

Module 3: Administration and Procedures

Public Review Draft: May 2024



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**PUEBLO COUNTY UNIFIED
DEVELOPMENT CODE**

in coordination with PUEBLO MEANS BUSINESS

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Comments

General comments applicable to this Module 3 Draft UDC:

Content. This draft is a combination of new content, revised current regulations, and/or carried-forward current content. Concepts and standards from the current Title 16 and Title 17 have been updated, revised, and relocated to create the new Pueblo County UDC. Throughout the draft there are footnotes that describe the source section, significant changes, or commentary for many of the provisions that originated in the current Land Development Code. At this stage of the project, however, the process of creating the new UDC is focused on new drafting and improvements, not tracking the location of edits.

Cross-reference hyperlinks. Where cross-references are provided in this draft, they are a hyperlink to the section referenced. To go to the section in the cross reference, hover over the reference and then press Control + Click (left mouse). To go back to the original location, click Alt + Left Arrow.

Cross-reference updates. A reference to a section or other provision reads "Section <> [current Code reference]" means that the cross-reference to that specific section or provision will be inserted once that part of the UDC has been drafted.

For example, a reference in this Module to the Development Standards will be provided in the Consolidated Draft.

Because this is the third and final Module, this document contains numerous references to previous Modules of the UDC.

Previous Modules include:

[Module 1: Zone Districts and Uses](#)

[Module 2: Development Standards](#)

The entire UDC will be brought together, and all cross-references provided, in the Consolidated Draft.

Chapter 17.01 General Provisions

17.01.010 Title

These regulations are and may be cited as the Pueblo County Unified Development Code or UDC. This UDC replaces the previous Title 17 Land Use Code adopted pursuant to Ordinance No. ____ dated ____, and the previous Title 16 Subdivision Regulations, and any amendments thereto.

17.01.020 Effective Date

- (a) This UDC shall become effective on _____ (Effective Date). The Land Use Code and Subdivision Regulations that were effective immediately prior to this UDC shall be referred to as the Retired Codes.
- (b) Two copies of the Retired Codes shall be maintained and remain of record in the County Clerk's Office and the Department of Planning and Development, either in hard copy or electronically. An unofficial public copy may also be maintained on the County's website. All copies of the Retired Codes that are publicly available shall be clearly identified as outdated.

17.01.030 Authority

Authority to adopt this UDC is given by the Colorado Constitution and the following sections of the Colorado Revised Statutes, as amended:

- (a) Title 22, Articles 32 and 54 (School District Boards – Powers and Duties; Reservation and Dedication of School Sites);
- (b) Title 24, Article 65.1 (Areas and Activities of State Interest);
- (c) Title 24, Article 68 (Vested Property Rights);
- (d) Title 28, Article 6 (Division of Aviation);
- (e) Title 29, Article 20 (Local Government Regulation of Land Use);
- (f) Title 30, Article 11 (County Powers and Functions);
- (g) Title 30, Article 15 (Regulation Under Police Power);
- (h) Title 30, Article 28 (County Planning and Building Code);
- (i) Title 32, Article 1 (Special District Provisions);
- (j) Title 34, Article 1 (Geological Survey);
- (k) Title 34, Article 60 (Oil and Gas Conservation);

- (l) Title 38, Article 30.5 (Conservation Easements);
- (m) Title 41, Article 4 (Airports); and
- (n) Title 43, Article 2 (State, County, and Municipal Highways).

17.01.040 Purpose

The purpose of this UDC is to preserve, protect, and improve the health, safety, and general welfare of Pueblo County residents and to:

- (a) Implement the Pueblo County Regional Comprehensive Plan (“Regional Comprehensive Plan”) and any future amendments to the plan; the Regional Comprehensive Plan is an informational and guidance document only (not regulatory), and includes all associated plans adopted by the Planning Commission;
- (b) Provide standards for the physical development of the County to:
 - (1) Preserve the character and quality of rural and urban areas;
 - (2) Foster convenience and compatibility among land uses; and
 - (3) Support the continued viability of a range of agricultural uses in Pueblo County;
- (c) Maintain and enhance property values by stabilizing expectations, fostering predictability in land development, and establishing a process that efficiently and equitably applies this UDC to individual sites while respecting property owner rights and the interests of Pueblo County residents. This requires balancing economic development with community values and individual property rights;
- (d) Ensure that service demands of new development will not exceed the capacity of existing roads, streets, utilities, and other public services and that new development, to the extent allowed by state statute, will pay its share of the cost of infrastructure additions and improvements needed to serve such new development; and
- (e) Protect critical environmental resources, including wetlands, riparian areas, important wildlife habitats, and special places of Pueblo County.

17.01.050 Applicability and Jurisdiction¹

(a) Applicability

- (1) This UDC applies to the development and use of land in unincorporated Pueblo County.

¹ Current 17.04 General Provisions

- (2) This UDC applies to land owned by the County and other local, state, and federal agencies to the extent allowed by law.
- (3) This UDC and the official zoning map govern the application of the zoning districts and related standards.

(b) Jurisdiction

The following zoning and subdivision requirements are adopted and shall be and are binding upon those unincorporated areas within Pueblo County but not within the corporate limits of the City of Pueblo or the incorporated towns.

17.01.060 Scope

- (a) This UDC shall apply to all activities on public and private land over which the County has jurisdiction under the constitution and laws of the State of Colorado, the United States, or pursuant to the County’s powers.
- (b) Not all situations will fall into easily identifiable processes and requirements. This UDC provides flexibility in dealing with situations in general, and especially those which do not fit well with typical processes and standard requirements. The elements that make up this UDC are interrelated and cannot be taken in isolation; all provisions and regulations must be taken within the context and intent of the entire Code.
- (c) No person shall begin or change a land use or development in the County without first obtaining an appropriate permit or approval.

17.01.070 Compliance Required

- (a) No permit, certificate, or approval of any use that is subject to this UDC shall be issued or granted by any department, agency, County official, or County employee without a finding of compliance with this UDC.
- (b) No lot of record that did not exist on the Effective Date shall be created by subdivision or otherwise unless it complies with this UDC.

17.01.080 Minimum Standards Required

This UDC sets the minimum requirements necessary for the promotion of public health, safety, and welfare. In many instances, the public is best served when such minimums are exceeded. Where the requirements of this UDC are at variance with other applicable law, rule, contract, resolution, or regulation of the County, state, or federal government containing standards

covering the same subject matter, the more restrictive requirement or higher standard shall control.

17.01.090 Fees, Charges, and Expenses

The Board of County Commissioners shall set fees in amounts sufficient to recover all or a portion of the taxpayer costs spent administering this UDC, including for processing, giving notice, and reviewing development applications. The Board of County Commissioners may, by resolution, modify any fee at any Commission meeting.

17.01.100 Application of Regulations During Local Emergency

The Director may waive applicable provisions of this UDC during a local emergency declared by the Board of County Commissioners or County Manager. A public health emergency, wildfire, flood, or other catastrophic situations are examples of a local emergency.

17.01.110 Private Restrictions

- (a) If any provision of this UDC is more restrictive or imposes a higher standard than any such private restriction, the requirements of this UDC shall control.
- (b) This UDC is not intended to affect any private agreement or condition such as a deed restriction or covenant. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this UDC, the County has no duty to enforce such private restrictions, nor is the County obligated to adopt regulations consistent with private restrictions.

17.01.120 Severability

The provisions of this UDC shall be severable. If any provision is declared invalid by a court of competent jurisdiction, the effect of the decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid and may, as determined by the County Attorney, be further limited to the specific persons or parcels that are the subject of the decision. The applicable provision shall be removed from the UDC or otherwise identified as severed, and the decision shall not affect, impair, or nullify the remainder of the UDC.

17.01.130 Transition from Prior Regulations

(a) Intent and Applicability

This UDC is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the Effective Date. Applications and permits that have not achieved final approval as of the Effective Date shall be processed according to the provisions of this Section.

(b) Existing Development Approvals

- (1) Any development validly approved under any prior regulations, may be carried out under the terms and conditions of the approval provided the approval has not expired and the development complies with any applicable standards of this UDC regarding ongoing operations and maintenance.
- (2) Any Planned Unit Development approved prior to the Effective Date shall comply with the requirements of §17.01.130(c).
- (3) If a prior approval expires based on an expiration established in the Prior Codes or the project development approval, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this UDC.
- (4) The Director may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid. Any extension granted shall not exceed the time specified for specific approvals in §17.06.040(l), Extension and Lapsing of Approvals.
- (5) Any re-application for an expired, lapsed, or terminated project approval shall meet the standards in effect at the time of re-application.
- (6) Unless otherwise provided in the initial approval, any proposed revision to an existing application or approval shall be reviewed.

(c) Applications in Progress

- (1) A complete application for a single-step approval, submitted prior to the Effective Date and pending approval at the time of adoption of this UDC may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this UDC at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this UDC. Any re-application after the Effective Date shall comply with the requirements of this UDC.

(2) Complete applications for the first step of a multiple-step approval process submitted prior to the Effective Date shall continue to be processed pursuant to the Prior Codes. Later step applications shall be processed pursuant to this UDC.

Table 17.01.1: Applications in Progress					
Complete Application, First Step	UDC	Retired Codes	Later Step Application [1]	UDC	Retired Codes
Planned Unit Development					
Preliminary Development Plan		x	Final Development Plan(s)		x
Rezoning					
Rezoning Application		x	Site Plan	x	
Subdivision					
Preliminary Plan		x	Final Plat		x
Notes: [1] Processed pursuant to Retired Codes only if First Step approval has not expired. [2] Applicant may elect review under UDC.					

(3) Any questions about whether this UDC or a Retired Code is applicable shall be determined by the Director.

(d) No Applications Submitted

Projects for which no application has been submitted and accepted as complete prior to the Effective Date shall be subject to all requirements and standards of this UDC.

(e) Lapsing

Regardless of whether or not a completed application has been received prior to the Effective Date, any permit or approval issued following the Effective Date shall be subject to the lapsing provisions of §17.06.040(l), Extension and Lapsing of Approvals.

(f) Violations under Prior Code

Any violation occurring under the Retired Codes will continue to be a violation under this UDC and be subject to penalties and enforcement pursuant to O.

Chapter 17.02 Zone Districts

[See Module 1: Zone Districts and Uses]

Chapter 17.03 Use Regulations

[See Module 1: Zone Districts and Uses]

Chapter 17.04 Development Standards

[See Module 2: Development Standards]

Chapter 17.05 Signs

[See Module 2: Development Standards]

Chapter 17.06 Administration & Procedures

17.06.010 Review and Decision-Making Bodies

(a) Board of County Commissioners²

The Board of County Commissioners is hereby authorized:

- (1) To hear and decide zoning entitlements, such as Zoning Map Amendments, Special Use Permits, and Planned Unit Developments;
- (2) To hear and decide subdivision proposals, such as Right-of-Way Vacations and Major Subdivisions;
- (3) To hear and decide amendments to this UDC;
- (4) To receive public comment and to make such studies and surveys as are required to carry out their assigned duties;
- (5) To request information or opinions from any other agencies and commissions relative to applications;
- (6) To request information or opinions from any administrative officer of the County or any other person or persons, including state agencies, considered expert on a matter before the Board; and
- (7) To recommend such requirements, conditions, and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this UDC.

(b) Planning Commission³

The Planning Commission is hereby authorized:

- (1) To receive public comment and to make such studies and surveys as are required to carry out their assigned duties;
- (2) To request information or opinions from any other agencies and commissions relative to applications;
- (3) To request information or opinions from any administrative officer of the County or any other person or persons, including state agencies, considered expert on a matter before the Commission; and

²² New.

³ Existing 17.140.010.

- (4) To recommend such requirements, conditions, and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this UDC.

(c) Zoning Board of Appeals⁴

The Zoning Board of Appeals is hereby authorized:

- (1) To hear and decide appeals of decisions of administrative officers;
- (2) To hear and decide appeals for a variance from the strict application of the zoning regulations set forth in this UDC;
- (3) To receive testimony under oath and make such studies and surveys as are required to carry out these duties;
- (4) To request information or opinions from other agencies and commissions relative to such application;
- (5) To request information or opinions from any administrative officer of the County or any other person or persons considered expert on the matter before the Zoning Board of Appeals;
- (6) To attach such requirements, conditions, and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this UDC; and
- (7) To present to the Planning Commission such suggestions for amendment of the UDC as it deems necessary to clarify the intent and purpose or improve any section or paragraph on which the Zoning Board of Appeals has occasion to rule.

17.06.020 Overview

(a) Organization

The administration of development processes and permits is divided into two categories: Common Review Procedures (§17.06.040) and Specific Applications (§17.06.050 to §17.06.100). Both are described in this Section.

(b) Common Review Procedures

The following requirements are common to many of the procedures contained in this UDC. Applications are typically processed in accordance with the following steps. Additional details may be included in each specific procedure.

⁴ Existing 17.140.110.

- (1) Pre-Application Meeting (§17.06.040(a))
- (2) Neighborhood Meeting (§17.06.040(b))
- (3) Application Submission (§17.06.040(c))
- (4) Application Review (§17.06.040(d))
- (5) Complete Application with Changed Status (§17.06.040(e))
- (6) Public Notice and Public Hearings (§17.06.040(f))
- (7) Review and Decision-Making (§17.06.040(g))
- (8) Referral and Call Up (§17.06.040(h))
- (9) Appeals (§17.06.040(i))
- (10) Development Improvements Agreement (DIA) (§17.06.040(j))
- (11) Post-Decision Actions (§17.06.040(k))
- (12) Extension and Lapsing of Approvals (§17.06.040(l))
- (13) Revocation of Approvals (§17.06.040(m))

(c) Specific Review Procedures

Sections 17.06.050 to 17.06.100 provide the application-specific requirements for review and submission of each type of application or permit available.

(d) Pueblo County Online Permitting System

Actions required by this UDC may be made within the County’s online permitting system, where allowed by that system. If the online permitting system does not acknowledge a specific requirement, such as making a time extension request in writing, the applicant is responsible for ensuring the request has been submitted in the correct format to the correct recipient in a timely manner. Requests made in document notes or other non-request-specific locations shall not be considered by the County.

17.06.030 Summary of Review Requirements⁵

Table 17.06.1: Commonly Applicable Procedures summarizes the application review requirements in this UDC and identifies whether pre-application and neighborhood meetings are required. Exceptions to these general rules apply and may be specified in the regulations for each specific procedure.

⁵ New.

Chapter 17.06 Administration & Procedures

17.06.030 Summary of Review Requirements

17.06.020(d) Pueblo County Online Permitting System

Table 17.06.1: Commonly Applicable Procedures								
Key: Pre-App Mtg = Pre-Application Meeting Nbhd Mtg = Neighborhood Meeting PC = Planning Commission BOA = Board of Zoning Appeals BOCC = Board of County Commissioners								
✓ = Required S = Suggested R = Review and Recommend D = Decision A = Appeal								
Procedure	Section	Pre-App Mtg	Nbhd Mtg	Public Notice	Admin (Staff)	PC	BOA	BOCC
Administrative Approvals								
Administrative Adjustment	17.06.110(a)				R, D		A	
Administrative Subdivision	17.06.080(a)	✓		✓	R, D		A	
Development Plan	17.06.050(b)	✓			R, D		A	
Minor Resubdivision Procedures	17.06.080(f)				R, D		A	
Sign Permit	17.06.050(c)				R, D		A	
Special Event Permit	17.06.050(d)	S	S		R, D		A	
Temporary Use Permit	17.06.050(e)				R, D		A	
UDC Interpretation	17.06.050(f)				R, D		A	
Approvals Requiring a Public Hearing								
1041 Permit Application	Chapter 17.07	✓	✓	✓	R			D
Appeal of Administrative Determination	17.06.100(a)						R/D	
Easement Vacation	17.06.080(d)	S		✓	R	R		D
Hazardous Waste Incinerator or Processor Site	Chapter 17.08	✓	✓	✓	R			D
Location and Extent Review	17.06.090	✓	✓	✓	R	D		A
Major Subdivision (Sketch Plan)	17.06.080(b)(3)	✓	S	✓	R	R		D

Chapter 17.06 Administration & Procedures

17.06.030 Summary of Review Requirements

17.06.020(d) Pueblo County Online Permitting System

Table 17.06.1: Commonly Applicable Procedures								
Key: Pre-App Mtg = Pre-Application Meeting Nbhd Mtg = Neighborhood Meeting PC = Planning Commission BOA = Board of Zoning Appeals BOCC = Board of County Commissioners								
✓ = Required S = Suggested R = Review and Recommend D = Decision A = Appeal								
Procedure	Section	Pre-App Mtg	Nbhd Mtg	Public Notice	Admin (Staff)	PC	BOA	BOCC
Major Subdivision (Preliminary Plan)	17.06.080(b)(4)	✓		✓	R	R		D
Major Subdivision (Final Plat)	17.06.080(b)(5)			✓	R			D
Mining or Extraction Permit	Chapter 17.09	✓	✓	✓	R			D
Planned Unit Development	17.06.070(a)	✓	S	✓	R	R		D
Regional Comprehensive Plan Amendment	17.06.060(a)	✓	S	✓	R	D		A
Special Use Permit	17.06.070(b)	✓		✓	R	R		D
Subdivision Exemption Permit	17.06.080(c)	✓		✓	R	R		D
UDC Text Amendment	17.06.100(b)	✓		✓	R	R		D
Vacation (Plat)	17.06.080(d)	✓		✓	R	R		D
Vacation (ROW)	17.06.080(e)	✓		✓	R	R		D
Variance	17.06.110(b)	✓		✓	R		D	
Zoning Map Amendment (Rezoning)	17.06.070(b)	✓		✓	R	R		D

17.06.040 Common Review Procedures⁶

(a) Pre-Application Meeting

(1) Purpose

The purpose of a Pre-Application Meeting is to:

- (i) Understand the proposed project and the applicant's specific objectives;
- (ii) Discuss anticipated project timeline;
- (iii) Identify County approvals needed before any development starts;
- (iv) Identify documents, plans, drawings, fees, and process other materials necessary for a complete application;
- (v) Identify significant issues; and
- (vi) Begin to familiarize the applicant with County requirements and this UDC.

(2) Applicability

A Pre-Application Meeting is required for the following application types and optional for all other development applications:

- (i) Areas and Activities of State and Local Interest (1041 Permits);
- (ii) Commercial and Industrial Site Plans;
- (iii) Hazardous Waste Incinerator or Processor Permits;
- (iv) Multi-Family development of three or more units;
- (v) Planned Unit Development (PUD);
- (vi) Special Use Permits;
- (vii) Subdivisions; and
- (viii) Zoning Map Amendments.

(3) Procedure

- (i) County staff will provide an outline of the procedural steps applicable to the evaluation of the proposal and identify the information required at the time of application submittal to begin the assessment of the project.
- (ii) County staff will assist the applicant to identify key issues and concerns regarding the proposed project so the applicant may address them as part of the application submittal.

⁶ New.

- (iii) Any information or discussions held at the Pre-Application Meeting shall not be binding on the County or the applicant. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.
- (iv) The County is not responsible for making or keeping a summary of the general topics discussed at the Pre-Application Meeting.
- (v) Where a Pre-Application Meeting is required for a specific application type, the application shall be filed within one year of the meeting or a new meeting shall be required.

(b) Neighborhood Meeting

(1) Purpose

The purpose of a Neighborhood Meeting is to:

- (i) Inform neighboring property owners and tenants of the details of a proposed development;
- (ii) Identify how the applicant intends to meet the standards contained in this UDC; and
- (iii) For specific application types, allow the applicant to receive preliminary public comment on the proposal.

(2) Applicability

- (i) A Neighborhood Meeting is required as indicated in Table 17.06.1: Commonly Applicable Procedures., and is optional for all other applications.
- (ii) The Director may waive this step if the project will have little potential to create material negative impacts on the surrounding neighborhood. If the Director waives a required Neighborhood Meeting, the Director will provide the applicant with a written explanation of the reasons why the meeting was waived for inclusion with the project application.

(3) Notice

- (i) The applicant shall provide a copy of the proposed written notice of the meeting, date, time, place, and subject of the meeting to the Director for approval at least 21 days before the meeting. This shall include all information required to access the meeting if a virtual option is included.

- (ii) Once the notice has been approved, the applicant will work with the Assessor's Office and the Director to identify all property owners and organized groups in the neighborhood or outreach area.
- (iii) At least 14 calendar days prior to the meeting, the applicant shall:
 - a. Mail the notice to every owner and group identified within a radius of 500 feet of any portion of the project lot or parcel, as well as the Department of Planning and Development.
 - b. Provide courtesy electronic notice (email) to any affected neighborhood organizations located within 1,000 feet of the project that request notification from the Department of Planning and Development. A copy of the meeting notice shall be attached to the electronic notice to allow additional distribution within the organization.
 - c. In agricultural and rural zoning districts, the Director may instruct the applicant to provide courtesy notice to all adjoining property owners, regardless of distance from the project parcel or lot, and all property owners within 2,500 feet at least 30 days prior to the meeting to determine whether there is sufficient interest in the project to require an extension of the required notice area.
 - d. Post a copy of the notice in at least two locations in or within 1,000 feet of the outreach area that are open to the public, such as a community notice board in a grocery store or coffee shop.
 - e. If the applicant or project has a website, post a copy of the notice on the website.
- (iv) The Department of Planning and Development is not responsible for verifying or correcting email addresses provided by a neighborhood organization and failure of a neighborhood organization or individual member to receive notice does not affect the validity of the Neighborhood Meeting.

(4) Procedures

(i) Meeting Time and Procedure

- a. The applicant must provide for and conduct either a physical or hybrid meeting. Meetings must be held at a time and location approved by the Director.
- b. A required Neighborhood Meeting must be held 180 days or fewer before the application is submitted.

(ii) Meeting Content and Conduct

- a. The applicant shall present a concept plan that, at a minimum, delineates access to the site, internal circulation, the range of density of the entire property or the maximum intensity (square footage and stories for all buildings).
- b. At the meeting, the applicant shall describe project impacts, describe ways to mitigate impacts, facilitate a discussion, and answer questions.
- c. The meeting shall be conducted so that participants have an opportunity to ask questions and provide comments.

(iii) Information Provided with Application

- a. The following information shall be included with the application submittal:
 1. A written list of names and addresses of those given notice, how notice was provided, and actual meeting participants, either in person or virtual.
 2. A written summary of the meeting including all public comments and the applicant's response to all public comments, addressing whether or not they incorporated the public comments into the final application, and if not, why not.
- b. The Director shall make, or instruct the applicant to make, the summary available to the meeting attendees and the public for inspection following the filing of a complete application.

(c) Application Submission

(1) Application Requirements

- (i) Applications shall be submitted through the County's electronic permitting system and in accordance with the format and deadlines provided on the Department of Planning and Development's website.
- (ii) The Director may require additional information necessary to evaluate the application based on size, complexity, development timeline, or potential impacts of the project on the surrounding neighborhood or the County's transportation or utility systems.

- (iii) The Director may, pursuant to a written request submitted by the applicant, waive or modify submittal requirements of any application in a specific instance, where the Director determines that strict compliance with the regulation that is the subject of the request would not serve or further the purposes of this UDC.⁷

(2) Fees

(i) Establishment of Fee Schedule

The Board of County Commissioners shall establish, and update as needed, a fee schedule for the various procedures and requests identified in or needed for the administration of this UDC.

(ii) Initial Application

The applicant shall pay all required application fees to the County in full before an application is reviewed by the Director or scheduled for a public hearing. Application fees are nonrefundable unless otherwise specified in this Section.

(iii) Changes to Complete Applications

In addition to fees set forth in the County fee schedule, the following fees shall apply to actions taken on a complete application:

a. Withdrawn Application

All fees are forfeited in the event the County has incurred any expense related to the application. A withdrawn application shall remain active until archived for non-activity at 45 days. The submission fee shall be paid again in full if the application, including the original application is submitted after being withdrawn and archived.

b. Continuance of Application

Payment of fees may be required to cover the cost of additional notice.

c. Reapplication

Payment of new application fees shall be required for a reapplication where a previous application has been denied.

⁷ Relocated from existing subdivision regulations and replacing the County's current approach to waiving submittal requirements.

d. Minor Modification of Approved Site Plan

Payment of additional fees is incurred for any modifications that require more than three rounds of Planning and Development staff redline review, as determined by the Director.

(3) Who Can File an Application

Applications processed under this UDC shall be submitted by one of the following unless otherwise specified in this UDC:

- (i) The owner(s), or any other person(s) having a recognized property interest in the land on which development is proposed within the County;
- (ii) A person authorized to submit the petition on behalf of the owner or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner; or
- (iii) Planning Commission, Board of County Commissioners, or County staff may file an application for a Regional Comprehensive Plan Amendment, UDC Text Amendment, or a Zoning Map Amendment.
- (iv) The Board of Zoning Adjustment may request that County staff file an application for UDC Text Amendment.

(4) Determination of a Complete Application

- (i) A complete application is one that contains a finished version of all information, materials, and fees required by subsections (c)(1) and (c)(2), above. On determining the application is complete, the Director shall accept the application for review in accordance with the procedures and standards of this UDC. Incomplete applications will not be processed or reviewed by the County.
- (ii) If the application is deemed incomplete, the Director shall notify the applicant of the information or materials that are still needed to make the application complete.
 - a. The applicant shall have 45 days to update the application with the materials needed to make the application complete. The applicant may submit a written request for additional time that provides the reason(s) for the extension request. All requests for extension shall be submitted prior to the expiration of the 45-day period. The Director may allow a one-time extension for updating the application that includes a specific additional period of time based on the reason(s) provided in the extension request.

- b. If the applicant does not update the application within 45 days, the application shall be deemed abandoned for inactivity and the County shall archive the application. The County is not required to notify the applicant that the application has been deemed abandoned and shall take no further steps to review the application.

(d) Application Review

(1) Staff Review

An application shall be reviewed by County staff and other appropriate external agencies for compliance with applicable regulations, laws, and policies. Upon completion of staff review, the staff shall provide its comments in writing to the applicant.

(2) Review by Other Agencies

The staff shall forward copies of the application to appropriate agencies for their comments. Examples of review agencies include and are not limited to:

- a. County departments;
- b. Telecommunications, gas, electric and other utilities;
- c. Irrigation, drainage, water and sewage, sewer provider special districts;
- d. School and fire agencies;
- e. Law enforcement;
- f. Incorporated communities;
- g. State agencies (e.g., Colorado Geologic Survey, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Division of Wildlife); and
- h. Federal agencies (e.g., Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers).

(3) Agency and Department Comments

External agency reviews will be advisory in character and do not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.

(4) Applicant's Response

- (i) An application submitted to the County for review must be diligently pursued and processed by the applicant. Applicants shall have 90 days to update the application to address comments from the County or the application shall be deemed inactive and shall be archived.
- (ii) An applicant may request in writing, and the Director may grant, an extension to the application update deadline for a period not to exceed 180 days.

(5) Review of Response

County staff shall determine if sufficient information has been provided to schedule an application for a hearing or approve, approve with conditions, or disapprove the application. The applicant shall be notified if the application is insufficient. The applicant shall be allowed additional resubmittals and responses, pursuant to the same timeframes as the original response, before the application is scheduled for a hearing or before County staff decides whether the application is complete.

(6) Final Report

The Director's written report and recommendations shall be made publicly available at least three calendar days before a public hearing.

(e) Complete Applications with Changed Status

(1) Continued Application

(i) Prior to Public Notice

- a. An applicant may continue an application to the next regular meeting date by providing written notice to the Director of the applicant's intent to continue.
- b. An application for Zoning Map Amendment must be continued prior to the publication of the legal advertisement for the first public hearing or be subject to subsection (e)(1)(ii).
- c. A continued application shall be considered active until it is deemed abandoned at 45 days.

(ii) Following Public Notice

- a. No application may be amended or modified after the legal advertising has been published.

- b. After legal notice for the Planning Commission or Zoning Board of Appeals has been published, a request for continuance shall be submitted in writing to the Director at least 24 hours prior to the first or only public hearing.
- c. Once a Planning Commission meeting or hearing has been opened, the Planning Commission may allow continuance of an application by a majority vote of the members present.
- d. After the Planning Commission hearing or for any application that is decided by the Board of County Commissioners without Planning Commission review, a request for continuance shall be submitted to the Director and may only be submitted by the property owner or authorized agent, as listed on the application. The Board of County Commissioners shall have exclusive authority to act on any request for continuance after notice of the public hearing has been published.

(2) Postponement

- (i) The applicant may request an application be postponed to a future scheduled public hearing date.
- (ii) A request submitted prior to public notice shall be in writing and received by the Director prior to the date of publication of the notice of public hearing.
- (iii) If a request is either submitted or received by the Director following publication of notice, the applicant must attend the public hearing to request the application be postponed to a future scheduled public hearing date.
- (iv) If the Director determines the applicant is not taking affirmative steps to advance a postponed application for a final determination or the applicant requests that an application be postponed for a second time, the Director may declare the application abandoned.
 - a. No further processing of the application shall occur, and the application fees shall be forfeited.
 - b. Any resubmittal of the application after abandonment shall be treated as a new application for purposes of review, scheduling, and payment of application fees.

(f) Public Notice and Public Hearings

(1) Purpose

Public hearings must comply with legal requirements for due process (the opportunity to be heard) and allow for community input.

(2) Applicability

- (i) Notice shall be provided as required by Table 17.06.2: Summary of Public Notice Requirements, and all costs to provide notice shall be paid by the applicant.
- (ii) The Director may determine, based on the scope or nature of the project, that additional notice shall be provided, which shall be done at the applicant's cost.
- (iii) If a project requires action on several applications at the same hearing, the Director may provide for a single, combined notice.

(3) Public Notice

(i) Notice Required

- a. Applications for development shall comply with the Colorado law and the provisions of this section with regard to public notification. The required notice for each application type is identified in Table 17.06.2: Summary of Public Notice Requirements. Application-specific notice requirements are located in the section for the specific application types.
- b. No public notice under this section shall be made for incomplete applications or for applications requiring additional revisions and review. Applications that remain incomplete or requiring revision after the notice publishing, posting, or mailing deadline shall be removed from the applicable meeting agenda and placed on the next available meeting agenda.

