, irrigated land, dryland, etc.).

F. Rural Residential developments are characterized by larger lots, limited urban amenities, limited livestock and/or other non-urban components. These types of residential developments are generally located in areas between towns, or beyond the urbanizing regions of the County and must be planned in relation to the infrastructure currently available or reasonably obtainable and compatibility of land uses.

G. Other than rural and agricultural residential development, Urban Residential developments in the County vary in intensity and density; generally, Urban Residential developments are of single-family lots, multi-family lots or sites for mobile homes. It is important that these types of residential developments are located inside municipal boundaries, or in County Urban Growth Boundaries, Urban Development Nodes, Regional Urbanization Areas or other areas where adequate services and infrastructure are currently available or reasonably obtainable.

H. Diverse housing options serve people of all income levels and may provide some citizens the ability to live where they work. A shortage of workforce housing for entry-level or essential employees, living on a moderate income, may be detrimental to local employers' efforts to maintain an adequate workforce. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2006-4; Weld County Code Ordinance 2008-13)

Sec. 22-2-120. Residential development Goals and Policies.

A. R.Goal 1. Ensure that adequate services and facilities are currently available or reasonably obtainable to serve the residential development or district.

1. R.Policy 1.1. The land use applicant should demonstrate that adequate sanitary sewage and water systems are currently available or reasonably obtainable to serve residential development proposals.

2. R.Policy 1.2. The land use applicant should demonstrate that the roadway facilities associated with the proposed development are adequate in width, classification and structural capacity to serve the development proposal.

3. R.Policy 1.3. The land use applicant should demonstrate that drainage facilities providing stormwater management for the proposed development are adequate for the type and style of development and meet the regulatory requirements of the county, state and federal rules and regulations.

4. R.Policy 1.4. The land use applicant should demonstrate that public service providers such as schools, emergency services, fire protection and other providers are informed of the proposed development and are given adequate opportunity to comment on the proposal.

B. R.Goal 2. Promote cost-effective delivery of facilities and services to residential development.

1. R.Policy 2.1. Improvements associated with residential development should be based on the direct impact that development proposals have on the infrastructure and services related to that development. This may include being required to address off-site improvements necessary to adequately support any individual development.

a. Recommended Strategy R.2.1.a. Consider road reservation/dedication for land development that is exempt from the subdivision process, such as but not limited to recorded exemptions, as applicable, and in accordance with the Weld County Transportation Master Plan.

2. R.Policy 2.2. Ensure adequate mechanisms are in place to manage and maintain all public and private improvements in residential development. These improvements may include

water delivery, sewage disposal, drainage facilities, roadways, common and private open space, landscaped areas and fencing. Mechanisms may include, but are not limited to, homeowners' associations, metropolitan or other improvement districts, agreements with utility or service providers, or protective covenants addressing privately owned property.

3. R.Policy 2.3. Mechanisms for funding infrastructure improvements should be promoted to ensure equitable participation by the developer, utility providers, service providers, the County, future owners and surrounding properties. Such mechanisms may include oversizing or payback agreements, impact fees, interim/ultimate design and installation plans, improvement or metropolitan districts and/or other methods.

a. Recommended Strategy R.2.3.a. Review existing impact fee policies every three (3) years and after each decennial census to ensure that the basis for impact fees remains equitable and fair and reflects the current costs of construction.

C. R.Goal 3. Consider the compatibility with surrounding land uses, natural site features, nearby municipalities' comprehensive plans and general residential growth trends when evaluating new residential development proposals.

1. R.Policy 3.1. Mitigation techniques should be considered, to address incompatibility issues.

2. R.Policy 3.2. Consider conservation of natural site features, such as topography, vegetation and water courses, in conjunction with residential uses. Development improvements should minimize permanent visual scarring from grading, road cuts and other site disturbances. Require stabilization and landscaping of final land forms, and that runoff be controlled at historic levels.

3. R.Policy 3.3. Incorporated areas may have comprehensive plans that include lands in unincorporated areas of the County. Applicants are encouraged to discuss their land use plans with those affected incorporated areas.

4. R.Policy 3.4. County land use codes and regulations shall recognize that residential growth trends, patterns and rates are dynamic and are influenced by many factors. Regulations should be crafted to account for these fluctuations.

D. R.Goal 4. Residential development should support agriculture, and be supported in agricultural areas, in accordance with the goals and policies of Section 22-2-20 of this Article.

E. R.Goal 5. Support Rural Residential development. The density of Rural Residential development should be based on total gross area of land, with final density adjusted, if necessary, relative to infrastructure and services available or reasonably obtainable.

1. R.Policy 5.1. Encourage Rural Residential uses when the subject site is located in a non-urban area of the County.

2. R.Policy 5.2. The gross density of Rural Residential development proposed with public water, or wells, and individual sewage disposal systems should be lower than that of other types of Rural Residential development. Lots should have access to common or private open space, if applicable. Private open space is encouraged on individual lots, in order to support high-quality rural character.

a. Recommended Strategy R.5.2.a. Review the subdivision and zoning regulations to ensure that they support this Policy. Study the possibility of allowing a gross density for Rural Residential development proposed with public water, or wells, and individual sewage disposal systems of one (1) dwelling unit per three (3.0) acres or more.

b. Recommended Strategy R.5.2.b. Review regulations and consider a minimum lot or building envelope size of one and a quarter (1.25) acres for Rural Residential development proposed with public water, or wells, and individual sewage disposal systems.

c. Recommended Strategy R.5.2.c. Review regulations to ensure adequate open space requirements. Consider standards such as common open space a minimum of thirty (30) feet wide, and private open space that is a minimum of three (3.0) acres, unimproved and a minimum of one hundred fifty (150) feet wide.

3. R.Policy 5.3. The gross density of Rural Residential development proposed with public water and public sewer service may be higher than those proposed with public water, or wells, and individual septic systems, but lower than Urban Development. Such development should support lots having access to common open space. Off-road pedestrian connections (detached or attached sidewalks or trails) should connect all lots.

a. Recommended Strategy R.5.3.a. Review the subdivision and zoning regulations to ensure that they support this Policy. Study the possibility of allowing a gross density for Rural Residential development proposed with public water and public sewer service of one (1) dwelling unit per one and a half (1.5) acres or more.

b. Recommended Strategy R.5.3.b. Review regulations and consider a minimum lot or building envelope size of a half (0.5) acre for Rural Residential development proposed with public water and public sewer service.

c. Recommended Strategy R.5.3.c. Review regulations to ensure adequate open space requirements. Consider standards such as common open space that is a minimum of twenty (20) feet wide, and private open space that is a minimum of one and a half (1.5) acres, unimproved and a minimum of one hundred (100) feet wide.

d. Recommended Strategy R.5.3.d. Review regulations regarding Rural Residential development adjacent to urban development.

e. Recommended Strategy R.5.3.e. Develop standards for rural pedestrian connections.

F. R.Goal 6. Design Rural Residential development to include development patterns, design features, amenities and architecture that support a high-quality rural character.

1. R.Policy 6.1. Internal roadways that are rural in character, and yet adequately serve the intensity of the development, are encouraged.

a. Recommended Strategy R.6.1.a. Develop road standards for Rural Residential subdivisions. Where possible, different standards should be explored for different rural circumstances.

2. R.Policy 6.2. Access from Rural Residential developments onto perimeter roadways should be encouraged to share access roads, spaced according to County policies.

3. R.Policy 6.3. Roadway and/or pedestrian connections to surrounding properties should be included, where feasible, to ensure connectivity between adjoining properties as they develop.

4. R.Policy 6.4. Perimeter treatments, entryways and architectural design criteria are encouraged to be individually tailored to each development proposal, but should support a high-quality rural character.

a. Recommended Strategy R.6.4.a. Develop a "Design Techniques to Support the Rural Character of Weld County" handbook. This handbook would offer suggestions for subdivision layout and street designs that maintain the look and feel of rural Weld County.

5. R.Policy 6.5. Setbacks and other bulk standards should be established so that they reflect the character and goals of Rural Residential development.

a. Recommended Strategy R.6.5.a. Review the zoning regulations to ensure that they are consistent with this Policy.

G. R.Goal 7. Encourage Urban Residential uses when the subject site is located inside an approved Intergovernmental Agreement urban growth area, County Urban Growth Boundary area, Regional Urbanization Areas, Urban Development Nodes or where adequate infrastructure and services are currently available or reasonably obtainable.

1. R.Policy 7.1. Urban residential development is any development more dense than Rural Residential development.

H. R.Goal 8. Urban Residential development patterns, design features, infrastructure, amenities and other development elements should conform to urban design standards.

1. R.Policy 8.1. Urban infrastructure elements such as roadways, water, sewer, drainage, sidewalks, parks, open space and other community services should be included in any urban design.

2. R.Policy 8.2. Mixed uses, including varied lot sizes, multi-family dwellings, complimentary commercial, civic and public facilities, should be considered in all urban developments.

3. R.Policy 8.3. As appropriate, incorporate neighborhood design techniques, so that ordinary activities of daily living can occur within walking distance of most residences.

a. Recommended Strategy R.8.3.a. Develop a handbook that offers suggestions for neighborhood design techniques.

I. R.Goal 9. Promote the development of affordable, quality housing for County residents.

1. R.Policy 9.1. Provide for housing developments, such as but not limited to multi-family and manufactured homes, to encourage lower-cost renter- or owner-occupied housing and employee housing.

a. Recommended Strategy R.9.1.a. Explore incentive options for workforce housing development.

2. R.Policy 9.2. Locate affordable housing developments within a reasonable distance of employment, community centers, parks, shopping areas and schools or where transportation services can be provided to enable access to these areas.

3. R.Policy 9.3. Provide for appropriate housing suitable as multi-generational quarters, caretaker quarters or accessory units.

a. Recommended Strategy R.9.3.a. Review regulations concerning the amount, location and zoning of accessory units, including provision for auxiliary homes without an attachment or square footage requirement on lots that are suitable for multi-generational, caretaker, guest and accessory quarters.

4. R.Policy 9.4. Consider proposals which provide affordable housing through various techniques, such as but not limited to higher densities, reduced amenities or reductions in open space requirements. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-130. Regional Urbanization Areas (RUAs).

A. Municipalities are best suited for most types of urban development, and other County policies encourage urban development within existing municipalities. The Regional Urbanization Areas (RUAs) are intended to provide a tool that facilitates opportunities that might not otherwise be available. As a land use tool, the RUA enables the County and its citizens to make decisions regarding future development within specified areas. Key factors in their creation are wise use of natural resources, development of quality communities, provision for regional services, employment opportunities and maintaining fiscal integrity.

B. The Regional Urbanization Areas are based on the following five (5) central ideas: 1) employment development; 2) interconnection of neighborhoods within the RUA; 3) consistent development and design standards; 4) diverse land uses; and 5) a planned transportation network.

C. The Regional Urbanization Areas establish a sense of community identity by planning and managing residential, commercial, industrial, environmental, aesthetic and economic components of the area.

D. The Regional Urbanization Areas are at the center of existing and anticipated growth along the Colorado Front Range. These commercial and residential developments will be important activity centers for the County. The RUAs help define and shape communities, which opens the door for more regional business opportunities. The following goals and policies should enhance community form and structure within the RUAs. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-2-140. Regional Urbanization Areas (RUAs) goals and policies.**A. RUA.Goal 1. Plan and manage growth using new and existing Regional Urbanization Areas.**

1. RUA.Policy 1.1. Official Land Use Maps for all RUAs will be compiled based on the tools and policies discussed in this Section. These Land Use Maps are maintained on file at the Department of Planning Services.

