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ARTICLE IV

Dry Creek RUA

Sec. 26-4-10. Development standards.

A. A framework plan for the Dry Creek Regional Urbanization Area (RUA) is established to provide a foundation and general guidance to enable the County and its citizens to make appropriate decisions regarding future development within the specified geographical area. It represents a vision of what the Dry Creek RUA could look like over the next twenty (20) years and is supported by specific land use goals and policies. The following Sections outline the framework plan and how it will be used to guide future growth in the Dry Creek RUA.

B. The proposed Dry Creek RUA is located in one of the fastest growing areas of both Weld County and the Denver Metro Area, near the developing growth areas of the I-25 and U.S. Highway 85 corridors. Surrounding municipal populations are increasing quickly, and employment and retail opportunities are moving to the area at an accelerated rate. The Dry Creek RUA is an effort to ensure that future development is compatible with the existing and future character of the region. Future development shown in Appendix 26-S, will conform with the goals and policies outlined in this Section, as well as all policies and regulations found in Chapter 22, the Weld County Comprehensive Plan, all zoning and subdivision regulations, and all other applicable portions of this Code. (Weld County Code Ordinance 2010-1)

Sec. 26-4-20. Intent.

The intent of the Dry Creek Framework Plan and resultant Goals and Policies is to expedite the planning review process by clearly outlining the expectations for future development within the area. To this end, the principles defined in the Framework Plan and Goals and Policies seek to ensure that new development is consistent with the County's overall vision, the surrounding context, and in accordance with general RUA Goals and Policies outlined in the Weld County Comprehensive Plan. The Framework Plan and Goals and Policies within this application are intended to be specific and clear enough to guide development, but not to preclude creative design solutions. The Dry Creek RUA seeks to create an integrated community that balances development with riparian corridors, oil and gas production, and the site's agricultural heritage. The Framework Plan seeks to ensure that future Dry Creek RUA development fits into the contextual character and planning efforts of the surrounding area while creating an attractive living and working community. (Weld County Code Ordinance 2010-1)

Sec. 26-4-30. Maximum work and living population.

Appendix 26-C outlines the maximum number of people who are projected to live and work in the RUA and the maximum nonresidential uses. The projected population of the Dry Creek RUA is between sixty-five hundred (6,500) and nineteen thousand and seven hundred (19,700) people and between two

thousand two hundred (2,200) and six thousand six hundred (6,600) dwelling units. Nonresidential uses in the Dry Creek RUA are projected to be between sixty-six thousand (66,000) square feet of Gross Floor Area (GFA) and one hundred eighty thousand (187,000) square feet of GFA. These nonresidential uses include but are not limited to small neighborhood retail and civic uses. These uses are projected to employ between one hundred thirty (130) and three hundred seventy-three (373) people (exclusive of school employment). Including school employment, between two hundred eighteen (218) and six hundred and five (605) people would work within the Dry Creek RUA , as currently projected. (Weld County Code Ordinance 2010-1)

Sec. 26-4-40. Service and school provisions.

Appendices 26-B and 26-O outline the agencies that will provide services and education and the Dry Creek RUA school facilities requirements. Around twenty percent (20%) of the Dry Creek RUA is within Brighton 27J School District; eighty percent (80%) of the boundary is within Fort Lupton Weld County 8. The Dry Creek RUA population projections would justify approximately three (3) K-8 schools and one (1) high school. The general locations of these schools are depicted in Appendix 26-S, and are generally located along Weld County Road 4, which is envisioned to be a green parkway linking Big Dry Creek with the Brantner Irrigation Ditch to the east. (Weld County Code Ordinance 2010-1)

Sec. 26-4-50. Dry Creek RUA generalized planned land use categories.

A. The goal of the overall Dry Creek RUA Framework Plan structure land use categories is to establish a harmonious design that protects and enhances the value and character of surrounding land uses by attracting clean and nonpolluting land uses to the community and minimizing obstruction of the view of others through the careful use of perimeter landscaping, screening and buffering. The goal is also to discourage development in hazard areas where a significant risk to life and property exist, such as in areas of floodplain, geologic hazard, unstable soils, undermined areas and steep slopes.

B. General Planned Land Uses. In the Dry Creek RUA, land use is grouped into four (4) land use categories. These categories are conceptual and not intended to create vested property rights in the continuation of any particular use, district, zoning classification or any permissible activity therein. The land use categories are as follows:

1. Mixed Use Neighborhoods.
2. Suburban Neighborhoods.
3. Estate Neighborhoods.
4. Limiting Site Factors.

Each land use category consists of distinct and unique qualities and is established as a matter of policy to guide and implement planned land use development. These categories are delineated in the Dry Creek RUA Framework Plan and are correlated to the generalized zone districts, as defined in Chapter 23 of this Code as noted below. In all cases, Chapters 23, 24, and 27 should be consulted for clarification of specific requirements.

C. Mixed Use Neighborhoods. The goal of Mixed Use Neighborhoods within the Dry Creek RUA is to create higher density nodes proximate to major regional arterials that provide convenience goods and services for residents of the immediate area. Mixed Use Neighborhoods should be linked to

transportation networks but minimize traffic and parking issues for the adjacent residents, while promoting compatibility between the commercial and nearby residential areas.

1. Policies:

a) Higher Density Nodes: Mixed Use Neighborhoods are intended to provide safe, proximate and higher density activity areas offering convenience goods and services to residents of surrounding neighborhoods. Environmental and service-related impacts are minimal.

b) Properly Scaled: Nonresidential uses should be appropriately located and scaled within easy access and integrated within the surrounding neighborhood context.

c) Allowable Land Uses: Generally, commercial uses should be similar to the uses described in Section 23-3-210, including both the Uses allowed by Right and Uses by Special Review. Residential uses should be similar to those described in Section 23-3-130, and Section 23-3-140, including both the Uses allowed by Right and Uses by Special Review. Both the commercial and residential uses include, but are not limited to, the following:

i. Stores and shops which furnish personal services and merchandise primarily intended for personal, family or household purposes by the residents of the area in which the use is located.

ii. Restaurants.

iii. Schools and public school extension classes.

iv. Public recreational facilities, community buildings, museums and libraries.

v. Police and fire station facilities.

vi. Offices.

vii. Utility service facility.

viii. Child care center.

ix. Places of worship.

x. Clubhouse and recreational facilities.

xi. Attached dwelling units.

xii. Group home facility.

xiii. Foster care homes.

d) Serviced by Infrastructure: Mixed Use Neighborhoods will utilize public sewer and water services.

e) Compatibility With Existing Comprehensive Plan Goals and Policies: Development of Neighborhood Mixed Use centers should meet the goals and policies in the Weld County Com-

prehensive Plan, Section 22-2-100, as well as the goals and policies in Section 22-2-120 that specifically discuss Urban Residential Uses.

f) Compatibility of Building Heights: Buildings should be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale.

g) Green Transitions: Development within Neighborhood Mixed Use areas should use landscaping to provide a transition and buffer from higher density, more active land uses to lower density residential land uses and existing rural land uses.

h) Clustering of Higher Density Uses: Nonresidential Uses, larger buildings and attached multi-family housing should cluster near commercial centers and transition to the surrounding residential neighborhoods through the use of lower density products.

i) Pedestrian-Oriented Mixed Use Areas: Create pedestrian-friendly and human-scaled commercial areas by providing open areas for gathering places, creating a tree canopy between on-street parking and store fronts, and minimizing the visual impact of parking lots.

j) Building Integration: Mitigate large-footprint commercial structures by minimizing the impact of parking areas and incorporating more human-scaled streetscapes into designs.

k) Building Orientation: Reinforce the character and quality of the streets through the development of buildings that provide orientation and access towards the street.