(ii) Summary Table of Public Notice Requirements

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Table 17.06.2: Summary of Public Notice Requirements				
Procedure	Section	Published Notice	Mailed Notice	Posted Notice
Administrative Approvals				
Administrative Subdivision	17.06.080(a)	N/A	N/A	N/A
Minor Resubdivision Procedures	17.06.080(f)	N/A	To affected property owners, prior to completion of process	N/A
Applications Requiring a Public Hearing				
1041 Permit Application	Chapter 17.07	30-60 days	30-60 days	30-60 days
Designation of Matters of State and Local Interest	Chapter 17.07	30-60 days	30-60 days	30-60 days
Hazardous Waste Incinerator or Processor Site	Chapter 17.08	30 days	30 days	30 days
Location and Extent Review	17.06.090	10 days	10 days	10 days
Major Subdivision (Sketch Plan)	17.06.080(b)(3)	14 days	14 days	14 days
Major Subdivision (Preliminary Plan)	17.06.080(b)(4)	14 days	14 days	14 days
Major Subdivision (Final Plat)	17.06.080(b)(5)	14 days	14 days	14 days
Mining or Extraction Permit	Chapter 17.09	30 days	30 days	30 days
Planned Unit Development	17.06.070(a)	14 days	To adjoining landowners, at least 15 days prior to the public hearing	14 days
Regional Comprehensive Plan Amendment	17.06.060(a)	10 days	10 days	10 days
Special Use Permit	17.06.070(b)	10 days	10 days	10 days
Subdivision Exemption Plat	17.06.080(c)	14 days	14 days	14 days
UDC Text Amendment	17.06.100(b)	14 days	N/A	N/A
Vacation (Plat)	17.06.080(d)	14 days	14 days	14 days
Vacation (ROW)	17.06.080(e)	N/A	14 days	N/A
Variance	17.06.110(b)	10 days	10 days	10 days
Zoning Map Amendment (Rezoning)	17.06.070(c)	14 days	14 days	10 days

(iii) Content

Required notices, whether by publication or written, shall meet the general requirements of notice provided by the County and provide the following information:

- a. Address or location of the property subject to the application and the name and address of the applicant or the applicant’s agent;
- b. Date, time, and place of the public hearing;
- c. Description of the nature, scope, and purpose of the application or proposal including a description of the development plan and, where appropriate, the classification or change sought;
- d. Notification about where the public may view the application; and
- e. State that the public may appear at the public hearing.
- f. Contact information for arranging participation in the public hearings for individuals with hearing, speech, or vision impairment.

(iv) Agenda Notice

Agenda notice shall be posted and published on the County’s website a minimum of 24 hours prior to a meeting, not including weekends or holidays.

(v) Published Notice

- a. When required by Table 17.06.2: Summary of Public Notice Requirements, a notice including the information described in subsection (iii) above must be published at least once. The Director shall be responsible for giving notice.
- b. In computing notice time, the day of the hearing shall be excluded.
- c. County staff shall prepare the information for the notice.
- d. All published notices shall be published electronically on the County’s website. Based on the size, complexity, or potential impacts of a proposed application, the Director may require that courtesy notice be provided to other newspapers, radio, and television stations servicing the County for use as a public service announcement.

(vi) Mailed Notice

- a. When required by Table 17.06.2: Summary of Public Notice Requirements, a notice including the information described in subsection (iii) above shall be sent by U.S. mail first class, postage prepaid as provided in this section.

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- b. Mailed notice shall be provided to:
 - 1. Each owner and current resident (addressed to Current Resident) within 300 feet of the subject property, unless otherwise stated in Table 17.06.2: Summary of Public Notice Requirements. Mailing information for each owner and current resident shall be based on the address(es) on file with the Pueblo County Assessor;
 - 2. Each homeowners' association (HOA) or other group registered with the Department of Planning and Development and located within 1,000 feet of the subject property; and
 - 3. Each person who attended any required Neighborhood Meeting and signed-up to receive notice.
 - 4. The Director may instruct the applicant to extend the distance in which notice shall be provided. In agricultural and rural zoning districts, the Director may instruct the applicant to provide courtesy notice to all adjoining property owners, regardless of distance from the project parcel or lot, and all property owners within 2,500 feet at least 30 days prior to the meeting to determine whether there is sufficient interest in the project to require an extension of the required notice area.
- c. All mailed notices must be sent at least 15 days before a public hearing.
- d. Failure of any individual addressee of such letter of notification to receive the same shall not in any way invalidate or affect subsequent action on the application and such requirement shall not be construed as a legal precedent to the official approval.
- e. Mailed notice to property owners shall be required only for the initial presentation of the proposed development at a public hearing. Additional mailed notice shall not be required for any subsequent hearings except when the hearing is not continued to a date certain at the applicant's request. In that case, mailed notice shall be provided in the same manner and timeframe as for the original hearing and the applicant shall be responsible for paying any additional fees for the purposes of re-notifying adjacent property owners.

(vii) Posted Notice

- a. The County shall prepare and post notice including the information described in subsection (iii) above as follows:
 - 1. At least one sign shall be posted on each street frontage of the property.
 - 2. Each sign shall be posted at least ten calendar days before the initial public hearing and remain posted until the day after the final hearing.
- b. The applicant shall maintain the notice on the property until the day after the final public hearing. If the decision-making body continues the meeting or public hearing at which the application is being considered to a later date, or if the decision-making body decides to consider the application at any time other than that specified on the posted notice, the Director shall update the existing posted notice with the new date.

(viii) Courtesy Notice

- a. The County may, as a courtesy, provide notice to any persons or organization in the County, or to any governmental, public, or quasi-government organization regarding any matter related to this UDC that may be of interest to of that person or organization, or on any matter on which any such person or organization has requested notice.
- b. Courtesy notice may be provided in any appropriate manner, including electronically, and may be directed to an organization through its leadership for distribution rather than to the entire membership.
- c. The failure of the County to send courtesy notice or the failure of any resident or property owner to receive such notice shall not affect the validity of any County action with respect to an application.

(ix) Five Percent Notice

Applications that are applicable to more than five percent of the area of the County and/or related to a Countywide or area plan process, such as Regional Comprehensive Plan Amendments, some Zoning Map Amendments, or zones of annexation, are not required to provide mailed or property sign notice.

(x) Constructive Notice and Substantial Compliance

- a. Notice is sufficient if there is substantial compliance with the requirements of this section.

- b. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to errors in legal descriptions, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to the affected parties.
- c. Failure of one or more individual parties to receive written notice shall not invalidate subsequent action.
- d. If questions arise at a review hearing regarding the adequacy of notice, the decision-making authority shall review the documentation of notice included in the case documents.
- e. When County records document the publication, mailing, or posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.

(4) Public Hearing

(i) Timing

The Director shall schedule an application for hearing only when all issues have been resolved or can be resolved through post-review procedures, and a determination of compliance with all codes and regulations is made.

(ii) Applicant's Option

An applicant has the right to request that an application subject to public hearing be scheduled with the reviewing body at any time during the review process. If an applicant makes this request, all public notice requirements shall be met. If the Director considers the application incomplete or insufficient, the staff report may recommend denial of the application.

(iii) Request for a Continuance Prior to Hearing

- a. An applicant shall have the right to one continuance before the Planning Commission, Zoning Board of Appeals, or Board of County Commissioners. A written request for the continuance shall be submitted to the Director by the applicant or their representative at least three days before the hearing. A request for a continuance may also be made by the County staff, the Planning Commission, or the Board of County Commissioners.

- b. An applicant requesting a continuance shall make reasonable efforts to notify all persons previously advised of the hearing that a continuance has been requested. Reasonable efforts shall include, but not be limited to, personal notice, broadcast or print media notice, and any other form of notice determined by the Director to be reasonable.
- c. The review body may grant one continuance to a time, place, and date certain, without taking any testimony, except pertaining to the adequacy of the notice.

(iv) Conduct of Hearing

- a. Any person may offer relevant information in writing or in person. Every speaker representing one or more other persons shall state their name, street address, and if an organization or group, the name and mailing address of the organization or group.
- b. The Chair shall exclude testimony and evidence that is irrelevant, immaterial, unduly repetitious, or disruptive. Ordinarily no one presenting testimony or evidence may ask questions of other persons appearing as witnesses; although the chairperson of the body may ask questions suggested by a person presenting testimony. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public.
- c. No person shall knowingly make a false statement nor present false, deceptive, or slanderous testimony, comment, or remarks at a public hearing.

(v) Continuance of Public Hearing

The decision-making body may grant a continuance of the public hearing.

(vi) Additional Rules

The decision-making body conducting the hearing may adopt rules of procedure to limit the number of applications to be considered per meeting, limit the time for each presentation or speaker or as provided by this section, temporarily hear and decide quasi-judicial hearings in accordance with the alternative hearing procedure, which are adopted by this reference and incorporated as if fully set forth.

(g) Review and Decision-Making

(1) Planning Commission as Recommending Body

If the Planning Commission is the recommending body, the Planning Commission shall review the application against applicable decision-making criteria and prepare a recommendation that shall be forwarded to the Board of County Commissioners. All recommendations, including recommendations of denial, shall be heard by the Board of County Commissioners without necessity of appeal.

(2) Approval Criteria

(i) Decision by Director

- a. Where Table 17.06.1: Commonly Applicable Procedures indicates that the Director must make the decision on an application, the Director shall review and approve the application, approve it with conditions designed to bring the application into compliance with the specific requirements of this UDC, or deny the application based on the application of the criteria specified for the application.
- b. The decision shall be based on the information submitted with the application, comments from referral agencies, and any required approvals from other agencies.

(ii) Decision by Planning Commission, Board of County Commissioners, or Zoning Board of Appeals

- a. Where Table 17.06.1: Commonly Applicable Procedures or another provision of this UDC indicates that the Planning Commission, Board of County Commissioners, or Zoning Board of Appeals shall make the decision on an application, the decision-making body shall review and approve the application, approve it with conditions, or deny the application.
- b. The decision-making body shall review the application against the applicable criteria and make decisions based on policies, standards, plans, recommendations, the applicable law, the testimony, and information presented at the hearing.
- c. Where there has been a public hearing before the Planning Commission, hearings shall be de novo before the Board of County Commissioners. An affirmative vote of two members of the Board shall be required to approve Zoning Map Amendments and Regional Comprehensive Plan amendments recommended for denial by the Planning Commission. Procedural requirements provided elsewhere in this UDC shall be applicable.

(iii) Conditions

- a. A decision-making body, including the Director, may impose conditions as needed to ensure that the approval is consistent with the purposes of the Regional Comprehensive Plan and the general purpose of this UDC stated in §17.01.040, Purpose.
- b. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the County prior to the review of an application. Conditions may include those necessary to carry out the purpose and intent of the Regional Comprehensive Plan and this UDC.
- c. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.
- d. Any conditions that require an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a principle applicable to a broad class of applicants, shall include an individualized determination and shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(h) Referral and Call Up

(1) Administrative Applications and Permits

- (i) Administrative applications shall be processed per §17.06.050(a).
- (ii) The Director may refer any application subject to administrative approval to the Planning Commission for a final decision.
- (iii) After reviewing a referred administrative application, the Planning Commission shall vote to make a final decision or to refer the application to the Board of County Commissioners for a final decision.

(2) Planning and Zoning Commission Call-Up

- (i) The Director shall regularly make available to the Planning Commission a record of pending Administrative Site Plan applications.

(ii) If at least three members of the Planning Commission request that the Planning Commission make the final decision on any Administrative Site Plan application within 10 days of receiving such notice, the Director shall inform the applicant of this decision. The Director shall schedule the application to be considered at the next available regularly scheduled Planning Commission meeting at which any required notice periods can be met. Notice shall be given as required by the application type.

(3) Planning Commission Referral to Board of County Commissioners

The Planning Commission may refer applications intended for Planning Commission review to the Board of County Commissioners for a final decision. The Director shall inform the applicant of the decision to refer the application and schedule the application to be considered at the next available regularly scheduled Board of County Commissioners meeting.

(4) Board of County Commissioners Call-Up

The Director shall regularly make available to the Board of County Commissioners a record of pending applications for Planning Commission approval. If at least two members of the BOCC request that the BOCC make the final decision on any such application on or before the next regular BOCC meeting, but not less than 10 days of the Director providing such notice, the Director shall inform the applicant of such decision. The Director shall schedule the application to be considered at the next regularly scheduled BOCC meeting. Notice shall be provided as required by the application type.

(i) Appeals

(1) Purpose

The purpose of this section is to identify an appeal process for decisions and actions by the Director, Zoning Board of Appeals, and Board of County Commissioners.

(2) Administrative Appeal

Appeals of administrative determinations shall be made per the requirements of §17.06.100(a).

(3) Zoning Board of Appeals Appeal

The findings and decisions of the Zoning Board of Appeals shall be final. Appeals to District Court shall be made within 30 days from the date of Zoning Board of Appeals' action.

(4) Board of County Commissioners Appeal

The findings and decisions of the Board of County Commissioners shall be final. Appeals to District Court shall be made within 30 days from the date of Board of County Commissioners' action.

(j) Development Improvements Agreement (DIA)

(1) Development Improvements Agreement Authorized

The Director may defer the requirement for the completion of required improvements if the applicant enters into a Development Improvements Agreement (DIA) by which the applicant agrees to complete all required public improvements in accordance with an agreed schedule. The Director may require the applicant to complete and dedicate some required public improvements prior to approval of the Final Plat and to enter into a DIA for completion of the remainder of the required improvements. The County Attorney shall approve any DIA as to form.

(2) Agreement to Run with the Land

The Development Improvements Agreement shall provide that the requirements contained therein shall run with the land and bind all successors, heirs, and assignees of the applicant. All DIAs shall be recorded with the County Clerk and Recorder. All existing lien holders shall be required to subordinate their liens to the guarantees contained in the DIA.

(3) Performance Security

- (i) Whenever the Director permits an applicant to enter into a Development Improvements Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of a cash deposit made to the County, a letter of credit or disbursement agreement from an authorized financial institution, a subdivision bond, a completed, unrecorded plat, or other method as approved by the County Attorney. The letter of credit, disbursement agreement, or subdivision bond shall be in a form approved by the County Attorney.
- (ii) The guarantee shall be in an amount estimated by the Public Works Department as reflecting 120 percent of the cost of the improvements in the approved Construction Plan and shall be sufficient to cover all promises and conditions contained in the DIA.

- (iii) In addition to all other security, when the County participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the County as a co-obligee.
- (iv) The issuer of any guarantee shall be subject to the approval of the County in accordance with adopted policies.

(4) Maintenance Guarantee for DIA

- (i) The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one year from the date of County acceptance of such improvements. The maintenance guarantee shall be secured by a letter of credit, cash escrow, maintenance bond, or other form acceptable to the Director.
 - a. If the security is a letter of credit or cash escrow, then it shall be in an amount reflecting 20 percent of the cost of the completed improvements.
 - b. If the form of security is a maintenance bond, it must be in a form acceptable to the County Attorney, in the principal amount of 20 percent of the value of the project's public improvements, for a period of one year from the date of final acceptance by the County of all improvements in the project, or as applicable, the phase or filing of a project for which improvements are constructed and accepted.
 - c. If repairs, replacements, or modifications to the project's public improvements are made by the applicant or are required to be made by the County during the one-year maintenance period, then the County, at its sole option and discretion, may require an extension of the security in an amount equal to the actual or estimated repair, replacement, or modification costs plus 20 percent. If the Director has reason to believe that the security will be extended beyond the one-year initial term, then the Director shall notify the applicant in writing no later than 30 days before expiration of the security. Mailing of an extension notice shall cause the applicant to extend the security (bond, cash, or letter of credit) for an additional 12 months. The extension shall be on the same terms as the security being extended. The security may be extended for one additional year as may be necessary for the bond to be called or for the improvements to be repaired, modified, or replaced in a manner that satisfies the County. If the Director has reason to believe that the type or extent of the repair, replacement or modification does not warrant extension of the maintenance security, then the security may be released after the initial one-year period. In making the decision to

extend the security the Director may consider any facts or information deemed relevant, which may include, but is not limited to, whether the failed improvements are above or below grade, whether the failed improvements may reasonably be found to constitute life, health and/or imminent safety hazard; whether other phases or filings depend on the improvements and/or the degree of failure of the improvements.

- (ii) If the applicant has not warranted and guaranteed required improvements pursuant to a DIA, the applicant shall give the County security equal to at least 50 percent of the cost of the required improvements.

(5) Offers to Dedicate Streets, Roads, and Other Lands

(i) Acceptance of Dedication

The Board of County Commissioners may accept, accept with conditions, or reject any offer to dedicate any land or facility. Any offer to dedicate made pursuant to or as a condition of a review or approval pursuant to this UDC constitutes the owner irrevocable warranty that such owner has the right, title, and interest to convey to the County and that no hazardous or other regulated substance is present on, under or in the property.

(ii) Acceptance of Maintenance

Approval of a subdivision does not mean the County will accept any road, street, or public site for maintenance. The County shall not be obligated to maintain any land unless it explicitly agrees to do so in writing.

(6) Temporary Improvements

The developer shall construct and pay for all costs of temporary improvements required by the County to protect the public, neighborhood, or another person. The applicant shall maintain said temporary improvements for the period specified.

(7) Completion of Improvements

(i) Construction of Required Improvements

- a. Before construction begins, the developer must be familiar with the submittal, construction, plans, and inspection requirements of each utility or agency.

- b. After the County and/or other utility providers has inspected and approved all or a portion of the required improvements, the developer may request, in writing, that the approved portion be accepted for maintenance by the appropriate agency. The County shall establish the developer's limits of responsibility for the improvements. The County may condition its acceptance and may require additional guarantees and assurances for at least one year following acceptance.
- c. Even if the County does not accept all or a portion of the required improvements, or delays any acceptance, the County may require the developer to correct such defects or deficiencies identified by the County, in which case, final acceptance may be extended for one additional year.

(ii) Release of Improvements Agreement and Guarantee

- a. The developer shall submit a written request for a release from the Development Improvements Agreement for the improvements that have been accepted for maintenance by the appropriate agency. Proof of acceptance for maintenance and proof that there are no outstanding judgments or liens against the property shall accompany this request.
- b. The Board of County Commissioners, or its authorized representative, shall review the request. If the requirements of the DIA concerning that portion requested for release have been complied with, the appropriate document of release shall be recorded with the County Clerk and Recorder.
- c. Release of the DIA does not constitute a certificate of completion and release of responsibility.

(iii) Certificate of Completion and Release of Responsibility

Upon expiration of the limits of responsibility established in this UDC, the developer may request a certificate of completion and release of responsibility from the appropriate agency.

(8) Extension of Development Improvements Agreement and Security

- (i) If the applicant is unable to complete all required improvements contained in an executed Development Improvements Agreement within the time stated therein, they shall provide written notice of same to the Director at least 30 calendar days prior to the deadline of the milestones they will be unable to meet. The applicant shall make a formal written request for an extension of the completion date for performance in the DIA and security and provide a revised development schedule, which shall be reviewed by the Director. The Director shall approve, approve with conditions, or deny the request for an extension. Based on the Director's decision the existing DIA may be amended, a new DIA drawn up and executed, or the Director may exercise any default provisions contained in the approved DIA. Any amendments or new agreements shall be recorded in the same manner as the original DIA, if required by the Director.
- (ii) If the DIA is to be extended or a new DIA is to be executed, the applicant shall provide sufficient security which may be the same as or greater than the original security, up to 120 percent, as was required with the original guarantee. No amendment or replacement DIA shall be executed, recorded or effective until security acceptable to the Director is provided.

(k) Post-Decision Actions

(1) Modification or Amendment of Approval

(i) Application

If, at any time, a property owner with an existing development approval desires to modify the terms of that approval or the conditions attached to that approval, the owner shall submit a written application requesting such revision.

(ii) Review and Determination of Major/Minor Modification Status

- a. Applications for modification shall be reviewed by the Director to determine whether the proposed modifications constitute a major or minor revision to the existing approval.
- b. Minor modifications are those that qualify for §17.06.110(a), Administrative Adjustment and shall be reviewed and decided on by the Director.
- c. Major modifications are those that do not qualify for §17.06.110(a), Administrative Adjustment, or request for modification to a condition established by the Planning Commission or Board of County Commissioners. Major modifications require the submission of a new application.

(l) Extension and Lapsing of Approvals

(1) Period of Validity

(i) Permit or Administrative Approval

An administrative permit or approval granted under this UDC shall lapse and shall become void three years following the date of final approval unless, prior to the expiration date, construction is commenced and pursued toward completion. A different timeframe may be established during the approval of a permit or specific administrative approval.

(ii) Approval Requiring a Public Hearing

- a. Except where a different timeframe is provided in a specific procedure or set by the decision-making body, the validity of any approval requiring a public hearing is three years.
- b. The following approvals are not subject to expiration:
 1. Rezoning, including rezoning to Planned Unit Development; and
 2. UDC Text Amendment

(2) Extension of Approval Term

(i) Extension Request

A request to extend any approval shall be submitted in writing to the Director prior to the expiration of the original approval.

(ii) Permit or Administrative Approval

- a. Unless otherwise stated in a permit or specific procedure for an administrative approval, the Director may extend the validity of the permit or approval for up to 180 more days if the applicant proves they can complete the project in conformance with currently adopted codes and policies.
- b. The Director may grant one extension of 12 months for a Preliminary Plat (major or minor) or unrecorded Final Plat.

(iii) Approval Requiring a Public Hearing

Following extension by the Director, the applicant may request an extension from the original decision-maker if that was not the Director. The decision-making body may extend any deadline if the applicant demonstrates why the

original effective period or approved development schedule was not sufficient and cannot be met.

(m) Revocation of Approvals

The Director may recommend that an approval be revoked based on applicant noncompliance with approval terms or conditions. The Director shall provide written notice to the applicant and schedule a show cause hearing in the manner directed by the Board of County Commissioners.

17.06.050 Administrative Procedures and Permits

(a) Administrative Decision-Making⁸

(1) Decision

- (i) If an application is subject to administrative approval (staff review and a final decision by the Director), the Director shall make a decision on the application.
- (ii) The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval. Any conditions of approval shall be limited to conditions necessary to ensure compliance with the requirements of this UDC and shall relate to the anticipated impacts of the proposed development.

(2) Finality of Decision

For all application types requiring administrative approval, as noted in Table 17.06.1: Commonly Applicable Procedures, the Director’s decision is immediately final.

(3) Review Criteria

The Director shall make administrative decisions based on compliance of the application with the requirements of this UDC, the Regional Comprehensive Plan, and any criteria identified in a specific application type.

(b) Development Plan⁹

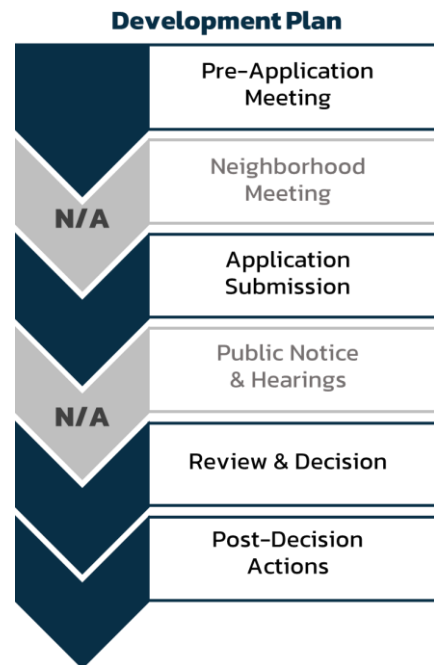
(1) Purpose

The purpose of Development Plan review is to allow the County to review the proposed site layout to determine if the requirements of UDC will be met.

(2) Applicability

(i) Development Plan Required

Development Plan approval is required for all multifamily, mixed-use, commercial, and industrial development prior to the issuance of a building permit unless the development is exempt as described below.



⁸ New.

⁹ New.

(ii) Exemptions

The following activities are not required to submit a Development Plan application but are still subject to the requirements of this UDC:

- a. A change in use that does not involve or require other development (such as new or expanded buildings, or additional parking);
- b. Conversion of either of the following without changing the existing building footprint or increasing the building area:
 - 1. Non-residential building area into up to five dwelling units, or
 - 2. Mixed-use building area into up to five dwelling units;
- c. Alteration, repairs, or additions to existing residential buildings that increase the gross floor area or total impervious surface by less than 25 percent;
- d. Improvements inside the structure that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards (such as parking or landscaping requirements);
- e. Construction of a single-family detached or two-family dwelling, additions to the dwellings, and structures accessory to the dwellings; and
- f. Construction or erection of accessory buildings, hedges, or fences and walls under six feet in height.

(3) Additional Actions that Require BOCC Decision-Making

Any development that requires any one of the following shall be reviewed and decided on by the Board of County Commissioners:

- (i) Extension of infrastructure or public facilities beyond locations or other limits set forth in the County's regulations, policies or plans, or a proposal to oversize utilities with County funding participation.
- (ii) A dedication of land that the County will be required to maintain or payment of fee in lieu of, including a street, alley, park, trail, or other public land or right-of-way.

(4) Initiation and Limitations

A Development Plan application may be submitted in accordance with §17.06.040(c)(3).

(5) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(6) Review and Decision-Making

(i) Review Criteria

Development plans shall be reviewed and decided on as described in this Section and in light of the following review criteria:

- a. The Development Plan is consistent with all applicable standards of this UDC;
- b. The Development Plan is consistent with any previously approved and still valid land use approval, such as a plat or PUD.
- c. The Development Plan is consistent with the Regional Comprehensive Plan and other adopted County plans.

(7) Post-Approval Actions

- (i) If a Development Plan is approved, it shall be signed by the Director and a copy shall be filed with the County Clerk and Recorder.
- (ii) The Development Plan shall be incorporated into the building permit and all conditions shall apply to the building permit.

(8) Appeal

A decision on a Development Plan application may be appealed in accordance with §17.06.040(i), Appeals.

(9) Post-Decision Amendment

Approved Development Plans may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(10) Expiration, Extension, and Lapsing of Approvals

If construction is not commenced, approved Development Plans shall lapse, or the approval may be extended, in accordance with §17.06.040(l), Extension and Lapsing of Approvals.

(c) Sign Permit

(1) Purpose

The purpose of Sign Permit review is to determine if a proposed sign complies with this UDC, the Regional Comprehensive Plan, and other applicable regulations.

(2) Applicability

A Sign Permit is required for the construction or installation of any sign, or any repair that also requires a building permit, unless specifically exempted in §17.05.02, Applicability.

(3) Initiation and Limitations

A Sign Permit application may be submitted in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and summarized in Table 17.06.1: Commonly Applicable Procedures.

(5) Review and Decision-Making

The Director shall review and decide on Sign Permits in accordance with §17.06.040(g) and in light of the following criteria:

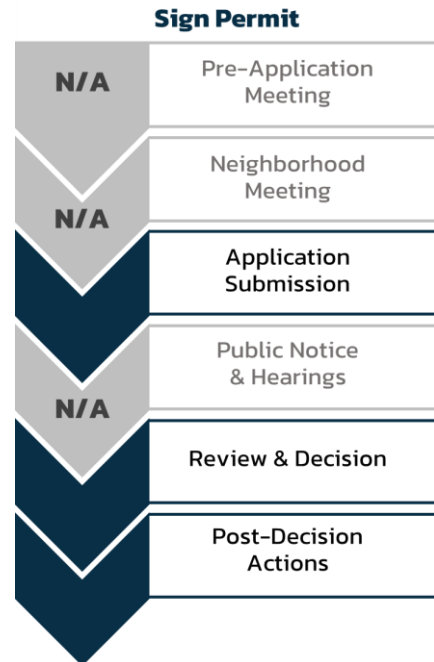
- (i) The proposal is consistent with Chapter 5, Signs, and all applicable standards of this UDC;
- (ii) The proposal is consistent with any previously approved and still valid land use approval, such as a plat or PUD.
- (iii) The proposal is consistent with the Regional Comprehensive Plan and other adopted area or corridor plans.

(6) Appeal

A decision on a request for a Sign Permit may be appealed in accordance with §17.06.040(i), Appeals.

(7) Post-Decision Amendment

Approved Sign Permits may be amended in accordance with §17.06.040(k), Post-Decision Actions.



(8) Expiration, Extension, and Lapsing of Approval

Approved Sign Permits shall lapse, or the approval may be extended, in accordance with §17.06.040(l), Extension and Lapsing of Approvals.

(d) Special Event Permit¹⁰

(1) Purpose

The purpose of this Section is to provide for the temporary use of land for Special Events by establishing requirements and regulations.

(2) Applicability

A Special Event Permit shall be required in accordance with the regulations of §17.03.060, Special Event Standards. It shall be unlawful for any person to sponsor or knowingly participate in any special event without a Special Event Permit issued by the Director to the special event sponsor.

(i) Exemptions

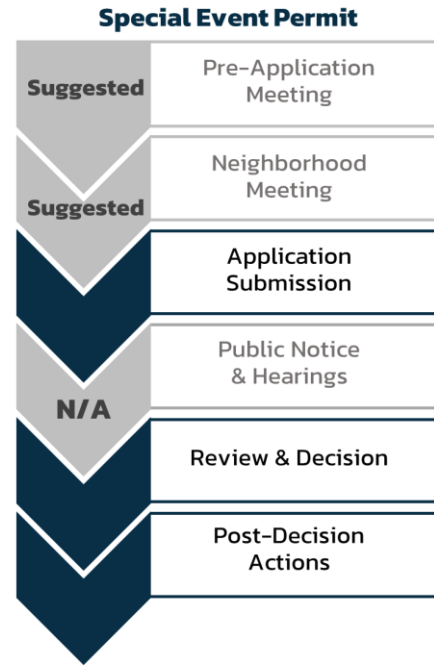
Any event sponsored by the County, as well as any emergency services program, military exercise simulation, funeral process, picketing, training drill, activities held inside a building or facility intended for such activities, or any governmental agency acting within the scope of its functions, shall be exempt from complying with the requirements of this Section.

(ii) Temporary Events

Any activity or event defined as a temporary event in §17.03.050, Temporary Uses and Structures, shall not be considered a special event.

(3) Initiation and Limitations

A Special Event Permit application may be submitted in accordance with §17.06.040(c)(3).



¹⁰ New standards to align with Special Event Standards drafted as part of Module 1.

(4) Applicable Procedures

(i) Common Review Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(ii) Procedures Specific to Special Event Permit Review

- a. Applications for a Special Event Permit shall be submitted in accordance with §17.06.040(c).
- b. Applications for a Special Event Permit shall be submitted to the Director at least 15 days prior to the event for review by staff. Exceptions to the 15-day requirement may be granted at the discretion of the Director.