2. RUA.Policy 1.2. Consider urban development within existing, expanded or newly created Regional Urbanization Areas.

3. RUA.Policy 1.3. Prioritize infill of existing RUAs.

a. Recommended Strategy RUA.1.3.a. Use incentives to prioritize infill.

4. RUA.Policy 1.4. Advocate the use of existing services and facilities.

5. RUA.Policy 1.5. The following elements should be present in the expansion of existing RUAs or the formation of a new RUA:

- A diversity of land uses.
- An integrated balance of housing and employment.
- Local, accessible employment opportunities.
- Use and enhancement of existing transportation networks that interconnect with the region.
- Consistency with Weld County development and design standards.

B. RUA.Goal 2. The County, property owners, municipalities and other jurisdictions should coordinate urban land use planning within the Regional Urbanization Areas, concerning but not limited to development policies and standards, zoning, street and highway construction, open space and trails, public infrastructure and other matters associated with urban development.

1. RUA.Policy 2.1. Encourage joint planning between the County, property owners, municipalities and other jurisdictions. Such joint planning could include, but is not limited to, the use of mutual studies, sub-area plans or shared data.

2. RUA.Policy 2.2. Encourage communication between the County, property owners, municipalities and other jurisdictions.

a. Recommended Strategy RUA.2.2.a. Establish regular meetings between the County, property owners, municipalities and other jurisdictions to encourage an open dialog.

3. RUA.Policy 2.3. Encourage Intergovernmental Agreements between the County, municipalities and other jurisdictions, following the elements outlined in UD.Goal 2.

4. RUA.Policy 2.4. Encourage cooperation or consolidation of urban services among counties, municipalities, special districts and companies, when appropriate, in order to avoid duplication and overlapping costs and to establish safe and adequate levels of quality, quantity and dependability of those services.

5. RUA.Policy 2.5. Coordinate the location, construction, and funding of public facilities between Weld County, municipalities, other jurisdictions and private interests.

6. RUA.Policy 2.6. Encourage coordination with adjoining, overlapping or proximal municipalities' comprehensive plan areas that apply to Regional Urbanization Areas and areas adjacent to them.

a. Recommended Strategy RUA.2.6.a. Evaluate these existing plans in order to minimize discrepancies and to avoid duplication of infrastructure and services.

b. Recommended Strategy RUA.2.6.b. Consider developing a consolidated plan for infrastructure and services in conjunction with the area municipalities, subdivisions and property owners for the larger regional area.

7. RUA.Policy 2.7. Be consistent with the recommendation of any applicable regional studies and master plans adopted by the Board of County Commissioners for the area, such as highway access plans, master drainage reports, etc.

C. RUA.Goal 3. Development within Regional Urbanization Areas should occur in a manner that results in an attractive and functional working and living environment.

1. RUA.Policy 3.1. Consider the compatibility with surrounding land uses and natural site features.

a. Recommended Strategy RUA.3.1.a. Establish development standards for each RUA, addressing such issues as use, building height, scale, density, traffic, dust and noise.

2. RUA.Policy 3.2. Promote the use of visual and sound barrier landscaping to screen commercial and industrial open storage areas from residential uses or public roads.

3. RUA.Policy 3.3. Encourage development to use innovative siting and design techniques to cultivate an attractive visual appearance, with special emphasis on perimeter treatments and transitions between uses.

4. RUA.Policy 3.4. Promote quality site and architectural design.

a. Recommended Strategy RUA.3.4.a. Consider design features, such as but not limited to landscaping standards for the entire development, efficient on-site traffic circulation plans, limited numbers of access points and low-profile signage.

5. RUA.Policy 3.5. If development occurs within an Intergovernmental Agreement (IGA) area, development should adhere to the design standards defined by the IGA, unless the parties mutually agree to a change of standards.

6. RUA.Policy 3.6. Development should conserve and/or enhance natural resources and features.

D. RUA.Goal 4. New development within Regional Urbanization Areas should pay its own way.

1. RUA.Policy 4.1. New development within the RUAs should provide a mechanism for funding and maintaining public facilities, expanded services, transportation and community facilities based on new demand created by the development.

2. RUA.Policy 4.2. A land use applicant within a RUA has the option to provide a cost/benefit evaluation. This evaluation may be considered for potential economic incentives.

a. Recommended Strategy RUA.4.2.a. Develop criteria for considering if and when incentives are appropriate.

E. RUA.Goal 5. Ensure the efficient and cost-effective delivery of adequate public facilities and services within a Regional Urbanization Area that provides for the health, safety and welfare of the present and future residents of the County.

1. RUA.Policy 5.1. Ensure adequate facilities such as schools and satellite stations for police, fire and ambulance, and encourage the siting of co-located facilities and equipment.

2. RUA.Policy 5.2. Provide land for public facilities and public services.

3. RUA.Policy 5.3. All developments within the Regional Urbanization Areas should use the sanitary sewage disposal facilities provided by sanitation providers. Water supply systems should be supplied by water providers.

4. RUA.Policy 5.4. New development should consider compatibility with existing surrounding land uses in terms of general use, building height, scale, density, traffic, dust and noise.

F. RUA.Goal 6. Ensure a well-integrated transportation system within the Regional Urbanization Areas that considers all modes of transportation.

1. RUA.Policy 6.1. Plan and maintain a transportation system in the RUAs that unifies and coincides with state and other county, city and community transportation systems within and surrounding the Regional Urbanization Areas.

a. Recommended Strategy RUA.6.1.a. Coordinate transportation plans between Weld County and other counties, municipalities and other jurisdictions.

b. Recommended Strategy RUA.6.1.b. Develop a revenue mechanism for funding costs associated with the transportation impacts, including subsequent maintenance, due to growth and development in the Regional Urbanization Areas.

2. RUA.Policy 6.2. Require dedication and improvement of roads as conditions of development, as warranted.

3. RUA.Policy 6.3. Consider a trail system (or systems) to support adequate multi-modal passageways to service transportation and recreation purposes within the RUAs.

4. RUA.Policy 6.4. Consider connections to existing or planned trails systems adjacent to, or in the vicinity of, the RUA.

5. RUA.Policy 6.5. Consider the feasibility of a public transit system within all or part of the RUA.

G. RUA.Goal 7. Promote a quality environment within the Regional Urbanization Area that is free of unsightly materials, including but not limited to derelict vehicles, refuse and litter.

1. RUA.Policy 7.1. New development should occur in a manner that assures an attractive working and living environment.

2. RUA.Policy 7.2. Property owners should demonstrate responsibility of ownership by minimizing safety and health hazards resulting from, but not limited to, derelict structures, derelict vehicles and noncommercial junkyards.

a. Recommended Strategy RUA.7.2.a. Develop programs for cleanup of derelict property, junk and weeds. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2006-4; Weld County Code Ordinance 2008-13)

ARTICLE III

Land Use Amenities

Sec. 22-3-10. Public facilities and services.

A. The effective and efficient delivery of adequate public services is one (1) of the primary purposes and benefits of effective land use planning. Public services are government services, such as police and fire protection, health services and welfare and educational services and programs. Public facilities are physical structures and infrastructure, such as schools, libraries, roads, maintenance facilities, water distribution systems and sewage treatment facilities. Municipal governments, County governments, special districts and private companies are capable of providing such services and facilities.

B. Because of the expense and limited available funding, proper allocation of public facilities and services is important. Revenue to support public services and facilities in unincorporated Weld County is usually generated by levying property taxes and user fees.

C. The type, intensity and location of a land use proposal are factors that determine the type and level of services and facilities required. Effective and efficient delivery of services and facilities can be promoted by assessing the needs and impacts of a land use proposal, along with the existing and planned capabilities of the service and facility providers at that location.

D. One (1) basic objective of the County is to plan and coordinate a timely, orderly and efficient arrangement of public facilities and services. In accomplishing this objective, municipalities are considered to be the principal provider of services and facilities for urban uses.

E. Municipalities have the ability to coordinate the provision of adequate urban facilities and services under powers granted by state statutes and the Constitution. The adopted urban growth boundary areas are the most logical areas for urban development to occur. Municipalities are designed to accommodate concentrations of development and are in a position to plan the expansion of existing facilities and services, as well as to coordinate the development of new facilities and services.

F. Alternative facilities and service mechanisms (for example, special districts) may be used for urban-type development within the Regional Urbanization Areas, Urban Development Nodes or County Urban Growth Boundary areas, with certain restrictions. The alternative facility and service systems must comply with the zoning and subdivision standards set forth in this Comprehensive Plan and this Code. Systems that are proposed to be located within a municipality's comprehensive planning area may be required to develop in such a manner that they are compatible with the standards of the municipality most likely to phase services into the area. They also may be required to meet state regulations and standards.

G. In determining service and facility adequacy for a land use proposal, the County considers evidence submitted by the representative of an entity responsible for providing such services or facilities.

Various minimum service and facility standards must be met in determining if public services and facilities are adequate for residential, commercial and industrial development. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2006-4; Weld County Code Ordinance 2008-13)

Sec. 22-3-20. Fire protection.

A. Fire protection is a basic provision required for development activities in the County. While the County encourages fire service providers to utilize the best available equipment, standards and services, fire protection providers within many areas of the County are volunteer rural fire districts with limited service abilities and personnel.

B. The intent of this Section is to note a basic level of protection against the destruction of life and property from fire. However, local jurisdictions, having authority to enforce the fire code, have adopted particular fire codes, enforce such fire codes and may have additional requirements that are not listed. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-3-30. Law enforcement.

Law enforcement should include those acts and duties of the Sheriff by state statutes and the Home Rule Charter. These include, but are not limited to, acting as keeper of the County jail and prisoners therein; servicing and executing of all process, writs, precepts and other orders issued or made by lawful authority directed to the Sheriff and apprehending and securing any person for violation of state statutes and this Code. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-3-40. Public facility and services, fire protection and law enforcement goals and policies.

A. P.Goal 1. Promote efficient and cost-effective delivery of public facilities and services.

1. P.Policy 1.1. Encourage consolidation of public facilities or services and coordination between providers, to avoid duplication of costs and promote efficiency.

2. P.Policy 1.2. Encourage the development of cost-effective transportation and circulation systems by encouraging higher density uses in the area around existing municipalities, Regional Urbanization Areas or activity centers. This will help ensure that maximum efficiency and uses are derived from investment in public facilities.

3. P.Policy 1.3. Any proposal for development, or the creation of a zone district for the purpose of development, should not produce an undue burden on existing County facilities.

B. P.Goal 2. Require adequate facilities and services to assure the health, safety and welfare of the present and future residents of the County.

1. P.Policy 2.1. Development that requires urban services and facilities should be encouraged to locate within a municipality, County Urban Growth Boundary area, Regional Urbanization Area, Urban Development Nodes or where adequate services are currently available or reasonably obtainable.

2. P.Policy 2.2. Development should be required to pay its proportional share of the local costs of infrastructure improvements.