D. Suburban Neighborhoods. The goal of Suburban Neighborhood residential districts within the Dry Creek RUA is that they be cohesive, identifiable and diverse while still being integrated into the regional context of the surrounding area.

1. Policies:

a) Developments are encouraged to coordinate neighborhood design efforts with regards to circulation provisions, conservation of natural features and relationship to established neighborhood areas.

b) A diversity of housing types is encouraged to include both owner-occupied and rental housing, which serves all economic segments of the population and match local incomes and age groups.

c) Higher residential densities should be situated within close proximity to designated neighborhood/activity centers.

d) Each neighborhood should have an interconnected network of local streets that provide direct connections to local destinations.

e) Allowable Land Uses: Generally Residential Uses occurring in the Neighborhood Mixed Use should meet the requirements set in Section 23-3-130, and Section 23-3-140.

f) Serviced by Infrastructure: Suburban Neighborhoods will utilize public sewer and water services.

g) Compatibility With Existing Comprehensive Plan Goals and Policies: Development of Neighborhood Suburban residential areas should meet the goals and policies in the Weld County Comprehensive Plan, Section 22-2-120.

h) Housing Diversity: Residential areas should reflect affordability and lifestyle choices that include dwelling unit type, density, environmental setting and convenience levels. Diverse housing options serve people of all income levels and may provide some citizens with the ability to live where they work.

i) Compatibility With Surrounding Proposed/Existing Land Uses: Thorough examination of issues such as compatibility with surrounding and regional land uses, availability and adequacy of infrastructure, impacts on the natural environment, drainage and transportation and other issues should occur in the review of all residential developments.

j) Adequate Services: Improvements associated with residential development should be based on the direct impact those development proposals have on the infrastructure and services related to that development.

k) Ensure that adequate services and facilities are currently available or reasonably obtainable to serve the residential development or district.

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

m) Neighborhood Emphasis: Development within the Dry Creek RUA is encouraged to be focused in distinct neighborhoods that are walkable, pedestrian friendly and integrated into the regional open space and circulation network.

n) Walkability of Residential Neighborhoods: Suburban residential neighborhoods should be pedestrian friendly and walkable. Detached sidewalks and pedestrian and bicycle paths are encouraged.

o) Neighborhood Interconnectivity: Neighborhoods located adjacent to future development areas should provide opportunities for future roadway and open space extensions. Cul-de-sacs and other dead-end streets are discouraged unless necessitated by the natural or built constraints of the site. Where cul-de-sacs are used, pedestrian connections should be provided between the street and adjacent open space areas, trails and other common areas to promote neighborhood connectivity.

p) High-Quality and Attractive Neighborhood Character: Nonresidential uses such as civic buildings within suburban residential neighborhoods should be appropriately scaled and of similar character to the surrounding residential neighborhood to promote an attractive and high-quality neighborhood character. Repetition of identical homes and garages along neighborhood streets detracts from the visual character of the neighborhood and is strongly discouraged.

E. Estate Neighborhoods. The goal of Estate Neighborhoods within the Dry Creek RUA is that they are intended to provide an appropriate transition from more intensive development to existing

rural/agricultural areas. These low-density neighborhoods should maintain a country living and rural atmosphere while preserving the vegetation, significant geological features, wildlife habitat/corridors, views and privacy.

1. Policies:

a) Allowable Land Uses: Generally, Residential Uses occurring in the Estate Neighborhoods should meet the requirements set in Section 23-3-410.

b) Compatibility With Existing Comprehensive Plan Goals and Policies: Development of Residential Estates should meet the goals and policies in the Weld County Comprehensive Plan, Section 22-2-120.

c) Compatibility With Surrounding Proposed/Existing Land Uses: Thorough examination of issues such as compatibility with surrounding and regional land uses; availability and adequacy of infrastructure; impacts on the natural environment, drainage and transportation; and integration with the rural agriculture character of the area should occur in the review of all Residential Estate development.

d) Adequate Services: Ensure that adequate services and facilities such as sheriff/fire protection, medical support and efficient service delivery such as school busing are currently available or reasonably obtainable to serve Residential Estate Developments.

e) Emphasis on Open Space: Lots should have access to common or private open space, if applicable. Private open space is encouraged on individual lots to support high-quality rural character.

f) Rural Neighborhood Character: Rural Residential Estates should be designed with development patterns, design features, amenities and architecture that support a high-quality rural character.

g) Pedestrian Interconnectivity: Pedestrian connections to surrounding properties should be included, where feasible, to ensure connectivity between adjoining properties as they are developed.

h) Visual Screening of Rural Land Uses: Perimeter treatments, entry ways and setbacks are encouraged to be individually tailored to each development proposal, but should support a high-quality rural character.

i) Development Clustering and Transitioning: Development clustering techniques to preserve natural amenities, scenic view corridors and agriculturally-viable land is encouraged. Residential Estate developments should be designed as transitional areas between higher intensity urban uses and existing rural uses surrounding the Dry Creek RUA.

j) Small-Scale Farming: 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.

F. Limiting Site Factors. Limiting Site Factors areas are areas comprised of limiting site factors and contain certain physical elements that obstruct, or are hazardous to, certain types of development. These physical elements include floodplains, critical wildlife habitat areas, aquifer recharge areas,

riparian areas, topographic constraints, regional utility easements, regional oil and gas pipeline easements, and oil and gas processing and distribution facilities. The goal within the Limiting Site Factor areas are to discourage development within limiting factor areas, to preserve the natural features of the site, to avoid areas of environmental sensitivity and to minimize negative impacts and alteration of natural features. Preserve, protect and enhance areas from development defined in Appendix 26-S, including but not limited to, surface water bodies, wetland habitat, riparian corridors, floodplains, transmission lines, significant regional oil and gas lines, and significant oil and gas processing and distribution facilities.