(5) Review and Decision-Making

The Director shall review and decide on Special Event Permits in accordance with §17.06.050(a), Administrative Decision-Making, and in light of the following review criteria:

- (i) The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location unless approved by the Sheriff;
- (ii) The conduct of the event will not require the diversion of so great a number of police officers of the county to properly police the event and the areas contiguous to the event as to prevent police protection to the county unless approved by the Sheriff;
- (iii) The conduct of such event will not require the diversion of so great a number of ambulances or emergency medical services not otherwise provided for by the event sponsor as to prevent normal ambulance and emergency medical service to portions of the county other than that to be occupied by the proposed event and areas contiguous to the event;
- (iv) The concentration of persons, animals, and vehicles at the location of the event will not unduly interfere with proper fire and police protection or ambulance and emergency medical services to the area of the event and the areas contiguous to the event unless approved by the Fire Chief and Sheriff;
- (v) The conduct of such event will not interfere with the movement of firefighting equipment en route to a fire unless approved by the Fire Chief;

- (vi) The conduct of the event, as described in the submitted application and plans, is not reasonably likely to cause or create any significant public health risks unless approved by the Pueblo Department of Public Health and Environment;
- (vii) The conduct of the event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or to create a disturbance beyond the capacity of the Sheriff's Office to protect the general public or those participating in the event; and
- (viii) Verification that the information contained in the permit application by the event sponsor is true and does not omit any material detail for the consideration of the factors listed in this Section.

(6) Appeal

A decision on a Special Event Permit application may be appealed in accordance with §17.06.100(a), Appeal of Administrative Determination.

(7) Post-Decision Amendment

Approved Special Event Permits may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Extension and Lapsing of Approval

- (i) Special Event Permits are not transferable and shall expire at the close of the last date of the event for which the permit has been issued. Failure of the sponsors of the event to comply with the conditions of a Special Event Permit and all other applicable regulations shall immediately void the permit.
- (ii) Special Event Permits shall be valid for a maximum of five days within a consecutive 14-day period. A repeat special event shall not occur more frequently than once every 60 days. Exceptions may be granted at the discretion of the Director or the Board of County Commissioners.

(e) Temporary Use Permit¹¹

(1) Purpose

The Temporary Use Permit procedure is intended to provide a mechanism for enforcement of the temporary use regulations in § <> [Temporary Uses and Structures], in order to allow short-term and minor deviations for uses that are temporary in nature, that will not adversely impact surrounding properties, and that can be terminated and removed at will.

(2) Applicability

A Temporary Use Permit is required before establishing, constructing, or installing any temporary or seasonal use or structure designated as requiring a Temporary Use Permit in § <> [Temporary Uses and Structures].

(3) Initiation and Limitations

A Temporary Use Permit application may be submitted initiated in accordance with §17.06.040(c)(3).

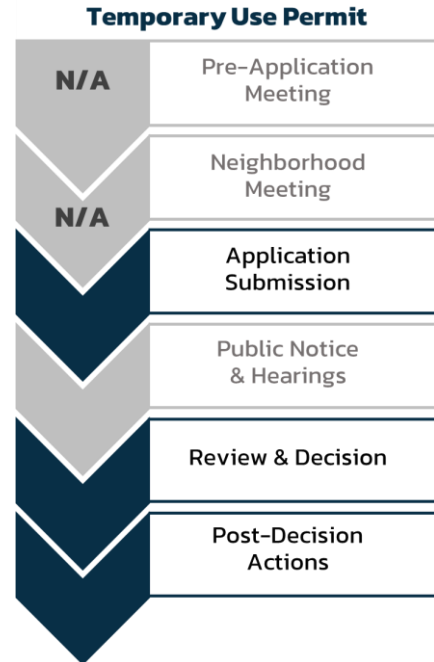
(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(5) Review and Decision-Making

The Director shall review and decide on Temporary Use Permits in accordance with §17.06.050(a), Administrative Procedures and Permits, and in light of the following review criteria: §17.06.040(g)

- (i) The proposed temporary use is consistent with all applicable standards of this UDC;
- (ii) The proposed temporary use is not likely to negatively impact surrounding properties.



¹¹ New. This section establishes a procedure to obtain a temporary use permit associated with the new Temporary Uses and Structures Standards drafted as part of Module 1.

(6) Appeal

A decision on a Temporary Use Permit application may be appealed in accordance with §17.06.100(a), Appeal of Administrative Determination.

(7) Post-Decision Amendment

Approved Temporary Use Permits may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Extension and Lapsing of Approval

(i) Expiration of Approval

- a. A Temporary Use Permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period¹² indicated on the permit, but in no event, longer than 12 months.
- b. Upon request, the Director may grant a one-year extension; however, in no case shall a Temporary Use Permit be valid for more than one year after its original expiration date. This one-year extension period may not be further extended.
- c. Any Temporary Use Permit requesting an approval period beyond one year shall require a Special Use Permit approval pursuant to §17.06.070(b).

(ii) Removal and Restoration

Before the expiration of a Temporary Use Permit, the permittee shall discontinue all temporary uses and remove all temporary structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Director.

¹² If there are any specific time periods that should be codified for specific temporary uses, we recommend those periods be included in the use-specific standards for those uses.

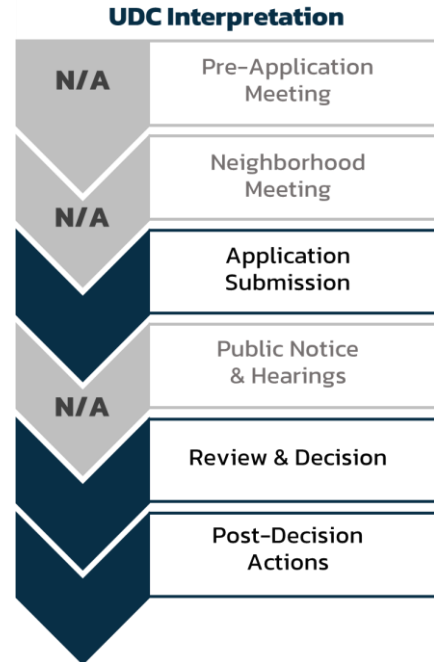
(f) UDC Interpretation

(1) Purpose

The purpose of a code interpretation is to clarify how regulations are applied to a specific case as well as guide general application of the UDC.

(2) Applicability

- (i) The Director is authorized to provide a written interpretation of the contents and requirements of this UDC.
- (ii) Interpretations may be requested for a provision of this UDC subject to a proposed or current application, hearing, or appeal.
- (iii) The Director may also provide a property-specific code interpretation in the form of a UDC clarification that identifies whether specific regulations in this UDC are applicable to the subject property.



(3) Initiation and Limitations

An interpretation may be requested by:

- (i) An applicant;
- (ii) A person affected by an action proposed pursuant to this UDC; or
- (iii) Any County staff or other governmental agency that may be subject to the provisions of this UDC.

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(5) Review and Decision-Making

The Director shall review and decide on UDC interpretations in accordance with §17.06.050(a), Administrative Procedures and Permits.

(6) Appeal

A UDC Interpretation may be appealed in accordance with §17.06.100(a), Appeal of Administrative Determination.

17.06.060 Regional Comprehensive Plan Procedures¹³

(a) Regional Comprehensive Plan Amendment

(1) Purpose

The purpose of this section is to ensure administrative changes and proposed amendments to the Regional Comprehensive Plan are consistent with the vision, goals, and policies included in the Plan.

(2) Applicability

- (i) This section shall apply to all proposed amendments to or adoption of the text of the Regional Comprehensive Plan. For purposes of this section, the Regional Comprehensive Plan shall include all neighborhood plans, corridor plans, area plans, and all other elements adopted as a part of the Regional Comprehensive Plan.
- (ii) Any proposed development that is inconsistent with any goals or policies of the Regional Comprehensive Plan shall first receive approval of a Regional Comprehensive Plan Amendment.

(3) Initiation and Limitations

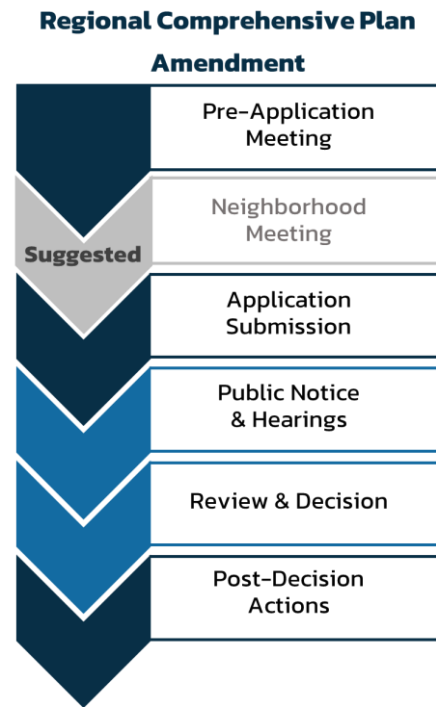
A request for a Regional Comprehensive Plan Amendment may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(5) Review and Decision-Making

The Planning Commission shall review and decide on Regional Comprehensive Plan Amendments in accordance with §17.06.040(g), Review and Decision-Making, and in light of the following review criteria:



¹³ New.

- (i) The existing Regional Comprehensive Plan and/or any related element thereof requires the proposed amendment;
- (ii) The County or area will derive benefits from the proposed amendment; and
- (iii) The amendment will be consistent with the vision, goals, principles, policies, and elements of the Regional Comprehensive Plan.

(6) Appeal

A decision on a Regional Comprehensive Plan Amendment application may be appealed to the Board of County Commissioners.

(7) Post-Decision Amendment

Approved Regional Comprehensive Plan Amendments may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Extension and Lapsing of Approval

Approved Regional Comprehensive Plan Amendments are final and shall not lapse.

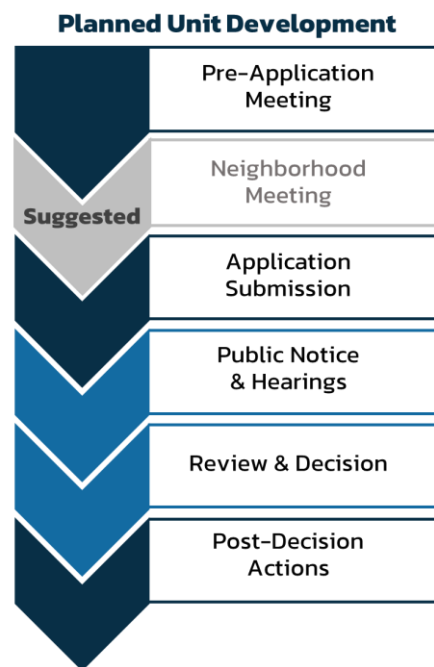
17.06.070 Zoning Procedures

(a) Planned Unit Development¹⁴

(1) Purpose¹⁵

In accordance with Colorado Revised Statutes, §24-67-101, et seq., the purpose of the PUD district is to:

- (i) Further the public health, safety, integrity, and general welfare within Pueblo County in ways consistent with the Regional Comprehensive Plan;



¹⁴ Chapter 17.126, Sections 030-170, reorganized to follow parallel construction with other review procedures.

¹⁵ Purpose statement updated as part of Module 1 (17.02.100(g)(3)).

- (ii) Facilitate development by permitting greater flexibility than allowed by the strict application of this UDC in exchange for more innovative designs with a higher level of amenities and public benefits than is otherwise possible under the base zone districts; and
- (iii) Accommodate unique development layouts that preserve natural, environmental, and scenic features of the site or address challenges presented by specific site conditions.

(2) Applicability¹⁶

An application for a PUD district shall only be considered if it meets the following criteria:

- (i) The proposed PUD includes a minimum of five acres of land held in single ownership;
- (ii) The proposed PUD could not be developed using the zoning districts or standard established in this UDC;
- (iii) The application is not being submitted to provide a site-specific solution to a single issue that can be resolved through a more appropriate administrative means; and
- (iv) The proposed PUD incorporates at least one of the following public benefits:
 - a. The PUD protects, preserves, and/or manages areas of significant natural resources or prime agricultural land;
 - b. The PUD features outstanding site design and construction such as best management practices for on-site storm water management, green building materials, solar orientation of building forms, and/or water and energy efficiency;
 - c. Site design in the PUD will create a diverse neighborhood with a mix of housing choices;
 - d. The PUD includes an internally and externally connected park, trail, and open system designed for the occupants/residents of the PUD district; or
 - e. The PUD provides a different substantial benefit to the County as determined by the Director.

¹⁶ Applicability statement updated as part of Module 1 (17.02.100(g)(3)).

(3) Initiation and Limitations

A request for a PUD may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures¹⁷

(i) Common Review Procedures

- a. Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.
- b. A Development Plan shall be submitted with the PUD application.

(ii) Optional Submittal Information

The applicant may submit a Final Plat in accordance with §0,

¹⁷ Removed existing pre-submittal meeting requirements because these are now covered by §17.06.030(a), Pre-Application Meeting, as part of the new Common Review Procedures section. Also removed existing petition procedures because these are covered in other subsections of the PUD procedures section (e.g., Initiation and Limitations, Applicable Common Review Procedures).

Subdivision Procedures, to be processed concurrently with a PUD rezoning request.

(5) Review and Decision-Making

- (i) The Planning Commission shall review and recommend, and the Board of County Commissioners shall review and decide on PUD applications in accordance with §17.06.040(g), Review and Decision-Making, and the in light of the following review criteria:
 - a. That the proposed land use will be compatible with existing and permitted land uses in the surrounding area and will be in harmony and responsive with the character of the surrounding area;
 - b. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
 - c. That a need for the development is demonstrated;
 - d. That existing and proposed public services and facilities are adequate for the proposed development, and that proposed public services and facilities will be timely provided;
 - e. That the existing and proposed internal/external transportation network is suitable and adequate to carry the anticipated traffic generated by the proposed development, and that the proposed transportation network improvements will be timely provided;
 - f. That the proposed development will not have a negative effect upon the existing and future development of the surrounding area;
 - g. That the proposed PUD District zoning will achieve and advance the stated purposes set forth in this Section, and is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of Pueblo County;
 - h. As set forth in C.R.S. 24-67-104(1)(f), a finding by the County that the PUD District rezoning request is in general conformity with the Regional Comprehensive Plan or any amendment thereto is required.

- (ii) Upon approval of a rezoning to the PUD district by the Board of County Commissioners, the Development Plan shall be the controlling document, establishing land use(s), densities, setbacks, height limits, lot coverage, and access points. The Development Plan shall be recorded in the County Clerk and Recorder's Office in conjunction with the Board of County Commissioners' approval Resolution establishing the zone. The development plan shall be binding on the owner-applicant, their heirs, successors, and assigns.

(6) Appeal

A decision on a PUD application may be appealed in accordance with §17.06.040(i), Appeals.

(7) Procedures Specific to PUD

(i) Recording of the Development Plan

- a. Upon approval by the Board of County Commissioners of a PUD District rezoning request, the applicant shall provide to the Department of Planning and Development a development plan as approved by the Board of County Commissioners drawn with permanent India ink or produced by a photographic process on a polyester (mylar) film, 24 inches x 36 inches in size, suitable for reproducing.
- b. The following information shall be depicted on the Development Plan to be recorded:
 - 1. All information required on the initial Development Plan, and
 - 2. The following General Provision Statements:
 - i. Authority

The authority of this Development Plan is Chapter 17.126 (Planned Unit Development District) of this Title. The authority for Chapter 17.126 of this Title is the Colorado Planned Unit Development Act of 1972.
 - ii. Adoption

The adoption of this Development Plan shall evidence the findings and decision of the Board of County Commissioners that this Development Plan for (name of development) is in general conformity with the Pueblo County Comprehensive Plan, is

authorized by the provisions of Chapter 17.126 of this Title, and that such Chapter 17.126 and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.

iii. Relationship to County Regulations

The provisions of this Development Plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of this Title, as amended, or any other applicable resolutions or regulations of Pueblo County, shall be applicable.

- c. Upon presentation of the development plan, as approved by the Board of County Commissioners, the signatures of the Chairperson of the Board of County Commissioners and the Director shall be affixed to the document.
- d. No changes, erasures, modifications, or revisions shall be made on the development plan upon the affixing of all signatures to said plan. The development plan shall not be recorded until all conditions, which require satisfaction before recording can take place, are satisfied. The applicant shall pay recording fees as required prior to recording the Development Plan.

(ii) Plot Plan

A Plot Plan, as described in §17.06.130(b), is required prior to approval of a building permit as part of a PUD. Prior to the approval of the Plot Plan, the Director shall find that the land use(s), densities, setbacks, height limits, access locations, commercial/industrial floor area square footage, and phasing plans as depicted on the Plot Plan are in conformance with the Development Plan as approved by the Board of County Commissioners.

(iii) Platting

No building permits shall be applied for or granted on any portion of property which is currently zoned PUD district until and unless the property is subdivided and/or platted, as applicable, in accordance with §17.06.130, unless otherwise excepted by statute.

(iv) Maintenance Plan

A Maintenance Plan, as described in §17.06.030(a), is required as part of a PUD.

(8) Post-Decision Amendment

Approved PUDs may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(i) Amendment to the Development Plan

a. Major Modifications

Any request to make a major modification to an approved Development Plan shall be processed as a new application for PUD rezoning. The following are considered major modifications to the Development Plan:

- i. Increased density;
- ii. Decreased perimeter setbacks;
- iii. Changes in building location, arrangement of parking, or amount or location of open space;
- iv. Change in residential density or unit type (townhouse to apartments, etc.);
- v. Projects over 20 acres:
 - A. Over ten percent reduction in area of open space;
 - B. Over ten percent increase in lot coverage;
- vi. Projects under 20 acres:
 - A. Over five percent reduction in area of open space;
 - B. Over five percent increase in lot coverage.
- vii. No major change shall be allowed unless the Board of County Commissioners, after review by the Planning Commission, finds that the proposed major change is consistent with the efficient development and preservation of the entire Planned Unit Development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the Planned Unit Development or the public interest, and is not granted solely to confer a special benefit upon any person.

b. Minor Modifications

- i. The Director may approve minor modifications to the recorded Development Plan in the approval of a Plot Plan. Minor changes are limited to siting of buildings, interior access or arrangement of parking, open space, and/or errors of a clerical, typographical, or format nature. The Director shall not approve a minor modification if the modification does not substantially conform to the approved Development Plan.
- ii. The applicant shall substantiate to the Director that the minor modification is required by engineering or other circumstances not foreseen during the approval of the Development Plan.

(9) Extension and Lapsing of Approval

Approved PUDs are final and shall not lapse.

(b) Special Use Permit

(1) Purpose

The purpose of this Section is to provide a method for reviewing potentially incompatible land uses for their impact on surrounding properties.

(2) Applicability

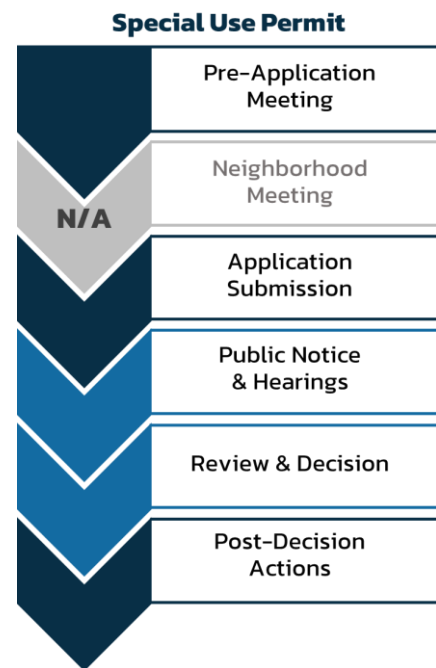
Special Use Permit review is required for certain land uses and zone districts as described in S <> [Table of Allowed Uses].

(3) Initiation and Limitations

A request for a Special Use Permit may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.



(5) Review and Decision-Making

The Planning Commission shall review and recommend, and the Board of County Commissioners shall decide on Special Use Permits in accordance with §17.06.040(g), Review and Decision-Making, and in light of the following review criteria:¹⁸

- (i) The requested use is a use listed as a special use in the zone district in which the parcel is located. Alternatively, the Planning Commission may find, based upon the determination of the Director or upon its own finding, that a requested use is similar to those uses listed as uses-by-right or -by-review in the zone district in which the parcel is located. A similar use determination by the Director or by the Planning Commission shall not be site specific and shall thereafter be binding upon Pueblo County in the interpretation and administration of this UDC unless and until the same is amended in accordance with law and regulation;
- (ii) The granting of the Special Use Permit will not substantially modify the Regional Comprehensive Plan or the intent or purpose of this UDC;
- (iii) The Special Use Permit proposal incorporates reasonable means to create an environment harmonious with that of the surrounding properties; and
- (iv) The Special Use Permit will not adversely affect public health, safety, or welfare.

(6) Appeal¹⁹

A decision on a SUP application may be appealed in accordance with §17.06.040(i), Appeals.

(7) Post-Decision Amendment

Approved Special Use Permits may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Extension and Lapsing of Approval

(i) General

Approved Special Use Permits are final once the use has commenced. Special Use Permits shall lapse if the use is not commenced within one year of approval.

¹⁸ Existing §17.140.050 modified for clarity and consistency with other sections of the UDC.

¹⁹ Appeal process updated to reflect final decision made by BOCC (instead of Planning Commission).

(ii) Reapplication²⁰

In the event an application for a Special Use Permit is denied, no new application shall be made for the same or a substantially similar special use on the same property covered by the original application within six months of the denial.

(c) Zoning Map Amendment (Rezoning)²¹

(1) Purpose

The purpose of this Section is to provide a method for changing zone district boundaries and for changing the zone district designation of a parcel as shown on the Official zoning map.

(2) Applicability

(i) General

Any portion of the zoning map may be changed whenever the public necessity, health, safety, general welfare, and/or good zoning practices justify such action. Any such change shall be made only by the Board of County Commissioners in the form of amending resolution.

(ii) State, Federal or Local Government Lands

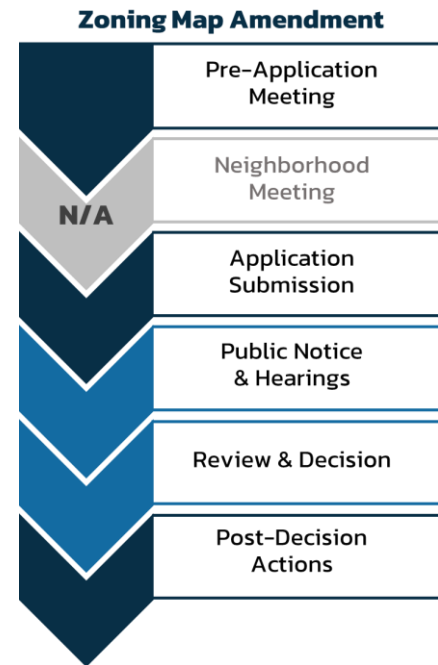
If, through clerical error or for any other omission error, the foregoing named lands are not designated on the zoning maps they shall automatically be zoned PL and shall therefore be governed by the provisions of the PL zone district.

(3) Initiation and Limitations

A request for a Zoning Map Amendment may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.



²⁰ Existing §17.140.090 modified for clarity and consistency with other sections of the UDC.

²¹ Existing 17.144 has been broken apart to separate the UDC Text Amendment process from the Zoning Map Amendment process. All information related to fees has been removed in lieu of regulations in §17.06.040(c)(2).

(5) Review and Decision-Making

- (i) The Planning Commission shall review and recommend, and the Board of County Commissioners shall review and decide on Zoning Map Amendments in accordance with §17.06.040(g), Review and Decision-Making, and the following review criteria:
 - a. The proposed amendment is in conformance with the Regional Comprehensive Plan;
 - b. The change requested promotes the public necessity, health, safety, and general welfare and is consistent with good land use and zoning practice;
 - c. If the proposed change involves property bounded on one or more sides by the boundary of a City or Planning or Zoning District, the matter has been referred to the Planning Commission of that City or Planning or Zoning District for its review and recommendation.
- (ii) The Planning Commission or Board of County Commissioners may establish conditions on the approval necessary to carry out the intent and purposes of this UDC.

(6) Appeal

A decision on a PUD application may be appealed in accordance with §17.06.040(i), Appeals.

(7) Extension and Lapsing of Approval

Approved Zoning Map Amendments are final and shall not lapse.

17.06.080 Subdivision Procedures²²

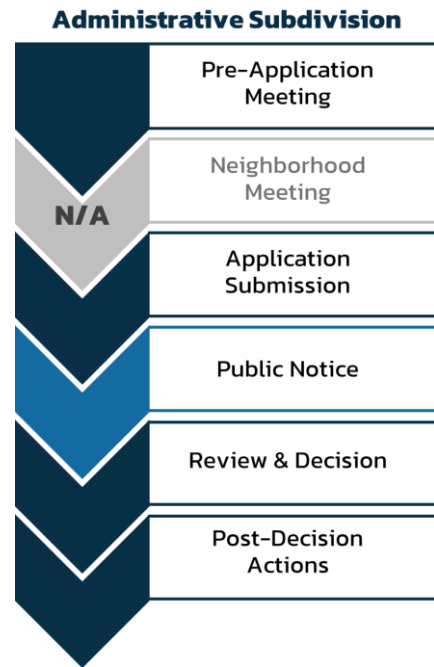
(a) Administrative Subdivision²³

(1) Purpose

The Administrative Subdivision process is used to evaluate proposed subdivisions that will create few lots or involve minimal adjustments to approved final plats.

(2) Applicability

- (i) The Administrative Subdivision process shall apply to the one-time resubdivision of previously legally subdivided land that meets the following criteria:
 - a. Creation of no more than three residential lots or 10 condominium units within a single plat that does not require the development or dedication of any public or private improvements in addition to those already existing from the original subdivision;
 - b. Is not a lot previously created by an Administrative Subdivision, Conservation Development, or Rural Land Use Plan;
 - c. Creation of condominiums or townhomes within an existing building that does not include land dedication; or
 - d. Creation of no more than three mixed-use or nonresidential lots that does not include development of or dedication of any public or private improvements in addition to those already existing from the original subdivision.
- (ii) Multiple Administrative Subdivision applications may not be submitted for the same or similar original parcel or ownership in an effort to avoid or subvert the Major Subdivision process.



²² Subdivision procedures from Title 16 have been modified for consistency with common review procedures proposed as part of Module 3.

²³ New

(3) Eligibility

The proposed subdivision and proposed lots shall meet all of the following:

- (i) A minimum building envelope can be created within the required setbacks that is:
 - a. Located outside of any hazard, wildlife, or environmentally sensitive areas on the property or,
 - b. Located where potential impacts to hazard, wildlife, or environmentally sensitive areas can be mitigated pursuant to the requirements of this UDC;
- (ii) Be served by a public water supply or private, on-site wells;
- (iii) Require no new roads nor any road improvements adjacent to or necessary for access to the development;
- (iv) Include access points serving the proposed lots from the adjacent road(s) that will comply with the current locational and spacing requirements; and
- (v) Include dedicated right-of-way for existing roads adjacent to the development necessary to meet the projected right-of-way for the existing road classification.

(4) Applicable Procedures

- (i) Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.
- (ii) Courtesy mailed notice providing information about the Administrative Subdivision and specifying that written comments may be submitted but may not result in changes to the application or approval shall be provided per §17.06.040(f)(3)(vi), Mailed Notice.

(5) Review and Decision-Making

The Director shall review the application and make a determination per §17.06.050(a). The Director shall consider the following criteria:

- (i) Whether the resulting development will be consistent with the Regional Comprehensive Plan;
- (ii) Whether the approved lots will be consistent with the intent of the underlying zone district and the applicable standards of this UDC;
- (iii) That the proposed lot changes:
 - a. Do not affect a recorded easement without approval from the easement holder; and

- b. Will not limit the County's ability to effectively provide facilities or services.

(6) Appeal

Upon the Director's approval of the Administrative Subdivision, the applicant or any aggrieved person may file an appeal of the Director's decision. An appeal shall advance the decision to a hearing with the Board of County Commissioners.

(7) Post-Decision Actions

- (i) County staff shall record the approved Administrative Subdivision with the Pueblo County Clerk and Recorder within 30 days²⁴ of final approval.
- (ii) When reviewing a proposal to divide an existing structure into condominium or townhouse units, the Director may require the subject property to come into compliance with this UDC and all applicable life safety codes as necessary to safeguard the public health, safety, and welfare.

(b) Major Subdivision

(1) Purpose

This Section is intended to provide for full review of any proposed subdivision of land to ensure that the potential effects of the proposal are considered.

(2) Applicability and Process

- (i) Every Major Subdivision proposal shall include review of:
 - a. A Sketch Plan in accordance with §17.06.080(b)(3);
 - b. A Preliminary Plan in accordance with §17.06.080(b)(4); and
 - c. A Final Plat in accordance with §17.06.080(b)(5).
- (ii) Administrative Subdivision applications and Minor Resubdivision Procedures are exempt from this three-step process but may need to conform to specific steps as directed in the individual application process.
- (iii) Unless one of the following is accomplished with the purpose of evading the existing provisions of this UDC, "subdivision" or "subdivided land" shall not apply, but §17.06.080(c), Subdivision Exemption Plat may apply to any division of land that is:

²⁴ Proposing new time frame to require plats to be filed with the Recorder within 30 days of approval. Is this enough time?

- a. Created by order of any court in this state or by operation of law, so long as the County is notified of any such court action;
- b. Created by a lien, mortgage, deed of trust, or other security instrument;
- c. Created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
- d. Creating cemetery lots;
- e. Creating an interest in oil, gas, minerals, or water which is severed from the surface of real property;
- f. Created by the acquisition only of an interest in land in the name of persons in joint tenancy or as tenants in common; any such interest shall be deemed for the purposes of this Section as only one interest;
- g. Creating parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interest;
- h. Created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than 35 acres in land area, only one interest in the land shall be allowed. If the resulting parcel is greater than 35 acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in 35 or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subsection;
- i. Creating a cluster development pursuant to S <> [Cluster Development];
- j. Created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to these regulations and any applicable county regulations, the land which they are to acquire pursuant to the contract;
- k. A single property containing single or separate structures that function as a single use on the property. The allowed use within the structure(s) may be rented or leased as individual units; however, no portion of the structure(s) may be sold, without compliance with applicable subdivision regulations; or
- l. The dedication, conveyance, or vacation of land to or from the County for public right-of-way or other public uses.

- (iv) The Board of County Commissioners may withdraw any recommendation by the Planning Commission or approval by the Board of a plan or plat if and when it is determined that information provided by the subdivider, upon which such decision was based, is false or inaccurate.