3. P.Policy 2.3. In evaluating a land use application, consider both its physical and fiscal impact on the local school and fire districts. If it is found that the district involved will, as a result of the proposed development, require additional facilities or incur costs requiring additional local revenues, the land use project should be required to contribute funds to the district for the costs directly attributable to the project in accordance with the law.

4. P.Policy 2.4. Encourage multi-jurisdictional coordination of services and facilities, unless it will lead to development that is not compatible with other County Goals and Policies.

5. P.Policy 2.5. Provide a mechanism for funding public facilities, accommodating service expansion and community amenities based on the demand created by the development. Metropolitan district(s) may be formed to address and assess needs based on the development.

6. P.Policy 2.6. Encourage citizen participation in volunteer fire departments in order to provide adequate service.

7. P.Policy 2.7. Fire protection should be provided twenty-four (24) hours a day.

8. P.Policy 2.8. Roads serving a land use development should have all-weather surfaces for the purpose of controlling and extinguishing fires at the proposed development site or zone district.

9. P.Policy 2.9. Areas outside of designated fire protection districts, or within those districts which have not adopted standards, should demonstrate that fire protection is nonetheless provided to a development.

10. P.Policy 2.10. Support creative and innovative approaches to fire protection and prevention, in an effort to conserve quality water resources, especially in areas of low-density development. Examples of such approaches include strategically locating fire hydrants for refill purposes along roadways, sprinkler systems, on-site tank or reservoir water storage, etc.

11. P.Policy 2.11. Consider the impacts to the Insurance Services Organization (ISO) ratings when processing land use applications and attempt to avoid negative impacts to current or future ratings.

12. P.Policy 2.12. Law enforcement should include the provision of acts and duties required by the Sheriff when requested by a citizen.

13. P.Policy 2.13. The Sheriff is encouraged to develop formal agreements with other law enforcement agencies to make certain all areas of the County have prompt law enforcement response.

14. P.Policy 2.14. Law enforcement is a basic provision required for development activities in the County. The County encourages that, where and when possible, law enforcement provision should utilize the best available equipment, standards and services. The County recognizes the large geographic size of Weld County and will strive to provide a basic level of law enforcement service with the abilities and personnel available. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-3-50. Transportation.

A. The transportation element of the Comprehensive Plan reflects the growth, evolution and transportation needs of the County. The transportation goals and policies help shape a plan for developments and projects that address specific transportation needs and challenges facing the County.

B. One (1) of the most significant costs for local governments is for the funding of transportation infrastructure and subsequent maintenance. New design standards, requirements and construction costs have risen steadily in recent history, and most projects indicate that transportation demand is extending beyond the current means for funding. Addressing long-term funding and sustainable use of roads is a major focus behind the goals and policies of this Section.

C. Federal and state legislation requires transportation planning. The County plays an active role in three (3) organizations. Two (2) organizations, the Upper Front Range Transportation Planning Region and the North Front Range Transportation and Air Quality Planning Council Metropolitan Planning Organization, represent the diverse urban and rural natures of the County, and the Denver Regional

Council of Governments Metropolitan Planning Organization ("DRCOG MPO") area represents the most urbanizing area of the County. Each of these planning organizations has developed plans for the future growth of the region. To provide for the logical growth of the region, the County should coordinate with these planning organizations and other regional planning organizations having contiguous borders with, or impacting, the County.

D. Various documents can help reflect the County's vision for the future of transportation. A Transportation Master Plan, the Roadway Classification Plan, a five-year Capital Improvements Plan, and the yearly budget all work together to implement Transportation Goals and Policies. To maintain a reasonable perspective of the County's transportation network, it is essential that regular updates to these plans be made. The impact of major centers of employment or other significant land-development activities could influence all of these plans.

E. Any review of significant proposals for changes in land use should be accompanied by a corresponding review of this Section, and all roads should adhere to the standards set forth in the most current adopted plans and budgets. Established standards should guide the development of the transportation system throughout the unincorporated areas of the County. For example, the Roadway Classification Plan identifies the roadway, railroad and airport facilities in the County. Pedestrian, bicycle trails and scenic road byways are identified on the Recreational Transportation Facilities Map.

F. Recognizing that expansion of urban/rural development and the resulting higher traffic volumes and speeds are inevitable, agricultural operations must share the responsibility for safe highways by utilizing all safety precautions available when entering and using the County road system; i.e., escorts, warning lights and restricting use at night and during periods of low visibility. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2006-4; Weld County Code Ordinance 2008-13)

Sec. 22-3-60. Transportation Goals and Policies.

A. T.Goal 1. Maintain a Transportation Master Plan that is comprehensive, addressing the future multi-modal transportation needs of all areas of the County.

1. T.Policy 1.1. Accommodate the other transportation Goals and Policies listed in this Section in a Transportation Master Plan.

a. Recommended Strategy T.1.1.a. Develop a Transportation Master Plan with the following elements:

- *Seek fiscal responsibility for the future through the Transportation Master Plan. Reduce the need and demand for infrastructure and services, when possible, and provide for them in the most cost-effective manner.*
- *Utilize regional road designs that reduce Vehicle Miles Traveled (VMTs), where possible, to decrease the per capita amount of demand for roads.*
- *Consider alternative modes of transportation, including trails and transit, as possible options.*
- *Consider the potential impacts of alternative technologies on future transportation systems.*
- *Attempt to maintain road service levels, without compromising other Goals and Policies.*
- *Coordinate all elements of the Transportation Master Plan with other federal, state and local jurisdictions, including local metropolitan planning organizations. Propose alternatives when there are discrepancies, and seek other agencies' support when alternatives are proposed.*

- *Consider the needs of the whole population to access services such as health services, libraries, etc.*
- *Encourage partnerships with special districts, municipalities and private entities to provide economical transportation.*

B. T.Goal 2. Ensure that funding mechanisms for transportation are adequate to provide a sufficient level of service.

1. T.Policy 2.1. Maintain a five-year Capital Improvements Plan and road impact fees to meet the need for capacity expansion. Impose road impact fees within specified areas to assure that new development contributes its proportionate share.

a. Recommended Strategy T.2.1.a. Develop and maintain a five-year Capital Improvement Plan for the transportation needs of the County.

2. T.Policy 2.2. Recognize that impacts to County roads come from a variety of sources, including businesses such as oil and gas, and residents from municipalities and other counties.

a. Recommended Strategy T.2.2.a. Strive to have all users pay their proportionate fair share.

b. Recommended Strategy T.2.2.b. Study ways to have a common proportionate impact fee among the multiple jurisdictions within the County.

3. T.Policy 2.3. Consider funding sources other than impact fees in order to improve and maintain the transportation system.

C. T.Goal 3. Promote a unified, functionally integrated and coordinated County-wide street and highway system that moves people and goods in a safe, economical and efficient manner.

1. T.Policy 3.1. Maintain a Roadway Classification Plan so that County roads are designed and maintained according to their planned function.

2. T.Policy 3.2. The design of roads, streets and highways should take into consideration adjacent land uses.

a. Recommended Strategy T.3.2.a. Establish standards for the regulation of accesses to key streets and highways from adjacent land uses and intersecting roads.

3. T.Policy 3.3. Recognize the Pawnee Buttes Scenic Byway, which is the only scenic roadway designated within the County. Encourage strategically located signs delineating the Byway, in order to keep motorists on the appropriate route.

4. T.Policy 3.4. Ensure that all road, street and highway facilities are developed, constructed and maintained in accordance with adopted County standards or approved alternate development standards. Ensure that road, street and highway rights-of-way are dedicated or reserved for the public use.

5. T.Policy 3.5. Recognize Highway 85 as a key roadway into the County and support its improvement. Support adjacent commercial and industrial uses in a functional and attractive manner in order to preserve jobs and take advantage of existing infrastructure.

6. T.Policy 3.6. Encourage efficient and timely provision of public access among adjacent urban subdivisions in order to enhance response times for emergency service and law enforcement, as well as cost-effective school bus operations.

D. T.Goal 4. Support private and public airports and landing strips as alternative providers of transportation.

1. T.Policy 4.1. Utilize an airport zoning overlay district to address compatibility of land uses.

a. Recommended Strategy T.4.1.a. Recognize an airport master plan for public airports and work toward their adoption or implementation, as possible.

2. T.Policy 4.2. Encourage compatible land uses surrounding public airports.

E. T.Goal 5. Promote safe corridors for walking, cycling and other similar modes of transportation in both rural and urban areas.

1. T.Policy 5.1. Utilize existing street and highway systems. Encourage off-road paths or trails for pedestrian and bicyclists.

2. T.Policy 5.2. Utilize paved shoulders, grade separation and other appropriate design considerations to enhance the safety and capacity of routes for pedestrian and bicycle traffic.

3. T.Policy 5.3. Encourage the planning and construction of bikeways and pedestrian walkways, which are an integral part of the transportation system. Promote bikeways and sidewalks in new developments where warranted. Promote bikeways to link residential and employment areas, commercial centers, recreational and open space areas and educational facilities.

F. T.Goal 6. Encourage the continued use of rail corridors for future rail-related transportation uses.

1. T.Policy 6.1. Avoid potential conflicts by signaling or separating crossing points for trains from other vehicular and pedestrian traffic.

a. Recommended Strategy T.6.1.a. Identify all existing rail corridors in the County.

2. T.Policy 6.2. Explore the acquisition, by willing buyer-willing seller agreement, of abandoned railroad rights-of-way to serve as alternative means of transportation.

G. T.Goal 7. Encourage a variety of transit options.

1. T.Policy 7.1. Encourage the use of public transit and higher vehicle occupancy rates.

2. T.Policy 7.2. Encourage effective means of transport that increase energy efficiency, as well as promote improved air quality.

3. T.Policy 7.3. Encourage the use of public transit systems by promoting convenient access points. Integrate transit services with other modes by incorporating such facilities as busways, bicycle facilities, fringe parking and terminal facilities.

4. T.Policy 7.4. Encourage private and public regional efforts to improve transit service.

5. T.Policy 7.5. Support transit-ready urban development, so that when transit is available to the urban areas of the County, existing development patterns and site design do not hinder transit service.

H. T.Goal 8. Provide a coordinated approach to the transportation system between all applicable jurisdictions.

1. T.Policy 8.1. Plan and maintain a transportation system that unifies and coordinates with other state, County, city and community transportation systems.

2. T.Policy 8.2. The number of access points on collector and arterial roads should be kept to a minimum in order to minimize interruptions to traffic flow and to promote safety to the traveling public.

3. T.Policy 8.3. Review and determine that all road, street and highway facilities are adequate in width, structural capacity and classification to meet the traffic demands of any land development. As a condition of land development, require improvement of roads, streets or highway facilities in proportion to their respective impacts when dictated by traffic demand and land development patterns. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-3-70. Tourism goal.

A. TR.Goal 1. Recognize the importance of cultural and heritage tourism and recreation to local, regional and agricultural economies, including events and sites such as corn mazes, County fairs, farm implement museums, etc. Encourage the provision of adequate support services and facilities necessary for the continuation and expansion of these activities, consistent with other goals and policies of the Comprehensive Plan. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

ARTICLE IV

Environmental Resources

Sec. 22-4-10. Purpose.