1. Policies:

a) Compatibility With Existing Comprehensive Plan Goals and Policies: Goals and Policies regarding the Protection and Preservation of Limiting Factor Areas are consistent with those outlined in Section 22-5-10, and 22-5-20 of this Code. The following policies are consistent with the County's Goals and Policies, as outlined in Section 22-5-30, but have been modified, revised or clarified to reflect the desired policies of the Dry Creek RUA :

i. Discourage excessive or unnecessary removal of riparian vegetation and alterations of stream beds and banks, or other significant or critical habitats during the design and development of land uses that require grading and drainage improvements, unless specifically permitted for restoration, enhancement or creation of additional habitat.

ii. Conflicts with fish and wildlife habitats and travel and migration routes should be considered and avoided in land development.

iii. Development adjacent to rivers and streams, waterfowl areas, significant or critical habitats areas should incorporate reduced densities, adequate setbacks and buffers.

iv. It is incumbent upon all land owners (private or public), metro districts, developers and site construction contractors to be aware that it is illegal to place fill material in any jurisdictional water or wetland. Impacts to jurisdictional waters or wetlands will be mitigated in the Dry Creek RUA by the responsible party according to requirements, regulations and guidelines set out by the U.S. Army Corps of Engineers (USACE)/U.S. Environmental Protection Agency (EPA).

v. Unnecessary destruction of riparian areas is strongly discouraged. Impacts to riparian areas will be mitigated in the Dry Creek RUA by the responsible party. Mitigation will be accomplished through restoration, enhancement or creation efforts.

vi. Developers will coordinate with local, State and federal agencies to identify issues and implement measures for the protection, restoration, enhancement or creation of fish and wildlife habitat.

b) Compatibility of Uses in Each Zone: Areas comprised of Limiting Site Factors contain certain physical elements that obstruct or are hazardous to certain types of development. These physical elements include, but are not limited to, the following uses:

i. Floodplains (within the Federal Emergency Management Agency [FEMA] one-hundred-year floodplain).

ii. Critical wildlife and riparian habitat areas.

- iii. Wetland and aquifer recharge areas.
- iv. Surface water bodies.
- v. Topographical constraints.
- vi. Transmission line easements.
- vii. Regional oil and gas easements.
- viii. Oil and gas distribution and processing facilities.

Although these sites contain factors that limit certain types of development, these areas are, nevertheless, usable for agricultural production, recreational activities and parks, or other functions that cannot damage or be damaged by the constraining site factors. These areas can also enhance the character of this RUA by providing corridors for trails and wildlife and for the protection of natural resources, riparian habitats and natural features essential to the identity of this RUA.

c) Importance of Limiting Factors as Open Space: Development in the Dry Creek RUA should preserve and enhance the Big Dry Creek floodplain and riparian corridor, improve habitat conditions and create quality open space, and to the extent feasible, preserve and enhance significant nonjurisdictional farm ponds and associated aquatic, wetland and riparian habitats to encourage wildlife use.

d) Preservation of Habitat: Development within the Dry Creek RUA should preserve, create and enhance grassland buffers around sensitive or critical habitats within areas defined as limiting factors in Appendix 26-S.

- i. Discourage development and avoid disturbance to sensitive, significant or critical habitat areas. Encourage buffers and setbacks around such features. Preclude any new structural development in the riparian areas.

- ii. Encourage the restoration and enhancement of water resources to provide a diversity of water-based active and passive recreational opportunities as well as wildlife habitat.

- iii. Create, preserve and enhance grassland buffers around sensitive or critical habitats within areas defined as limiting factors in Appendix 26-S.

e) Importance as Water Resource: Within limiting factor areas, development within the Dry Creek RUA is encouraged to utilize Low Impact Development (LID) methods of reducing impermeable surfaces, create stormwater detention and permanent water quality ponds, bios-wales and wetlands to reduce the quantity and improve the quality of water released from development sites, and to create functional wildlife habitats. Locate and design stormwater facilities to take advantage of and enhance existing water resources and habitats.

f) Interconnection of Limiting Factor Areas: Create an interconnected system of open space that incorporates water bodies, wetland habitat, riparian corridors, buffers, floodplains and other significant or critical habitats.

g) Compatibility With State and Federal Laws and Regulations: Abide by Section 404 and 401 of the Clean Water Act (CWA) and adhere to the State and Federal rules, regulations and guidance governing the preservation of water quality and protection and mitigation of waters of the United States, and wetlands as administered by the U.S. Army Corps of Engineers (USACE), the Environmental Protection Agency (EPA) and the State of Colorado Department of Public Health and Environment (CDPHE).

h) Discourage New Development Within Limiting Factor Areas: Discourage development in hazard areas where a significant risk to life and property exist, as in areas of floodplain, geologic hazard, unstable soils, undermined areas and steep slopes. Minimize development and encroachment in the floodplain and preclude any net fill in the floodplain.

i) Buffering of Existing Oil and Gas Production and Distribution: Oil and gas drilling, processing and distribution in the Dry Creek RUA are a significant economic component. It is important that proper mitigation measures, such as screening and buffering, are employed to address potential conflicts between existing industrial areas and future urban development.

j) Confirmation of Floodplains: While general locations of floodplains have been shown in Appendix 26-S, prior to submitting a Change of Zone application, the applicant must define floodplain source of the data, accuracy, modeling methodology, assumptions, etc. Numerous factors can change floodplain limits. The applicant shall apply to FEMA to modify the defined floodplain boundary to take into account the proposed floodplain changes. (Weld County Code Ordinance 2010-1)

Sec. 26-4-60. Community and emergency facilities.

The goal of locations designated for community and emergency facilities is to ensure the efficient and cost-effective delivery of adequate public facilities and services within the Dry Creek RUA that provides for the health, safety and welfare of the present and future residents of the County.

A. Policies:

1. Minimum Service Standards: Minimum service standards and facility standards will be established in determining whether public services and facilities are adequate for residential and mixed-use development.

a. Each service provider will advise on acceptable standards of service and facilities as each is a technical expert.

b. As site-specific development plans become available for each phase of development, direct input from each service provider will be incorporated into the planning efforts.

2. Minimize Fiscal Impacts: The Dry Creek RUA will provide mechanisms for funding public facilities and accommodating service expansion and community amenities based on the demand created by the development.

a. 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 over-sizing or pay-back agreements, impact fees, interim/ultimate design and installation plans, improvement of metropolitan districts and/or other methods.

b. Strive to set common urban development impact fees within the Dry Creek RUA to encourage parity.

c. Review impact fee policies for within the Dry Creek RUA, if developed for within or around it, 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 cost of construction.

d. Cost-sharing strategies could be implemented for the construction of infrastructure.

e. Consider both the physical and fiscal impact on the local districts. If it is found that the service providers, as a result of the proposed development, require additional facilities or incur costs requiring additional local revenues, the project will negotiate with the service provider to determine the contribution level necessary to cover the costs directly attributable to the project.

f. Establish ways to have a common proportionate impact fee among the multiple jurisdictions within the larger South Weld County region, perhaps within all of the Metropolitan Planning Area.

3. Embedded Community Facilities in Neighborhoods: Locating schools, a library and sheriff and fire satellite stations within the community are hallmarks of the character the Dry Creek RUA seeks to create. They are desired land uses that improve the sense of safety and overall desirability of the community.

4. Regional Cooperation: Cooperation or consolidation of urban services among the County, special districts and private developers is encouraged, when appropriate, to avoid duplication and overlapping costs to establish a satisfactory level of quality, quantity and dependability of those services.

a. Development in the Dry Creek RUA should participate in joint planning with the County and service providers to coordinate a timely, orderly and efficient arrangement of public facilities and services.

b. Development should work cooperatively to the mutual benefit of the new residents and the public service providers through the use of such mechanisms as IGAs.

5. Utilize Existing Capacity: Development requiring urban services and facilities should be located where services are currently available or reasonably available. When additional capacity is available with existing facilities, then the Dry Creek RUA will work in partnership with the service provider to appropriately and efficiently utilize what is already available.