(3) Sketch Plan²⁵

(i) Purpose

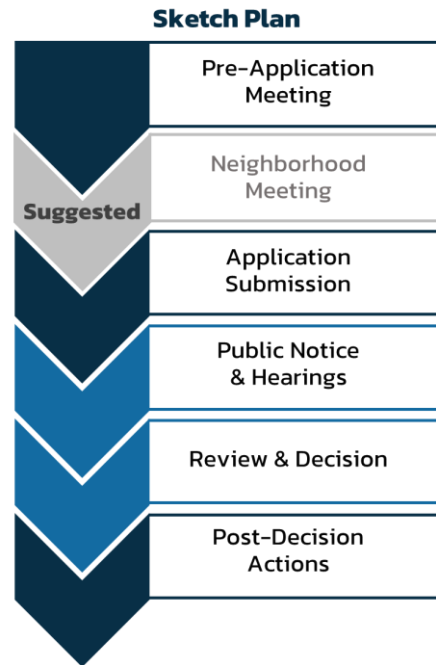
The Sketch Plan review process is intended to enable County staff to render an informal preliminary review of the Sketch Plan for general scope and conditions that might affect the subdivision design or review.

(ii) Applicability

- a. All subdivision applicants for any of the following shall submit a sketch plan:
 - 1. Subdivision of land that has not been platted;
 - 2. Subdivision that will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for Administrative Subdivision processing; or
 - 3. Any subdivision that is not eligible to be processed as an Administrative Subdivision or Minor Resubdivision Procedure.
- b. The Director may require all or part of any information waived from a Sketch Plan submission to be submitted with the Preliminary Plan.

(iii) Applicable Procedures

- a. Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.



²⁵ Chapter 16.08.

- b. At the time of Sketch Plan submission, the subdivider will be given materials and information relating to procedures and standards by which the suitability of proposed sewer and water systems may be determined and evaluated, and in the case of on-lot sewer or water facilities, forms to be completed by a professional engineer, licensed in the state of Colorado, for submission with the preliminary plan.

(iv) Review and Decision-Making

- a. County staff shall consider the following in their review of a Sketch Plan:
 - 1. How the proposed subdivision complies conceptually with the Regional Comprehensive Plan and the applicable requirements of this UDC;
 - 2. How the proposed development incorporates variety in the type, design, and siting of buildings;
 - 3. How the proposed subdivision will be connected to and be integrated with surrounding natural and developed areas;
 - 4. How the proposed subdivision will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors); and
 - 5. How the proposed subdivision promotes the efficient use of land and public streets, utilities, and governmental services.
- b. The Planning Commission shall review sketch plan and make comments, suggestions, and recommendations, which shall be forwarded to the Board of County Commissioners within 35 days. The Board shall then review the materials and the report of the Planning Commission, and communicate its own comments, suggestions, and recommendations to the subdivider and to the Planning Commission at the next regular meeting of the Board.

(v) Post-Decision Amendment

Requests for modification or amendment shall be submitted as a new Sketch Plan application.

(4) Preliminary Plan²⁶

(i) Purpose

The Preliminary Plan procedure provides a mechanism for the County to review an overall plan for a proposed subdivision to ensure compliance with this UDC, the Reginal Comprehensive Plan, and the adequate provision of facilities and services in the County.

(ii) Applicability

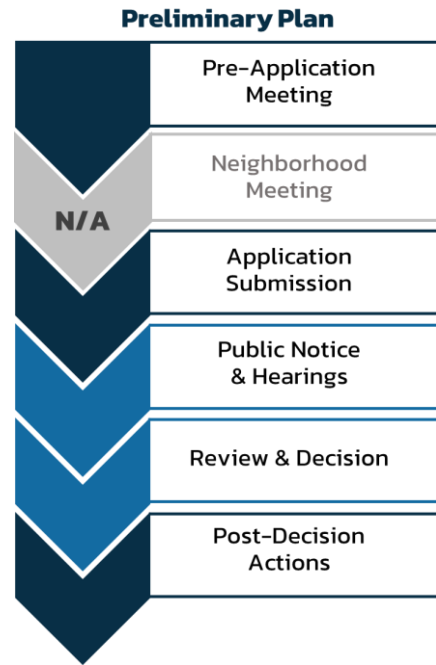
A Preliminary Plan is required for all subdivisions creating more than three lots. At the Director’s discretion, an applicant may combine the Preliminary Plan and Final Plat submission requirements together in a single submission.

(iii) Initiation and Limitations

A request for a Preliminary Plan may be initiated in accordance with §17.06.040(c)(3).

(iv) Applicable Procedures

- a. Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.
- b. The following referral entities shall be provided with copies of the Preliminary Plan for review and comment:
 - 1. To the appropriate school district;
 - 2. To each county or municipality within a two-mile radius of any portion of the proposed subdivision;
 - 3. To any utility, local improvement and service district, or ditch company when applicable;
 - 4. To the Colorado State Forest Service, when applicable;



²⁶ Chapter 16.12 with submittal requirements removed.

5. To the local soil conservation district board or boards within the County for explicit review and recommendations regarding soil suitability and flooding problems. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district;
 6. When applicable, to the Pueblo Department of Public Health and Environment, for their review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report of the water quality of the proposed water supply to serve the subdivision;
 7. When applicable, to the State Engineer for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with said water supply evidence. The State Engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells;
 8. To the Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land; and
 9. To any other agencies or persons who may, in the opinion of the Board of County Commissioners or the Planning Commission, be affected by the proposed subdivision.
- c. The agencies named in this Section shall make recommendations within 21 days after the mailing by Pueblo County or its authorized representatives of such plans unless a necessary extension of not more than 30 days has been consented to by the subdivider and the Board of County Commissioners. The failure of any agency to respond within 21 days or within the period of an extension shall, for the purpose of the hearing on the plan, be deemed an approval of such plan; except that, where such plan involves 20 or more dwelling units, a school district shall be required to submit within said time limit specific recommendations with respect to the adequacy of school sites and the adequacy of school structures.

(v) Review and Decision-Making

a. County Staff

The Public Works Department shall determine from a review of the Preliminary Plan whether the soil slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earth moving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, the subdivider shall be required to provide soil erosion and sedimentation control plans and specifications.

1. Control plans and specifications shall be prepared by a registered professional engineer, or the U.S. Soil Conservation Service, using the County conservation standards or the soil and water conservation plan.
2. In the event that soil erosion and sediment control plans are required, the preliminary plan submission shall not be considered complete until such plans have been submitted for review with the preliminary plan.

b. Planning Commission

1. The Planning Commission shall hold a public hearing within 35 days of the submission of a complete application, or within the period of an extension agreed to by the subdivider.
2. The Planning Commission shall review and recommend and the Board of County Commissioners shall decide on Preliminary Plans in accordance with §17.06.040(g) and in light of the following review criteria:
 - i. The Preliminary Plan is consistent with applicable provisions of the Regional Comprehensive Plan;
 - ii. The Preliminary Plan complies with the applicable standards of this UDC;
 - iii. The Preliminary Plan provides evidence that public water and sewer system connections can be efficiently implemented; and
 - iv. The Preliminary Plan proposes reasonable project phasing in terms of infrastructure capacity, transportation connections, provision of open space and trails, and any other aspect of the development that will be developed across multiple phases.

3. If any of the required reviewing entities responds after the consideration of the Preliminary Plan at the Planning Commission public meeting, the entity's response will be considered as part of the Final Plat process.

c. Board of County Commissioners

1. The Board of County Commissioners shall review and decide upon such Preliminary Plan at a Board meeting held within 35 days after receipt of the recommendation by the Planning Commission. Failure by the Board to act within 35 days shall be deemed an approval of the Preliminary Plan and a certificate shall be issued to that effect.
2. Whenever a Preliminary Plan is approved for development of the subdivision in phases, the Board may provide the periods of time allowed for Final Plat approval of each phase of the development after the first.

(vi) Post-Decision Amendment

Approved Preliminary Plans may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(vii) Extension and Lapsing of Approval

- a. Approval of the Preliminary Plan shall be effective for 18 months. The Preliminary Plan will expire unless a Final Plat has been submitted to the Director within that 18 months, or a mutually agreed upon extension has been granted by the Director.
- b. Whenever a Final Plat is submitted for less than the entire area covered by the Preliminary Plan, approval of the Preliminary Plan for the remaining unplatted area shall be extended for an additional 18 months.
- c. Upon a request by the applicant made prior to the expiration of the 18-month period, the County may grant an extension for another 18 months. If more than 18 months elapse from the date of the original approval or an approved extension to the date of the Preliminary Plan submittal, and if no extension has been granted, the applicant shall be required to resubmit the Preliminary Plan as a new application.
- d. If a Development Plan and Preliminary Plan are submitted jointly both approvals lapse pursuant to this Section.

(5) Final Plat²⁷

(i) Purpose

The Final Plat procedure completes the subdivision process and ensures compliance with the approved Preliminary Plan and applicable standards in this UDC.

(ii) Applicability

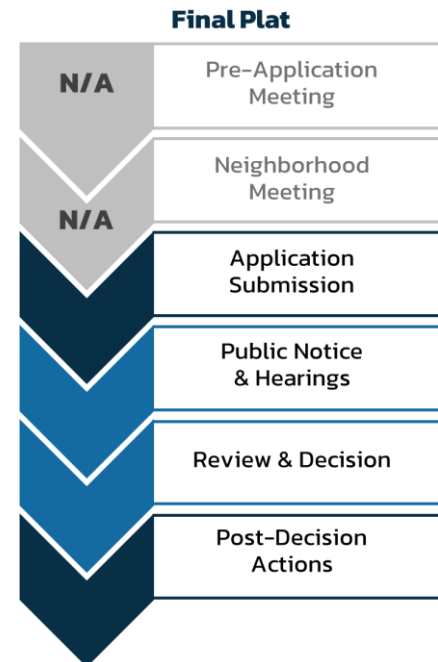
The Final Plat procedure applies to all subdivisions in the County unless otherwise stated in this UDC.

(iii) Applicable Procedures

- a. Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

Section 17.06.040(d), Application Review, shall be modified as follows:

1. Within ten business days of the Director's determination that an application is complete, the Department of Planning and Development will send the application materials to appropriate reviewing agencies.
2. Reviewing agencies will review the application materials to ensure that the final plat complies with all conditions of preliminary plat approval, improvement standards required by this UDC and the standards required by districts, utilities and agencies providing service to or having facilities and infrastructure that may be affected by the proposed development.
3. The Department of Planning and Development will ensure each reviewing agency provides a copy of its comments to the applicant in a manner that is easily accessible to the applicant.



²⁷ Chapter 16.16.

4. The planner assigned to the project will prepare a written report specifying how the final plat meets or fails to meet the standards and other requirements of this UDC. The report must also include comments received from reviewing agencies.
 5. The applicant may review the report and make revisions to the final plat to address concerns raised by the planning staff and reviewing agencies.
- b. Director review will not be scheduled until all the districts, utilities, and agencies have approved the construction plans and the County Attorney has approved the development agreement.

(iv) Review and Decision-Making

The Board of County Commissioners shall review and decide on the Final Plat application without a public hearing based on the following criteria:

- a. The Final Plat conforms to the approved Preliminary Plan, including any conditions of approval;
- b. The development will comply with all requirements of this UDC; and
- c. The development will comply with all applicable technical standards and specifications.

(v) Post-Decision Actions

a. Acceptance of Street and Other Public Land Dedication²⁸

1. Approval of a subdivision shall not constitute an acceptance by the County of the roads, streets, alleys, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted by the County only by specific action of the Board of County Commissioners.

²⁸ Existing 16.20.010.

2. An inspection by the Public Works Department must be requested by the subdivider or their agent in accordance with the requirements of the Pueblo County Roadway Design and Construction Standards. Inspections during construction shall be made by the Public Works Department to ensure that work is progressing in compliance with this UDC. Deviation from these regulations and their requirements will be sufficient reason to issue stop and desist orders by the County until such time as proper corrections or adjustments have been made to the satisfaction of the Director of Public Works. Upon completion of all work, a final inspection shall be made, and if it is determined by the Director of Public Works that the roads have been built according to County specifications and the approved construction plans, the subdivider may then apply for release of the collateral provided under the terms of the subdivision improvements agreement. Request may also then be made to the Board of County Commissioners to accept the subdivision's roads by resolution for maintenance.

b. Recording Final Plat

1. The Director shall record the Final Plat with the County Clerk and Recorder within five business days of receipt of final documents for recording.
2. County staff shall notify the applicant upon completion of filing the Final Plat with the County Clerk and Recorder.

(6) Global Positioning System (GPS)

All final plats which are approved by Pueblo County shall be based on a land survey which is tied to the Global Positioning System (GPS).

(7) Treasurer's Certification of Taxes Paid

- (i) No plat for subdivided land shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides the certification of the County Treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.
- (ii) The ad valorem taxes referenced in the above paragraph shall include:
 - a. Real property taxes on the land and improvements;

- b. Mobile home taxes;
- c. Mineral rights taxes; and
- d. Special assessments.

(iii) The County Treasurer’s certifications shall be submitted with the application for administratively approved procedures or a minimum of 15 days in advance of the Board of County Commissioners’ meeting at which the plat is to be considered. The only exceptions shall be for plats scheduled to be considered by the Board between January 1 and January 15. The County Treasurer’s certifications for plats scheduled during this time period shall be submitted prior to the Board’s approval.

(c) Subdivision Exemption Plat²⁹

(1) Purpose

To allow the Board of County Commissioners to exempt certain divisions of land or the creation of an interest in property, as described in §17.06.080(b)(2)(iii), from the subdivision regulations of this Section.

(2) Initiation and Limitations

An application for Subdivision Exemption Plat may be filed by the property owner.

(3) Applicable Procedures

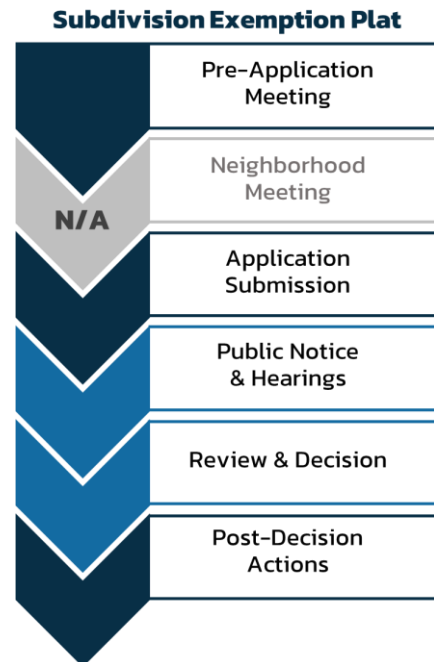
Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(i) Global Positioning System (GPS)

The Global Positioning System (GPS) standards of §17.06.080(b)(6) shall apply.

(ii) Treasurer’s Certification of Taxes Paid

The Treasurer’s Certification standards of §17.06.080(b)(7) shall apply.



²⁹ Clarified Section 16.04.040.4.

(4) Review and Decision-Making

The Planning Commission shall review and recommend on and the Board of County Commissioners shall decide on a Subdivision Exemption Plat. The Planning Commission shall forward its recommendation to the Board within 30 days after the hearing is concluded. The Board may impose conditions and/or requirements as it deems necessary to protect the public health, safety, and welfare and to ensure consistency with this Section, such as:

- (i) The Subdivision Exemption Plat be prepared to the standards of a Land Survey Plat;
- (ii) Title search not more than 30 days old be submitted;
- (iii) Public improvements and additional public right-of-way be provided as deemed necessary by the Board of County Commissioners;
- (iv) Applicable Impact Fees (e.g., fire protection, school site, park site) be paid;
- (v) Technical reports (e.g., drainage study) as deemed necessary by the Board be submitted;

(5) Post-Decision Actions

The Director shall, at the applicant’s expense, file the approved Subdivision Exemption Plat for recordation in the County Clerk and Recorder’s Office.

(d) Plat Vacation

(1) Purpose

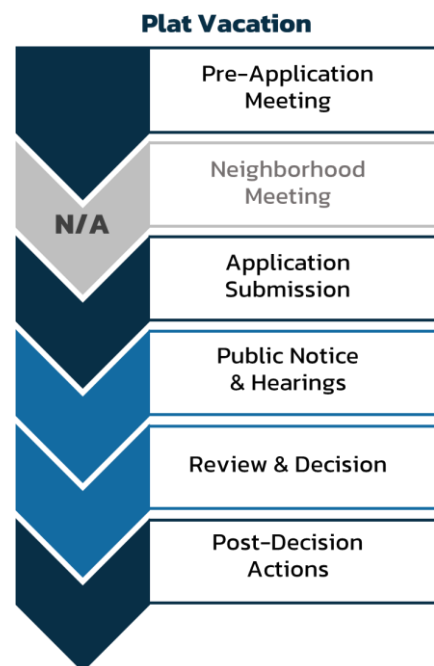
To allow the vacation of any plat or any part of any plat that has been duly recorded and approved by the Board of County Commissioners.

(2) Initiation and Limitations

An application for Plat Vacation may be filed by the property owner.

(3) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.



(4) Review and Decision-Making

The Planning Commission shall review and recommend on and the Board of County Commissioners shall decide on a Plat Vacation. The Planning Commission shall forward its recommendation to the Board within 30 days after the hearing is concluded.

(5) Post-Decision Actions

The Director shall, at the applicant’s expense, file the approved Vacation Plat for recordation in the County Clerk and Recorder’s Office. The Vacation Plat shall divest all public rights in the streets, alleys, and public ways, and in all dedications laid out or described in the subdivision plat except where reservation is made therefrom.

(e) Right-of-Way Vacation (Public Street, Alley, Easement, or Public Way)³⁰

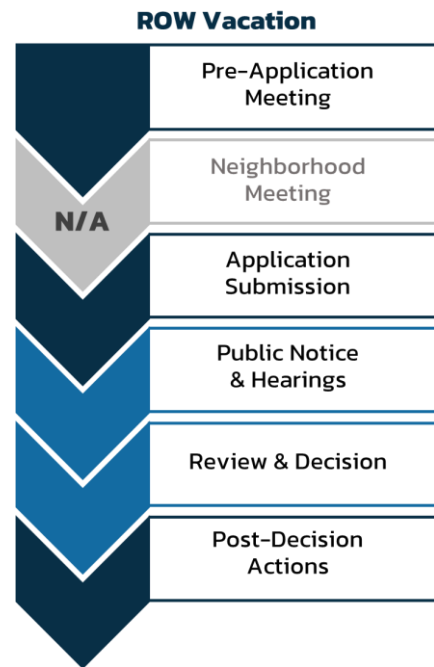
(1) Purpose

The Vacation of Right-of-Way (ROW) procedure provides a mechanism for implementing C.R.S. S 43-2-303.

(2) Applicability

A request for Vacation of ROW may be filed when:

- (i) The street or alley:
 - a. Has never been, or is not anticipated to be formally opened or used;
 - b. Is no longer needed because of design changes made by the County;
 - c. Has never been used for public purposes, or
 - d. Has been abandoned and removed.
- (ii) All portions of the street or alley to be vacated are within the County; and
- (iii) No portion of the street or alley to be vacated constitutes a boundary line between two counties or a boundary with a municipal jurisdiction.



³⁰ Existing 16.20.020.

(3) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures. Section 17.06.040(d).

(4) Review and Decision-Making

- (i) The Planning Commission shall review and recommend on and the Board of County Commissioners shall review and decide on Vacation of ROW applications. Before granting the vacation of a public street, alley, or public way, the Board of County Commissioners shall find conditions (a) through (e) exist. Before granting the vacation of an easement, the Board shall find conditions (e) and (f) exist:
 - a. The public street, alley, or public way to be vacated was created by plat or deed or exists by right of usage if unplatted or undefined.
 - b. The requested Vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established public road.
 - c. The requested Vacation will not adversely affect the transportation needs of Pueblo County.
 - d. The requested Vacation is completely within the boundaries of Pueblo County and is not within the limit of any incorporated city or town.
 - e. The requested Vacation is not a boundary with any other county or incorporated city or town or if it is a boundary, the Vacation is approved by joint action of the Board of County Commissioners and the duly constituted authority of the other county, city, or town.
 - f. The requested easement Vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood.
- (ii) If the Vacation is approved, the Board of County Commissioners may reserve rights-of-way or easements for the continued and/or future use of sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

(5) Post-Decision Actions

- (i) Upon approval of the Vacation, the affected property owners shall prepare deeds to incorporate the applicable portion of the Vacation into their property’s description. The deeds shall be submitted to the Department of Planning and Development for recordation with the drawing.
- (ii) Upon approval of the Vacation and satisfaction of all conditions imposed on the approval, the accurate drawing and the required deeds shall be recorded with the Pueblo County Clerk and Recorder at the applicant’s expense.

(f) Minor Resubdivision Procedures³¹

Resubdivision of land or changes to an approved or recorded plat shall be considered a subdivision, except as otherwise provided in this Section, and shall be subject to the provisions of §17.06.080(a).

(1) Applicability

(i) Minor Rearrangement or Alteration of Lot Lines

Minor rearrangement of lot lines or alterations may be made to a recorded plat, including PUDs, Conservation Development, and Rural Land Use Plans, subject to approval of the Director, provided such minor rearrangement or alteration will not:

- a. Involve more than five lots;
- b. Result in any lot, parcel, or portion of the subdivision becoming insufficient in size, area, or location to meet the minimum requirements of the zone district within which the property is located;
- c. Alter any dedicated easement or area reserved for public use;
- d. Alter any street or right-of-way alignment or reduce their dimensions;
- e. Necessitate new, or the modification of, public improvements; or
- f. Adversely effect the character of the recorded plat.

(ii) Vacation of Interior Platted Lot Lines

Interior lot lines within a recorded plat may be vacated subject to approval of the Director under the following guidelines:

- a. Involves five lots or less;

³¹ Existing 16.20.030.

- b. Interior lot lines only, no exterior boundary lines of a subdivision;
- c. Lots within a recorded subdivision; the year of recordation is not a factor;
- d. No easements or rights-of-way will be vacated, nor publicly owned land will be adversely affected.

(iii) Minor Survey or Drafting Error

A recorded plat may be corrected if a minor survey or drafting error is discovered.

(2) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(3) Review and Decision-Making

(i) Minor Rearrangement and Interior Lot Line Vacation

The Director shall review the application and make a determination per §17.06.050(a). The Director shall consider the following criteria:

- a. Whether the resulting subdivision layout will be consistent with the Regional Comprehensive Plan;
- b. Whether the approved lots will be consistent with the intent of the underlying zone district and the applicable standards of this UDC;
- c. That the proposed lot changes:
 - 1. Do not affect a recorded easement without approval from the easement holder; and
 - 2. Will not limit the County's ability to effectively provide facilities or services.

(ii) Minor Survey or Drafting Error

in a recorded Final Plat, the subdivider shall be required to file a corrected Final Plat with an affidavit regarding the revisions, certified by two Colorado licensed land surveyors to the Board of County Commissioners for its approval. At least one of the surveyors certifying the corrected Final Plat must be an impartial observer having no personal interest in the subdivision. If the correction of the error results in major alterations, the Board may require full compliance with §17.06.080(b), Major Subdivision.

(4) Appeal

Upon the Director’s approval of the Minor Resubdivision, the applicant or any aggrieved person may file an appeal of the Director’s decision. An appeal shall advance the decision to a hearing with the Board of County Commissioners.

(5) Post-Decision Actions

- (i) County staff shall record the approved Minor Resubdivision revised plat with the Pueblo County Clerk and Recorder within 30 days of final approval.
- (ii) When reviewing an application that includes existing structures, the Director may require the subject property to come into compliance with this UDC and all applicable life safety codes as necessary to safeguard the public health, safety, and welfare.

17.06.090 Location and Extent Review

(a) Purpose

- (1) This process was created to establish a review procedure for the location and extent of public buildings, facilities or uses as provided by Section 30–28–110, Section 22–32–124(1), and Section 22–32–124(1.5)(a) et seq. of the Colorado Revised Statutes.
- (2) If this process is complied with, the permitted uses and the lot and building standard provisions of this UDC shall not apply to the reviewed buildings, facilities or uses. The standards used for the development of the property shall be those identified in the final approved Location and Extent documents.

(b) Applicability

Location and Extent Review shall apply to the following:

(1) Public Schools

This process must be completed by the school on behalf of the Board of Education prior to the following:

- (i) The acquisition of land or the contracting to purchase land.
- (ii) The construction of a structure/building.

(2) Charter Schools

This process must be completed by a Charter School prior to the following:

- (i) The contracting for a facility.
- (ii) The construction of a structure/building.

(3) Other Public Entities

This process must be completed by the government of the State of Colorado or any political subdivision thereof, and by any public utility (whether publicly or privately owned), prior to the following:

- (i) The authorization or construction of any road, park, or other public way, ground or space, public building or structure, or public utility.
- (ii) The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, or sale or lease of or acquisition of land for any road, park, or other public way, ground, place, property, or structure.

(4) Exemptions

- (i) If the location and extent of any road, park, or other public way, ground or space, public building or structure, or public utility, whether publicly or privately owned, has already been reviewed and approved by the Planning Commission at a public hearing through a different process (i.e. subdivision, rezoning, Comprehensive Plan update, or similar process), a separate Location and Extent application shall not be required.
- (ii) Per Colorado Statutes, the following shall be deemed approval by the Planning Commission.
 - a. Minor routine extensions of utilities.
 - b. Maintenance of existing roadways or facilities, or the replacement of an existing facility with improvements that substantially match the original improvements.
 - c. The sale, lease, or acquisition of any property or structure approved by the Board of County Commissioners.
 - d. The construction or maintenance of roadways identified in the Major Thoroughfare Plan.
 - e. Land acquisitions for schools, if such acquisition has been reviewed through a land development process.
 - f. Utilities and telecommunications facilities in public rights-of-way, so long as the height of such improvements is no more than 10% greater than that allowed by the underlying zoning.

- g. Any other proposal that the Director deems to be minor in nature and is not anticipated to generate negative impacts to the health, safety and welfare of the community, and thus would not likely generate significant public interest.

(5) Applicable Procedures

- (i) Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.
- (ii) Location and Extent applications shall be heard by the Planning Commission within 30 days of a determination of a complete application.

(6) Review and Decision-Making

(i) Planning Commission Review

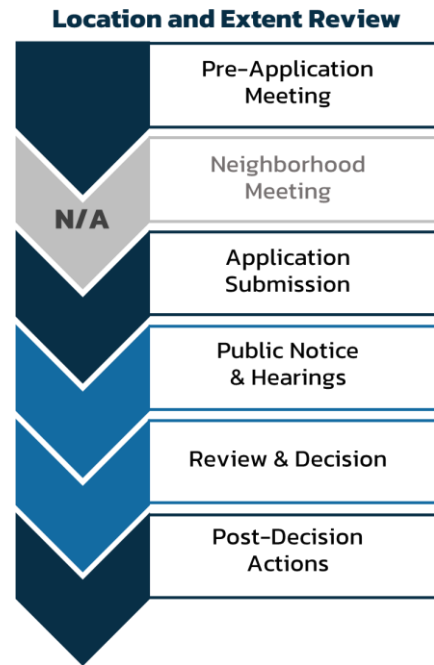
a. Review Criteria

The Planning Commission, in reviewing Location and Extent applications may consider the following criteria:

1. The compatibility with the existing and allowable land uses in the surrounding area.
2. The degree of conformance with the Regional Comprehensive Plan and applicable land use plans.
3. The ability to mitigate negative impacts upon the surrounding area.
4. The availability of infrastructure and services.
5. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area.

b. Decision-Making

The following actions will be taken by the Planning Commission based the type of entity applying for the Location and Extent Review:



1. Public Schools

The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and either approve the request or provide comment on the proposed site location and/or the proposed site plan to the School District. If the Planning Commission is not satisfied with the response from the School District related to their comments, then they may request a public hearing before the Board of Education. If requested by the Planning Commission, the Board of Education shall promptly schedule said public hearing, publish at least one notice and provide written notification of the hearing to the Planning Commission.

2. Charter Schools

The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and either approve the request or provide comment on the proposed site location and/or the proposed site plan to the governing body of the charter school. If the Planning Commission is not satisfied with the response from the governing body of the charter school related to their comments, then they may request a public hearing before the Board of Education. If requested by the Planning Commission, the Board of Education hearing shall be within 30 days of the request by the Planning Commission.

3. Other Public Entities

The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and shall approve, conditionally approve or deny the application. The Planning Commission may continue the request to a future date if the applicant agrees to the continuance either in writing or at the public hearing. A continuance shall be to a date certain.

(ii) Final Approval

If the Planning Commission does not approve the application, then the applicant has the following options to gain approval of their project:

a. Public Schools

After the Planning Commission provides comments or attends a hearing before the Board of Education to voice their concerns about a project, the Board of Education has authority to finally determine the location of public schools within the district and construct necessary buildings and structures.

b. Charter Schools

After the Planning Commission provides comments or attends a hearing before the Board of Education to voice their concerns about a project, the charter school may proceed with its site plan unless prohibited from doing so by school board resolution.

c. Other Public Entities

If the Planning Commission denies the application or places a condition of approval on the application that the applicant does not support, the applicant may choose to amend and resubmit the application for a new Location and Extent review, or they may request approval of the project from their governing body or board in accordance with state statutes, generally as follows:

1. If the public way, ground, space, building, structure, or utility falls within the province of the Board of County Commissioners, then the board has the power to overrule such disapproval by a vote of not less than a majority of its entire membership. The Board shall review the request, Staff report, and the Planning Commission decision, receive testimony and evidence on the application, and shall uphold or overrule such disapproval by the Planning Commission
2. If the public way, ground, space, building, structure, or utility does not fall within the authority of the Board of County Commissioners, disapproval may be overruled by the body or official having jurisdiction by a vote of not less than a majority of its entire membership or by the official with authority.
3. If a utility is owned by an entity other than a political subdivision, then the disapproval by the Planning Commission can be overruled by the Public Utilities Commission by a vote of not less than a majority of its entire membership.

(7) Expiration, Extension, and Lapsing of Approval

Approved Location and Extent Reviews shall lapse, or the approval may be extended, in accordance with §17.06.040(l), Extension and Lapsing of Approvals.

17.06.100 Code Administration Procedures

(a) Appeal of Administrative Determination

(1) Purpose

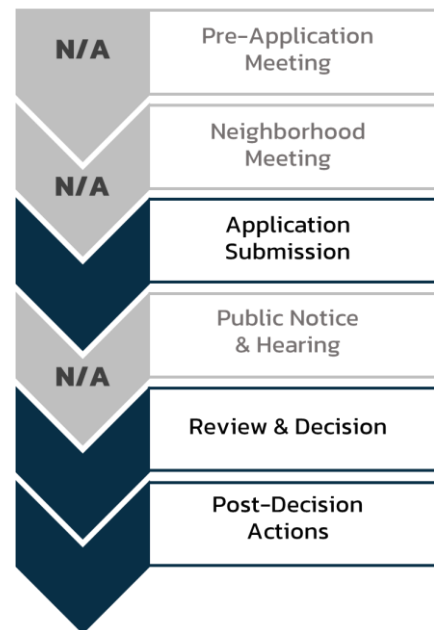
The purpose of this section is to establish the procedure and requirements for appeals of administrative decisions made by County staff.