The condition of the environment has been of increasing concern for the residents of the entire nation and the County. Erosion, sedimentation, reduced water quality, loss of productive farmland and reduced fish and wildlife habitats are a few of the problems which are facing County citizens. Environmental quality is inextricably tied to quality of life and enjoyment of property. In order to preserve a healthy and positive quality of life for County citizens, the following four (4) principles should be considered in all land use issues:

A. Air, water, waste, noise and other public health impacts from proposed land uses should be considered.

B. Environmental impacts should be reduced or mitigated in order to prevent harm to life, health and property.

C. Agricultural land is a limited resource of economic value and should be protected from adverse environmental impacts.

D. The County should encourage and promote coordination and cooperation between federal, state and local governmental entities charged with making decisions that may have environmental impacts on land uses and residents in the County. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-20. Water.

A. The County is a semi-arid region where the vast majority of water used in Weld County originates in places outside the County. Over the years, there has been a large investment in facilities to collect and store water from the mountain snows and distribute it to the plains, where it can be used beneficially. This is accomplished by a complex water delivery system, including streams, aquifers, canals and reservoirs.

B. The development of water resources has allowed agriculture, industry, commerce, cities and towns to prosper over time. The history of water development began with those citizens who wished to put water to a beneficial use and found a way to finance and construct infrastructure to either pump water to the surface, or built lakes, reservoirs and/or canals to deliver water from rivers and streams to the point of use.

C. As more and more water was diverted from the rivers and streams, conflicts arose between the users, and out of those conflicts the concept of "first in time – first in use" was developed. This concept is the backbone of water law in the State. These water rights were recognized as individual property rights owned by the individuals and entities that developed them.

D. Out of this "first in time – first in use" concept grew a body of water laws that established a priority of the use of the waters. The first priority would be for direct human consumption, followed by agricultural uses, and then commercial and industrial uses.

E. The early lawmakers recognized that over time there would be a need for reallocation of waters from their existing use because of anticipated population growth in the State. This resulted in an adopted process called a "change of use" of the water. Today water rights are changing uses through the adjudication process adopted many years ago. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-30. Water Goals and Policies.

A. WA.Goal 1. Support the development of water that is put to beneficial use, along with associated infrastructure.

1. WA.Policy 1.1. Acknowledge a water right as real property that is held by the individual or entity that has developed or maintained the water decree.

2. WA.Policy 1.2. Encourage land use applications that support the return of adjudicated waters to agricultural land for agricultural use.

3. WA.Policy 1.3. Land use regulations and policies should encourage water rights to voluntarily remain in the County.

4. WA.Policy 1.4. Land use regulations should not interfere with the transfer of water rights and/or their associated uses.

a. Recommended Strategy WA.1.4.a. Develop land use policies that increase the productivity of the lands dried up as a result of water transfers.

5. WA.Policy 1.5. Encourage alternatives to the "dry-up" (or fallowing) of agricultural land, a practice that otherwise takes agricultural land out of production, often permanently.

a. Recommended Strategy WA.1.5.a. Develop policies for dried-up lands so that they are managed to prevent dust, erosion and the prevalence of weeds.

6. WA.Policy 1.6. Encourage "dry-up agreements" that allow the use of alternate water sources to keep the land in production.

7. WA.Policy 1.7. Encourage the development of unappropriated waters.

a. Recommended Strategy WA.1.7.a. Encourage the development of both on- and off-channel storage facilities.

b. Recommended Strategy WA.1.7.b. Support state-wide legislation that would work to provide renewable water supplies.

8. WA.Policy 1.8. Foster formal, regular communication with water suppliers throughout the County.

a. Recommended Strategy WA.1.8.a. Maintain a solid understanding of the long-term water supplies available for County residents, farmers and industry. Monitor any plans for significant transfers of water out of the County, and describe the amount of land that is planned to be taken out of agricultural production due to water transfers.

b. Recommended Strategy WA.1.8.b. Host a yearly meeting with water suppliers.

B. WA.Goal 2. Strive to maintain and protect water supply storage facilities, conveyances and infrastructure adequate to sustain continued water use.

1. WA.Policy 2.1. Land use regulations should protect the historic and future operational viability of water storage, conveyance and delivery infrastructure when applications for proposed land use changes are considered.

a. Recommended Strategy WA.2.1.a. Develop land use regulations that limit water providers' exposure to liability, when land use changes are considered.

2. WA.Policy 2.2. Encourage dialog between developers and downstream water users to protect historical water right filings, when land use applications are considered.

3. WA.Policy 2.3. Protect adjudicated waters for use by downstream water right holders.

4. WA.Policy 2.4. When possible or applicable, stormwater facilities, including but not limited to detention and retention ponds may be relocated off-site to protect and/or enhance the downstream water right holders' ability to put the water to beneficial use.

C. WA.Goal 3. County residents are encouraged to conserve water.

1. WA.Policy 3.1. Encourage using low- water-use plants and water conservation techniques during landscaping.

a. Recommended Strategy WA.3.1.a. Develop policies that encourage more creative landscape planning using lower water usage.

2. WA.Policy 3.2. Encourage new development to consider water systems that incorporate separate potable and nonpotable water sources.

D. WA.Goal 4. Strive to address the quality of all water bodies as outlined in the State and Federal Water Quality Standards.

1. WA.Policy 4.1. Where possible and consistent with existing water rights regulations, stormwater collection and treatment should be considered for all development. The developer should be required to employ best management practices in the design of all stormwater facilities. Where possible and consistent with existing water rights regulations, developers should be encouraged to put stormwater to beneficial use.

2. WA.Policy 4.2. Applications for new development should include provisions for adequately handling drainage and for controlling surface erosion or sedimentation within the site itself.

3. WA.Policy 4.3. Irrigation ditches should not be used as drainage outfall points, unless they are shown to result in nonhazardous conditions and/or the ditch company provides written acceptance of the stormwater.

E. WA.Goal 5. Strive to address Federal Drinking Water Standards in aquifers that provide drinking water for domestic and public use.

1. WA.Policy 5.1. Applications for new development not on public wastewater systems should consider the installation and maintenance of managed and advance treatment septic systems to prevent potential groundwater pollution.

F. WA.Goal 6. Development should occur in areas where adequate water quantity and quality is currently available or reasonably obtainable.

1. WA.Policy 6.1. Applications for proposed development should fully assess proposed water sources as being adequate in terms of the quantity, dependability and quality needed for the proposed use. Applications should also describe whether the proposed water is currently available for use or reasonably obtainable. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-40. Air.

A. State Air Quality Regulations and Policies are defined by the Air Quality Control Commission, a citizen board appointed by the Governor, subject to confirmation by the State Senate. The Air Pollution Control Division of the Colorado Department of Public Health and Environment administers the Air Pollution Control Program throughout the State on a regional basis, along with local governments and local health agencies.

B. The County is committed to maintaining compliance with all national air quality standards for criteria and hazardous pollutants.

C. In addition to emissions of criteria and hazardous pollutants, the County is concerned with nuisance emissions of odor and dust. The County will encourage development to occur in a manner that minimizes these impacts. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-50. Air Goals and Policies.**A. AIR.Goal 1. Maintain National Air Quality Standards and, where practicable, improve air quality in the County.**

1. AIR.Policy 1.1. If applicable, land use applications should demonstrate future impacts on current air quality.

2. AIR.Policy 1.2. Land use applications should be evaluated by the Department of Public Health and Environment for compliance with federal, state and County statutes, regulations and ordinances.

3. AIR.Policy 1.3. The County encourages the use and development of alternative fuels, alternatively fueled vehicles and modes of transportation that reduce pollutants.

4. AIR.Policy 1.4. The County encourages innovative and creative approaches to alternative energy sources.

5. AIR.Policy 1.5. Open burning is discouraged except for the established practice of "agricultural burning," such as to clear irrigation ditches and fields for farming operations. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-60. Noise.

Noise is a source of environmental pollution. Exposure to excessive noise levels over prolonged periods can be a threat to public health. Statutory noise standards have been established for areas where commercial, industrial and residential uses are located. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-70. Noise Goals and Policies.**A. N.Goal 1. Minimize the impact of noise on County residents.**

1. N.Policy 1.1. Land use applications should be evaluated by the Department of Public Health and Environment for compliance with federal, state and County statutes, regulations and ordinances.

2. N.Policy 1.2. The Department of Public Health and Environment should prescribe noise level standards for land use applications, when appropriate. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-80. General waste.

A. If managed carefully, waste can have positive economic and environmental benefits. Energy production, recycling and resource conservation are examples of positive benefits. However, if improperly managed, waste can impinge upon the public's health and environment and contribute to nuisance issues (rodents, odors, etc.).

B. The County encourages waste diversion and resource recovery from the waste stream. Personal responsibility, "buy recycled" policies and the appropriate use of compost are suggested as stimuli for resource recovery.

C. Waste is both an important part of our local environment and the economy. The County strives to ensure that waste is handled in a manner that protects human health and the environment, both now and in the future, and that the availability of quality waste management options, at a reasonable price, exists for County residents, both now and in the future.

D. In this Comprehensive Plan, the general waste topic is divided into six (6) subsections as follows: waste transfers, processing and diversion; waste final disposal; mineral resource exploration and production waste; biosolids and septage waste; hazardous waste; and agricultural waste. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-90. Waste transfer, processing and diversion.

Important components of waste management include the transfer, processing and diversion of wastes. Transfer refers to the movement of waste from the generator to other components of the waste management process. Processing refers to the conversion of generated waste to reusable forms or to a more safe or efficient form for final disposal. Diversion refers to the removal and reuse of waste through recycling or other means. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-100. Waste transfer, processing and diversion Goals and Policies.

A. TPD.Goal 1. The County expects businesses, residents and landowners to prevent negative impacts on human health and the environment from waste processing or disposal.

1. TPD.Policy 1.1. Land use applications should be required to characterize the waste stream associated with the proposed land use.
2. TPD.Policy 1.2. Land use applicants should submit a plan to manage waste that is consistent with federal, state and County statutes, regulations and ordinances.
3. TPD.Policy 1.3. Encourage Weld County governments, citizens and businesses to recycle.

B. TPD.Goal 2. All facilities in the County which handle, collect or process waste should maintain an active role in solid waste management resource recovery of such waste.

1. TPD.Policy 2.1. Encourage haulers and collectors of waste to provide composting and recycling options for customers. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-110. Waste final disposal.

Final disposal is the ultimate management option for waste which cannot be diverted through other options. The County wants to ensure that all final disposal of waste is done in a manner protective of public health and the environment. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-120. Waste final disposal Goals and Policies.

A. F.Goal 1. All final disposal facilities in the County will locate, develop and operate in a manner that minimizes interference with other agricultural uses, rural settlement patterns and existing residential communities.

1. F.Policy 1.1. The County should collect surcharges from final disposal facilities, which fund waste-monitoring tasks performed by staff,

road maintenance, litter pickup, public education, household hazardous waste collection and any other costs identified by the Board of County Commissioners.

2. F.Policy 1.2. Final disposal facilities should demonstrate compatibility with existing and future land uses (identified at the time of any land use application) in terms of items, including but not limited to visual impact, pollution prevention, pollution control, traffic, dust, noise, land use scale and density, infrastructure, topographic form geology, operating plans, closure and reclamation plans and buffer zones. Land use incompatibilities may require additional mitigation if it is determined that the final disposal facility site is causing negative environmental impacts.