6. Colocation and Shared Use of School Facilities With Civic or other Community Uses: When appropriate, colocation or shared use of schools with other civic uses such as a public library, fine arts center, senior center, health clinic, community college branch, recreation facility or public park can create more walkable and integrated neighborhoods and should be encouraged.

7. Colocation and Shared Use of School Facilities as a Mechanism to Offset Cost of Public Service Provision: Colocation of civic and or community uses should be promoted within the Dry Creek RUA because it can reduce cost of service for all agencies involved. Such colocation

can more efficiently utilize public funding and offset some public school construction costs through cost-sharing by different public agencies.

8. Phased Land Dedications: Provide phased land dedications for public services and improvement as conditions of development are warranted. (Weld County Code Ordinance 2010-1)

Sec. 26-4-70. Maximum lot coverage.

All land use applications in the Dry Creek RUA shall adhere to the following regulations governing the maximum percentage of lot coverage. Maximum lot coverage is defined as the maximum percent of the total area of a lot in a zone district that shall be covered by any structure. The percentage of coverage on a lot shall not include the area of the lot or development designated as open space. The percentages outlined in Table 26-3 shall be deemed the maximum lot coverage for each zone district within the Dry Creek RUA.

**Table 26-3
Maximum Lot Coverage in the Dry Creek RUA**

<i>Maximum Lot Coverage</i>	<i>Percentage Covered</i>
Neighborhood Mixed Use	85%
Suburban Residential Neighborhoods	60%
Estate Neighborhoods	40%
Limiting Site Factor	NA

(Weld County Code Ordinance 2010-1)

Sec. 26-4-80. Open space.

A. The goal for open space within the Dry Creek RUA is to establish a functional open space system that balances development with the needs of wildlife and existing agricultural and rural uses, and incorporates the protection, maintenance and management of natural, scenic, historic, cultural, archeological, drainage, floodplain and agricultural resources.

B. The Dry Creek RUA has defined an overall open space framework defined primarily by the limiting factors on the site. These are as follows: Dry Creek Riparian Corridor and Floodplain, the Brantner Irrigation Ditches, critical and sensitive habitats, and utility easements. These environmental constraints can be improved and provide key linkages to create an integrated open space and trail network. This would provide a greenway throughout the Dry Creek RUA and ensure that the Dry Creek RUA open space and trail network could tie into a potential future regional recreation and open space system. In addition to the limiting factors on the site, there are other important open space conditions, and there are goals and polices for each of these following subcategories:

1. Buffer conditions landscapes (Appendix 26-S Dry Creek RUA Map).
2. Common open space.
3. Parks and recreation.
4. Landscape medians and roadsides.

5. Agricultural.

C. Policies:

1. Compatibility With Existing Comprehensive Plan Goals and Policies: Goals and policies regarding open space are consistent with those outlined in Section 22-5-40 of the Weld County Comprehensive Plan. The following policies are consistent with the County’s goals and policies as outlined in Section 22-5-50, but they have been modified, revised or clarified to reflect the desired policies of the RUA:

- a) Developers will provide open space to enhance the quality of life and enjoyment of the environment while protecting private property rights.
- b) Encourage private-sector, nonprofit organizations, non-County agencies and other governmental jurisdictions to participate in the provision of open space in and around the Dry Creek RUA.
- c) Developers will identify and set aside significant, critical or sensitive habitat and natural land features in tracts, outlots or easements, where appropriate.
- d) Developers should ensure the future management of public open space and create management plans that identify the managing entity, funding source and stewardship responsibilities.
- e) Encourage native, drought-tolerant landscaping in open space, and new landscaping in developed areas.

2. Minimum Standards: The minimum percentages of land in each land use designation devoted to open space and limiting factors are listed in Table 26-3 above. The Department of Planning Services reserves the ability to evaluate development design proposals with less common open space than listed in Table 26-4 below. Staff will determine at the time of land use application if the proposed common open space meets the intent of the requirements in this Section.

**Table 26-4
Minimum Open Space Standards**

<i>Minimum Open Space for Each Land Use Designation</i>	<i>Percentage Covered</i>
Neighborhood Mixed Use	15%
Suburban Residential	15%
Estate Neighborhoods	25%
Limiting Site Factor	NA

3. Provision of Open Space: Developers will dedicate open space, initiate land trades within the Dry Creek RUA, or provide cash-in-lieu when open space opportunities are not available in desired open space locations. In lieu of the preservation of land for on-site common open space, and subject to the discretion of the Board of County Commissioners, the applicant may utilize the cash-in-lieu of common open space option outlined in Paragraph 27-6-80(B)(8), with terms defined in Chapter 27, Article II, of this Code. This option shall be outlined in the Sketch Plan application to the Department of Planning Services.

4. Preservation and Interconnectivity of Open Space:

a) The Recreation District and Developers should coordinate and encourage the preservation and creation of a continuous, interconnected and permanent system of open space that capitalizes on natural and man-made features and incorporates sensitive and critical habitat such as stream corridors, floodplains, irrigation canals, reservoirs, ponds and wetlands.

b) Development within the Dry Creek RUA should dedicate and protect natural open space that incorporates sensitive and critical wildlife habitat in a variety of forms, including large patches, corridors, buffers and linkages, and will discourage small unusable patches of open space.

c) Patches of open space should be linked together via open space corridors of adequate width to protect sensitive species and allow for genetic diversity through species movement. Creation of isolated or small patches of open space or habitats that are inaccessible or unusable for wildlife is discouraged.

5. Emphasize Importance of Habitat: Development of a parks and trails system should avoid negative impacts to sensitive or critical habitat.

6. Management of Open Space: The Recreation District or other approved entity should fund and develop an open space management plan that addresses the restoration, enhancement, operations and maintenance standards of open space, and balances the level of public use of open space with the sensitivity of the wildlife/habitat resources and goals for protection of those resources. The Recreation District or other approved entity should collect fees as necessary and provide adequate funding to support the open space management plan.

7. Enhancement of Open Space: The restoration and enhancement of open space and water resources is encouraged, in order to provide a diversity of water-based active and passive recreational opportunities as well as wildlife habitat.

8. Create a Visual and Attractive Environment. Development within the Dry Creek RUA should provide a natural appearance and configuration of graded land forms in open space and stormwater and drainage facilities to create an aesthetic nonengineered appearance of community features. (Weld County Code Ordinance 2010-1)

Sec. 26-4-90. Buffer conditions.

A. The goal for designated buffer condition areas within the Dry Creek RUA is to protect the public health, safety and welfare of land developed in the Dry Creek RUA and protect the economic viability and long-term sustainability of the surrounding agricultural and oil and gas industries. The Dry Creek RUA is in a developing and changing area with significant existing agriculture and oil and gas industries. Certain urban land uses, because of their character and intensity, may create an adverse impact on less intensive and varied adjacent land uses and negatively impact the economic viability and long-term sustainability of surrounding oil and gas industries. Alternatively, the noise and dust that can be associated with more rural uses, such as agriculture and oil and gas production and distribution, can adversely affect public health, safety and welfare of surrounding urban development. Accordingly, the following policies are established to protect and preserve the appearance, character and value of property within the Dry Creek RUA and buffer adjacent more rural uses from the adverse urban development of the Dry Creek RUA.