(2) Applicability

The Zoning Board of Appeals is authorized to hear and decide appeals where:

- (i) A person asserts that there is an error in any order, requirement, decision, or refusal made by the Director or any agency in the administration or enforcement of the provisions of this UDC;
- (ii) A person asserts that the Director made an error in interpreting the text of this UDC.
- (iii) A person proposes to deviate from a standard or requirement imposed by this UDC, except standards or requirements that are subject to Variances in accordance with §17.06.110(a).
- (iv) Appeals to the prohibition of medical marijuana centers, medical marijuana infused product manufacturers, medical marijuana optional premises cultivation operations, private marijuana clubs, and appeals that would allow for the submittal of a land use application to establish those or similar marijuana-related uses not otherwise allowed in a zone district shall not be accepted, reviewed, or processed.

Appeal of Administrative



(3) Initiation and Limitations

An Appeal of Administrative Determination may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

- (i) Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.
- (ii) Applications for relief from any action by the Director must be made within 30 days from the date on which the person, firm, or corporation was aggrieved by action of the Director.³²

(5) Review Criteria³³

An Appeal of an Administrative Determination shall be reviewed for conformance with the following criteria:

- (i) The granting of the appeal will permit only those uses listed in the zoning district in which the parcel is located; and
- (ii) The action of the Director was arbitrary, capricious, or not in harmony with the provisions, purposes, intent, and spirit of this UDC.

(6) Review and Decision-Making

The Zoning Board of Appeals shall review and decide on Appeals of Administrative Determination in accordance with §17.06.040(g).

(7) Appeal³⁴

Appeals to the District Court shall be made within 30 days from the date of the action by the Zoning Board of Appeals upon the application for relief from the actions of the Director.

(8) Extension and Lapsing of Approval

(i) General

Decisions on Appeals of Administrative Determination are final and shall not lapse.

(ii) Reapplication³⁵

In the event an appeal from the actions of the Director is denied, no new appeal shall be made for the same or a substantially similar condition on the same property covered by the original application within six months of the denial.

³² Language from existing 17.140.120.

³³ Existing 17.140.150.

³⁴ Existing 17.140.200 modified for clarity and consistency with other sections of the UDC.

³⁵ Existing 17.140.190 modified for clarity and consistency with other UDC sections.

(b) UDC Text Amendment³⁶

(1) Purpose

The purpose of this section is to establish a method for changing the text of this UDC.

(2) Applicability

The provisions of the UDC may be amended or repealed following the procedure in this Section. Notwithstanding this procedure, the Director shall have authority to revise this UDC to correct errors or omissions, to clarify existing UDC provisions, and to make other minor non-substantive revisions.

(3) Initiation and Limitations

Amendments to this UDC may be proposed by the County, the Planning Commission, or the Board of County Commissioners in order to:

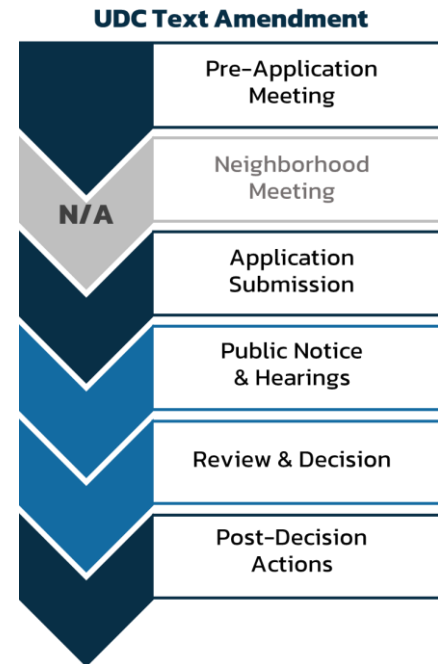
- (i) Respond to a request for UDC Text Amendment made by property owner(s);
- (ii) Reflect trends in development or regulatory practices;
- (iii) Expand, modify, or add requirements for development in general or to address specific development issues;
- (iv) To add, modify or expand zone districts; or
- (v) To clarify or modify procedures for processing development applications.

(4) Applicable Procedures

Common review procedures are established in §17.06.040. They are summarized in Table 17.06.1: Commonly Applicable Procedures for applicant convenience.

(5) Review Criteria

UDC Text Amendment requests shall be reviewed for conformance with the following criteria:



³⁶ Existing 17.144 has been broken apart to separate the UDC Text Amendment process from the Zoning Map Amendment process.

- (i) The proposed UDC Text Amendment is generally consistent with applicable provisions of the Regional Comprehensive Plan.
- (ii) The proposed UDC Text Amendment is consistent with and does not conflict with or contradict other provisions of this UDC.
- (iii) The proposed UDC Text Amendment shall meet at least one of the following specific reasons:
 - a. To address trends in development or regulatory practices;
 - b. To expand, modify, or add requirements for development in general or to address specific development issues;
 - c. To add, modify or expand zone districts; or
 - d. To clarify or modify procedures for processing development applications.

(6) Review and Decision-Making

The Planning Commission shall review and recommend, and the Board of County Commissioners shall review and decide on UDC Text Amendments in accordance with §17.06.040(g), Review and Decision-Making.

(7) Appeal

A decision on a UDC Text Amendment application may be appealed in accordance with §17.06.040(i), Appeals.

(8) Post-Decision Amendment

Approved UDC Text Amendments may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(9) Extension and Lapsing of Approval

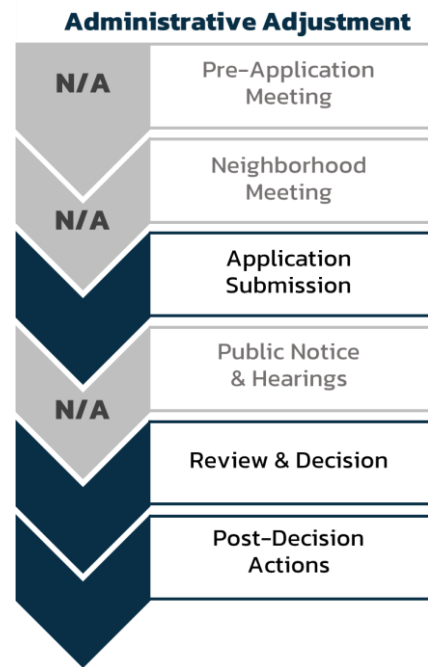
Approved UDC Text Amendments are final and shall not lapse.

17.06.110 Flexibility and Relief Procedures³⁷

(a) Administrative Adjustment³⁸

(1) Purpose

The Administrative Adjustment procedure is intended to allow minor changes from specific dimensional standards of this UDC with approval by the Director. Administrative adjustments are intended to provide greater flexibility, when necessary, without requiring a formal map amendment or zoning variance. The administrative adjustment procedure is not a waiver of current standards of this UDC and shall not be used to circumvent the zoning variance procedure.



(2) Applicability

- (i) An application for an administrative adjustment to the standards of this UDC may request only the types of adjustments shown in Table 17.06.3: Standards that may be Adjusted Administratively, below.
- (ii) Administrative adjustments to UDC standards may not be requested for PUD applications.

Table 17.06.3: Standards that may be Adjusted Administratively	
UDC Standard	Allowable Administrative Adjustment (Max. %)
Lot area, min.	15
Lot width, min.	15
Setback, min.	15
Building height, max.	15
Off-street parking, min.	15
Sign area, max.	15
Sign height, max.	15

³⁷ The Subdivision Variance process has been removed. Any applicant looking for relief from subdivision design standards may follow the typical Variance procedure.

³⁸ Administrative adjustment process drafted in August of 2023 for Pueblo County staff and updated to match proposed formatting of other review processes. These regulations are intended to provide staff with greater flexibility when reviewing moderate requests for adjustment from the provisions of this UDC.

(3) Initiation and Limitations

A request for an Administrative Adjustment may be initiated in accordance with §17.06.040(c)(3), Who Can File an Application.

(4) Applicable Procedures

(i) Common Review Procedures

Common review procedures are established in §17.06.040. They are summarized in Table 17.06.1: Commonly Applicable Procedures for applicant convenience.

(ii) Procedures Specific to Administrative Adjustment

- a. An application for an administrative adjustment shall be submitted and reviewed concurrently with an application for a zoning permit. A request for administrative adjustment may be submitted following approval of a different land use approval, such as a Special Use Permit or Sign Plan, to adjust approvals for conditions later found on the development site.
- b. Each UDC standard per subsection (2)(ii) shall be considered a separate Administrative Adjustment request as it relates to the review criteria, but multiple adjustments may be considered in one Administrative Adjustment application.

(5) Review and Decision-Making

In reviewing a proposed administrative adjustment, the Director shall consider whether and to what extent the adjustment is necessary to allow the development while still in keeping with the intent of the zone district and other applicable UDC provisions.

- (i) Where the concurrently reviewed application requires review and approval by the Director, the Director shall review the application per subsection (ii).
- (ii) Where the concurrently reviewed application requires review and approval by the Planning Commission or Board of County Commissioners, the Commission or Board, as applicable, shall review and decide the administrative adjustment application per subsection (ii).
- (iii) Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

(6) Appeal

A decision on a request for an Administrative Adjustment may be appealed in accordance with § 17.06.100(a), Appeal of Administrative Determination.

(7) Post-Decision Amendment

Approved Administrative Adjustments may be amended in accordance with §17.06.040(k), Post-Decision Actions.

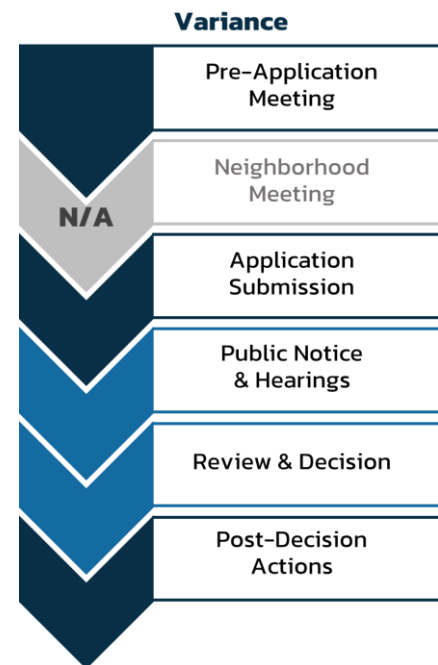
(8) Extension and Lapsing Approval

An Administrative Adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

(b) Variance³⁹

(1) Purpose

The purpose of a Variance is to grant a landowner relief from certain standards in this UDC where, due to exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of the property, the strict application of the standards would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the property owner.



(2) Applicability

When consistent with the review criteria listed below, the Zoning Board of Appeals may grant Variances from zone district dimensional standards of Chapter 17.02, Zone Districts.

(3) Initiation and Limitations

A request for a Variance may be initiated in accordance with §17.06.040(c)(3), Who Can File an Application.

³⁹ The regulations in this section come from Chapter 17.140, Article 2, which has been modified for clarity and consistency with other sections of the UDC.

(4) Applicable Procedures

Common review procedures are established in §17.06.040. They are summarized in Table 17.06.1: Commonly Applicable Procedures for applicant convenience.

(5) Review Criteria

Variance request shall be reviewed for conformance with the following criteria:

- (i) The Variance, if granted, will permit only those uses listed as a use permitted in the zone district in which the parcel is located;
- (ii) The parcel for which the Variance is made suffers unique or singular disadvantages such as, but not limited to, size, shape, topography, location, or surroundings not shared by other parcels in the neighborhood;
- (iii) The Variance will not grant privileges inconsistent with limitations shared by other parcels in the zone district;
- (iv) The Variance will not have an injurious effect on the existing or future use of adjacent parcels;
- (v) The Variance will not injure or adversely alter the general character of the neighborhood in which the variance is sought; and
- (vi) The Variance is in harmony with the intent, purpose, and spirit of this UDC.

(6) Review and Decision-Making

The Zoning Board of Appeals shall review and decide on Variance requests in accordance with §17.06.040(g).

(7) Appeal⁴⁰

Appeals to the District Court shall be made within 30 days from the date of the action by the Zoning Board of Appeals on the Variance request.

(8) Post-Decision Amendment

Approved Variances may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(9) Extension and Lapsing of Approval

(i) General

Decisions on requests for Variances are final and shall not lapse.

⁴⁰ Existing 17.140.200 modified for clarity and consistency with other sections of the UDC.

(ii) Reapplication⁴¹

In the event a request for a variance is denied, no new request shall be made for the same or a substantially similar condition on the same property covered by the original application within six months of the denial.

17.06.120 Supplemental Plans and Studies

(a) Maintenance Plan⁴²

In cases in which maintenance of roads, common areas, open space, or facilities normally maintained by public entities are proposed to be maintained by homeowners' associations, or other nongovernmental bodies, the applicant shall submit a maintenance plan conforming to the requirements of this Subsection. A maintenance statement addressing ownership and maintenance shall be submitted with the request. The maintenance plan shall be submitted concurrently with the Final Development Plan and recorded prior to or in conjunction with the Final Development Plan. Failure to maintain areas that are not maintained by public entities in a reasonable order and condition in accordance with the approved Planned Unit Development may result in Pueblo County, at its own discretion, correcting the deficiencies as provided in C.R.S. 24-67-105(6) c. and d.

- (1) Where non-County maintenance is proposed for roads, common areas, recreational areas, facilities, open space, bikeways, trails, paths, malls, parking areas, or other public sanitation facilities, the applicant shall submit for review and approval a maintenance plan as part of the Site Plan review process. In cases in which a submittal conforming to the standards for final plats contained in this UDC is required, the maintenance plan shall be submitted at final plat stage. In cases in which only a plot plan is required the maintenance plan shall be submitted at the plot plan stage.
 - (i) For proposals that contemplate use of common sewerage or water system by two or more dwelling units or uses, a maintenance plan may be required if, in the opinion of the Pueblo Department of Public Health and Environment, such a plan is necessary to protect the public health, safety, and welfare.

- (2) The maintenance plan shall include:

⁴¹ Existing 17.140.190 modified for clarity and consistency with other UDC sections.

⁴² Existing requirement as part of a PUD application.

- (i) Identification of present and proposed ownership for the facilities or areas included within the maintenance plan. In the case of condominiums, townhouses, or other multiple dwelling units, the method of conveying title and the estate to be granted shall be noted;
- (ii) A Title opinion dated no less than 30 days prior to the submittal date;
- (iii) A service plan to include:
 - a. Proposed method of guaranteeing maintenance, as approved by the Public Works Department;
 - b. Proposed form of unified control, which shall include identification and description of corporations, partnerships, trusts, owners' associations, or other legal entities having the right to assess individual landowners within the development and identification of the method proposed to enforce required assessments;
 - c. Date of implementation of the provisions of the proposed method of guaranteeing maintenance. Appropriate recording of such documents and agreements as may be required shall be a condition of any plan approval;
 - d. Cost of capital construction for proposed facilities, cost of maintenance for such facilities per year, amount proposed to be assessed to meet such expenses;
 - e. Proposed administration mechanism to assure that maintenance is carried out as planned. Suitable collateral to ensure that in case of discontinuance of control and maintenance, Pueblo County may, but shall not be required to, assume such duties as may be appropriate without additional cost to the taxpayer. Collateral shall be limited to a letter of credit, or such other method of ensuring and guaranteeing such maintenance as may be approved by the Board of County Commissioners;
 - f. Evidence that all required approvals have been granted in accordance with Pueblo County land use regulations.

(b) Plot Plan⁴³

No building permit shall be applied for or granted on any portion of property which is currently zoned PUD district until and unless a Plot Plan in conformance with the following requirements of this Subsection is approved by the Director. Prior to the

⁴³ Existing requirement as part of a PUD application.

approval of the Plot Plan, the Director shall find that the land use(s), densities, setbacks, height limits, access locations, commercial/industrial floor area square footage, and phasing plans as depicted on the Plot Plan are in conformance with the Development Plan as approved by the Board of County Commissioners.

(1) Plot Plan Requirements

Plot Plans, when required in a PUD zone district for approval by the Director prior to authorization of the issuance of a building permit, shall be no larger than 24 inches x 36 inches, drawn to scale at a scale adequate to provide the required information clearly, and containing at a minimum, the following:

- (i) The location, height, and dimensions of each existing and proposed structure in the development area and associated uses;
- (ii) The PUD boundary, proper building setbacks, and building area with reference to said boundary lines and to property lines, highways, or street rights-of-way;
- (iii) The location and surfaces of all parking areas, drive aisles, and internal roads, and the exact number of parking spaces and an approved parking plan for commercial and industrial uses;
- (iv) The location of watercourses and other natural and historic features;
- (v) The location of all pedestrian walks, malls, recreation, and other open spaces;
- (vi) The location of proposed landscaping;
- (vii) The location, number, height, and square footage of freestanding identification signs and an approved signage plan for commercial and industrial uses;
- (viii) The location, height, size, and orientation of any required light standards;
- (ix) The location of all permanent accesses from publicly dedicated or private streets, roads, or highways;
- (x) The location, overlain on contours for the area, of all roadways, walkways, bridges, culverts, drainage easements (existing or contemplated), and greenbelts;
- (xi) The location of all footpaths, traffic islands, traffic devices, and driveways, indicating the pedestrian and vehicular movement and control;
- (xii) The stages, if appropriate, in which the project will be developed;
- (xiii) A vicinity map to locate the development in relation to the community;
- (xiv) Any existing plats and improvements of adjacent properties lying within 300 feet of the proposed project;

- (xv) All proposed uses, structures, and other natural or manmade features including the relationship with uses, structures, and features to internal and adjoining uses, structures, features, landscaping, and transportation facilities;
- (xvi) A summary data chart indicating: size of the development, proposed population and dwelling unit density, various land uses within the approximate acres and percent of development;
- (xvii) Preliminary architectural drawings, elevation, renderings, or other graphic illustration of structures may be presented at the option of the applicant; and
- (xviii) The location of any loading area if a commercial building.

(2) Consistency with Plan

The plot plan shall be reviewed by the Director for conformance with approved County plans, plats, policies, regulations, and resolutions. If the plan is found by the Director to be in conformance with said plans, plats, policies, regulations, and resolutions, it shall be approved. If the plan is found by the Director not to be in conformance with said plans, plats, policies, regulations, and resolutions, it shall be denied, and the petitioner notified of the areas of inconsistency and changes required.

(3) Appeals

If the plot plan is not approved by the Director, the decision may be appealed to the Zoning Board of Appeals in accordance with §17.06.110(a), Administrative Adjustment. The appeal must be fully detailed in writing and shall be submitted to the Department of Planning and Development within 30 days of the Director's final action. Said appeal shall be limited to the record before the Director in making their decision to disapprove. The burden of proof for said appeal rests with the applicant.

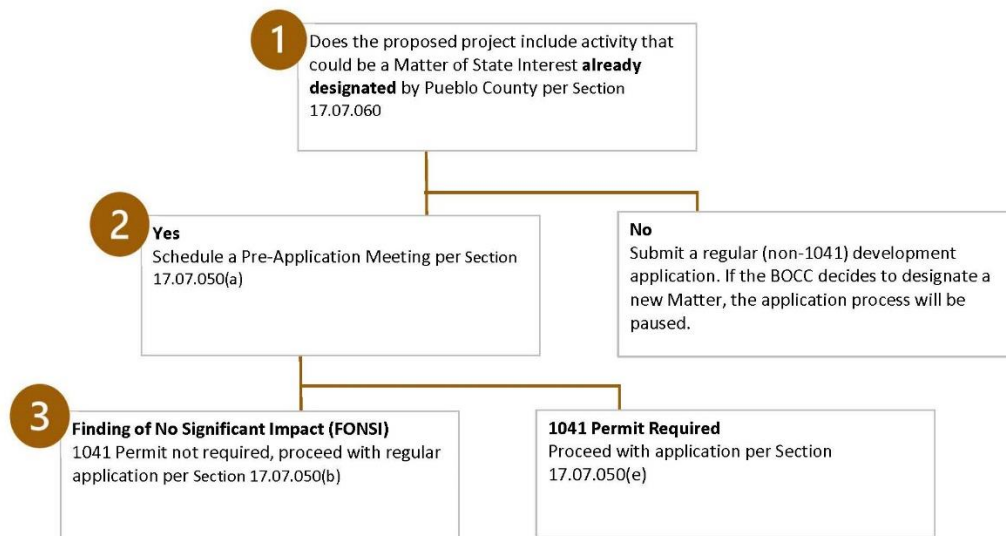
(4) Modifications

Required information on the plot plan noted above may be omitted or otherwise modified when considered not applicable by the Director. If the recorded Development Plan is drawn in conformance with the Plot Plan requirements of this Subsection, a subsequent submittal and approval of a Plot Plan is not required for the issuance of building permits.

Chapter 17.07 Areas and Activities of State and Local Interest

17.07.010 How to Apply this Chapter

Applicants for projects that may require a 1041 Permit will generally proceed through the following steps, as described in more detail in this Chapter.⁴⁴



17.07.020 General Provisions

(a) Authority and Title

This Section is enacted pursuant the statutory requirements and criteria set forth in C.R.S. §24-65.1-101, et seq. (1974), as amended, and C.R.S. §29-20-101, et seq. (1974), as amended, and generally consistent with the guidelines for designation approved by the Colorado Land Use Commission and later maintained by Pueblo County, for the purpose of regulating areas and activities of state interest. These regulations may be cited as “1041 Regulations” and the permit required by this Section is the “1041 Permit.”

(b) Purpose

These regulations are designed to implement the legislative declaration in C.R.S. §24-65.1-101 and to facilitate identification, designation, and administration of matters of state and

⁴⁴ The following flow-chart has been added to provide applicants with a high-level view of the steps involved in acquiring a 1041 Permit.

local interest as a means of ensuring that growth and development in Pueblo County are consistent with legitimate development impact concerns; in a manner that protects environmentally sensitive areas; occurs in a safe, efficient and coordinated manner; and, further, ensuring that adequate community services and facilities are provided in a manner consistent with the constitutional rights of property owners, community goals and protection of the public welfare.

(c) Findings

The Board of County Commissioners finds that:

- (1) All requirements for notice and public hearing prior to the adoption of these regulations have been satisfied.
- (2) These regulations are necessary because of the continuing intensity of current and foreseeable development pressures in the areas and activities identified on and within Pueblo County.
- (3) These regulations are adopted after having taken into consideration applicable guidelines adopted and issued by the Colorado Land Use Commission and revised based on actual Pueblo County experience.
- (4) These regulations apply to all unincorporated areas within Pueblo County.

(d) Relationship to Other Regulations

- (1) Whenever the provisions of these guidelines and regulations are found to be inconsistent with any other resolution, ordinance, code, regulation, other enactment or master plan of this jurisdiction, the enactment imposing the more restrictive standards or requirements shall control.
- (2) If these guidelines and regulations are found to be less stringent than the statutory criteria for administration of matters of state interest set forth in C.R.S. §24-65.1-101, et seq., as amended, the statutory criteria shall control.
- (3) 1041 Permit requirements shall be in addition to and in conformance with all applicable state and federal water quality and environmental laws, rules, and regulations, including but not limited to the following:
 - (i) Section 25-8-701, et seq., C.R.S., wastewater treatment plant site approval;
 - (ii) 5 C.C.R. § 10002-22 Regulation No. 22, Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works;
 - (iii) Section 25-8-501, et seq., C.R.S., point source pollutant discharge Permits;

- (iv) Section 208 (33 U.S.C. Section 1288) area-wide wastewater treatment management planning administered by the Pikes Peak Area Council of Governments (as to wastewater treatment only);
 - (v) Section 303 (33 U.S.C. Section 1313) river basin water quality management planning;
 - (vi) Disposal of sewage sludge (33 U.S.C. Section 1345);
 - (vii) Section 32-1-201, C.R.S., Special District Control Act;
 - (viii) 16 U.S.C. Section 661-666(c) (1970), the Fish and Wildlife Coordination Act;
 - (ix) Section 102(c) (42 U.S.C. Section 4321, et seq.) the National Environmental Policy Act;
 - (x) Section 404 of the Federal Clean Water Act; and
 - (xi) Current clearance letter or take permit for the project issued by the U.S. Fish & Wildlife Service for threatened or endangered animal or plant species.
- (4) Review or approval of a project by a federal, state, or local agency does not remove and shall not substitute for, the need to obtain a 1041 Permit for that project under this UDC. Any applicant for a 1041 Permit under this UDC that is also subject to the regulations of other agencies may request in writing that the County application and review process be coordinated with that of the other agency or agencies. If practicable, and in its discretion, the County may instruct the applicant in writing that either:
- (i) The County will attempt to eliminate redundant application submittal requests and may coordinate its review of the application with that of other agencies as appropriate; or
 - (ii) Where, in the opinion of the Board, the federal or state review and approval processes adequately address the impacts this Chapter is intended to address, the County may agree to rely on that review and approval.
- (5) The applicant shall comply with all applicable federal and state laws, regulations, ordinances, review, and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service regarding the Endangered Species Act.

(e) Duties of Director

Unless otherwise specifically provided, it shall be the duty of the Director to perform all functions set forth in all regulations of matters of state and local interest.

17.07.030 Applicability

(a) Designated Matters of State and Local Interest

These guidelines and regulations shall apply to all proceedings concerning identification, designation, and administration of any area or activity (“Matters”) of state and local interest. Matters already designated by Pueblo County are identified in §17.07.060.

(b) Determination of Applicability to New Matters of State and Local Interest

The Board of County Commissioners may designate new Matters through §17.07.040.

(c) Exemptions

The following development types, activities, and locations are exempt from the 1041 review process.

(1) Statutory Exemptions

The portions of these regulations, to the extent authorized exclusively under C.R.S. §24-65.1-101, et seq., as amended, shall not apply to any development in an area or activity of state interest if, on May 17, 1974:

- (i) The specific development or activity was authorized by a building permit issued by the County;
- (ii) The specific development or activity was directly approved by the electorate of the state or of the County; provided that approval by the electorate of any bond issue shall not, in and of itself, be construed to be an approval of the specific development or activity;
- (iii) The specific development or activity is to be on land which has been finally approved, with or without conditions, for planned unit development or for a use other than a subdivision substantially the same as a planned unit development;
- (iv) The specific development or activity is to be on land which has been zoned by the appropriate local government expressly and specifically for the use contemplated by the development or activity and, additionally, does not require a zone change or a use permit, under zoning, to allow the use contemplated by such development or activity; or

- (v) The specific development or activity is to be on land with respect to which a final plat for a subdivision has been approved, with or without conditions, pursuant to the provisions of Sections 2–11 of Chapter 81, Session Laws of Colorado 1972, codified at Sections 30–28–101, 110, 133, 136, and 137, C.R.S. 1973.

(2) Specific Exemptions⁴⁵

(i) Previously Approved Development

Any activity that meets one of the following criteria as of the date when Pueblo County designates a matter of state interest.

a. Pre-Existing County Approval

1. Final Approval Issued

The exemption does not apply to any subsequent modifications to the approved development or inclusion of a development area that were not included within the pre-existing Pueblo County land use approval and for which a new or revised development application is required.

2. Complete Application Filed

- i. Applicants with complete applications shall be permitted to complete the review process and, if approved, the project shall be exempt from Chapter 17.07. However, if application is denied, this exemption shall not apply, and the project shall be subject to Chapter 17.07 as applicable.
- ii. Proposed development that was not included in the application for the pre-existing approval that is related to or shares a development area with the pre-existing approval and that is subject to 1041 Permit review shall still be required to complete the 1041 review process and will not be exempted from this chapter based on the relationship to a pre-existing approval.

b. Location and Extent Review

- 1. The specific activity has been acted upon by the Planning Commission as a §17.06.090, Location and Extent Review.

⁴⁵ New section added from C.R.S. exemptions.

2. Proposed development that was not included in the location and extent review that is related to or shares a development area with the activity subject to location and extent review and that is subject to 1041 Permit review shall still be required to complete the 1041 review process and will not be exempted from this chapter based on the relationship to the location and extent review activity.

(ii) Interstate Natural Gas Utilities

An interstate natural gas utility regulated by the Federal Energy Regulatory Commission or its successor, provided the following requirements and procedures are complied with by the utility whenever site selection and construction of major facilities within Pueblo County are proposed:

- a. Copies of all materials (i.e., environmental impact statement, application for certification of public convenience and necessity) filed with a federal and/or state regulatory agency shall also be filed with the Board of County Commissioners within five days of filing the state or federal application.
- b. Written notice of all scheduled public proceedings before the federal and/or state regulatory agency shall be given to the Board of County Commissioners not less than 30 days prior to the proceedings, provided further, however, that if the public utility receives less than 30 days' notice it shall give written notice to the Board within five working days after it receives its notice.

(iii) Intergovernmental Agreements

Any entity that has an approved intergovernmental agreement with the County in lieu of a 1041 Permit as was previously authorized under this Code, and such agreement is specific to the project in question. This exemption does not apply to any subsequent modifications to the activity that were not included within the approved intergovernmental agreement.

(iv) Specific Ongoing Operations and Maintenance

- a. Replacement of an existing water diversion structure without change in the point of diversion, height of structure within the stream channel, or provided the replacement can be made in a manner that does not create new flood or navigation hazards.

Chapter 17.07 Areas and Activities of State and Local Interest

17.07.040 Consideration and Designation of Matters of State and Local Interest

17.07.040(a) Board of County Commissioners to Make Designations

- b. Operation, maintenance, repair, and replacement of existing water and wastewater collection, treatment, storage, and delivery facilities and associated works, provided that improvements or replacements of existing facilities do not materially alter the location of the existing facility, including any outfalls or effluent discharge points.

17.07.040 Consideration and Designation of Matters of State and Local Interest

(a) Board of County Commissioners to Make Designations

The Board of County Commissioners may, by official action, designate, amend, or revoke the designation of matters of state and local interest.

(b) Public Hearing Required

The Board of County Commissioners shall hold a public hearing before designating any matter of state interest or state and local interest and adopting regulations for the administration thereof.

(1) Notice of Public Hearing, Mailing List, and Publication

- (i) The Director shall prepare a notice of the designation hearing which shall include:
 - a. The time and place of the hearing;
 - b. The place at which materials relating to the matter to be designated and any guidelines and regulations for the administration may be examined;
 - c. A telephone number or email address where inquiries may be answered;
 - d. A description of the area of activity proposed to be designated in sufficient detail to provide reasonable notice as to property which would be included. The notice shall include the legal description of the property, and if the property is known by any general or popular name, that name also shall be included in the notice.
- (ii) At least 30 days but not more than 60 days before the public hearing, the Director shall publish notice of the designation hearing in a newspaper of general circulation in the Pueblo County.
- (iii) The Director shall also mail notice of the hearing to any or all of the following, as determined in the discretion of the Director:
 - a. State and federal agencies;
 - b. Representatives of the news media;

Chapter 17.07 Areas and Activities of State and Local Interest

17.07.040 Consideration and Designation of Matters of State and Local Interest

17.07.040(b) Public Hearing Required

- c. Any other person considered to be likely to be affected by the proposed designation;
 - d. Any other local governmental jurisdiction that might be directly or indirectly affected by the designation.
- (iv) Failure to provide mailed notice shall not constitute a defect that prevents the holding of the public hearing as provided for in the notice published in accordance with §17.06.060(c)(2).