3. F.Policy 1.3. Require appropriate infrastructure, which provides adequate access to final disposal facilities, for approval of any applicable land use application.

4. F.Policy 1.4. Applications submitted for final disposal facilities should be evaluated by the Department of Public Health and Environment for compliance with federal, state and County statutes, regulations and ordinances. Applicants should demonstrate adequacy of access roads, grades, leachate and drainage controls, liners, fencing, site improvements, reclamation plans, general operations, service area, permitted capacity or air space, buffer zones and other applicable elements of land use.

5. F.Policy 1.5. The County may require new final disposal facility applicants to demonstrate that resource recovery and recycling programs have been adequately studied as an alternative or component. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-130. Mineral resource exploration and production waste.

A. A large amount of water is extracted during the production of crude oil and natural gas. The wastewater produced from mineral resource exploration and production waste is frequently brackish or salty and must be processed and disposed of in a satisfactory manner to protect both human and environmental health.

B. Groundwater contamination must be prevented by following state regulations that require cementation of wells (including injection wells) to prevent commingling of water, oil and gas into other formations. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-140. Mineral resource exploration and production waste Goals and Policies.

A. EP.Goal 1. Encourage the minimization of mineral resource exploration and production waste and require the safe disposal of it.

1. EP.Policy 1.1. Due to the impacts from surface impoundments and increasing public concern about them, other alternatives for disposal should be considered.

B. EP.Goal 2. Mineral resource exploration and production waste facilities should be planned, located, designed and operated to encourage compatibility with surrounding land uses in terms of items such as general use, scale, height, traffic, dust, noise and visual pollution.

1. EP.Policy 2.1. In reviewing the operational and reclamation plans for solid and brine waste disposal facilities, the County should impose such conditions as necessary to minimize or eliminate the potential adverse impact of the operation on surrounding properties and wildlife resources.

2. EP.Policy 2.2. All applicable land use applications will be reviewed by the Department of Public Health and Environment for compatibility with federal, state and County statutes, regulations and ordinances.

C. EP.Goal 3. Monitor and report violations of state odor regulations and groundwater impacts at mineral resource exploration and production waste surface impoundment facilities. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-150. Biosolids and septage waste.

Like other wastes, biosolids and septage waste can have negative impacts on human health and the environment. Improper disposal of biosolids and the application of septage waste can both lead to health problems and nuisance issues. At the same time, these wastes are important resources to the agricultural community as soil enhancements and fertilizers, when properly applied. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-160. Biosolids and septage waste Goals and Policies.

A. S.Goal 1. Biosolids and septage should be applied, handled and processed in a manner that prevents groundwater contamination and minimizes nuisance conditions.

1. S.Policy 1.1. All biosolids and septage land application permits should be reviewed by the Department of Public Health and Environment for compatibility with this Code.

2. S.Policy 1.2. Require the appropriate land application for disposal of biosolids and septage. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-170. Hazardous waste.

Hazardous waste can pose unacceptable levels of risk to human health and the environment. Improperly managed hazardous waste has led to public health disasters around the world. In addition, Household Hazardous Waste (HHW), such as paints, is unregulated but nonetheless can pose an unacceptable level of risk. Therefore, HHW should be diverted from landfills. The County has historically maintained an HHW program which provides alternative handling methods for County residents. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-180. Hazardous waste Goals and Policies.

A. H.Goal 1. Encourage the minimization and careful collection of hazardous waste. Require the proper disposal of hazardous components, products and waste.

1. H.Policy 1.1. All producers of regulated hazardous waste and users of regulated hazardous materials within the County should comply with federal, state and County statutes, regulations and ordinances regarding use, reporting, storage and disposal of regulated hazardous waste or products.

2. H.Policy 1.2. Discourage the locating of permanent and final regulated hazardous waste disposal facilities within the County, because of the risk of permanent damage to life, health and the environment.

3. H.Policy 1.3. Maintain a Household Hazardous Waste program. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-190. Agricultural waste.

One (1) result of being one (1) of the country's largest producers of agricultural products is the generation of a large amount of agricultural waste. Agricultural waste results from the raising of crops or animals, leading to animal manures and crop by-products, both of which may be returned to the soils as fertilizer or soil conditioners. Improperly managed agricultural waste can impact public health. Agricultural waste must be managed and processed appropriately to protect human and environmental health. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-200. Agricultural waste Goals and Policies.

A. AW.Goal 1. Human and environmental health impacts from agricultural waste should be minimized by appropriate handling, storage and processing practices.

1. AW.Policy 1.1. The County encourages the composting of agricultural waste.
2. AW.Policy 1.2. The County encourages the incorporation of "best management practices" when managing agricultural waste. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-4-210. Noxious weeds Goals and Policies.

A. NW.Goal 1. Support efforts to eradicate noxious weeds throughout the County in compliance with state and federal laws.

1. NW.Policy 1.1. Maintain a public education program regarding the eradication of noxious weeds.
2. NW.Policy 1.2. Attempt to control noxious weeds on County property and in County-maintained rights-of-way.
3. NW.Policy 1.3. Enforce County laws concerning landowners' control of noxious weeds on their property.
4. NW.Policy 1.4. Support efforts to research, monitor and remove noxious weeds throughout the County. (Weld County Code Ordinance 2008-13)

ARTICLE V**Natural Resources****Sec. 22-5-10. Purpose.**

A. Because natural resources are limited, it is critical that a balance be obtained between increased growth and the natural areas within the County. Each land use change affects the environment, which may produce undesirable results. Erosion sedimentation, reduced water quality, loss of productive farmland and reduced fish and wildlife habitat are a few of the problems facing the County.

B. Natural resources are both limited and interdependent. The misuse of any natural resource may result in environmental degradation or destruction. In order to meet the Goals and Policies identified in this Article, officials of the County, as well as each citizen, should take an active role in conserving and preserving natural resources and the environment. The primary elements which follow should be evaluated in the review of County land use applications. However, this does not mean that these are the only environmental quality and natural resource problems in the County. Rather, the following sections have been dealt with in depth because of the importance they have on the natural environment and the quality of our lives. These sections do not attempt to encompass every natural issue; instead, they attempt to address the major current areas of importance. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-20. Wildlife.

The abundance of wildlife in the County is an important contributor to the economic health and quality of life in the County. The acquisition of properties to provide public hunting, fishing and watchable wildlife opportunities has long been an important part of the Colorado Division of Wildlife's management program. As an added emphasis on the importance of these lands, private groups also lease or own several of these sites for recreational activities, such as fishing, hunting, shooting sports and boating. Maintaining wildlife habitats in sufficient supply is necessary to encourage the social and economic benefit the County receives from this resource. The Existing Wildlife Areas map, the most recent copy of which is on file at the Department of Planning Services, shows most of the important wildlife habitat areas in the County. It should be noted that the important wildlife areas are often closely associated with important water supply and aquifer recharge areas. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-30. Wildlife Goals and Policies.

A. W.Goal 1. New development should be located and designed to conserve critical ecosystem components, including wetlands, significant wildlife habitats and migration corridors. Significant wildlife habitat is defined as a geographical area containing existing or migrating wildlife and a combination of the essential elements of food, water, cover and space in quantities sufficient to support appropriate wildlife.

1. W.Policy 1.1. Development and design of land uses which require drainage, excessive removal of riparian vegetation and alterations of river or stream banks should be discouraged in order to protect river or stream quality and to protect key wildlife habitat.
2. W.Policy 1.2. Conflicts with fish and wildlife habitats and migration routes should be considered in land development. Developments adjacent to rivers and streams, waterfowl areas and important or critical wildlife areas should incorporate reduced densities, adequate setbacks and buffered areas.
3. W.Policy 1.3. Identify and attempt to protect critical or unique habitat areas of high public value, such as habitats of endangered or unique species, significant viewing areas and breeding and spawning areas.

B. W.Goal 2. Traditional wildlife uses, such as hunting, trapping and fishing in agricultural and nondeveloped portions of the County, are beneficial. Support the maintenance of these wildlife uses.

1. W.Policy 2.1. The effect of proposed development upon wildlife and habitat should be evaluated. Loss of critical habitat should be mitigated. The County will maintain maps of known critical wildlife habitats.
2. W.Policy 2.2. The integrity of movement in wildlife corridors should be conserved.
3. W.Policy 2.3. Destruction of wetlands or riparian areas will be strongly discouraged, and mitigation for loss of wetlands and riparian habitat will be encouraged.
4. W.Policy 2.4. Incorporate an authorized hunting and trapping clause in the Right to Farm Statement.

C. W.Goal 3. Coordinate with local, state and federal agencies to identify, conserve, protect or enhance critical fish and wildlife habitat by attempting to implement measures for the protection or enhancement of such areas.

1. W.Policy 3.1. Development of trails should avoid negative impacts to critical wildlife habitat. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-40. Open space, parks and recreation.

A. Open space is essentially unimproved land that is set aside for public or private use, or for the use and enjoyment of its owners or occupants. The function of the open space can vary; so too can the degree of public access, depending on the purpose of the open space. In all cases, it is important to note that privately owned lands are not guaranteed to remain unimproved lands, but can be converted by the individual landowner to other uses through the appropriate land use process.

B. Park facilities and recreational programs in the County are planned and operated by the Federal Government, State Division of Parks and Outdoor Recreation, municipalities, schools and recreational districts. The County currently operates one (1) small regional park near the City of Greeley and encourages the use of the Pawnee National Grasslands and Crow Valley Recreational Area.

C. The County has not historically been involved in land acquisition for open space or parks. The Great Outdoors Colorado Trust Fund and several other funding opportunities in the State are making acquisition and maintenance of open space far more feasible. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-50. Open space, parks and recreation Goals and Policies.**A. O.Goal 1. Encourage provision of open space in order to enhance the quality of life and enjoyment of the environment, while protecting private property rights.**

1. O.Policy 1.1. Encourage the private sector, nonprofit organizations, non-County agencies and other governmental jurisdictions to participate in the provision of open space in the County.

2. O.Policy 1.2. Encourage and promote provision of open space utilizing a willing buyer/willing seller approach to any acquisition. If parties fail to reach a mutually agreed-upon compensation, the County supports landowners' rights to pursue other land uses through the appropriate land use application process.

3. O.Policy 1.3. Encourage and promote the use of appropriate land use tools such as donations, acquisitions, partnerships or market-based purchases when open space is proposed.

4. O.Policy 1.4. Encourage jurisdictions within the County to include an open space vision of land within their plans while considering the private property rights of individual landowners. Encourage the coordination of private property owners, municipalities and other jurisdictions as they develop future land use plans, in order to support regional communication.

5. O.Policy 1.5. Provide the informational study titled "Weld County Open Space Plan" to parties interested in assisting with this Goal. The study provides information about open space opportunities for regional preserves, natural areas, community buffers, special resources areas, major reservoirs and regional trail corridors.

a. Recommended Strategy O.1.5.a. Update the Weld County open space plan.

b. Recommended Strategy O.1.5.b. Consider funding mechanisms for open space, especially in urbanizing areas.

6. O.Policy 1.6. Recognize that the scale and purpose of open spaces vary. For example, the St. Vrain State Park near Highways I-25 and 119 is a regional-scale open space for recreation and habitat preservation. The Litzenberger Farm located near the Town of Mead is a smaller regional-scale open space designed to preserve

farming and provide a community separator. The Josephine Jones Park in west Greeley is an example of a local-scale open space that functions as both an active park and a buffer between the highway and a residential development.