B. Policies:

1. Screen or buffer between incompatible adjacent land uses: All land within Suburban Residential areas within the Dry Creek RUA that is directly adjacent to an existing rural or agricultural use and is not separated by a road right-of-way, and where *buffer condition* is noted in Appendix 26-S, need to be evaluated based on the intensity of land uses and the intensity of the landscape treatment proposed. One (1) or more of the four (4) basic variables in buffer design should be used. Distance, plant material, plant density and land forms should be employed to ensure that incompatible land uses are adequately buffered and screened.

2. Transition from higher density urban uses to rural uses through lower density development: Where indicated, lower density Estate Neighborhoods have been cited in Appendix 26-S. These Estate Neighborhoods have a lower density and are more rural in character and allow for a more gradual transition to existing rural and agricultural uses.

3. Buffer or screen between development and oil and gas operations areas: A landscape buffer should be employed for the outer fifty (50) feet of the setback from an oil and gas well or operations area. This buffer area may be used for underground utilities, sidewalks, trails and/or parking, and must be landscaped with grasses, vertical landscaping or shallow-rooted landscaping. (Weld County Code Ordinance 2010-1)

Sec. 26-4-100. Common Open Space.

All developments within the Dry Creek RUA shall also preserve a portion of the site as common open space above and beyond the areas that have been delineated in Appendix 26-S.

A. Definition: *Common Open Space* is defined as any usable parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for future public or private use or enjoyment or for the use and enjoyment of owners or occupants of land adjoining or neighboring such an area. Common Open Space shall be freely accessible to all residents and property owners of a development. Common Open Space shall not be occupied by buildings or structures other than those in conjunction with the use of open space, roads or parking, nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements. (Weld County Code Ordinance 2010-1)

Sec. 26-4-110. Parks and recreation.

All Planned Unit Developments (PUDs) within the Dry Creek RUA shall also preserve a portion of the site as parks and recreation, above and beyond the areas that have been delineated in Appendix 26-S. The goal for parks and recreation within the Dry Creek RUA is to provide high-quality, strategically-placed parks and recreation facilities for present and future residents.

A. Policies:

1. Compatibility with Existing Comprehensive Plan Goals and Policies: Goals and policies regarding Parks and Recreation are consistent with those outlined in Sections 22-5-40 and 22-5-50 of this Code.

2. Compatibility with Existing Zoning Standards: Common open space shall be delineated in the Sketch Plan phase of the land use process and meet the performance standards established in Chapters 24 and 27 of this Code.

3. Diversity of Parks: Parks provide opportunities for active and passive recreational experiences within the community. They reinforce a sense of community by providing places for members of the community to gather, interact and exercise. Parks also enhance a community's image and quality of life. A comprehensive park system should include the following:

a) Neighborhood Parks. Pocket parks are small parks that are provided by the developer of a subdivision and maintained by the development. They provide opportunities for passive outdoor recreation at a sub-neighborhood scale. They are ideally located within one-quarter-mile of the residences they are intended to serve and may include lawn areas, picnic shelters and tables, play equipment, artwork or other amenities that are appropriate for the demographics and types of activities that the neighborhood may desire.

b) Local Parks. Neighborhood parks provide places for informal recreation and gathering places within walking distance of most residences (one-half-mile) and may include multi-use lawn areas, picnic areas, playground equipment, restrooms, drinking fountains, small court games, community gardens and recreational fields and facilities, as appropriate.

c) Community Parks. Community parks serve multiple neighborhoods (typically within one [1] to one and one half [1.5] miles) and are focused on the recreational needs of the whole community. They provide opportunities for self-directed and programmed recreational activities, as well as community events and gatherings.

4. Accessibility of Parks: Parks and recreation facilities provide an adequate range of active and passive recreational opportunities to meet the needs of a wide array of citizens. Special emphasis should be placed on ensuring that residents have access to neighborhood parks and recreation centers within walking distance of their homes.

a) Development within the Dry Creek RUA should centrally locate recreation centers and other facilities that serve large numbers of people on sites with visual and vehicular access from major roadways, direct trail connections, and provisions for future transit.

b) Development within the Dry Creek RUA should design neighborhoods that integrate parks, trails and recreational facilities with utility infrastructure and transportation systems such as detention basins that serve as athletic fields when not flooded.

c) Development within the Dry Creek RUA should organize and conjoin parks, trails and open space with schools, churches and other quasi-public land uses, where possible, to create larger, more contiguous parks and open space network. (Weld County Code Ordinance 2010-1)

Sec. 26-4-120. Agriculture.

The goal for agricultural uses within and nearby the Dry Creek RUA is to preserve agricultural productivity and values.

A. Policies:

1. Compatibility With Existing Comprehensive Plan Goals and Policies: Protection and Preservation of Limiting Factor Areas are consistent with those outlined in Section 22-2-10 and 22-2-20 of this Code.

2. Consider Agriculture Water Delivery: New development will recognize and accommodate the traditional and future operational viability of existing water delivery infrastructure. Water and the irrigation delivery systems need to be regarded as a critical component of the agricultural heritage and continued productivity of the land.

3. Compatibility with "Right to Farm": Respect the continuation of agricultural land uses and operations in the area surrounding the Dry Creek RUA. Farming and ranching operations in the County are important businesses that require land preparation, burning, planting and harvesting that can cause nuisance dust, objectionable odors, noise and smoke. Maintain the County's "Right to Farm" policies, which protect farmers and ranchers from nuisance and liability lawsuits and enables them to continue producing food and fiber. (Weld County Code Ordinance 2010-1)

Sec. 26-4-130. Archeological, cultural and historic resources.

It is a goal to preserve and protect archeological, cultural and historic resources within the Dry Creek RUA.

A. Policies:

1. Compatibility with Existing Comprehensive Plan Goals and Policies: Protection and Preservation of Limiting Factor Areas need to be consistent with those outlined in Subsection 22-5-110.F of this Code.

2. Compatibility with OAHP Regulations: Developers will contact the Colorado Office of Archeology and Historic Preservation (OAHP) regarding the preservation and protection of any potentially significant archeological, cultural or historic artifact encountered during construction. (Weld County Code Ordinance 2010-1)

Sec. 26-4-140. Landscaped medians and roadsides.

It is a goal for within and around the Dry Creek RUA that major roadways, along with the greenway connection proposed along County Road 4, play an important role in the function and image of the Dry Creek RUA. All major arterials and County Road 4 should incorporate landscape design features. The following design policies relate to the visual quality of these roadways.

A. Policies:

1. Integration of Roadside Planting: Plantings along road rights-of-way shall be integrated with the rest of the site.

2. Landscape Setbacks Along County Road 4: A minimum landscape setback along County Road 4 should be established and significant landscape treatment should be proposed for any development along County Road 4 to ensure that County Road 4 has a green character and functions as a green connection between Dry Creek Corridor and the rest of the RUA.

3. Compatibility with Existing Zoning: Required landscaping and screening within the landscape setback and other portions of the property shall be governed by the landscape standards requirements contained in Chapters 23 and 24 of this Code.