(2) Matters to be Considered at Designation Hearing

- (i) The Board of County Commissioners shall consider evidence as may appear appropriate, including as a minimum:
 - a. The intensity of current and foreseeable development pressures;
 - b. The matters and considerations set forth in any applicable guideline issued by the Colorado Land Use Commission and other state agencies;
 - c. The boundaries of the proposed area if the matter to be designated is an area;
 - d. Reasons why the particular area or activity is of public interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
- (ii) The Board of County Commissioners may also consider:
 - a. Any master or comprehensive plan pertaining to or affected by the area or activity under consideration; and
 - b. Any federal or state plan or program pertaining to or affected by the area or activities under consideration.
- (iii) The Board of County Commissioners shall also hear relevant testimony and receive relevant evidence, including documents presented at the hearing and the recommendations of the Director.

(3) Record of Designation Proceedings

- (i) The Director will collect and preserve the following record of the public hearing, as a minimum:
 - a. Notice of the hearing;
 - b. Publisher's proof of publication of the notice;

Chapter 17.07 Areas and Activities of State and Local Interest

17.07.040 Consideration and Designation of Matters of State and Local Interest

17.07.040(c) Adoption of Designation and Regulations

- c. The names and addresses of person who presented written or oral statements at the hearing;
 - d. Written findings concerning each of the matters referred to in subsection (d) above.
- (ii) Any person may, at their own expense, provide for the recording and transcription of the hearing; provided, however, that a copy of the recording or transcription, if transcribed, shall be furnished free of charge to the Director and shall become part of the record.

(c) Adoption of Designation and Regulations

- (1) At the conclusion of the designation hearing, the Board of County Commissioners may adopt, adopt with modification, or reject the proposed designation. If designation and regulation is rejected, the Board of County Commissioners may, nonetheless, regulate the matter under any other available land use control authority, or it may reject regulation of the matter entirely.
- (2) Each designation order adopted by the Board of County Commissioners shall, as a minimum:
 - (i) Specify the boundaries of the designated area of public interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
 - (ii) Specify the regulations applicable to the designated matter of public interest.
- (3) The Board of County Commissioner's action shall be taken by resolution.

(d) Recording of Notice of Designation

A notice of the designation shall be certified by the Board of County Commissioners to the County Clerk and Recorder for filing in the same manner as any other document affecting real property.

(e) Effective Designation Moratorium until Final Determination

After a matter of state and local interest is designated pursuant to this subsection, no person shall engage in development in such area, and no such activity shall be conducted until the designation and regulations for such area or activity are finally determined as required by C.R.S. §24-65.1-101, et seq., as amended.

(f) Combined Designation and Permit Hearing

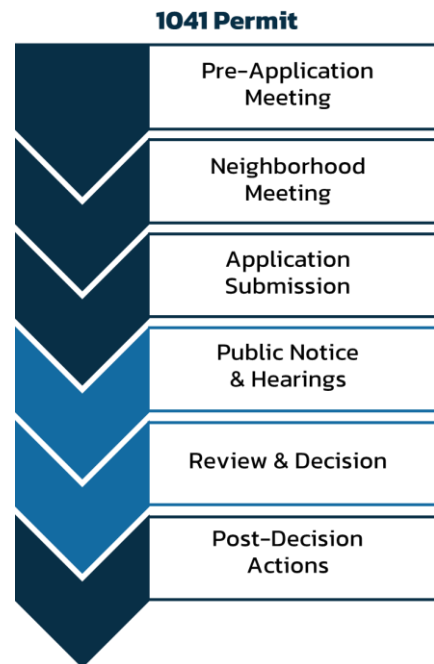
If a person proposes to engage in a development in an area of state and local interest or to conduct an activity of state and local interest not previously designated, or for which regulations have not been adopted, the Board of County Commissioners may hold one hearing for determination of designation and regulation, as well as for granting or denying the 1041 Permit. No 1041 Permit that is granted at the conclusion of any such hearing shall be authority to engage in development or to conduct an activity until the designation and regulations are finally determined.

17.07.050 1041 Permit Application and Review

(a) Pre-Application Meeting

(1) A Pre-Application Meeting, as described in S17.06.040(a), is required to determine whether the proposal will require a 1041 Permit. In addition to the pre-application meeting materials required in S17.06.040(a), the applicant shall provide the following:

- (i) A written summary of the project including:
 - a. The applicant’s name, address and phone number.
 - b. Map prepared at an easily readable scale showing:
 - 1. Boundary of the proposed activity.
 - 2. Relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams and existing structures.
 - 3. Proposed buildings, improvements and infrastructure.
 - c. Information that is sufficient for determining the nature of the project and the degree of impacts associated with the project.



- (2) Within 30 days after the pre-application meeting and prior to a Finding of No Significant Impact (FONSI) or 1041 Permit determination, the Director shall establish and provide to the applicant a written fee estimate for the amount reasonable and necessary to cover costs of determining whether a FONSI is applicable or a 1041 Permit is required. Following receipt of the fee estimate, the applicant shall submit certified funds in the estimated amount to the County. No further action shall be taken in the pre-application process until the fee is paid in full.

(b) Determination: Finding of No Significant Impact (FONSI) or 1041 Permit Required

- (1) Based upon review of the pre-application submittals and the information obtained at the pre-application meeting, and after receipt of the pre-application fee, the Director may determine that either a FONSI is warranted or that a 1041 Permit is required. The Director shall make this determination when sufficient information, as requested by the Director, has been provided by the applicant following the pre-application meeting.
 - (i) The Director may determine that a Finding of No Significant Impact (FONSI) should be issued if the construction or operation of the project, without mitigation, in its proposed location is unlikely to have any significant adverse impact to the County with consideration of the review criteria in §17.07.050(h)(2). If the Director makes a FONSI, the applicant does not need to submit a 1041 Permit application, unless the Board of County Commissioners deems that a 1041 Permit is necessary, following reconsideration as set forth below.
 - (ii) If the Director determines that a Finding of No Significant Impact (FONSI) is not appropriate based upon review of the pre-application submittals and the information obtained at the pre-application meeting, then the applicant must obtain a 1041 Permit.
 - (iii) Notice of Director's Determination on a FONSI.
 - a. Upon the Director's determination on a FONSI, the Director shall notify the applicant by mail, and shall notify the Board and the County Attorney of the determination by e-mail or memorandum.
 - b. Within 14 days of the Director's determination on the FONSI, notice of the determination shall be published once in the County legal newspaper. The notice shall describe the project and the procedure for requesting reconsideration as set forth below.
 - (iv) Reconsideration of Director's Determination on a FONSI.

Chapter 17.07 Areas and Activities of State and Local Interest

17.07.050 1041 Permit Application and Review

17.07.050(c) Appeal of Determination of Applicability

Within 14 days after publication of the Director's determination on a FONSI, either of the following may happen:

- a. The Board may decide to reconsider the determination. The reconsideration shall be made at the next regularly scheduled meeting of the Board for which proper notice can be accomplished.
 - b. Any affected party seeking a reconsideration of the Director's determination on a FONSI shall file a written request with the Board. The Board shall reconsider the Director's determination on the FONSI at the next regularly scheduled meeting for which proper notice can be accomplished. The affected party may request a reasonable extension if necessary.
- (2) When approval is sought to conduct more than one activity of state interest and/or engage in development in more than one area of state interest, the application may be completed for all such activities or developments and may be reviewed simultaneously.

(c) Appeal of Determination of Applicability

An applicant or interested party may appeal the Director's determination regarding the requirement for obtaining a 1041 Permit to the Board of County Commissioners pursuant to §17.06.040(i), Appeals, no later than ten days after issuance of the Director's written determination.

(d) Appeal Process

(1) Initiation of Appeal

The application for appeal shall be submitted in accordance with §17.06.040(i), Appeals.

(2) Scheduling and Notice

- (i) Upon receipt of the appeal, the Director will schedule the appeal on the next available agenda of the Board of County Commissioners, no later than 60 days after the date on which a properly completed application is filed.
- (ii) Notice shall be provided consistent with the requirements in §17.06.040(f), Public Notice and Public Hearings.

(3) Action by the Board of County Commissioners

- (i) At the appeal hearing the Board of County Commissioners will take relevant evidence and testimony from the person who filed the appeal, County staff, and any interested party.

(ii) The applicant shall have the burden of proving that granting the appeal is consistent with the intent and purpose of Chapter 17.07, Areas and Activities of State and Local Interest.

(iii) The decision of the Board of County Commissioners shall be final.

(4) Review Criteria for an Appeal

The scope of the appeal hearing will be limited to a determination of whether the application will be subject to the 1041 Permit process. The scope will not include evaluation of the substantive merits of the application. The Board of County Commissioners shall consider each of the following review criteria and make findings pertaining to each one which they determine, in their discretion, applies to the appeal.

(i) Whether approval of the appeal will not subvert the purpose or intent of Chapter 17.07, Areas and Activities of State and Local Interest.

(ii) Whether the development or activity has received approval through a state or federal permitting process which has utilized review criteria substantially the same as those contained in this UDC, and which has afforded a similar or greater amount of input by affected residents and property owners of Pueblo County.

(iii) Whether the applicant has met the burden of proving that the Director erred in the decision to include or exclude the activity or development from the 1041 Permit process.

(iv) In the case of siting and development of a new domestic water or sewer transmission pipeline, evidence has been provided that:

a. The proposed pipeline is located entirely on property owned by the entity proposing the activity and/or within easements or rights-of-way that have been acquired from willing sellers, or

b. The proposed pipeline is located entirely within a special district organized under C.R.S. Title 32, or a public or local improvement district organized under C.R.S. 30-20 Parts 5 and 6, and

1. The pipeline is intended to provide water or sewer service to properties located within that district in Pueblo County; and

2. Written notice of all scheduled public meetings of the district concerning the siting and development of the new pipeline has been given to all property owners who may be directly affected by the activity, and to the Board of County Commissioners, not less than 14 days prior to the meeting.

(5) Reconsideration

The Director may determine, based on application information submitted post-Pre-Application, that the nature and impacts of the proposed activity or development merit reconsideration regarding the applicability of a 1041 Permit requirement. Should the Director determine that a 1041 Permit is required, the applicant may appeal the determination pursuant to this Section.

(e) 1041 Permit Required

If the Director determines that a 1041 Permit is required for the requested project, the following requirements apply.

(1) Determination of Required Area

No person may engage in development in a designated area of state interest or conduct a designated activity of state interest without first obtaining a 1041 Permit.

- (i) When an applicant proposes development or activity that implicates more than one area or activity of state interest, the applicant shall submit a single 1041 Permit application that includes all affected areas and activities.
- (ii) If any proposed development is located partly within and partly outside the boundary of an area of state interest as designated in this Chapter, the impacts of the entire development will be subject to review under this Chapter. All construction or uses which compose or are directly associated with the development shall be considered to be part of the development, including but not limited to buildings, other associated structures, access roads or drives, utility lines, and parking areas.
- (iii) If any proposed development, or any segment of any proposed development, includes an area or activity as designated this Chapter, then the entire project is subject to the 1041 process.

(2) Applicability of Other County Regulations

- (i) If a development or activity subject to these regulations is proposed as an integral part of a land division process, the applicant shall comply with this Chapter prior to obtaining Final Plat approval.
- (ii) No building permit shall be issued by the County for an activity or development subject to this Chapter without the applicant having first obtained a 1041 Permit and other associated required land use approvals.
- (iii) 1041 Permits issued under this Chapter shall not be considered to be a site-specific development plan and no statutory vested rights shall take effect under such permit. A 1041 Permit may specify a period of time for which the permit is valid, or state additional criteria related to future validity of the 10 Permit.

(3) Calculation of Application Fee

Within 30 days after determining a 1041 Permit is required, the Director shall determine and establish a reasonable fee sufficient to cover the costs of processing the application including the cost of holding the necessary hearings. The Director shall determine which one of the two application fee processes below is applicable to the application and shall provide the applicant written notification of the determination. The application fee processes are as follows:

(i) Application Fee: Estimate Process

- a. The Director shall establish an estimate in an amount necessary to cover costs of reviewing and processing the application, including costs of copying, mailings, publications, labor, overhead and retention of consultants, experts, and attorneys that the County deems necessary to advise it on the application package (“application fee”). The Director shall provide the applicant written notification of the application fee amount. Following receipt of the notice, the applicant shall submit certified funds in the amount set to the County. The application shall not be processed until the application fee is paid in full.
- b. The actual costs incurred by the County to process the application shall be deducted from the application fee. The Director shall keep an accurate record of the actual time, and other costs, required for processing the application. If the balance of fees falls below a minimum balance established by the Director, additional billings shall be made to the Applicant commensurate with the additional costs incurred by the County. The County may cease processing the application pending receipt of additional installments.

- c. The County will deposit in an account of its choosing that portion of the fee which may not be necessary to cover current costs and expenses. The funds in the account will be applied by the County toward costs and expenses in processing the application. Any portion of the application fee which is not necessary to cover the cost of processing the application will be reimbursed to the applicant at the conclusion of all actions necessary to process the application.
- d. The Board of County Commissioners may, in its sole discretion, waive all or a portion of the application fee if the applicant demonstrates a special need or the waiver of fees is found to be in the best interests of the citizens of Pueblo County.

(ii) Application Fee: Bill for Costs Process

The Director shall track and document all costs of reviewing and processing the application including costs of copying, mailings, publications, labor, overhead and retention of consultants, experts and attorneys that the County deems necessary to advise it on the application package. The applicant shall be billed for these costs. The Director may bill the applicant during the 1041 Permit review process and/or at the completion of the 1041 Permit review process. Failure to pay the application fee in accordance with the determination and instructions of the Director made pursuant to these regulations shall result in the suspension of any further proceedings on the Application until such time as the fee is paid in full. If, after receiving notice of suspension for failure to pay the required fee, the applicant fails to pay the fee within a period of 30 days, then the Application shall be deemed to have been abandoned and therefore denied without further action by the Director and/or the Board of County Commissioners. In the event the permit fee is not fully finalized and billed to the applicant prior to the approval of the 1041 Permit, then a failure to pay the fee in full at the time of final billing shall result in an action by the Board of County Commissioners to rescind the approval of the 1041 Permit.

(f) Submittal Requirements⁴⁶

Submittal requirements for 1041 Permit applications for designated areas of state and local interest shall be determined by the Director. 1041 Permit applications for activities of state and local interest shall comply with the submittal requirements in §17.07.050(f) and

⁴⁶ New submittal requirements.

any additional requirements in §17.07.060. 1041. The Director may waive one or more of the submittal requirements when the submittal information would not be relevant to whether the project complies with the approval criteria. Additional materials may be required for any specific project.

(1) General

- (i) Completed application form approved by the Director.
- (ii) The Director may require submission of any plan, study, survey, or other information, in addition to the information required by this Section, at the applicant's expense, as in the Director's judgment is necessary to enable it to review and act upon the application.
- (iii) Any application which requires compliance with §24-65.5-101, et seq., C.R.S., (Notification to Mineral Owners of Surface Development) shall not be considered to have been submitted as complete until the applicant has provided a certification signed by the applicant confirming that the applicant or its agent has examined the records of the County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. In addition, for purposes of the County convening its initial public hearing on any application involving property which mineral estate owners or lessees owning less than full fee title in the property have been certified by the applicant to exist, the application shall not be considered to have been submitted as complete until the applicant has provided an additional signed certification confirming that the applicant has, at least 30 days prior to the initial public hearing, transmitted to the County and to the affected mineral estate owners and lessees the notices required by C.R.S. § 24-65.5-101, et seq.

(2) Information Describing the Applicant

- (i) The names, addresses, including email and website address, organizational form (e.g., corporation, LLC), and business of the applicant and, if different, the owner of the project.
- (ii) The names, addresses, and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the project.

- (iii) Written authorization of the application package by the project owner, if different than the applicant.
- (iv) Documentation of the applicant's financial and technical capability to develop and operate the project, including a description of the applicant's experience developing and operating similar projects.
- (v) Written qualifications of report preparers.

(3) Information Describing the Project

- (i) Vicinity map showing the proposed site and the surrounding area.
- (ii) Executive summary of the proposal indicating the scope and need for the project.
- (iii) Plans and specifications of the project in sufficient detail to evaluate the application against the applicable review criteria.
- (iv) Descriptions of alternatives to the project considered by the applicant. If the Director determines that the nature or extent of the proposal involves the potential for significant damage and warrants examination of other specific, less damaging alternatives, the Director may require the applicant to evaluate and present information on such additional alternatives as part of the application.
- (v) Schedules for designing, permitting, constructing, and operating the project, including the estimated life of the project.
- (vi) The need for the project, including a discussion of alternatives to the project that were considered and rejected; existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the project.
- (vii) Description of relevant conservation techniques to be used in the construction and operation of the project.
- (viii) Description of demands that this project expects to meet and basis for projections of that demand.
- (ix) List of adjacent property owners and their mailing addresses.

(4) Property Rights, Other Permits, and Approvals

- (i) Description of property rights that are necessary for or that will be affected by the project, including easements and property rights proposed to be acquired through negotiation or condemnation.

- (ii) A list of all other federal, state, and local permits and approvals that will be required for the project, together with any proposal for coordinating these approvals with the County permitting process.
- (iii) Copies of any permits or approvals related to the project that have been granted.
- (iv) Copies of relevant official federal and state consultation correspondence prepared for the project; a description of all mitigation required by federal, state, and local authorities; and copies of any draft or final environmental assessments or impact statements required for the project.

(5) Land Use

- (i) A map at a scale relevant to the project and acceptable to the Department describing existing land uses and existing zoning of the proposed project area and the project service area, including peripheral lands which may be impacted. The land use map shall include but not be limited to the following categories: residential, commercial, industrial, extractive, transportation, communication and utility, institutional, open space, outdoor recreation, agricultural, forest land and water bodies. Show all special districts (school, fire, water, sanitation, etc.) within the project area.
- (ii) All immediately affected public land boundaries should be indicated on the map. Potential impacts of the proposed development upon public lands will be visually illustrated on the map as well as described in the text.
- (iii) A discussion of how the project and its impact will be in conformance with the Regional Comprehensive Plan, including each policy or goal furthered by the project, and a description of where the project is in conflict with a policy or goal.
- (iv) A discussion of how the project and its impact will be in conformance with any applicable regional and state plans, including without limitation each policy or goal furthered by the project, and a description of where the project is in conflict with a policy or goal.
- (v) Specify whether and how the proposed project conforms to applicable federal land management policies.
- (vi) If relevant to the project design, describe the agricultural productivity capability of the land in the project area, using Soils Conservation Service soils classification data.

(vii) Describe the probability that the project may be significantly affected by earthquakes, floods, fires, snow, slides, avalanches, rockslides or landslides and any measures that will be taken to reduce the impact of such events upon the project.

(viii) Specify if excess service capabilities created by the proposed project will prove likely to generate sprawl or strip development.

(ix) Specify whether the demand for the project is associated with development within or contiguous to existing service areas.

(6) Financial Feasibility of the Project

(i) Relevant bond issue, loan and other financing approvals or certifications (ex: approved bond issues; bond counsel opinion).

(ii) Business plan that generally describes the financial feasibility of the project.

(7) Local Infrastructure and Services Impacts

An impact analysis that addresses the manner in which the applicant will comply with the relevant 1041 Permit application review criteria. The impact analysis shall include the following information: description of existing capacity of and demand for local government services including but not limited to roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate the project within Pueblo County.

(8) Recreational Opportunities

Description of the impacts and net effect of the project on present and potential recreational opportunities.

(9) Areas of Paleontological, Historic, or Archaeological Importance

Description of the impacts and net effect of the project on sites of paleontological, historic, or archaeological interest.

(10) Nuisance

Descriptions of noise, glare, dust, fumes, vibration, and odor levels anticipated to be caused by the project.

(11) Air Quality

Description of the impacts and net effect that the project would have on air quality during both construction and operation, and under both average and worst case

conditions, considering particulate matter and aerosols, oxides, hydrocarbons, oxidants, and other chemicals, temperature effects, and atmospheric interactions.

(12) Visual Quality

Description of the impacts and net effect that the project would have on visual quality, considering viewsheds, scenic vistas, unique landscapes or land formations within view of the project area.

(13) Drainage

The applicant shall supply a surface and subsurface drainage analysis.

(14) Surface Water Quality

- (i) Map and/or description of all surface waters relevant to the project, including description of provisions of the applicable regional water quality management plan, and NPDES Phase II Permit and necessary Pueblo County Erosion and Stormwater Quality Control Permit ("ESQCP"), Section 404 Federal Clean Water Act Permit that applies to the project and assessment of whether the project would comply with those provisions.
- (ii) Existing data monitoring sources.
- (iii) Descriptions of the immediate and long-term impact and net effects that the project would have on the quantity and quality of surface water under both average and worst case conditions.

(15) Groundwater Quality

- (i) Map and/or description of all groundwater, including any and all aquifers relevant to the project. At a minimum, the description should include:
 - a. Seasonal water levels in each portion of the aquifer affected by the project.
 - b. Artesian pressure in said aquifers.
 - c. Groundwater flow directions and levels.
 - d. Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
 - e. For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of the aquifer to impound groundwater and aquifer storage capacity.

- f. Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
 - g. Existing groundwater quality and classification.
 - h. Location of all water wells potentially affected by the project and their uses.
- (ii) Description of the impacts and net effect of the project on groundwater.

(16) Water Quality

- (i) Map and/or description of existing stream flows and reservoir levels relevant to the project.
- (ii) Map and/or description of existing minimum stream flows held by the Colorado Water Conservation Board.
- (iii) Descriptions of the impacts and net effect that the project would have on water quantity.
- (iv) Statement of methods for efficient use of water, including recycling and reuse.

(17) Floodplains, Wetlands and Riparian Areas; Terrestrial and Aquatic Animals, Plant Life and Habitat

Applicant shall only provide description of foregoing natural conditions, animal, and plant life at, but not to exceed, the level of detail required by other federal or state permits or reviews which are applicable to the project.

(18) Soils, Geologic Conditions, and Natural Hazards

- (i) Map and/or description of soils, geologic conditions, and natural hazards including but not limited to soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas, all as relevant to the project area.
- (ii) Descriptions of the risks to the project from natural hazards.
- (iii) Descriptions of the impacts and net effect of the project on soil and geologic conditions in the area.

(19) Hazardous Materials

- (i) Description of all solid waste, hazardous waste, petroleum products, hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.
- (ii) Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment plans and structures.

(20) Monitoring and Mitigation Plan

- (i) Description of all mitigation that is proposed to avoid, minimize, or compensate for adverse impacts of the project and to maximize positive impacts of the project.
 - a. Describe how and when mitigation will be implemented and financed.
 - b. Describe impacts that are unavoidable that cannot be mitigated.
- (ii) Description of methodology used to measure impacts of the project and effectiveness of proposed mitigation measures.
- (iii) Description, location, and intervals of proposed monitoring to ensure that mitigation will be effective.

(21) Additional Information

The Director may request that the applicant supply additional information related to the project if the Director will not be able to make a determination on any one of the applicable review criteria without the additional information. Such additional information may include applicant's written responses to comments by a referral agency.

(g) Notice

No later than 30 days after receipt of a completed application for a 1041 Permit, the Board of County Commissioners shall set a date, time, and place for a hearing upon the application, and shall publish notice thereof. The notice shall be published once in a newspaper of general circulation in the County, not less than 30 nor more than 60 days before the date set for the hearing. The Director shall also give notice to the other persons and entities set forth in §17.07.040(b)(1), Notice of Public Hearing, Mailing List, and

Publication, but any failure to do so shall not constitute defective notice for the purpose of this hearing.

(h) Board of County Commissioners Review

(1) Conduct of Permit Hearing

- (i) The Board of County Commissioners shall conduct the public hearing in a manner that affords procedural due process to the applicant as well as to any person who supports or opposes issuance of the 1041 Permit.
- (ii) The Board of County Commissioners shall hear testimony and receive evidence, including:
 - a. The recommendations and comments of the Director;
 - b. Relevant testimony and documents presented at the hearing.
- (iii) Although the Colorado Rules of Civil procedure do not govern the conduct of the hearing, all persons appearing at the hearing in person or by counsel shall be afforded the right of cross-examination as well as a reasonable opportunity to offer evidence in rebuttal. Any person exercising this right becomes a party who is also subject to examination and cross-examination. The Board of County Commissioners may impose reasonable time limits on presenters and witnesses.
- (iv) Any person may, at their own expense, provide for the recording and transcription of the hearing; provided, however, that a copy of the recording or transcript, shall be furnished free of charge to the Director and shall become part of the record.
- (v) The Director shall collect and preserve the following record of the public hearings:
 - a. The 1041 Permit application;
 - b. Any written statements or documents presented in support of or in opposition to the 1041 Permit application;
 - c. The names and addresses of all persons making oral or written statements, appearing as witnesses, or offering documentary evidence;
 - d. Any recording or transcript of the hearing as provided in subsection (iv) above;
 - e. Written minutes of the Board of County Commissioners relating to the public hearing;

- f. The resolution of the Board of County Commissioners granting or denying the 1041 Permit application;
 - g. A copy of the 1041 Permit, if issued.
- (vi) If the Director or any person shall, after the conclusion of the hearing, discover new evidence which they wish to present to the Board of County Commissioners, they may, if the Board has not yet reached its decision, petition to have the hearing reopened. If the Board determines that sufficient cause exists to believe that new evidence should be considered, it shall reopen the hearing to be convened at a time not less than 30 days nor more than 60 days after such determination, upon notice as provided for in §17.07.050(g).

(2) Review Criteria

In determining whether a proposed project complies with any of the following review criteria, or whether conditions should be imposed, the Board of County Commissioners may use the considerations in Attachment A, Appendix A: Considerations for Review Criteria.

(i) Applicability and Interpretation

- a. The Board of County Commissioners shall consider the following review criteria in deciding on a 1041 Permit application.
- b. Where such terms as “reasonable,” “feasible,” and “adequate” are used, the Board of County Commissioners shall determine in each case what is or is not reasonable, feasible, or adequate.

(ii) Statutory Permit Application Review Criteria

The following review criteria apply to all project applications:

- a. The project is technically and financially feasible.
- b. The project is not subject to significant risk from natural hazards.
- c. The project will not have a significant adverse effect on land use patterns.
- d. The project will not have a significant adverse effect on the capability of local governments affected by the project to provide services or exceed the capacity of service delivery systems.
- e. The project will not create an undue financial burden on existing or future residents of the County.

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- f. The project will not significantly degrade any current or foreseeable future sector of the local economy.
- g. The project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.
- h. The project will not significantly degrade air quality.
- i. The project will not significantly degrade existing visual quality.
- j. The project will not significantly degrade surface water quality.
- k. The project will not significantly degrade groundwater quality.
- l. The project will not significantly degrade wetlands and riparian areas.
- m. The project will not significantly degrade terrestrial or aquatic animal life or its habitats.
- n. The project will not significantly deteriorate terrestrial plant life or plant habitat.
- o. The project will not significantly deteriorate soils and geologic conditions.
- p. The project will not cause a nuisance.
- q. The project will not result in unreasonable risk of releases of hazardous materials.
- r. The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water.
- s. The project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.
- t. The project shall be necessary to meet community development and population demands in the areas to be served by the project.
- u. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
- v. The project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the project, or to comply with regulatory or technological requirements.
- w. To the extent feasible, wastewater and water treatment facilities shall be consolidated with existing facilities within the area.

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- x. New domestic water and wastewater treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and wastewater treatment systems of adjacent communities.
- y. The project shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

(iii) Pueblo County Generally Applicable Review Criteria

The following considerations will be applied to the review of all applications.

Review criteria for specific Matters are also applicable and located in §17.07.060:

- a. The proposed activity is consistent with adopted County and regional plans and policies, including the Regional Comprehensive Plan.
- b. There is sufficient existing and projected need within the County and region to warrant and support the proposed activity.
- c. All environmental impacts, to the extent that the same are determined by this Board to be adverse, will be sufficiently mitigated or compensated for.
- d. The proposed activity will not make demands upon natural resources, including, but not limited to, water, energy resources, and unique environmental areas, which demands are excessive when compared with the value of the activity.
- e. The proposed activity will not adversely impact the physical, economic, or social environment of this jurisdiction, or when an adverse impact is expected to occur, reasonable modifications and programs and other reasonable mitigating actions will be implemented and maintained to minimize the degree of adversity of the impact.
- f. Documentation that prior to site disturbance for the project the Applicant will have obtained all necessary property rights, permits, and approvals. The Board may, at its discretion, defer making a final decision on the 1041 Permit application until outstanding property rights, permits, and approvals are obtained.
- g. The project will not impair property rights held by others.
- h. The project is consistent with relevant provisions of applicable land use and water quality plans.

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- i. The applicant has the necessary expertise and financial capability to develop and operate the project consistent with all requirements and conditions.
- j. The project is technically and financially feasible.
- k. The project is not subject to significant risk from natural hazards.
- l. The project will not have a significant adverse effect on land use patterns.
- m. The project will not have a significant adverse effect on the capability of local governments affected by the project to provide services or exceed the capacity of service delivery systems.
- n. The project will not create an undue financial burden on existing or future residents of the County.
- o. The project will not significantly degrade any current or foreseeable future sector of the local economy.
- p. The project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.
- q. The planning, design and operation of the project shall reflect principles of resource conservation, energy efficiency and recycling or reuse.
- r. The project will not significantly degrade air quality.
- s. The project will not significantly degrade existing visual quality.
- t. The project will not significantly degrade surface water quality.
- u. The project will not significantly degrade groundwater quality.
- v. The project will not significantly degrade wetlands and riparian areas.
- w. The project will not significantly degrade terrestrial or aquatic animal life or their habitats.
- x. The project will not significantly deteriorate terrestrial plant life or plant habitat.
- y. The project will not significantly deteriorate soils and geologic conditions nor cause significant erosion, sedimentation, or flooding.
- z. The project will not cause a nuisance.
- aa. The project will not significantly degrade areas of paleontological, historic, or archaeological importance.