7. O.Policy 1.7. Encourage mitigation as an alternative, when open space opportunities are not available. Mitigation may take the form of buffering and screening, relocating a resource, providing for its protection off-site or other design techniques that ensure adequate recognition and protection.

8. O.Policy 1.8. Enforce trespass laws and ensure the protection of private property adjacent to open space, parks and trail corridors.

B. O.Goal 2. Encourage jurisdictions within the County to pursue only willing seller/willing buyer land acquisitions outside their territorial boundaries for the purpose of parks, recreation, open space, trail corridors, conservation, preservation of views or scenic vistas or for other similar purposes. The County does not support the use of condemnation proceedings or government sanctions, such as withholding building permits, to acquire such lands for these purposes.

C. O.Goal 3. Encourage the incorporation of open space options during the land use process.

1. O.Policy 3.1. Encourage the connection of open space within a development to existing adjacent open space whenever possible and practical.

a. Recommended Strategy O.3.1.a. Create incentives for development when open space is planned adjacent to existing open space within developments.

2. O.Policy 3.2. Encourage the use of clustering techniques, particularly for rural residential development.

D. O.Goal 4. Encourage the preservation, enhancement and/or maintenance of significant natural land features during the land use process.

1. O.Policy 4.1. Attempt to identify and set aside significant natural land features through the land use development review process. These lands may be set aside in tracts, outlots or easements where appropriate.

2. O.Policy 4.2. Ensure the future management of lands set aside in separate tracts or easements. Management plans should identify the managing entity, funding source and stewardship responsibilities.

3. O.Policy 4.3. Encourage compatible, drought-tolerant landscaping in land use proposals and ensure the integration of new landscaping with the existing natural landscape.

E. O.Goal 5. Encourage the location of parks, recreation and open spaces in areas with natural constraints to development.

1. O.Policy 5.1. Consider placing parks, recreation and open spaces in floodplains, seep areas, wetlands, geological fault areas, nonproductive agricultural areas and areas having natural features of public interest. Consider proposals for other areas as well.

a. Recommended Strategy O.5.1.a. Create park development standards for use during subdivision and site plan review.

F. O.Goal 6. Encourage adequate parks and recreation facilities in urban subdivision land use proposals throughout the County.

1. O.Policy 6.1. Require dedication of park land in conjunction with urban subdivision land use proposals, consistent with Section 30-28-133(4)(a), C.R.S.

2. O.Policy 6.2. Interconnect parks and recreation facilities whenever possible and practical.

G. O.Goal 7. Encourage and support the parks and recreation facilities throughout the County, as needs and opportunity allow.

1. O.Policy 7.1. Continue to support and develop existing County park facilities, including the Weld County Missile Park, located west of Greeley, and County-owned or -managed portions of Island Grove Regional Park, including the Weld County Fairgrounds.

2. O.Policy 7.2. Coordinate park and recreation planning with property owners, municipalities and other jurisdictions in the County.

a. Recommended Strategy O.7.2.a. In coordination with area jurisdictions (including the State), support efforts to develop a regional park that could not otherwise be provided by the individual towns along the south I-25 corridor.

H. O.Goal 8. Support the development and maintenance of trails to provide opportunities for recreation, transportation and tourism.

1. O.Policy 8.1. Support efforts to develop regional trails in unincorporated and incorporated areas throughout the County. Participate in efforts to facilitate coordination between jurisdictions and between private and public entities attempting to develop regional trail corridors.

a. Recommended Strategy O.8.1.a. Create incentives for development when interconnected or regional trails are accommodated within developments.

2. O.Policy 8.2. Participate in discussions concerning the proposed Colorado Front Range Trail, including the "52-85" and St. Vrain segments in the southern areas of the County.

3. O.Policy 8.3. Participate in discussions of regional trail options along the South Platte, Cache la Poudre, Saint Vrain and Thompson Rivers and the Big Dry Creek.

4. O.Policy 8.4. Support trails within proposed subdivisions. The type, length, use and need for trails should be appropriate to the type and density of the subdivision proposed.

5. O.Policy 8.5. Ensure the use of good design techniques when trails are proposed.

a. Recommended Strategy O.8.5.a. Develop minimum design standards for trails, giving consideration to such elements as connectivity, the appropriate width and surface type for the proposed use and adequate visibility onto the trail, while still allowing flexibility of design. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-60. General resources.

In this Comprehensive Plan, the general resources topic is divided into five (5) subcategories: commercial mineral deposits ("aggregate") and ore mineral resources; oil and gas deposits; other natural resources; alternative energy resources; and the use of resources.

A. Definitions.

Alluvial mineral deposits means commercial mineral deposits near existing or historic waterways that are mined and accessed primarily from the surface of the earth.

Alternative energy resources means energy-producing resources, including but not limited to wind, solar, hydrology, biofuels, biomass, geothermal sources and others.

Commercial mineral deposit means a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel and quarry aggregate, for which extraction by an extractor is, or will be, commercially feasible and regarding which it can be demonstrated by geologic, mineralogic or other scientific data that such deposit has significant economic or strategic value to the area, State or nation.

Gas means all natural gases and all hydrocarbons not defined in Section 34-60-103, C.R.S., as oil.

Oil means crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before, or after, it leaves the reservoir.

Ore mineral deposits means any metal or nonmetal earthen deposits (solid, liquid or gas) that do not meet the definition of commercial mineral deposit, gas or oil.

Other natural resources means a broad category of uses that includes items such as water, soils, grasslands and cultural resources; can include resources also defined in other ways above. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-70. Commercial mineral deposits ("aggregate") and ore mineral resources.

A. The goals and policies of this Section are adopted, in part, to conform with Section 34-1-304, C.R.S., which requires the County to conduct a study of commercial mineral deposits located within its jurisdiction and to develop a master plan for the extraction of such deposits. This Chapter is also intended to provide appropriate Goals and Policies to utilize the County's mineral resources, ensuring that adverse environmental effects resulting from mining operations are minimized.

B. The County recognizes that mineral resource extraction is an essential industry. The availability and cost of materials, such as sand and gravel, have an effect on the successfulness of the general construction and highway construction industries. After the extraction of materials, the majority of these sites yield much-needed water storage and recreation possibilities.

C. In some instances, sites containing significant quantities of mineral deposits are located in areas characterized by other existing or potential land uses and natural resources. Because the uncontrolled operation of a mine site has the potential for adversely affecting surrounding land uses, roads, residents and the environment, specialized review and regulation is appropriate.

D. The commercial mineral deposits and ore mineral resources known to be located in the County include sand and gravel, coal and uranium. High-quality sand and gravel deposits in the County are found along major drainage ways. A significant portion of the County is part of the Boulder-Weld coal field, which is included in the Denver Basin coal region. Portions of the County, north of Colorado State Highway 14, have been tested and have shown occurrences of uranium deposits. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-80. General commercial mineral deposits ("aggregate") and ore mineral resources Goals and Policies.

A. CM.Goal 1. Conserve lands which contain commercial mineral deposits ("aggregate") for potential future use in accordance with state law (Section 34-1-305, C.R.S.).

1. CM.Policy 1.1. Maintain a map depicting known commercial mineral deposits ("aggregate"). The official Commercial Mineral Deposits Map will be a component of this commercial

mineral deposit master plan and be compiled based on the Goals and Policies discussed in this Section. The current copy of the Commercial Mineral Deposit Map is maintained on file at the Department of Planning Services.

a. Recommended Strategy CM.1.1.a. Consider developing a more detailed and up-to-date commercial mineral deposits master plan, as described by Section 34-1-304, C.R.S.

2. CM.Policy 1.2. Consider access to future mineral resource development areas in all land use decisions, in accordance with state law.

3. CM.Policy 1.3. The County should not, by zoning, rezoning, granting a variance or other official action or inaction, permit the use of any area known to contain a commercial mineral deposit in a manner which would interfere with the present, or future, extraction of such deposit by an extractor. Strongly discourage other intensive land uses in areas identified on the Commercial Mineral Deposits Map as containing commercial mineral deposits, until such time as those deposits have been extracted. Landowners should be given an opportunity to modify the Commercial Mineral Deposits Map and demonstrate that an area does not contain a commercial mineral deposit.

4. CM.Policy 1.4. If conservation easements are placed on lands containing commercial mineral deposits, encourage the terms of the easement to allow extraction of those commercial mineral deposits.

B. CM.Goal 2. Promote the reasonable and orderly exploration and development of mineral resources.

1. CM.Policy 2.1. Conduct land use permitting the operation of a mining site in unincorporated Weld County, in accordance with regulations in the County.

2. CM.Policy 2.2. Encourage cooperation, coordination and communication between the surface owner and the mineral owner/operators with respect to any developments of either the surface or the mineral estate.

3. CM.Policy 2.3. Ensure that development of mineral resources addresses the impacts of such development.

4. CM.Policy 2.4. Ensure that the development of mineral resources maintains and limits the effects on the quality and quantity of area water.

5. CM.Policy 2.5. Encourage mineral developers to conserve water in their operation.

C. CM.Goal 3. Minimize the impacts of surface and subsurface mining activities on the surrounding land, land uses, roads and highways.

1. CM.Policy 3.1. In review of a land use application for a mine site, consider the cumulative impacts of the mining activity on surrounding land use and County infrastructure.

2. CM.Policy 3.2. Locate and design excavated areas, structures, machinery, equipment storage and stockpiling of mined materials to be considerate to surrounding land uses in terms of general use, scale, density, traffic, dust and noise.

3. CM.Policy 3.3. Where practical, maintain roadside and perimeter vegetation and setback requirements which serve to shield mining operations, including storage of equipment, stockpiled soils and materials from public view.

4. CM.Policy 3.4. Locate access roads to, and within, the site in a manner which minimizes traffic impacts on surrounding land uses.

5. CM.Policy 3.5. The land use applicant should demonstrate that the street or highway facilities providing access to the mining activity are adequate in functional classification, width

and structural capacity to meet the requirements of the proposed mining activity. Require internal road circulation, off-street parking, dust abatement, acceleration lanes, deceleration lanes, common access collection points, signalization and other traffic improvements wherever necessary to mitigate traffic impacts caused by the mining activity. Also, review applications for mining in accordance with the Transportation Goals and Policies.

6. CM.Policy 3.6. Buffer, where possible, batch plants and processing equipment from adjacent uses.
7. CM.Policy 3.7. Allow trucking operations dealing exclusively in the transport of mined materials on the mine site when incorporated in the operational plan for the mining operation.
8. CM.Policy 3.8. Require all mining operations to conform to federal, state and local environmental standards.
9. CM.Policy 3.9. Promote the safety of all citizens that are in relatively close proximity to ore mineral mining and processing facilities.

a. Recommended Strategy CM.3.9.a. Consider developing land use regulations (including those adopted as Section 24-65.1-101, et seq., C.R.S.) to promote the safety of all citizens that are in relatively close proximity to ore mineral mining and processing facilities.