4. Screening of Adjacent Uses through Landscaping Berming and Clustering: Uses adjacent to Weld County Road 21 and Weld County Road 4 should be screened from Weld County Road 4 and Weld County Road 21 through best practice landscape treatment including, but not limited to, landscape berming, berm-walls, tree clustering, fences and high-intensity planting.

5. Maintenance: Maintenance of landscaping in landscaped medians and along roadsides shall be by a metropolitan district or other approved entity. (Weld County Code Ordinance 2010-1)

Sec. 26-4-150. Transportation and circulation.

Within the Dry Creek RUA, it is a goal to create a transportation network serving the Dry Creek RUA that unifies and coincides with State, County, City and community transportation systems. The transportation network should be an integrated system of streets, sidewalks, trails and bikeways that provides for optimal movement of people, bicycles and automobiles within the community to and from adjacent streets, developments and uses.

A. Intent: As transportation demands increase in the Dry Creek RUA, the need to preserve the functional integrity and hierarchy of the existing roadways and provide new roadway capacity will become increasingly important. The purpose of this Section is to provide for the planning, design, and construction of improvements to new and existing roadway facilities consistent with Chapters 22, 23, 24, and 27 of this Code. These standards seek to provide for a certain level of performance for the transportation network serving the Dry Creek RUA. Consequently, if it can be shown that an alternate design, material or procedure will provide performance equal to, or better than, the required design, material or procedure, that alternate may be approved by the Director of Public Works.

B. Policies:

1. Circulation System:

a) The proposed RUA circulation system is exhibited in Appendix 26-S. The transportation network reflects a road hierarchy, from a major arterial that serves both the regional and local traffic with higher speeds and capacities with controlled private access, to a collector that serves local traffic and provides access to future development. The proposed hierarchy of roads includes both reconstruction and/or widening of existing roads and alignments for new roads. The transportation network also identifies locations of future traffic signals and roundabout intersections. The roadway classifications and circulation will be determined based upon the results of the Traffic Impact Analysis and the "Master Transportation Plan."

b) The Dry Creek RUA cross sections are identified in Appendix 26-T. These standards delineate right of way, lane configurations, median treatment, bike lanes, and pedestrian sidewalks. Roadway classifications may change as development in the Dry Creek RUA area occurs. Roadway classifications may be reevaluated by the Director of Public Works based on the results of a traffic impact analysis.

c) When proposed development within the Dry Creek RUA triggers the need for construction of on-site or off-site transportation, commitment to construct the needed improvements and funding for engineering design, right-of-way acquisition, and all construction costs for those improvements shall be secured and guaranteed by the developers or districts of the Dry Creek RUA, their successors and assigns, prior to approval of any Final Plat.

2. Traffic Impact Analysis: All significant developments within the Dry Creek RUA area shall be required to prepare a traffic impact analysis at the time of the Sketch Plan application. All traffic analysis information and reports shall be prepared and certified to by a registered professional engineer competent in traffic engineering. 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. The County will require the developer to pay a proportionate share of the costs of said improvements through an improvements agreement. The developer will be responsible for all pertinent road improvements. This may include improvements required outside the Dry Creek RUA due to development within its boundary. All traffic impact analysis shall contain, at a minimum, the following information:

- a) Introduction: Describe the proposed development and parameters of the study area.
- b) Existing Conditions: The street capacity standard in the Dry Creek RUA is Level of Service C and the intersection capacity is Level of Service D.
 - i. Conduct a.m. and p.m. peak-hour turn movements and average daily traffic counts for intersections and links within the study area if there are no available counts collected within the previous twelve (12) months.
 - ii. Conduct a peak-hour intersection level of service analysis for the intersections.
 - iii. Determine whether the existing daily traffic volumes exceed the arterial daily volume standards as identified in the Dry Creek RUA street standards for major arterial, arterial, secondary, collector and local streets presented in Appendix 26-T. These standards delineate right of way, lane configurations, median treatment, bike lanes and pedestrian sidewalks.
- c) Cumulative Conditions:
 - i. Identify previously approved or anticipated developments that may affect the study area's circulation system.
 - ii. Generate, distribute and assign traffic to the existing roadway network.
 - iii. Determine annual growth rates and project future traffic volumes for the time frame corresponding to project buildout.
 - iv. Identify funded circulation improvements, both public and private, that will be constructed prior to the proposed development's occupancy.
 - v. Conduct a peak-hour intersection level of service analysis and compare daily volume forecasts to street standards assuming cumulative developments, annual growth rates and funded improvements.
 - vi. Determine mitigation measures to offset cumulative conditions if the level of service exceeds the Dry Creek RUA area standards.
- d) 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 upon with County Staff.

e) Trip Distribution: Based on assumptions contained in the Dry Creek RUA area traffic analysis or market estimates, describe the anticipated trip distribution patterns for the proposed development.

f) 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.

g) Existing + Committed + Project (E+C+P) Traffic Volumes and Level of Service:

i. Add project a.m. and p.m. peak-hour and daily traffic volumes to existing plus committed traffic volumes.

ii. Conduct intersection level of service analysis and determine whether daily traffic volumes exceed street standard thresholds.

h) Signal Warrant Analysis:

i. Using the American Association of State Highway and Transportation Officials (AASHTO) Manual on Uniform Traffic Control Devices, or other adopted standards, determine whether proposed intersection volumes exceed signal warrants for those locations on the transportation network where signals are proposed.

i) Access: Projects involving access to the state highway system shall indicate appropriate conformance to the latest revisions of the State Highway Access Code. The report shall discuss how the proposed development meets the access control guidelines.

j) Mitigation Measures: Mitigation measures will be implemented to provide the needed improvements to offset project impacts as determined by the traffic impact analysis.

3. Design Standards:

a) General Design Standards: All development within the Dry Creek RUA area shall comply with Chapters 8, 22, 23, 24, and 27 of this Code and the Colorado State Highway Access Code, 2 CCR 601-1. Consistent with the urban-scale development standards in the Dry Creek RUA areas, all driving surfaces and parking areas for commercial and industrial development shall be paved according to geometric and road structure design standards.

b) Geometric Design Standards: Geometric design for streets and roads shall be in accordance with Weld County Engineering and Construction Criteria and with *A Policy on the Geometric Design of Highways and Streets*, published by the American Association of State Highway and Transportation Officials (AASHTO). Specifications, standards or design criteria, published by other governmental agencies, professional organizations or generally accepted authoritative sources, may be used in geometric design. All specifications, standards, or design criteria shall be referenced and copied as part of the submittal information.

c) Road Structure: Structural capacity shall be designed in accordance with the *Guide for Design of Pavement Structures*, published by AASHTO. Specifications, standards or design criteria published by other governmental agencies, professional organizations or generally accepted authoritative sources may be used in design. All specifications, standards or design criteria shall be referenced and copied as part of the submittal information. All roads

shall adhere to the Weld County Engineering and Construction Criteria and with the standards set forth in Chapter 24, Article VII, of this Code.

d) Structural Road Improvements: Adjacent roadways shall be designed to meet the full typical section specified in the County Transportation Plan and Chapter 24 of this Code. For example, improvements may include the construction of travel lanes, shoulders, bike lanes, medians, curbs, gutters and sidewalks. Required improvements may also include the acquisition of right of way and construction easements that will be dedicated to the public. Improvements attributed to the development shall be consistent with the direct impact a particular development has on the County road system as determined by a professional transportation study. The road improvements agreement and roadway construction plans shall be considered for approval by the Weld County Board of County Commissioners.

e) Signage and Striping: All signage and stripping within the Dry Creek RUA area shall comply with Manual on Traffic Control Devices (MUTCD).