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- bb. The project will not result in unreasonable risk of releases of hazardous materials.
- cc. The benefits accruing to the County and its citizens from the project outweigh the losses of any natural, agricultural, recreational, grazing, commercial or industrial resources within the County or within areas which impact the County, or the losses of opportunities to develop such resources.
- dd. The project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.
- ee. The project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.
- ff. The project shall be necessary to meet community development and population demands in the areas to be served by the project.
- gg. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
- hh. The project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the project, or to comply with regulatory or technological requirements.

(3) Approval or Denial of Permit Application

At the completion of the public hearing, the Board of County Commissioners shall:

- (i) Review the applications in light of the general review criteria in §17.07.050(h)(2), Review Criteria, and any specific review criteria in §17.07.060, Pueblo County Designated Matters of State and Local Interest.
- (ii) If the Board finds that there is not sufficient information concerning any material feature of a proposed development or activity, the Board may:
 - a. Deny the application, or
 - b. Continue the hearing until the additional information has been received. A continuance must be limited to 120 days unless agreed to by the applicant.
- (iii) Reach a decision upon a 1041 Permit application within the following time frames after the conclusion of the hearing, unless an extension is agreed to by the Board and the applicant:
 - a. 45 days for applications for a 1041 Permit related to arterial highways, interchanges, and collector highways and new communities; and

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- b. 90 days for all other applications.
- (iv) Decide on the application.
 - a. Approve an application for a 1041 Permit to engage in development in an area of state and local interest or for the conduct of an activity of state and local interest if the proposed development or activity complies with the standards of all the provisions of the regulations governing such area or activity.
 - b. If the proposed development does not comply with the standards of such regulations, the 1041 Permit shall be denied.
 - c. As an alternative to denial, the Board, at its sole discretion, may approve the 1041 Permit application with conditions to ensure compliance with this UDC.
- (v) The Board of County Commissioners conducting a hearing pursuant to this section shall state, in writing, reasons for its decision, and its findings and conclusions.

17.07.060 Pueblo County Designated Matters of State and Local Interest

The following have been designated as matters of state and local interest in Pueblo County.

(a) Site Selection of Arterial Highways, Collector Highways, and Interchanges

(1) Applicability

- (i) A proposal that falls within one or more of the following criteria shall be considered site selection of arterial highways, interchanges, and collector highways:
 - a. The proposal represents a limited-access highway that is part of the federal-aid interstate system, or a limited-access highway constructed under the supervision of the Colorado State Department of Highways.
 - b. The proposal will eventually serve corridor movements having trip length and travel density characteristic of substantial statewide or interstate travel.
 - c. The proposal will result in the service of all, or nearly all, urban areas having a population of 50,000 or more, as well as the greatest majority of population centers having a population of 25,000 and more.

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- d. The proposal will serve the major activity centers of a metropolitan area, the highest traffic volume corridors, the longest trip itineraries, and carry a high proportion of the total urban travel of minimum mileage, the major portion of trips entering and leaving the urban area, as well as the majority of through-traffic movements bypassing the urban center, or serve significant intra-area travel, such as between central business districts and outlying residential areas, between major intracity communities, or between major suburban centers.
 - e. The proposal represents a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers, and constructed under guidelines and standards established by, or under the supervision of, the Colorado State Department of Highways.
 - f. The proposal involves the intersection, or transfer of traffic, between two or more of the types of highways described in Subsections (a) through (d) above, at grade or with grade separation.
 - g. The proposal involves major additions to the adopted transportation plan.
- (ii) For the purpose of this subsection, "site selection" shall mean the preliminary selection of a highway corridor which is not in the adopted transportation plan, and application for a 1041 Permit to engage in such activity shall be required before any earth moving or other work is done which shall physically affect the site selected. Once a 1041 Permit has been issued for site selection of a highway corridor, however, the Board shall not be involved with the further refinement of design, engineering, or construction related to the activity. The person or entity engaging in or planning the activity shall apply to the Board for an additional 1041 Permit if changes in plans should result in the moving or expansion of the activity to a site not approved in the original permit.

(2) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

- (i) Description of how the project will affect traffic patterns as well as non-motorized traffic.
- (ii) A map(s) and description of existing land use in the impact area in relationship to the existing circulation system and the project.

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- (iii) A map(s) of the impact area showing planned, proposed, or expected land use with and without the project.
- (iv) Description of how new roads will affect community, regional, and statewide traffic demands.
- (v) Description of how new roads will comply with other local, state, and federal regulations and plans.
- (vi) A list of alternative corridor locations for the arterial highway, collector highway, or interchange.
- (vii) For each alternative corridor location being considered by the applicant, including the preferred alternative, provide the information specified below:
 - a. A general description of the alternative, with the advantages and disadvantages of the alternative
 - b. Location map showing the corridor and general area
 - c. Corridor location study, including:
 - 1. Type and scale of the improvement
 - 2. Cost estimate
 - 3. Approximate timetable for construction and right-of-way acquisition
 - d. Demographic information in the impact area, including:
 - 1. Estimated current population number and density;
 - 2. Total employment, occupation types, and major employer locations;
 - 3. Household incomes;
 - 4. Population projections in increments as determined by the applicant and approved by the Director, not to exceed a 20-year increment; and
 - 5. Boundaries of neighborhoods in the impact area.
 - e. A quantification of the amount of traffic by major traffic generator in the impact area.
 - f. A description of the planned level of service in relationship to projected user demand in ten-year intervals.

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17.07.060 Pueblo County Designated Matters of State and Local Interest

17.07.060(a) Site Selection of Arterial Highways, Collector Highways, and Interchanges

- g. A description of the impacts of the project on accessibility to and from existing public facilities, commercial and industrial facilities, and residential areas.
 - h. A description of safety hazards which may result from the location of the project.
 - i. A discussion of the development potential that would result in the impact area with and without the completion of the project. Measure the development potential in terms of: land values, land availability, land use controls, vacancy rates and indices of accessibility to school/education, utility service, other public and quasi-public services, local and regional amenities, and employment opportunities.
 - j. A description of projected number of users of the project.
 - k. A description of plans for complementing and integrating with other modes of transportation.
- (viii) A description of all federal highway standards that apply to the project.
- (ix) A description of plans for relocation and compensation of homes and businesses.

(3) Review Criteria⁴⁷

1041 Permit applications for site selection of arterial highways, collector highways, and interchanges shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

- (i) The proposal represents a limited-access highway which is part of the federal-aid interstate system, or a limited-access highway constructed under the supervision of the Colorado State Department of Highways.
- (ii) The project will eventually serve corridor movements having trip length and travel density characteristic of substantial Statewide or interstate travel.
- (iii) Where applicable, the project will result in the service of all, or nearly all, urban areas having a population of 50,000 or more, as well as the greatest majority of population centers having a population of 25,000 and more.

⁴⁷ Additional review criteria updated to provide object standards for decision makers.

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17.07.060(a) Site Selection of Arterial Highways, Collector Highways, and Interchanges

- (iv) The project will serve the major activity centers of a metropolitan area, the highest traffic volume corridors, the longest trip itineraries, and carry a high proportion of the total urban travel of minimum mileage, the major portion of trips entering and leaving the urban area, as well as the majority of through-traffic movements by-passing the urban center, or serve significant intra-area travel, such as between central business districts and outlying residential areas, between major intra-city communities, or between major suburban centers.
- (v) The project represents a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers, and constructed under guidelines and standards established by, or under the supervision of, the Colorado State Department of Highways.
- (vi) The project involves the intersection, or transfer of traffic, between two or more of the types of highways described in subsections (ii) through (v) of this Section, at grade or with grade separation.
- (vii) Highways and interchanges shall be located so that:
 - a. Community traffic needs are met.
 - b. Desirable community patterns are not disrupted.
 - c. Direct conflicts with adopted local government, regional, and state comprehensive plans are avoided.
- (viii) Other reasonable modes of transportation shall, to the extent feasible, be incorporated into the highway proposal, including bicycle, mass transit, and pedestrian modes.
- (ix) The location of the proposed highways and interchanges shall not significantly impede the delivery of essential community services and goods.
- (x) The location of the proposed highways and interchanges shall not unduly divide neighborhoods or isolate neighborhoods from public facilities including schools, hospitals, mass transit, pedestrian and bikeways, recreational areas and open spaces.
- (xi) The location of the proposed highways and interchanges shall not create unreasonable safety hazards by causing or contributing to significant overuse, improper use, or congestion on other roadways.
- (xii) The proposed highways shall be integrated into the regional transportation network.

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- (xiii) The applicant can demonstrate a clear and reasonable need for the highways and interchanges.
- (xiv) The proposed highways or interchanges will complement, to the extent feasible, mass transit facilities.
- (xv) The proposed highways or interchanges will not have a significant adverse impact on prime or unique farmland.
- (xvi) The proposed highways or interchanges will not result in significant loss of fertile agricultural soil.
- (xvii) The proposed highways or interchanges shall avoid relocation of households. Where relocation of households cannot be avoided because of technical constraints, adequate housing inventory must exist to accommodate displaced households.
- (xviii) The proposed highways or interchanges shall avoid relocation of farms or businesses. Where relocation of farms or businesses cannot be avoided because of technical constraints, adequate sites must exist within the same market area to relocate farms or businesses.
- (xix) The proposed highways and interchanges shall satisfy state and federal highway standards, including without limitation, any Federal Transportation Acts.
- (xx) The proposed highways shall reasonably incorporate materials and design that complement features of the surrounding human and natural environment.
- (xxi) The construction of the highways and interchanges shall be phased to minimize interference with traffic movement.
- (xxii) Park and ride facilities shall be located in areas designated by the County.
- (xxiii) Finance sources are adequate to ensure proper maintenance of the highways or interchanges.
- (xxiv) Grants of access to and from the highway shall comply with applicable state highway access laws and regulations, intergovernmental agreements, and access control plans adopted by state or local entities that impose standards for granting access to the highway.

(4) Development and Performance Standards

[tbd]

(b) Site Selection and Development of New Communities

(1) Description

A new community may be classified according to one of the following categories:

- (i) **New Town:** A land development located outside municipal corporate boundaries planned for internal independence in economic, social, and physical requirements, thus, not dependent upon a central city and oriented toward a balanced mix of land uses and self-government.
- (ii) **Satellite Community:** A development located outside the corporate limits of a central city planned for a limited degree or land-use mix with emphasis on residences, and thus, a limited degree of self-sufficiency relying upon the central city for economic and social activity and not self-governing.
- (iii) **In-Town Community:** A land development, or "revitalization," within the boundaries of an unincorporated community planned for a variable degree of land-use mix.
- (iv) **Specialized Community:** A land development usually developed upon vacant land outside a municipality planned and oriented around a single land-use type, thus, almost entirely dependent upon the central city for all other activities and functions not provided by the one use.
- (v) **Growth Center:** A land development located outside the boundaries of an existing town or city planned for a variable degree of land-use mix oriented toward relying upon the existing town or city for social, cultural, and economic functions and eventual incorporation or inclusion to the town or city.

(2) Applicability

Any activity within the unincorporated jurisdiction of the County of Pueblo which falls within one or more of the following criteria is considered site selection and development of new communities:

- (i) Is planned for a minimum population of 500 persons within five years of implementation of the activity or is planned for an ultimate population of 2,500 persons or more;
- (ii) Is planned for or requires municipal incorporation;
- (iii) Is planned for or requires the formation of a special district, such as a water district, sewer service district, recreation district, or metropolitan district;

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- (iv) Is planned for or requires the expansion and/or extension of any existing water and/or sewer service district or association within any 24-month period which is equal to or greater than ten percent of the population of land area served by the district or association at the beginning of the period;
- (v) Is planned for or requires a change in existing zoning that provides for a doubling in allowable density on 500 acres or more of land;
- (vi) Is planned for or requires an ultimate contiguous zone or Special Use Permit for commercial, industrial, and/or public use on 200 acres or more of land;
- (vii) Is planned for or requires annexation to any incorporated area within Pueblo County but is not in compliance with regional comprehensive plans adopted jointly by such incorporated area and the County, or a County comprehensive plan.
- (viii) A 1041 Permit to conduct this activity shall also be required at the following time, respectively:
 - a. For municipal incorporations: prior to the submission of the petition therefore to the District Court;
 - b. For the formation of special districts: at the time a service plan is filed with this Board;
 - c. For inclusions of land into a water district, or a water and sanitation district: prior to the publication of public notice of meeting by the Board of Directors pursuant to statute;
 - d. For the formation of a water users' association: prior to the filing of Articles of Incorporation with the Secretary of State of Colorado;
 - e. For municipal annexations: prior to the establishment of a hearing date by the governing body of the municipality or, if the governing body proposes to proceed without hearing, then prior to the annexation by ordinance.

(3) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

- (i) One or more maps, at a scale specific by the Director, showing the location of the proposed development and its relationship to the adjacent communities or regional facilities.

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- (ii) A narrative indicating compliance/non-compliance with the Regional Comprehensive Plan sections relating to the proposed development.
- (iii) A narrative discussing any applicable Intergovernmental Agreements that may be in effect for this area and Intergovernmental Agreements that may be required.
- (iv) Demonstrate that this proposed facility complies with all requirements of this UDC.
- (v) Provide one or more maps that show the size, scale, density, traffic circulation, and open space provisions for the proposed development, at full build-out.
- (vi) Provide estimates for the timing of the development, indicating if phasing is expected.
- (vii) Provide evidence of applicant's ability to provide services, such as water, sanitation, schools, utilities, law enforcement, or fire.
- (viii) Provide population growth estimates for the development and the area around the development.
- (ix) Provide evidence that the applicant has the financial ability and expertise to complete the development.
- (x) Provide examples of building elevations and street design.
- (xi) Provide plans, which demonstrate the percentages of open space, park areas, and trails.
- (xii) Provide plans showing stream meandering characteristics, floodplain delineations and location of aquifer recharge.

(4) Review Criteria⁴⁸

1041 Permit applications for site selection and development of new communities shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

- (i) Whether the proposed facility complies with all applicable requirements of this UDC.
- (ii) Evidence of applicant's ability to provide services, such as water, sanitation, schools, utilities, law enforcement, or fire.

⁴⁸ Updated review criteria to provide objective standards.

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(iii) Evidence that the applicant has the financial ability and expertise to complete the development.

(5) Development and Performance Standards

[tbd]

(c) Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems

(1) Applicability

Any activity wholly or partially within the unincorporated jurisdiction of Pueblo County which falls within one or more of the following categories shall be considered to be site selection and construction of major new domestic water and wastewater treatment systems and/or major extension of existing domestic water and wastewater treatment systems:

(i) Domestic Water Systems

Creation of a major new domestic water system(s) or major extension(s) of an existing domestic water system(s), which means any new collection, pumping, storage, transmission line, distribution line, structure, or treatment facilities and any service line 12 inches or greater in diameter or its equivalent proposed for any of the following:

- a. Service to 100 or more dwelling units not served at the time of 1041 Permit of application;
- b. Service for commercial and/or industrial use equal to or greater than 250,000 gallons per day of water which is not served at the time of 1041 Permit application;
- c. Service by an existing domestic water system to any combination of residential, commercial, industrial, or public uses not served at the time of the 1041 Permit application, and which annual amount of new service will be equal to or greater than ten percent of the water supplied by the existing domestic water system within 12 months prior to the time of application; or
- d. Service to any potential water consumer, which requires the installation of any combination of transmission and distribution lines over a linear distance of 5,280 feet, or more.

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(ii) Domestic Wastewater Systems

Creation of a major new wastewater treatment system(s) or a major extension(s) of an existing wastewater treatment system(s), which means any new collector sewer lines, return flow lines, pumping, structure, or treatment facilities proposed for:

- a. Service to 100 or more dwelling units not served at the time of 1041 Permit application;
- b. Service for commercial and/or industrial use equal to or greater than 250,000 gallons per day of effluent which is not served at the time of 1041 Permit application;
- c. Service by an existing wastewater treatment system to any combination of residential, commercial, industrial, or public uses not served at the time of the 1041 Permit application, and which amount of new service will be equal to or greater than ten percent of effluent treated by a wastewater treatment system within 12 months prior to the time of application; or
- d. Service to any potential wastewater treatment user which requires the installation of any combination of collector sewer or return flow lines over a linear distance of 5,280 feet, or more.

(2) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

- (i) Detailed plans of the proposal, including proposed system capacity and service area plans mapped at a scale acceptable to the Department of Planning and Development.
- (ii) Provide a description of all existing or approved proposed domestic water or wastewater treatment systems within the project area.
- (iii) Describe the design capacity of each domestic water or wastewater treatment system facility proposed and the distribution or collection network proposed in the project area.
- (iv) Describe the excess capacity of each treatment system and distribution or collection network in the affected community or project area.

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- (v) Provide an inventory of total commitments already made for current water or wastewater services.
- (vi) Describe the operational efficiency and at what percentage of the design capacity the current system is now operating for each existing system in the project area, including the age, state of repair, and level of treatment.
- (vii) Describe the existing water utilization, including the historic yield from rights and use by category such as agricultural, municipal and industrial supply obligations to other systems.
- (viii) Specify whether present facilities can be upgraded to accommodate adequately the ten-year projected increase needed in treatment and/or hydraulic capacity.
- (ix) Specify the predominant types of developments to be served by the proposed new water and/or wastewater systems or extensions thereof.
- (x) Description of the water to be used by the project and, to the extent identified by the Director in consultation with the applicant, alternatives, including:
 - a. the source, amount, the quality of such water;
 - b. the applicant's right to use the water, including adjudicated decrees or determinations and any substitute water supply plans, and applications for decrees or determinations;
 - c. proposed points of diversion and changes in the points of diversion;
 - d. the existing uses of the water;
 - e. adequate proof that adequate water resources have been or can and will be committed to and retained for the project, and that applicant can and will supply the project with water of adequate quality, quantity, and dependability; and
 - f. approval by the respective Designated Ground Water Management District if applicable.
 - g. If an augmentation or replacement plan for the project has been decreed or determined or an application for such plan has been filed in the court or with the Ground Water Commission, the applicant must submit a copy of that plan or application.
- (xi) Loss of Agricultural Productivity

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- a. Information on any agricultural water rights in the region converted to provide water for the project, now or in the future.
 - b. Information on the amount of irrigated agricultural lands taken out of production, and a description of revegetation plans.
 - c. Economic consequences of any loss of irrigated agriculture, including loss of tax base, in the region.
 - d. Information as to loss of wildlife habitat, loss of topsoil, or noxious weed invasion, as a result of the transfer of water rights and subsequent dry-up of lands.
 - e. Information on impacts to agricultural head gates and water delivery systems.
- (xii) The financial impact analysis, including but need not be limited a review and summary of any existing engineering and/or financial feasibility studies, assessed taxable property valuations, and all other matters of financial aid and resources in determining the feasibility of the proposed new facility, including:
- a. Service area and/or boundaries.
 - b. Applicable methods of transmitting, storing, treating, and delivering water and collecting, transmitting, treating, and discharging wastewater, including effluent and/or sludge disposal.
 - c. Estimated construction costs and period of construction of each new or extension facility component.
 - d. Assessed valuation of the property to be included within the service area boundaries.
 - e. Revenues and operating expenses of the proposed new or extension facility, including but not limited to historical and estimated property taxation, service charges and rates, assessments, connection and tap fees, standby charges, and all other anticipated revenues of the proposed new facility.
 - f. Amount and security of the proposed debt and method and estimated cost of debt service.
 - g. Provide the details of any substantial contract or agreement for revenues or for services to be paid, furnished or used by or with any person, association, corporation or governmental body.

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(3) Review Criteria⁴⁹

1041 Permit applications for site selection and construction of major new domestic water and wastewater treatment systems, and major extensions of existing domestic water and wastewater treatment systems shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

- (i) New domestic water and wastewater treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and wastewater treatment systems of adjacent communities.
- (ii) Major extensions of domestic water and wastewater treatment systems will not create growth and development which is incompatible with and cannot be accommodated by the local financial capacity of the area or residents to be served.
- (iii) Major extensions of domestic wastewater treatment systems will not overburden the existing systems and current and projected future demand for the service can be met within existing and proposed capacity.
- (iv) The activity can be supported by water possessed by the applicant of sufficient quality to meet the state's drinking water standards and in sufficient quantity to fulfill existing and projected future demand.
- (v) The activity will not create proliferation of special districts or overlapping of the boundaries of special districts.
- (vi) Environmental impacts including, but not limited to, agricultural productivity potential, aquatic life, stream standards, groundwater, and in-stream water quality related to the proposed activity have been identified and will be mitigated or compensated for.
- (vii) The proposed activity does not conflict with the Water Quality Management Plan.
- (viii) All natural hazards affecting the proposal, including, but not limited to, floods, expansive and corrosive soils, unstable geologic features, such as mudflows, landslides and avalanches have been avoided or compensated for by the activity.

⁴⁹ Additional criteria added for consideration.

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- (ix) The activity will not conflict or create any conflict with the surrounding lands either as they exist currently or as proposed by local plans and programs previously approved by the governing body of the territory in which the proposed activity lies.
- (x) The proposed activity is the best alternative available for the provision of water and/or sewer service to the geographical area affected by the proposal.
- (xi) Economic impacts including, but not limited to, taxable property, agriculture, NPDES permitted facilities, and recreation related to the proposed activity have been identified and will be mitigated or compensated for.
- (xii) When the component water supply system for a major new domestic water system or major extension of an existing domestic water system is proposed to be developed for a new or increased diversion per year, or new or increased storage capacity, of 500 acre-feet or more, the criteria set forth in §17.07.050(h)(2) shall be satisfied as part of this designation and the activity will require a 1041 Permit for a Municipal Water Project pursuant to §17.07.060(f), Site Selection and Construction of Municipal and Industrial Water Projects.
- (xiii) Documentation that prior to site disturbance for the project, the applicant will have obtained all necessary property rights, permits, and approvals. The Board of County Commissioners may, at its discretion, defer making a final decision on the application until outstanding property rights, permits, and approvals are obtained.
- (xiv) There is sufficient existing and projected need to warrant and support the proposed project.
- (xv) To the extent feasible, wastewater and water treatment facilities shall be consolidated with existing facilities within the area. The determination of whether consolidation is feasible shall include but is not limited to the following considerations:
 - a. Whether there is an opportunity for consolidation.
 - b. The environmental, financial, and social feasibility of consolidation.

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(xvi) The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water. The determination of whether the project emphasizes the most efficient use of water may include but is not limited to the following considerations:

- a. Whether the project uses readily available conservation techniques.
- b. Whether the project recycles water to the greatest extent allowed by law.

(xvii) The project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services. The determination of whether the project will result in excess capacity or create duplicate services may include but is not limited to the following considerations:

- a. Whether the project creates overlapping or competing service areas.
- b. Whether the project differs significantly from the provider's facility plan.
- c. Whether the project impacts other water and wastewater permits.
- d. Whether the activity will not create proliferation of special districts or overlapping of the boundaries of special districts.

(4) Conditions Subsequent

The issuance of a 1041 Permit is contingent upon the subsequent approval of the proposal by the Colorado Water Quality Control Commission and/or the Colorado Department of Public Health and Environment, where required by appropriate statute or regulation.

(5) Development and Performance Standards

[tbd]

(d) Site Selection and Construction of Major Facilities of a Public Utility

(1) Applicability

A proposal within the unincorporated jurisdiction of Pueblo County that constitutes a major facility of a public utility as defined in this UDC shall be considered site selection and construction of major utilities of a public utility.

(2) Exemptions

The standards in this §17.07.060(d) shall not apply to development which is exempt under the provisions of §17.07.030(c), to nonconforming uses, or to the following:

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- (i) A 69 kilovolt transmission line that was in existence as of May 8, 1978, and subsequently upgraded to a 115 kilovolt line;
- (ii) An eight inch pipeline that was in existence as of May 8, 1978, and subsequently upgraded to a ten inch pipeline; or
- (iii) An easement that was in existence as of May 8, 1978, upon which is subsequently constructed a major pipeline or transmission line; provided that the easement is legally described in such manner that a qualified engineer/licensed land surveyor could locate it on the ground, no additional easement width is necessary to construct the facility, and easement acquisition has been completed.
- (iv) Interstate natural gas pipeline facilities regulated by the Federal Energy Regulatory Commission (FERC), or its successor, provided the following requirements and procedures are complied with by person or entity proposing to site and construct the interstate natural gas pipeline facility whenever site selection and construction of such facility will be partly located within Pueblo County:
 - a. Copies of all materials (i.e., environmental impact statement, applications for certification of public convenience and necessity and related materials) filed or to be filed with a federal and/or state regulatory agency shall also be filed with the Director of the Pueblo County Department of Planning and Development within five days after the same are submitted to such federal and/or state regulatory agency; and
 - b. Written notice of all scheduled public proceedings before the federal and/or state regulatory agency concerning the natural gas pipeline facility shall be given to the Director of the Pueblo County Department of Planning and Development not less than 45 days prior to any scheduled proceeding before any such agency, provided, further, however, that if the applicant before such federal or state agency receives less than 45 days' notice, it shall give written notice to the Director of the Pueblo County Department of Planning and Development within 5 working days after it receives notice of the same.
- (v) The Board of County Commissioners shall provide to the public utility written notice of all public hearings which may be held by the Board to accept testimony on the proposed major facilities not less than 13 days prior to the hearing.

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- (vi) The Board of County Commissioners does not waive or otherwise diminish its rights, nor the rights of any interested party, before any federal and/or state regulatory agency considering the proposed major facilities.

(3) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

- (i) Vicinity map showing the proposed site and the surrounding area. The project area to be shown shall be defined as follows:
 - a. If a power plant is proposed, the area within 50 miles radius from the site.
 - b. If new transmission lines or pipelines are proposed, provide a map showing all existing transmission lines and pipelines for a distance of two miles radius beyond any reasonable alternative studied.
 - c. For upgrades of existing transmission lines or gas pipelines, a map showing all existing transmission lines and pipelines within one mile on either side of the proposed alignment.
 - d. For all other major facilities of a public utility, the area within ten miles radius of the site if another major facility is proposed.
- (ii) Type of facility – specify where applicable:
 - a. The voltages and lengths of transmission lines.
 - b. Type of poles used, with graphic depictions.
 - c. Power source and generating capacity.
 - d. The functions and sizes of substations.
 - e. The diameters and lengths of pipelines.
 - f. The capacities of the storage tanks and types of petroleum derivative to be stored.
 - g. Corridor locations and dimensions.
 - h. Service area.
- (iii) Resource area (e.g., source of power being generated or transmitted, source of petroleum derivative being transported).
- (iv) Projected development schedule:

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- a. Specify timetable for planning (e.g., federal permits, other state permits, local zoning, etc.).
 - b. Estimate beginning and completion of construction and beginning of operation of facility.
- (v) Hazards and emergency procedures:
- a. Describe hazards, if any, of fire, explosion, and other dangers to the health, safety, and welfare of employees and the general public.
 - b. Describe hazards, if any, of environmental damage and contamination due to solid waste, hazardous waste, petroleum products, hazardous, toxic, and explosive substances or materials used at, or activities taking place at, the proposed facility.
 - c. Describe emergency procedures to be used in the event of fire, explosion, or other event which may endanger the public health, safety, and welfare.
 - d. The applicant shall supply an analysis of non-structural alternatives to the project, such as conservation of energy use, no development or management (different scheduling, conservation programs, facility design, land trades etc.), if applicable.
 - e. The applicant shall supply an analysis of structural alternatives to the project, such as alternate locations and routes, alternative types of facilities, use of existing rights-of-way, and joint use of rights-of-way with other utilities and upgrading of existing facilities.
- (vi) Detailed description of the need for the proposed development or activity, including but not limited to:
- a. The present population of the area to be served and the total population to be served when the project is operating at full capacity.
 - b. The predominant type of users or communities to be served by the proposal.
 - c. The percentage of the design capacity at which the current system is now operating.
 - d. If the proposal is for construction of a new facility and the capacity of that facility exceeds a ten year projected increase in demand, a detailed explanation of the excess service capacity and the cost of the excess capacity.

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- e. The relationship of the proposal to the applicant's long-range planning and capital improvement programs.
- f. A description of the user needs and user patterns to be fulfilled by the proposed project.
- g. A description of the relationship of the project to other existing and planned utility facilities of a similar nature, other communication or energy generation and transmission facilities, local government capital improvement programs, and special district expansion programs.

(vii) Environmental impact analysis:

a. Land use:

Specify how the proposed development will utilize existing easements or rights-of-way for any associated distribution or collector networks.

b. Information regarding other utility facilities:

- 1. A map showing each existing major facility of a public utility within the County of the type proposed for development.
- 2. The design capacity of each such facility, the excess capacity of each such facility, and the percentage of capacity at which each such facility operates.
- 3. Whether present facilities can be upgraded to adequately accommodate a ten-year projected increase in demand for services to be offered by the proposed project.

(viii) Applicants seeking a 1041 Permit for the site selection and construction of a power plant shall submit, in addition to those requirements set forth above, a map locating and describing resource areas to be utilized as sources of energy.

(ix) Applicants seeking a 1041 Permit for the site selection and construction of transmission lines or substations shall submit the following additional documents and information:

- a. Computer modeled electromagnetic field measurement within the proposed transmission line easement for that portion of the transmission line between substations or transition sites; and

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- b. Measures taken to comply with the concept of prudent avoidance with respect to planning, siting, construction and operation of transmission lines, which may be those steps taken to comply with CCR 723-3 Section 3206(9)(b) or similar authority, for projects where other similar authority is applicable.

(4) Review Criteria⁵⁰

1041 Permit applications for site selection and construction of major facilities of a public utility shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

- (i) Other feasible alternatives to the proposed facility have been assessed, and the proposed facility represents the best interest of the people of this County and the best utilization of resources in this County;
- (ii) Adequate resources (e.g., schools, water and air, roads, labor) exist, or will exist, for the construction and efficient operation of the facility;
- (iii) Electric transmission lines and pipelines shall be located so as to discourage traffic congestion, incompatible uses, and expansion of the demand for government services beyond the reasonable capacity of the community or region, and to avoid unreasonable or burdensome expenditure of public resources.
- (iv) Major facilities of a public utility shall be administered so as to minimize disruption of the service provided by the utility and preserve desirable existing community patterns.
- (v) The issuance of a 1041 Permit is contingent upon the subsequent approval of the major facility by the Public Utilities Commission, Colorado Department of Public Health and Environment, U.S. Environmental Protection Agency, or other regulatory agencies, where required by appropriate statute or regulation.

(5) Development and Performance Standards

[tbd]

⁵⁰ Review criteria (iii) and (iv) are new.