D. CM.Goal 4. Minimize hazardous conditions related to mining activities and the mining site.

1. CM.Policy 4.1. In reviewing the operational and reclamation plans for a mining operation, impose such conditions as necessary to minimize or eliminate the potential adverse impact of the operation on surrounding properties as follows:

- Require appropriate site-specific security fencing be erected and maintained around extraction sites, as necessary, to minimize potential attractive nuisance hazards associated with operations located near urban uses.
- Require mining operations to use warning signs, fences, guards, lighting and other means to warn and protect people from mine site hazards such as steep slopes, holes, ponds and heavy equipment. Enforce trespass laws to ensure public safety.
- Require all mining operations conform to federal, state and local safety standards.
- Require periodic on-site inspections, as warranted.

2. CM.Policy 4.2. Ensure that operators comply with County flood hazard and geological hazard regulations. County staff should conduct site inspections to evaluate applications for mining. Understanding that most of the extractions are alluvial and temporary in nature, the use should not come under the same scrutiny as uses with permanent structures.

a. Recommended Strategy CM.4.2.a. Review County flood hazard and geological hazard regulations to ensure that they are practical for mining operational needs and are not so burdensome that they discourage future mineral extraction.

E. CM.Goal 5. Provide for timely reclamation of all mining sites and promote their beneficial reuse.

1. CM.Policy 5.1. Consider the potentially adverse environmental effects of completed mining operations.

2. CM.Policy 5.2. Ensure that operators minimize the disturbance of vegetation and overburden in advance of mining activities.

3. CM.Policy 5.3. Encourage operators to save and utilize topsoil in site reclamation.
4. CM.Policy 5.4. Ensure that operators take all reasonable and practical measures to protect the habitat of fish and wildlife.
5. CM.Policy 5.5. Ensure that the operator and owner maintain the reclaimed mine site until it has been stabilized and vegetation is reestablished in accordance with the Colorado Division of Reclamation Mining and Safety, and until any County development standards have been met.
6. CM.Policy 5.6. Promote the reuse of reclaimed alluvial mineral deposit quarries for recreation.
7. CM.Policy 5.7. Encourage the reservation of "surface rights" on water storage facilities which can later be sold, leased or donated for recreational uses.
8. CM.Policy 5.8. Promote the reuse of reclaimed aggregate quarries for water storage.
9. CM.Policy 5.9. Encourage the use of water storage facilities by Weld County water providers.
 - a. *Recommended Strategy CM.5.9.a. Study whether the County should purchase water rights and storage facilities to be put to beneficial use in the County.*
10. CM.Policy 5.10. Allow, where possible, residential or commercial uses adjacent to water storage facilities.
11. CM.Policy 5.11. Consider public uses on lands adjacent to water storage facilities. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-90. Oil and gas deposits.

A. Oil and gas development in the County is an integral part of the County economy and has a substantial direct and indirect impact on current and future land use. Oil and gas development is cyclical, but the economics of energy suggests sustained levels of exploration and extraction in the County for the next twenty (20) years.

B. In the mid-2000s, total economic contributions from drilling, completion, recompletion and extraction activities were over twenty billion dollars (\$20,000,000,000.00) throughout Colorado, and oil- and gas-related employment was over seventy thousand (70,000) people. In addition to in-state use, oil and gas resources are important exports for Colorado and lessen the country's dependence on foreign supplies.

C. An abundant amount of oil and gas is currently being produced throughout Colorado. Crude oil refineries and pipelines in the State have been over capacity in recent history, which has increased the need for transportation and storage. The most efficient and environmentally friendly way to transport crude oil is by pipeline, rather than by truck. Transportation of the product by pipeline has less impact on County roads. Less truck traffic also benefits air quality in the area, another benefit that comes from more pipeline infrastructure.

D. The oil and gas industry is regulated by the Colorado Oil and Gas Conservation Commission (COGCC) and, in some cases, the Federal Energy Regulatory Commission (FERC) and the Department of Transportation (DOT). Many state and federal permits are required for the industry, such as stormwater management plans, environmental reports (including those for threatened and endangered species), archeological and historical reports, floodplain permits, Air Pollution Emissions Notices ("APEN") and others. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-100. Oil and gas Goals and Policies.**A. OG.Goal 1. Promote the reasonable and orderly exploration and development of oil and gas mineral resources.**

1. OG.Policy 1.1. The County should encourage cooperation, coordination and communication between the surface owner and the mineral owner/operators with respect to any developments of either the surface or the mineral estate.

2. OG.Policy 1.2. Oil and gas support facilities which do not rely on geology for locations should locate in commercial and industrial areas, when possible, and should be subject to review in accordance with the appropriate sections of this Code.

3. OG.Policy 1.3. Ensure that tax revenues for all oil and gas operations (including disposal well oil operations) are properly collected.

a. Recommended Strategy OG.1.3.a. Study the distribution of tax revenue to determine where the greatest impacts from oil and gas activity are found and identify how those impacts can be mitigated.

B. OG.Goal 2. Ensure that the extraction of oil and gas resources conserves the land and minimizes the impact on surrounding land and the existing surrounding land uses.

1. OG.Policy 2.1. Encourage oil- and gas-drilling activities to be coordinated with seasonal production schedules associated with agricultural activities. Promote and encourage the use of directional drilling to protect surface rights of agricultural lands and possible future land uses.

2. OG.Policy 2.2. Encourage the clustering of oil and gas drill and well sites whenever possible.

3. OG.Policy 2.3. Existing service roads should be used to provide access for oil and gas and other mineral extraction activities.

4. OG.Policy 2.4. Support the limited number of surface drilling windows allowed on a section of land. Encourage use of minimal drill window areas by directional drilling from existing drilling windows. Discourage efforts to increase the amount or size of drilling windows.

5. OG.Policy 2.5. The County should use its regulatory powers, to the extent authorized by law, to minimize the impacts of oil, gas and other mineral extractions to the land and land uses and ensure complete restoration of the areas impacted, from start-up through termination of production.

6. OG.Policy 2.6. Promote the safety of all citizens and structures that are in relatively close proximity to oil and gas facilities.

a. Recommended Strategy OG.2.6.a. Develop ways to ensure safety for citizens and structures that are in relatively close proximity to oil and gas facilities.

b. Recommended Strategy OG.2.6.b. Actively enforce zoning and building permit requirements for oil and gas facilities, including field monitoring to ensure compliance.

c. Recommended Strategy OG.2.6.c. Develop mitigation options that maintain safety while reducing setbacks.

7. OG.Policy 2.7. New subdivisions should be planned to accommodate current and future oil- and gas-drilling activity to the extent oil and gas development can reasonably be anticipated.

a. Recommended Strategy OG.2.7.a. Encourage changes to state laws and regulations to allow landowners seeking to subdivide

land the ability to designate a single combined surface drill window adequate for drilling and production operations as an option to the current default multiple-window requirement.

8. OG.Policy 2.8. Oil- and gas-drilling activities should be planned to accommodate current and future surface subdivision activities to the extent such development can reasonably be anticipated.

9. OG.Policy 2.9. Impose protective measures through available state, County and federal regulations to ensure that the mineral operator conducts operations in a manner that will minimize current and future environmental impacts.

10. OG.Policy 2.10. Promote that well sites are reclaimed and closed by techniques which address that the future use of the property is not impaired because of environmental or safety problems, or because of the existence of improperly abandoned or unlocated equipment, such as wellheads or flowlines.

11. OG.Policy 2.11. Subdivision applicants that can show written evidence that an adequate attempt has been made to obtain a Surface Use Agreement will be allowed to continue the process to completion.

C. OG.Goal 3. Prevent surface and groundwater contamination from oil and gas minerals exploration and extraction.

1. OG.Policy 3.1. Support regulations for cementing wells (including injection wells) to prevent commingling of water, oil and gas into other formations.

2. OG.Policy 3.2. The extraction of oil and gas minerals should attempt to conserve ground and surface water.

3. OG.Policy 3.3. The extraction of oil and gas minerals should minimize the impact on the quality and quantity of ground and surface water. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Sec. 22-5-110. Other natural resources.

A. Weld County is home to a wide range of natural resources beyond those traditionally recognized for extractive purposes. These other natural resources support traditional economies, such as agriculture, as well as supporting the unique culture and character of the County.

B. Weld County citizens, throughout history, have demonstrated ingenuity in the use of the land and its resources, from the early construction of sod houses to the creation of the scale-economy livestock industry, to the development of water-diversion and collection systems. The Goals and Policies of this Section are adopted in order to recognize the diversity of resources in the County and to capitalize on the ability of the County's citizens to utilize these resources in ever-new, effective and responsible ways. (Weld County Code Ordinance 2008-13)

Sec. 22-5-120. Other natural resources Goals and Policies.

A. NR.Goal 1. Support efforts to expand the responsible use of other natural resources in the County.

B. NR.Goal 2. Recognize water as a beneficial natural resource and support the goals and policies concerning water found in Article IV of this Comprehensive Plan.

C. NR.Goal 3. Recognize Weld County soils as a natural resource that is important to support the Weld County economy.

1. NR.Policy 3.1. Support efforts to limit the loss of soil through wind and water erosion.

2. NR.Policy 3.2. Recognize and consult soil classifications during the land use review process. An understanding of the general soil conditions assists in the design and construction of the site, although only hazard conditions should be considered an actual constraint to development.

D. NR.Goal 4. Support the health, preservation and use of the grassland areas of the County.

1. NR.Policy 4.1. Support the responsible use of dryland grass areas of the County for ranching, farming, mineral extraction and other beneficial uses.

2. NR.Policy 4.2. Support the private use of the federal Pawnee National Grassland through grazing options and other mechanisms that preserve the public benefit of the Grassland, while still allowing responsible grazing management.

3. NR.Policy 4.3. Coordinate with the U.S. Department of Agriculture Forest Service, and any other applicable federal agencies, in the development of the management and use plans for the Pawnee National Grassland.

E. NR.Goal 5. Encourage the development and responsible use of other natural resources as means of energy, food or materials production. Examples include algae production, fish farming, switchgrass harvesting and other potential future industries.

F. NR.Goal 6. Support efforts to record and preserve archeological, cultural and historic resources.

1. NR.Policy 6.1. Support private efforts to preserve historic, archeological and cultural resources, such as those located at the Dearfield Townsite.

2. NR.Policy 6.2. Develop standards for recognizing or preserving archeological resources that may be discovered during construction.

a. Recommended Strategy NR.6.2.a. Review County regulations to address when there is discovery of fossil bones and similar archeological resources during the construction or planning process, including a time line for processing. (Weld County Code Ordinance 2008-13)

Sec. 22-5-130. Alternative energy resources.

Due to the volatility of traditional energy resources, the County supports and encourages development and use of alternative energy resources. Alternative energy sources do not replace the traditional sources of energy; rather, expanding global energy demands require a "new energy economy" that supports and enhances traditional sources of energy. (Weld County Code Ordinance 2008-13)

Sec. 22-5-140. Alternative energy resources Goals and Policies.

A. AE.Goal 1. Support and encourage research, development and use of alternative energy resources.

1. AE.Policy 1.1. Attract and encourage alternative energy support industries that are involved in manufacturing, distribution or research.

2. AE.Policy 1.2. Support the development and use of biofuels.

a. Recommended Strategy AE.1.2.a. Identify industrial areas that can support the development of biofuel facilities. Analyze the availability of transportation infrastructure, utilities, water and other elements necessary to support such facilities.