4. Transit: As development occurs, the feasibility of a public transit system in the Dry Creek RUA area should be examined. (Weld County Code Ordinance 2010-1)

Sec. 26-4-160. Trails.

It is a goal that, within and around the Dry Creek RUA, the transportation and circulation system should provide for an extensive network of neighborhood, local and regional trails open to all types of nonmotorized travel that link neighborhoods to community features and the region. A pedestrian friendly, off-street trails system is encouraged that provides a positive experience with areas of interest along the trail routes. Trails should provide reasonable accommodation and access for people of all ages and abilities.

A. Intent: Provide for an extensive network of neighborhood, local and regional trails open to all types of nonmotorized travel that link neighborhoods to community features and the region.

B. Policies:

1. Regional Integration: Encourage facilitated coordination between jurisdictions and between private and public entities to integrate the RUA Regional Trails, shown on Appendix 26-S, with other regional trails, such as the Colorado Front Range/South Platte River, Saint Vrain and the Big Dry Creek trails.

2. Trail Interconnectivity: Develop an interconnected network of neighborhood and local trails within the community and with nearby jurisdictions that will also provide connections to regional trail systems.

3. Minimize Conflict with Plant and Animal Habitat: To the extent possible, trails should be located, configured and set back from natural creeks or water bodies so that recreational use will not significantly impact native plant and animal habitat.

4. Universally Designed: Create pedestrian friendly, off-street trails that provide a positive experience with areas of interest along the route and provide reasonable accommodation and access for people of all ages and abilities. (Weld County Code Ordinance 2010-1)

Sec. 26-4-170. Infrastructure.

It is a goal within the Dry Creek RUA that the use of centralized water and sewer systems be promoted for development in a manner consistent with the Weld County Comprehensive Plan. These systems should be capable of complying with all regulatory standards for potable water and wastewater discharge. These systems should be self-sustaining and able to fund the initial, operational and long-term replacement infrastructure required to maintain service.

A. Promote the use of renewable water sources within the capability of the water service provider. Renewable sources should be encouraged, in order to reduce the consumption of finite water supplies such as groundwater.

B. Promote Water Conservation. Promote water conservation within the capabilities of the water and sewer providers, and apply water conservation in a manner that is compliant with all regulatory standards.

C. Encourage Dual-pipe Systems. Encourage a dual-pipe system to reduce the consumption of potable water and promote high effluent standards for wastewater treatment facilities. Treatment facilities should maintain a high effluent standard to maintain water quality throughout the area's watershed. Proposed development within the Dry Creek RUA should be discouraged from using septic systems.

D. Setbacks and Design of Oil and Gas Facilities. Development should be set back from oil and gas wells for safety reasons. Development should seek ways to make these buffered areas as attractive and useful as possible. Mitigation of oil and gas wells through color, profile and visual screening is encouraged, and the use of low profile tanks as new wells are established is recommended.

E. Minimize Impact of Utility Transmission and Distribution Systems. Utility providers and easement holders need to ensure that electric, natural gas, petroleum and other generation, distribution, pipeline and storage facilities are located in a manner that is safe, environmentally sensitive and minimizes aesthetic impacts. Lines will be required to be placed underground to the maximum extent feasible.

F. Respect Surface and Mineral Owner Rights. Respect the rights and uses of surface owners and oil and gas mineral owners and operators. Developers within the Dry Creek RUA should communicate with oil and gas mineral owners and operators to develop surface use agreements that accomplish cohesive development of the surface in the Dry Creek RUA that respects both the rights and uses of surface owners and the rights and uses of oil and gas mineral owners and operators.

G. Mitigate Impact of Oil and Gas Operators on Land Development. Surface Use Agreements between developer and oil/gas operators should be used to allow current and future development of oil and gas resources that minimizes the impacts on land and land use. Methods employed by oil and gas operators and/or land developers to accomplish concurrent development of the surface, along with oil and gas minerals, shall be in compliance with Colorado Oil and Gas Conservation Commission rules and regulations and with Colorado Senate Bill 07-237 provisions, and may include, but is not limited to, centralizing exploration and production facilities, clustering wells, constructing alternative structures and landscaping to mask wells and equipment, directional drilling, installing low-profile or compact equipment, locating drill pads in commercial or industrial areas and using existing service roads and sites.

H. Facilitate ongoing communication between oil and gas operators and developers. As development progresses over time, ongoing communication with operators and developers should continue to address the challenges and issues and develop solutions, so that oil and gas development and residential development may proceed concurrently over the years while conserving land and water quality.

I. Promote integrated and environmentally sensitive design, conservation and reclamation practices, such as:

1) Practices that maximize the use of renewable resources, reduce water consumption and provide the greatest end value and aesthetics of the land.

2) Conservation of water resources in the landscape through the use of native xeriscape principles and nonpotable water for landscape irrigation.

3) Low-impact development that retains the water that falls on the site and puts it to beneficial use.

4) New development that is set back from oil and gas wells for safety reasons, and make the oil and gas facilities and buffer areas as attractive and useful as possible. (Weld County Code Ordinance 2010-1)

Sec. 26-4-180. Drainage.

A. The purpose of the Stormwater and Floodplain Management portion of the Dry Creek RUA is to protect the health, safety and welfare of the public, protect adjudicated waters for the use of downstream water rights holders, preserve the viable and productive use of agricultural lands, promote the equitable, acceptable and effective use of land, and meet the requirements of Colorado Drainage Law. Development within the Dry Creek RUA shall adhere to the Weld County Storm Drainage Criteria, as currently adopted by the County. These criteria have been adopted in order to provide minimum standards to preserve and protect the public health, safety and general welfare in the unincorporated lands of the County, pursuant to authority granted by Part 4 of Article 15 of Title 30, and Article 35 of Title 30, C.R.S. These criteria are designed to provide storm drainage best management practices to accommodate the unique characteristics of the County. All submittals for development within the Dry Creek RUA shall include the information listed in the Weld County Storm Drainage Criteria.

B. The policies set forth in this document for the Dry Creek RUA are intended to define the responsibilities of the developers within the RUA to best manage this area as a new urban corridor. These policies are designed for the commitment to preserve the natural beauty of the region without hampering its development potential. By preserving prime irrigated agricultural land for local farmer use and designating a variety of land uses for commercial, industrial and residential functions, the natural landscape of South Weld County and the need for economic development will be blended to create a mixture that will serve the region for years to come.