3. AE.Policy 1.3. Support the commercial development and use of wind energy.

a. Recommended Strategy AE.1.3.a. Identify industrial areas that can accommodate and support manufacturing facilities associated with wind energy.

b. Recommended Strategy AE.1.3.b. Create incentives that encourage large-scale commercial wind generation systems.

4. AE.Policy 1.4. Promote the use of personal and private wind energy systems, with minimal regulation, to support personal energy needs.

a. Recommended Strategy AE.1.4.a. Review County regulations to ensure support of small-scale and personal wind generators, including possible incentives.

5. AE.Policy 1.5. Support the development and use of solar energy.

a. Recommended Strategy AE.1.5.a. Review County regulations to ensure support of small-scale and personal solar energy collectors.

b. Recommended Strategy AE.1.5.b. Create incentives that encourage large-scale commercial solar collections.

6. AE.Policy 1.6. Support the development and use of water (hydro) electric generation, biomass gas generation, geothermal systems and other alternative energy resources.

a. Recommended Strategy AE.1.6.a. Review County regulations to ensure support of all alternative energy resources for small- or large-scale applications. (Weld County Code Ordinance 2008-13)

Sec. 22-5-150. Use of resources.

A. Given the abundance and variety of resources in the County, it is desirable to support the use of these resources in the County. (Weld County Code Ordinance 2008-13)

Sec. 22-5-160. Use of resources Goals and Policies.

A. UR.Goal 1. Support and encourage the use of natural and other resources available in the County by the residents of the County.

1. UR.Policy 1.1. Support the development of power-generating facilities in the County that benefit the residents of the County and employ the resources extracted, developed or available in the County. (Weld County Code Ordinance 2008-13)

ARTICLE VI

Economic Development

Sec. 22-6-10. Economic development.

A. Economic development is directly linked to a community's long-term health and sustainability. As is sometimes said, "Quality of life begins with a good job." A robust and diverse economy provides employment opportunities for County residents, as well as the property tax revenue that allows the County to provide essential services to citizens.

B. Economic development can be defined as an approach, strategy or program that aids in the sustainability and growth of an economy. A focus on retaining and creating primary jobs, in particular, leads to a sustainable economy. Primary jobs are those jobs that export products and services, in return bringing new dollars into the County. These new dollars then circulate within the County by means of salaries and other expenditures, which in turn support jobs in the retail, business services, personal services and other sectors. Primary jobs are not limited to large employers; many small employers provide primary jobs as well. One (1) of the chief sources of primary jobs in the County is in the agricultural industry, including individual farms.

C. The County strongly supports developing a healthy economy by fostering a positive relationship between the public and private sectors. Economic development is the "engine" that helps create homes, irrigation ditches, parks, shopping centers or roads – the "built environment." The ability to shape a built environment that is meaningful for its residents depends on an economy that can finance improvements over time.

D. The County encourages economic development by promoting a positive-built environment in which businesses and entrepreneurs are able to flourish. Quality development supports a strong and vital economy. A common strategy of many economic development programs is retaining and attracting businesses. Unlike municipalities in Colorado, counties are limited in the kinds of financial incentives they can offer businesses. Recruitment and attraction is more about actively marketing the County, its quality of life and the advantages of it as a place to do business.

E. The County relies heavily on its partnerships with businesses, citizens, municipalities and leaders in order to promote the County and economic development. Of particular importance is the Upstate Colorado Economic Development organization, a County-wide private economic development corporation that assists existing and prospective primary employers with resources helpful in expanding revenue and employment opportunities.

F. Property tax revenue and other revenue sources (such as from oil and gas) pay for general County services and fund the maintenance of the County road system, both of which enhance the County's quality of life. All property in Colorado is subject to ad valorem (property) taxation by local districts. (The state government does not levy a property tax.) Separate property taxes fund local schools, special purpose districts (often water and sewer infrastructure) and a portion of the city and County government costs. The County's property tax rate has decreased each year for the last several years, while other government entities' rates have remained flat or increased.

G. The State collects 2.9% sales or use tax on goods purchased or used in Colorado that are not intended for resale. In the County, the average local sales tax collected by towns and cities is 2.9%, for an average total sales tax rate of 5.8%. The County has historically collected no sales tax.

H. Municipalities within the County are key economic centers, and municipal leaders are important partners in economic development. Most of the thirty-one (31) municipalities located in the County have developed their own goals, such as increasing sales activity and tax revenue and encouraging local spending by citizens. The municipalities recognize the value of seeking a balance between housing and job opportunities within their respective cities. Many of their stated goals concerning economic development are consistent with the County Goals and Policies stated below. A shared vision and coordinated efforts help ensure economic benefits to the County and region. (Weld County Code Ordinance 2008-13)

Sec. 22-6-20. Economic development Goals and Policies.

A. ECON.Goal 1. Encourage the expansion of existing businesses and the location of new industries that will provide employment opportunities in the County.

1. ECON.Policy 1.1. Promote the expansion and diversification of the industrial economic base to achieve a well-balanced industrial sector in order to provide a stable tax base and a variety of job opportunities for County citizens.

2. ECON.Policy 1.2. Promote the expansion and diversification of the commercial economic base to achieve a well-balanced commercial sector in order to provide a stable tax base and a variety of job opportunities for County citizens.

3. ECON.Policy 1.3. Promote the preservation and enhancement of the major assets in the County – lower costs of doing business, safe communities, a qualified and available workforce

and access to agricultural and natural resources – to retain current employers and attract new ones. Maintain and improve basic County services and infrastructure, in order to ensure that the County is a viable candidate for attracting businesses, labor and capital.

4. ECON.Policy 1.4. Invest in the public infrastructure required to retain existing businesses and to readily support the needs of future industrial and commercial developments.

a. Recommended Strategy ECON.1.4.a. Identify, in the Transportation Master Plan, rail corridors and public road improvements needed to support economic development.

5. ECON.Policy 1.5. Encourage local contractors to bid on County Capital Improvements Program projects and construction projects.

a. Recommended Strategy ECON.1.5.a. Develop incentives supporting County businesses.

b. Recommended Strategy ECON.1.5.b. Explore ways to effectively advertise County projects.

6. ECON.Policy 1.6. Support a diversified and well-balanced economic base, recognizing that dependence on any one (1) industry or business may weaken the long-term sustainability of the regional economy. Support efforts to retain and attract large employers, while at the same time recognizing that small businesses and individuals provide the highest level of economic output in the County.

B. ECON.Goal 2. Support and facilitate public and private economic development efforts that are consistent with the Goals and Policies of the County.

1. ECON.Policy 2.1. Economic development is directly related to actual physical development; therefore, the County should foster an effective process to support development, while protecting the health, safety and welfare of citizens of the County.

2. ECON.Policy 2.2. Foster a good working relationship between the public and private sectors, recognizing that such a relationship supports economic development.

3. ECON.Policy 2.3. Work cooperatively with the Upstate Colorado Economic Development organization to encourage the retention and expansion of existing businesses and to attract new industries to incorporated and unincorporated Weld County.

a. Recommended Strategy ECON.2.3.a. Annually contribute to fund Upstate Colorado Economic Development.

b. Recommended Strategy ECON.2.3.b. Establish a liaison group that includes County representation that will interact with the Upstate Colorado Economic Development organization (or other similar organizations) and promote private corporate participation.

4. ECON.Policy 2.4. Coordinate with Weld County municipalities and support regional dialogue to attract businesses to incorporated and unincorporated Weld County by maintaining the quality of life in both urban and rural Weld County.

a. Recommended Strategy ECON.2.4.a. Regularly host a forum (similar to the 2007 "Your Town" workshop) of business and governmental leaders to review challenges and issues throughout the County and to brainstorm solutions.

5. ECON.Policy 2.5. Participate in regular, yearly efforts – by Upstate Colorado Economic Development, the University of Northern Colorado and others – to develop an economic vision and assessment for the entire County.

6. ECON.Policy 2.6. Use all available tools to facilitate capital investment for the retention, expansion and attraction of businesses, such as federal (e.g., Community Development Block Grants), state (e.g., Colorado Performance Based Job Creation Incentive) and other programs.

a. Recommended Strategy ECON.2.6.a. Consider hiring an employee for grant writing and to explore other funding opportunities for the County.

b. Recommended Strategy ECON.2.6.b. Consider a circuit grant writer to share between the County and other jurisdictions.

7. ECON.Policy 2.7. Support the use of local economic incentives to attract economic development, such as personal property tax incentives.

8. ECON.Policy 2.8. Encourage and support workforce development initiatives. Such initiatives should focus on providing a stable, available and qualified workforce, and support quality of life elements necessary to ensure an adequate workforce, such as safety and adequate housing.

C. ECON.Goal 3. Structure land use policies and regulations so that they encourage County-wide economic prosperity and economic growth.

1. ECON.Policy 3.1. County activities and regulation should protect the rights of private property owners and the public health, safety and welfare, recognizing that these basic rights and protections allow the free market to prosper and grow the local economy.

2. ECON.Policy 3.2. Ensure that County land use policies and regulations are structured so as not to impede economic prosperity and growth.

a. Recommended Strategy ECON.3.2.a. Review County land use policies and regulations to ensure consistency with the Policy.

D. ECON.Goal 4. When appropriate, use economic incentives to retain and expand businesses or to attract new industries to the County.

1. ECON.Policy 4.1. Applicants seeking land use approvals for industrial uses, or for the creation of a Regional Urbanization Area (RUA), should have the option of providing a cost/benefit evaluation. This evaluation may be considered for potential economic incentives.

a. Recommended Strategy ECON.4.1.a. Develop a set of local Weld County Economic Development Incentives to be applicable in unincorporated portions of the County. Develop criteria for considering if and when incentives are appropriate.

2. ECON.Policy 4.2. Target the following through economic incentives: manufacturing, entrepreneurial development; state-of-the-art agricultural uses, including value-added crop/ livestock development; technology industries; natural resource development, including alternative energy resources; and tourism.

E. ECON.Goal 5. Recognize and promote specific places and resources in the County that can uniquely support economic development.

1. ECON.Policy 5.1. The County should encourage an adequate supply of both services and land suitable for industrial development and redevelopment.

a. Recommended Strategy ECON.5.1.a. Develop a program to create "shovel-ready" industrial sites throughout the County, where primary job providers would be able to develop or re-develop. Zoning, infrastructure and services would ideally be immediately available for use in such areas.

2. ECON.Policy 5.2. Encourage use of the Greeley-Weld County Airport and expanding the surrounding area uses for economic development.

3. ECON.Policy 5.3. Recognize and support existing railroad infrastructure.

a. Recommended Strategy ECON.5.3.a. Develop a Sub-Area Plan for the North Greeley Railroad Corridor, consisting of the east-west rail line running from east of Greeley to Windsor.

4. ECON.Policy 5.4. Promote the availability of water as an incentive to attract economic development.

5. ECON.Policy 5.5. Recognize and support the role of the municipalities and other jurisdictions in providing significant economic activity, specifically from their ability to provide urban-scale services and markets.

F. ECON.Goal 6. Maintain relevant economic data that is specific to the County, and which complements other sources of similar information.

1. ECON.Policy 6.1. Regularly maintain economic data for the County.

2. ECON.Policy 6.2. Maintain a report which compiles County-level data about subdivisions, population comparisons and growth areas. (Weld County Code Ordinance 2008-13)