1. Promote Runoff Control: Protect runoff control measures that minimize impacts due to changes in land use, including preservation of the existing hydrology to the extent practical as related to quantity, rate and timing.

a) Minimize the creation of impervious surfaces and preserve open space to the extent practical.

b) Encourage Low Impact Development and other Conservation Design principles in future land use changes.

c) Encourage best management practices (BMPs) and runoff infiltration to the extent practical.

d) Encourage no increase in runoff volume related to changes in land use by creative use of native vegetation, trees and the concepts in the policies above.

e) Consider hydrologic timing of discharge to avoid coincidental flood peaks.

2. Protect Water Storage and Conveyance: Protect existing and future water storage, conveyance and delivery infrastructure of water rights holders while promoting beneficial uses of excess stormwater runoff through sustainable development, conservation design and best management practices.

a) Maintain "first in time—first use" water rights.

b) Encourage incorporation of water conservation into future land use changes.

c) Encourage innovative uses of excess stormwater runoff once initial water rights obligations are met.

3. Surface Water Treatment:

a) Treat surface runoff through water quality measures prior to discharge to streams and rivers during and after construction activities.

b) Control erosion and sedimentation due to wind and water to the extent practical and in accordance with the National Pollutant Discharge Elimination System (NPDES).

c) Reduce point and nonpoint source discharges of pollutants through the use of nonstructural and structural BMPs.

4. Promote the preservation and enhancement of aquatic resources, riparian corridors, wetlands and wildlife habitat.

5. Provide recreational, aesthetic and functional use of natural water resources.

6. Minimize Flood Danger: Protect human life, health, safety and property, including buildings, public facilities, utilities and mineral rights, from the hazards and associated costs of flood damages by promoting regulations that reduce the risk of flooding.

a) Reduce and repair stream bank erosion through sound engineering design, fluvial geomorphologic principles and "living river" concepts.

b) Assure that changes in land use do not result in unstable conditions that may lead to stream bank instability or erosion.

c) Preserve the flood carrying capacity and volume of the existing floodplain.

d) Comply with the National Flood Insurance Program (44 Code of Federal Regulations 59-75, as amended), which provides eligibility for federally subsidized flood insurance.

e) Establish a minimum Flood Protection Elevation of one (1) foot above the 100-year Base Flood Elevation to reduce the risk of flooding of habitable structures.

7. Encourage Cooperation: Participate in, and encourage cooperation between, counties, municipalities, special districts, companies and other governmental entities pertaining to regulations involving stormwater and floodplain management. Coordinate construction activities with the ditch companies to avoid activities that may interfere with filling reservoirs during the spring.

8. Operate and maintain stormwater and floodplain infrastructure on a regular basis:

a) Provide long-term, legally binding operation and maintenance agreements for the continued operation of stormwater and floodplain infrastructure.

b) Require maintenance schedules as a part of all future land use changes as well as identification of parties responsible for operation and maintenance activities.

c) Provide suitable funding mechanisms to implement and maintain the above goals.

d) Prepare fair and equitable funding mechanisms that consider quantifiable impacts to the stormwater management system, such as Stormwater Utilities, Special Service Areas (SSAs), and/or Special Districts. (Weld County Code Ordinance 2010-1)

Sec. 26-4-190. Groundwater.

Proposed development within the Dry Creek RUA should preserve, protect and improve groundwater aquifers and local areas of high groundwater.

A. Policies:

1. Encourage Best Practice Storage, Use and Disposal of Hazardous Chemicals: The Dry Creek RUA water provider is encouraged to educate residents about behaviors and consequences, and proper storage, use and disposal of chemicals, petroleum products, cleansers, fertilizers, pesticides and any other solid and liquid household product or hazardous waste that could pollute surface water or groundwater, drinking water wells, fish and wildlife habitat, or the general health and welfare of the public if unintentionally released into the environment.

2. Compatibility with Federal and State Water Rules: Development will be permitted and performed in accordance with Section 401 of the CWA, and the rules and regulations as administered by EPA and CDPHE.

a) Contractors and residents will be required to adhere to the PDES and Colorado SPCC regulations.

b) Site developers and/or construction contractors working within the Dry Creek RUA must obtain a general and/or specific Stormwater Discharge Permit as appropriate to the situation if any discharges of stormwater into receiving waters are anticipated or proposed.

c) Site developers and/or construction contractors must obtain, develop and manage a Stormwater Management Plan (SWMP), adhere to any reporting requirements and make said plan available to all employees and CDPHE. (Weld County Code Ordinance 2010-1)

Sec. 26-4-200. Wildlife.

Development within the Dry Creek RUA should preserve and protect wildlife and enhance wildlife habitat.

A. Policies:

1. Compatibility with Existing Comprehensive Plan Goals and Policies: Protection and Preservation of Wildlife needs to be consistent with those outlined in Section 22-5-10 of this Code.

2. Compatibility with Federal and State Laws for Threatened, Endangered and Candidate Species: Identify, preserve and protect critical habitat of federally listed threatened, endangered, and candidate species (i.e., "Critical Habitat") and unique nesting, breeding or spawning areas of State-listed species of special concern (i.e., "Sensitive Habitat"), and abide by the following Federal and State laws governing their protection:

a) U.S. Endangered Species Act (ESA).

b) U.S. Migratory Bird Treaty Act (MBTA).

c) U.S. Bald and Golden Eagle Protection Act (BGEPA).

d) Colorado Non-game, Endangered or Threatened Species Conservation Act.

3. Compatibility with State Wildlife Statutes: To the greatest extent possible, development within the Dry Creek RUA should preserve habitat that provides essential life requisites of food, water, cover and space and adhere to State statutes and regulations regarding general game and nongame wildlife that are not afforded greater legal protections by the County, State or Federal governments.

4. Honor Existing Visual Natural Amenities: Conserve mature trees that add character to the community and provide habitat for wildlife. Support the conservation of mature trees and native species to the extent possible and encourage the incorporation of these features as amenities in future neighborhoods. Invasive species should not be preserved. (Weld County Code Ordinance 2010-1)

Sec. 26-4-210. Vegetation.

Development within the Dry Creek RUA should encourage healthy and diverse native plant communities and preserve and protect unique plant species.

A. Policies:

1. Compatibility with Existing Comprehensive Plan Goals and Policies: Protection and Preservation of Unique Plant Species need to be consistent with those outlined in Section 22-5-10 of this Code.

a) Compatibility with Federal ESA Act: Identify, preserve, and protect critical habitat of federally-listed threatened, endangered and candidate plant species (i.e., "Critical Habitat") in accordance with the ESA.

2. Compatibility with State Threatened and Endangered Plant Species: Identify, preserve and protect critical habitat of State-listed threatened and endangered plant species (i.e., "Sensitive Habitat").

3. Compatibility with Federal Plant Protection Act/Colorado Noxious Weed Act and Colorado and Weld County's Noxious Weed Management Programs: Encourage the eradication, control, containment and management of noxious and restricted weeds in accordance with these Acts and programs.

4. Promote the Use of Diverse and Adapted Plant Species: Table cross sections are identified in Appendix 26-G. This list is a partial list of plant material that are native or adapted to Colorado's Front Range. This is not an all-inclusive list and is intended only to act as a general resource. New plant materials are being made available on a commercial basis and local nursermen are a valuable resource when trying to determine the appropriateness and adaptability of plant material to a particular location. (Weld County Code Ordinance 2010-1)