(e) Site Selection and Construction of Solar Facilities

(1) Purpose

- (i) Establish requirements for construction and operation of solar facilities (excluding small-scale solar facilities);
- (ii) Provide standards for the placement, design, construction, monitoring, modification, and removal of such facilities;
- (iii) Address public safety, minimize impacts on scenic, natural, and historic resources; and
- (iv) Provide adequate financial assurance for decommissioning.

These regulations are intended to provide a consolidated list of requirements for the proper consideration of project applications. In the administration of these regulations, all decisions by the Director and discretionary authority shall be exercised and made in a reasonable manner.

(2) Applicability

- (i) Applications for medium-scale and utility-scale solar projects shall be subject to the provisions of this Section and all other applicable requirements of this UDC. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.
- (ii) Solar facilities proposed as a primary use in the A1 and PP zone districts shall be subject to a 1041 Permit.
- (iii) Solar facilities shall be permitted as accessory uses to existing power plants, public facilities, and other existing uses as determined by the Director regardless of zone district. Such uses are subject to the provisions herein as determined by the Director on a case-by-case basis.
- (iv) Battery facilities shall be subject to a 1041 Permit. They shall be permitted as:
 - a. An accessory use to solar facilities in A1 and PP zone districts.
 - b. A primary use adjacent to other energy generation facilities and substations.

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- (v) A Development Plan including the project boundary, solar facility, PV pods, and buffer zones shall be provided and used to establish the project area. The project Area may include multiple parcels and portions of parcels, which may be leased parcels or leased areas of parcels. The sum of this area shall be the project area and the boundaries of this area shall be the project boundary. The purpose of the project area is to accommodate a single Solar Facility.
- (vi) A pre-application meeting shall be scheduled with the Director to discuss the location, scale, and nature of the proposed use and what will be expected during that process.

(3) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

- (i) Documentation of land ownership and/or legal authority to construct all properties within the project area.
- (ii) A narrative giving a general overview of the Solar Facility, which includes:
 - a. The owner and the operator of the proposed Solar Facility and the applicant,
 - b. The intended utility company to interconnect to the Solar Facility,
 - c. The current uses and physical characteristics of the project area and the surrounding area,
 - d. Approximate Rated Capacity of the solar facility project,
 - e. Type and location of interconnection to electrical grid as proposed with the appurtenant Public Utility Commission (PUC),
 - f. Approximate number of panels and representative types,
 - g. The project area and Solar Photovoltaic Panel Coverage expressed in acres,
 - h. An inventory with description of all proposed structures and uses including Battery Energy Storage Facilities, inverters, substations, and all structures over 60 feet in height.

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- (iii) A Concept Plan consisting of aerial imagery of the project area superimposed with the project boundary and the general location and arrangement of screening, buffer zones, fencing, structures, the proposed PV panels, driveways and entrances, wildlife corridors, floodplain, electric lines and overhead utility lines, and connections to the electrical grid, and, in addition, labeled with the distances of structures to the property lines. Typical elevations of structures shall be included in the Concept Plan. The intent of the Concept Plan is to be a visual summary of the project and may serve as the cover page of the Development Plan.
- (iv) The Development Plan, certified by a licensed design professional registered in the state of Colorado (an architect, engineer, or similar professional), shall include the following:
- a. A legal description of the subject parcels.
 - b. The project area and Solar Photovoltaic Panel Coverage expressed in acres.
 - c. The project boundary, property lines, lease lines, Official Street Line, and easements within the project area.
 - d. Setback lines.
 - e. General location of driveways, parking and entrances onto streets and accompanying site distance reports for such entrances.
 - f. Locations and dimensions of all existing and proposed buildings and structures, including solar panels, charge regulators, inverters, substations, Battery Energy Storage Facilities, structures over 60 feet in height, connections to the grid, fencing, and dwellings and associated accessory structures.
 - g. Preliminary sketches of structure elevations depicting the general style, size, and exterior construction materials in sufficient detail to exhibit the relative compatibility of the proposed development with the character of the neighborhood.
 - h. Location of exterior lights indicating area of illumination and foot-candles.
- Development Plan requirements may be modified by the Director for projects in the PP zone district.
- (v) An Environment Impact Assessment to include:

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- a. Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national or state forests and grasslands, national or state parks, County parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within one half mile of the project boundary.
- b. Wetlands, rivers and streams, and floodplains shall be inventoried, delineated, and mapped in order to provide baseline data for the evaluation of the current proposal.

The Environment Impact Assessment may be waived by the Director for medium-scale solar facility projects in the PP zone district.

(vi) A copy of any subdivision covenants, utility easements and restrictions associated with the site.

(vii) A draft Traffic Study, subject to the following:

- a. Information about the proposed project's traffic impacts, modeling both the construction and decommissioning processes, to include:
 - 1. The time of day that transport will occur;
 - 2. A map showing the desired primary and secondary routes on the Pueblo Network;
 - 3. Characteristics of the loaded vehicles, including:
 - 4. Length, height, width, curb weight;
 - 5. Maximum load capacity;
 - 6. The number of vehicles transporting goods;
 - 7. The frequency of vehicle arrival at the site.
- b. The haul route(s) must be provided and approved for construction impacts.
- c. After reviewing the application's traffic impact information, the County may require a full traffic study to be accepted by an engineer approved by the County.

The draft Traffic Study may be waived by the Director for medium-scale solar facility projects in the PP zone district.

(viii) An estimated construction schedule.

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- (ix) A draft Grading Plan that limits grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms. The Plan shall include:
 - a. Existing and proposed contours;
 - b. Locations and amount of topsoil to be stripped and stockpiled onsite (if any);
 - c. Percent of the site to be graded; and
 - d. Indicate natural flow patterns in drainage design and amount of impervious surface.
- (x) A preliminary drainage report prepared by an engineer licensed in the state of Colorado.
- (xi) A draft Screening and Vegetation Plan to include:
 - a. Ground cover species.
 - b. All screening and buffering materials, type of landscaping, and elevations.
 - c. Locations of wildlife corridors.
 - d. Maintenance requirements for screening and ground cover.
- (xii) A Decommissioning and Reclamation Plan to include:

Signatures by the applicant, landowner and any other person or entity with an interest or property right within the project area affirming the following:

 - a. Decommissioning/reclamation shall commence within 6 months after power production has permanently ceased and be completed within 12 months from the start date of the decommissioning/reclamation work, or per the schedule as approved within the Decommissioning Plan. Except if the project is being repowered or a force majeure event has or is occurring requiring repairs; however, the County may require evidentiary support that a longer repair period is necessary.
 - b. The applicant shall notify the Director in writing of the proposed date of discontinued operations and plans for removal prior to commencement of decommissioning.
 - c. Decommissioning shall be conducted in compliance with the approved decommissioning plan. Any amendments to the decommissioning plan must be approved by the Pueblo County Board of County Commissioners.

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- d. All non-utility owned equipment, conduits, structures, fencing and foundations above and below grade shall be removed.
- e. All fences, graveled areas, and access roads shall be removed unless a landowner agreement to retain is presented, in writing, in which the landowner agrees for such specific improvements to remain.
- f. The applicant is responsible for decommissioning.
- g. Hazardous materials shall be removed and disposed of in accordance with federal, state, and local law.
- h. Beginning no later than 15 years from the initial commercial operating date of the Solar Facility and at a frequency of every five years thereafter, the applicant shall provide updated decommissioning/reclamation cost estimates, prepared by a qualified Engineer selected by the applicant, and approved by the landowner. These updated estimates shall include all costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities, including the following elements:
 - 1. All labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the permit area.
 - 2. All costs associated with full reclamation of the permit area including the removal of non-native soils, fences, and constructed access roads.
 - 3. All costs associated with reclamation of any primary agricultural soils at the facility site to ensure each area of direct impact shall be the same or better than pre-construction conditions.
 - 4. All decommissioning/reclamation activity management, site supervision, and site safety costs.
 - 5. All other costs, including administrative costs, associated with the decommissioning and reclamation of the permit area.
- i. No later than 15 years from the initial commercial operating date of the Solar Facility, an irrevocable standby letter of credit, bond, or alternate form of financial security in an amount sufficient to fund the estimated decommissioning/reclamation costs required by this Code shall be submitted to County with a copy sent to Landowner. The amount of security shall be 115 percent of the cost of decommissioning minus salvage value.

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- j. If the applicant fails to remove the installation in accordance with the requirements of this 1041 Permit or within the proposed date of decommissioning, the County may collect the financial security and the County or hired third party may enter the property to physically remove the installation. If the cost to remove the facilities and complete the decommissioning minus the salvage value received exceeds the amount of the security, then the developer shall be required to reimburse the additional cost to the County or landowner who took the responsibility for the removal. If the reimbursement is not paid within 60 days after receipt of the invoice from the County (or landowner), then interest shall accrue on the unpaid balance as the then lawful rate of interest until paid in full.
- (xiii) Additional information may be required as determined by the Director, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations.
- (xiv) Two sets (11"× 17" or larger), one reduced copy (8½"× 11") and one electronic copy of the concept plan (in .pdf format), including elevations and landscape plans as required.

(4) Development and Performance Standards

- (i) A facility shall be constructed and maintained in substantial compliance with the approved Development Plan to mitigate negative impacts to residences; historic, cultural, recreational, or environmentally sensitive areas; and scenic viewsheds.
- (ii) Ground cover on the site shall be native vegetation, and incorporation of native plant species.
- (iii) Outdoor lighting shall be limited to levels required for safety and security. Facilities need to comply with § <>, [Outdoor Lighting]. All lights shall be shielded.
- (iv) Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.
- (v) Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

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- (vi) At all times, the Solar Facility shall comply with any other condition added or required by the Board of County Commissioners as part of a 1041 Permit approval.
- (vii) During the term of this 1041 Permit, operation shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations.
- (viii) Unless allowed by a phasing plan approved by the Board, the Solar Facility shall be installed in accordance with the Development Plan within three years of approval of the 1041 Permit. Extensions may be granted by the Board. The 1041 Permit holder shall submit annual reports to the Director detailing the overall status and viability of the project.
- (ix) The applicant shall comply with all Colorado Department of Transportation (CDOT) and/or Pueblo County Department of Engineering and Public Works requirements for traffic management during construction and decommissioning of the Solar Facility.
- (x) The Solar Facility shall be continually maintained and kept in good repair. The Solar Facility operator or owner shall be responsible for the cost of repairing damage to public and private roads occurring because of construction and operation. Failure to maintain the Solar Facility may result in a show cause hearing. The County reserves the right to require soil and water testing upon any reasonable belief that such testing may be warranted.
- (xi) The Applicant will allow designated County representatives or employees access to the facility for inspection purposes. The Applicant shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.
- (xii) The owner and operator shall conform with §17.07.080(i), Transfer of Permits.

(5) Special Provisions for Battery Facilities

In addition to the above provisions, the following additional requirements shall be met for the approval of a Battery Energy Storage Facility:

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- (i) Battery Energy Storage Facilities shall be constructed, maintained, and operated in accordance with national industry standards and regulations including the most current adopted edition of the National Electrical Code, International Fire Code of the International Code Council, and the National Fire Protection Association Fire Code. The batteries will be NFPA (National Fire Protection Agency) compliant. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used.
- (ii) Battery cells shall be placed in a Battery Energy Storage System (“BESS”) with a Battery Management System (“BMS”). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire detection systems. Each battery enclosure shall have 24/7 automated fire detection technology built in. The BMS shall monitor individual battery module voltages and temperatures, container humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and be able to shut down the system when pre-defined limits are reached.
- (iii) The Battery Energy Storage System will be placed on an appropriate foundation.
- (iv) Access to container interior shall not be permitted while the system is in operation except for safety personnel and first responders.
- (v) Qualifications and experience from selected developers and integrators shall be provided including disclosure of fires or other hazards at facilities.
- (vi) Safety testing and failure modes analysis data from selected developers and manufacturers shall be provided.
- (vii) The latest applicable product certifications shall be provided.
- (viii) The Solar Facility operator or owner shall be responsible for any environmental remediation required by the County or the state and the costs of such remediation. All remediation shall be completed in a timely manner.
- (ix) Battery storage shall be developed in collaboration with technical experts and first responders to utilize technology-appropriate best practices for safe energy storage systems.
- (x) The Solar Facility operator or owner shall conduct regular on-site inspections of the battery units and submit an annual written report to the Director on their condition.

(6) Special Provisions for Project Related Substations

In addition to the above provisions, the following additional requirements shall be met for the approval of a project related substation required to be constructed for the interconnection of the solar facility. Utility owned substations are subject to a separate permitting process.

- (i) Substations located within the Solar Facility shall be located in accordance with the Development Plan.
- (ii) Substations included as part of the Solar Facility may have a life longer than that of the remainder of the Solar Facility and may continue under the 1041 Permit as part of this application approval.

(7) General Conditions

In addition to all Pueblo County site plan requirements, the Applicant shall provide the following plans for review and approval for the Solar Facility prior to the issuance of a building permit:

- (i) The Applicant shall prepare a "Construction Management Plan" for each applicable site plan for the Solar Facility, and each plan shall address the following:
 - a. Traffic control methods as identified in the final Traffic Study along with:
 - 1. Lane closures,
 - 2. Signage, and
 - 3. Flagging procedures.
 - b. Site access plan directing employee and delivery traffic to minimize conflicts with local traffic.
- (ii) The Applicant shall prepare a "Construction Mitigation Plan" for each applicable site plan for the Solar Facility, and each plan shall identify and address the effective mitigation of adverse impacts to the satisfaction of the Director. Damage to public roads related to construction activities shall be repaired in a timely manner and not postponed until construction completion. The Applicant shall provide written notice to both the Director and the Director of Engineering and Public Works of the plans for making such repairs, including time within which repairs will be commenced and completed, within 30 days of any written notice received from the Director.

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- a. Driving of posts shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday. Driving of posts shall be prohibited on state and federal holidays. This requirement may be waived by the Director if the project area is located more than one mile from the nearest residential structure.
 - b. Other construction activity on-site shall be permitted Monday through Saturday, and in accordance with the provisions of the County's Noise Ordinance.
 - c. During construction, the setbacks may be used for staging of materials and parking. No material and equipment laydown area, construction staging area, or construction trailer shall be located within 200 feet of any property containing a residential dwelling.
 - d. Construction lighting shall be minimized and shall be directed downward.
- (iii) The Applicant will submit a final Traffic Study for review and approval if required by the Department of Engineering and Public Works prior to the approval of an Access Permit. The Traffic Study, if required, will be reviewed and approved by the Department of Engineering and Public Works.
- (iv) The Applicant will submit a final Grading Plan for review and approval by the Department of Engineering and Public Works prior to the commencement of any construction activities. The project shall be constructed in compliance with the Grading Plan.
- (v) The Applicant will submit an Erosion and Sediment Control Plan which the County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan.
- (vi) The Applicant will submit a Stormwater Management Plan which the County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan.

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17.07.060(f) Site Selection and Construction of Municipal and Industrial Water Projects

(vii) The County, including the Department of Engineering and Public Works and the Department of Planning and Development, reserves the authority to utilize a third party to conduct or assist with plan reviews and to charge and collect reimbursement for third-party building plan, site, or other review of any application, including, but not limited to, civil engineer, traffic engineer, landscape architect, urban forester, arborist, attorney, or any other professional costs and associated expenses.

(8) Reporting Requirements

The 1041 Permit Holder shall, on behalf of itself and its subcontractors, submit local worker and union worker hiring data to the Director prior to the initial commercial operating date of the Solar Facility. Local worker and union worker hiring data shall include the following:

- (i) The number of workers working directly for the permittee or for subcontractors on the project who are Pueblo County residents and who have a primary residence within Pueblo County.
- (ii) The number of workers working directly for the permittee or for subcontractors on the project who are members of a labor union.

(f) Site Selection and Construction of Municipal and Industrial Water Projects

(1) Applicability

- (i) This Section applies to development of municipal and industrial water projects, wholly or partially within unincorporated Pueblo County.
- (ii) A municipal or industrial water project is exempt from this Section if it falls within one of the following categories:
 - a. The maintenance, repair, replacement of an existing component or facility of a project if it does not constitute a material change, does not cause negative impacts different from the existing project, and does not otherwise exacerbate existing impacts.
 - b. Replacement of an existing water diversion or storage structure without change in the point of diversion, type or place of use of the water, or yield.
 - c. Irrigation facilities used for agricultural purposes.
 - d. A proposed municipal water project with a new or increased diversion per year, or new or increased storage capacity, of less than 500 acre-feet.

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17.07.060(f) Site Selection and Construction of Municipal and Industrial Water Projects

- e. A proposed industrial water project with a new or increased diversion per year, or a new or increased storage capacity, of less than 500 acre-feet.

(2) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

- (i) Description of efficient water use, recycling, and reuse technology the project intends to use. Such description shall include estimated stream transit losses of water, reservoir evaporation losses, and power and energy requirements of the project and alternatives to the project.
- (ii) Map and description of other municipal and industrial water projects and providers in the vicinity of the project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
- (iii) Description of the water to be used by the project and to the extent identified by the Director in consultation with the applicant, alternatives, including: the source, amount, the quality of such water; the applicant's right to use the water, including adjudicated decrees or determinations and any substitute water supply plans, and applications for decrees or determinations; proposed points of diversion and changes in the points of diversion; the existing uses of the water; adequate proof that adequate water resources have been or can and will be committed to and retained for the project, and that applicant can and will supply the project with water of adequate quality, quantity, and dependability; and approval by the respective Designated Ground Water Management District if applicable. If an augmentation or replacement plan for the project has been decreed or determined or an application for such plan has been filed in the court or with the Ground Water Commission, the applicant must submit a copy of that plan or application.
- (iv) Loss of agricultural productivity:
 - a. Information on any agricultural water rights in the region converted to provide water for the project, now or in the future.
 - b. Information on the amount of irrigated agricultural lands taken out of production, and a description of revegetation plans.

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17.07.060(g) Efficient Utilization of Municipal and Industrial Water Projects

- c. Economic consequences of any loss of irrigated agriculture, including loss of tax base, in the region.
- d. Information as to loss of wildlife habitat, loss of topsoil, or noxious weed invasion, as a result of the transfer of water rights and subsequent dry-up of lands.
- e. Information on impacts to agricultural head gates and water delivery systems.

(3) Review Criteria

1041 Permit applications for site selection and construction of municipal and industrial water projects shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

- (i) The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water. The determination of whether the project emphasizes the most efficient use of water may include but is not limited to the following considerations:
 - a. Whether the project uses readily available conservation techniques.
 - b. Whether the project recycles water to the extent allowed by law.

(4) Development and Performance Standards

[tbd]

(g) Efficient Utilization of Municipal and Industrial Water Projects

The Efficient Utilization of Municipal and Industrial Water Projects is a designated matter of state and local interest in Pueblo County. No person may engage in development, including construction, expansion, reoperation, or other change in use, of a municipal and/or industrial water project wholly or partially within unincorporated Pueblo County, without first obtaining a 1041 Permit pursuant to this UDC.

(1) Applicability

These regulations shall apply to development of municipal and industrial water projects, wholly or partially within unincorporated Pueblo County.

(2) Exemptions

A Municipal or Industrial Water Project is exempt from these Regulations if it falls into one of the following categories:

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17.07.060(g) Efficient Utilization of Municipal and Industrial Water Projects

- (i) The day-to-day operations of an existing project or facility, or a minor change in the operation of an existing project or facility, including retrofitting or updating technology, so long as the change in operation does not constitute a material change and does not cause negative impacts different from that of the existing facility or project or otherwise exacerbate existing impacts.
- (ii) The maintenance, repair, replacement of an existing component or facility of a project if it does not constitute a material change, does not cause negative impacts different from the existing project, and does not otherwise exacerbate existing impacts.
- (iii) Replacement of an existing water diversion or storage structure without change in the point of diversion, type or place of use of the water, or yield.
- (iv) Irrigation facilities used for agricultural purposes.
- (v) A proposed municipal water project with a new or increased diversion per year, or new or increased storage capacity, of less than 500 acre-feet.
- (vi) A proposed industrial water project with a new or increased diversion per year, or a new or increased storage capacity, of less than 500 acre-feet.

(3) Application Submittal Requirements

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

- (i) Description of all conservation techniques to be used in the construction and operation of the project.
- (ii) Description of efficient water use, recycling and reuse technology the project intends to use. The description shall include estimated stream transit losses of water, reservoir evaporation losses, and power and energy requirements of the project and alternatives to the project.
- (iii) Map and description of other municipal and industrial water projects in the vicinity of the project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
- (iv) Description of demands that this project expects to meet and basis for projections of that demand.

- (v) Description of the water to be used by the project and alternatives, including: the source, amount, the quality of such water; the applicant's right to use the water, including adjudicated decrees, and applications for decrees; proposed points of diversion and changes in the points of diversion; and the existing uses of the water. If an augmentation plan for the project has been decreed or an application for such plan has been filed in the court, the applicant must submit a copy of that plan.
- (vi) Description of property rights that are necessary for or that will be affected by the project.
- (vii) Revenues and operating expenses for the project.
- (viii) The amount of any proposed debt and the method and estimated cost of debt service.
- (ix) Details of any contract or agreement for revenues or services in connection with the project.
- (x) Description of the persons or entity(ies) who will pay for or use the project and/or services produced by the development and those who will benefit from any and all revenues generated by it.

(4) Review Criteria

1041 Permit applications for site selection and construction of municipal and industrial water projects shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

- (i) The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water, including consideration of whether:
 - a. The project uses readily available conservation techniques
 - b. The project recycles water to the greatest extent allowed by law.

(5) Development and Performance Standards

[tbd]

17.07.070 Natural Hazard Areas and Mineral Resource Areas

(a) General Provisions

(1) Authority

These regulations are adopted pursuant to, inter alia, House Bill 1041 (1974) and House Bill 1034 (1974).

(2) Purpose and Intent

The purpose of these regulations to regulate development in natural hazard areas, including geologic hazard areas, wildfire hazard areas, and floodplain hazard areas, so as to minimize significant hazards to public health and safety, and to accomplish the following within specific areas:

(i) Geologic Hazard Areas

- a. Minimize significant hazards to public health and safety or to property in a designated geologic hazard area;
- b. Promote safe use of geologic hazard areas;
- c. Reduce the impact of geologic hazards on life and property by:
 1. Prohibiting certain land uses which are dangerous to life or property in geologic hazard areas,
 2. Restricting the land uses which would be hazardous to the public health and safety or to property in geologic hazard areas,
 3. Restricting the land uses which are particularly vulnerable to geologic hazards to alleviate hardship and reduce the demands for public expenditures for relief and protection,
- d. Requiring land uses permitted in geologic hazard areas, including public facilities which serve such uses, to be protected from geologic hazards by providing for geologic hazard investigation and the avoidance of or mitigation of such hazard impacts at the time of initial construction;
- e. Protect geologic hazard area occupants or users from the impacts of geologic hazards which may be caused by their own, or other, land use and which is or may be undertaken without full realization of the danger by:
 1. Regulating the area in which, or the manner in which, structures designed for human occupancy may be constructed so as to prevent danger to human life or property within each structure,
 2. Designating, delineating, and describing areas that could be adversely affected by geologic hazards so as to protect individuals from purchasing or improperly utilizing lands for purposes which are not suitable;

- f. Protect the public from the burden of excessive financial expenditures from the impacts of geologic hazards and relief by:
 - 1. Regulating land uses within geologic hazard areas to produce the pattern of development or a soundly engineered manner of construction which will minimize the intensity and/or probability of damage to property and loss of life or injury to the inhabitants or users of geologic hazard areas,
 - 2. Regulating the cutting, filling, or drainage changes and other man-made changes which could initiate or intensify adverse conditions within geologic hazard areas, and
- g. Encouraging such uses as agriculture, grazing, greenbelt, open space, and recreation within geologic hazard areas.

(ii) Wildfire Hazard Areas

- a. To facilitate the administration of wildfire hazard areas by establishing requirements which must be met before development in such areas as permitted;
- b. Establish requirements which are designed to minimize significant hazards to public health and safety or to property in wildfire hazard areas in which human activity is to take place;
- c. Require that authorized developments have adequate roads for service by fire trucks, fire-fighting personnel, and other safety equipment and that fuel breaks and other means of reducing conditions conducive to fire be provided;
- d. Promote proper land use within wildfire hazard areas;
- e. Protect the public against the costs which may be incurred when unsuitable development occurs in wildfire hazard areas;
- f. Preserve and maintain forestry and other natural resources; and
- g. Conserve natural conditions of air, water, land, vegetation, wildlife and open spaces for the education, recreation, and general welfare of the public.

(iii) Floodplain Hazard Areas

- a. Regulate development in flood hazard areas to minimize significant hazards to public health and safety;

- b. Operate in coordination with the National Flood Insurance Program; and
- c. Prevent substantial solid debris from being carried downstream by flood waters.

(iv) Mineral Resource Areas

- a. Regulate development in mineral resource areas to minimize significant hazards to public health and safety; and
- b. Ensure the availability to the public of necessary and useful minerals.

(b) Applicability

These regulations apply, subject to available mapping, to applications for permits to engage in development in all designated geologic hazard areas, wildfire hazard areas, regulated flood hazard areas, or mineral resource areas within the unincorporated areas of Pueblo County.

17.07.080 Review and Decision-Making

(a) Conduct of Permit Hearing

The Board of County Commissioners shall conduct the hearing in accordance with the provisions of §17.07.050(h)(1), Conduct of Permit Hearing.

(b) Decision-Making

The 1041 Permit shall be acted upon by the Board of County Commissioners in accordance with the provisions of §17.07.050(h)(3), Approval or Denial of Permit Application.

(c) Financial Guarantees

Before any 1041 Permit is issued, the Board of County Commissioners may, at its discretion, require the Applicant to file a guarantee of financial security per §17.07.090(b).

(d) Issuance of the Permit

Issuance of the 1041 Permit shall be subject to the regulations established in §17.07.090(a).

(e) Term of Permit

The 1041 Permit may be issued for an indefinite term or for a specific period of time, depending upon the size and complexity of the proposed project. Periodic progress reports may be required to be submitted to demonstrate that the applicant is completing the development with reasonable diligence. If the applicant fails to take substantial steps to initiate the permitted development within 12 months from the date of the 1041 Permit or such other time period specified in the permit, or if such steps have been taken, but the

applicant has failed to complete the development with reasonable diligence, then the 1041 Permit may be revoked or suspended in accordance with the provisions of §17.07.090(c), Revocation or Suspension of Permits.

(f) Renewal

1041 Permits may be renewed following the same procedure for approval of new 1041 Permits. The Board may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with these regulations.

(g) Permit Amendment

Any material change in the construction, use, or operation of a project from the approved permit shall require a permit amendment. The amendment shall be processed in accordance with and subject to the same procedures and requirements for a new 1041 Permit.

(h) Permit Administration, Enforcement, and Inspection

The provisions of these regulations and any 1041 Permits issued shall be administered, enforced, and inspected in accordance with §17.07.100.

(i) Transfer of Permits

A 1041 Permit may be transferred only with the written consent of the Board of County Commissioners. The Board must ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the permit and these regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

(j) Judicial Review

Any action seeking judicial review of a final decision of the Board of County Commissioners shall be initiated within 30 days after the decision is made, in the District Court in and for the County of Pueblo, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

(k) Severability

If any section, clause, provision, or portion of these regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare.

17.07.090 Issuance and Security for Approved Permits

(a) Issuance of Permits

(1) General Requirements

- (i) The 1041 Permit shall be issued on the form prescribed by the Director.
- (ii) The 1041 Permit may be issued for an indefinite term or for a specific period of time.
- (iii) The 1041 Permit is valid only for the development or activity described in the application package and applicant's commitments of record, together with the conditions of approval, if any, imposed by the Board of County Commissioners. Any change in the construction, use, or operation of the project shall require a permit amendment.
- (iv) A copy of the 1041 Permit shall be certified by the Board of County Commissioners to the Pueblo County Clerk and Recorder for recording in the same manner as any other document relating to real property.
- (v) The issuance of a 1041 Permit allowing the activity shall in no way constitute an exemption from zoning and other land use regulations, health regulations, or any other laws, regulations, or procedural requirements.
- (vi) Copies or notices of the issuance of the 1041 Permit shall be sent to any person requesting a copy upon payment of the cost of reproduction.

(2) Matter Specific Requirements

Any 1041 Permit for site selection of arterial highways, connector highways, and interchanges granted by this Board shall simply state that the particular activity for the particular site or corridor described shall be allowed.

(b) Security Provisions

(1) Required

Before any 1041 Permit is issued by the Board of County Commissioners, it may, in its discretion, require the applicant to file a security as described below.

- (i) The purpose of any bond or other security required to be filed with the Board of County Commissioners by the applicant or permittee is to assure that the applicant or permittee shall faithfully perform all requirements of the 1041 Permit or of the appropriate regulations adopted by the Board of County Commissioners.

- (ii) In lieu of a bond, the applicant or permittee may deposit cash or appropriate securities as determined by the Board of County Commissioners. The Board of County Commissioners may require the bond to be partly or entirely in cash. Any cash received, as a bond or security deposit, by the Board, pursuant to this regulation shall be deposited in an interest-bearing account, in the name of the Board of County Commissioners, and selected at the discretion of the Board. Any interest earned shall be additional security but shall be returned to the applicant or permittee upon the completion of the development or activity and satisfaction of all security conditions, and compliance with all applicable regulations.
- (iii) The security shall be signed by the applicant or permittee as principal and by a good and sufficient corporate surety licensed to do business in the state of Colorado, and it shall be made payable to the Board of County Commissioners. At the discretion of the Board, those persons holding any interest in the land on which the development or activity is to be conducted may also be required to join as principals.

(2) Amount

The amount of any bond or other security to be filed with the Board of County Commissioners prior to the issuance of any 1041 Permit shall be in an amount determined by the Board.

- (i) The criteria for setting the amount of the bond or other security shall be the estimated cost of returning the site of the permitted development or activity to its natural condition if the site was undeveloped prior to the application for a 1041 Permit, or to its original condition if the site was developed prior to the application for a 1041 Permit. In the alternative, the amount of the bond or other security required by the Board of County Commissioners shall be based upon the estimated cost of completing the permitted development or activity.
- (ii) The estimated cost shall be based upon the applicant's or permittee's cost estimate submitted with the application, plus the Board of County Commissioners' estimate of the additional cost to the County of Pueblo for bringing in personnel and equipment to return the site to its natural or original condition or to complete the development should the 1041 Permit be revoked or the site be abandoned.

(3) Release

The security may be released only when:

- (i) The 1041 Permit has been surrendered to the Board of County Commissioners before commencement of any physical activity on the site of the permitted development or activity; or
- (ii) The development or activity has been abandoned and the site thereof has been returned to its natural or original condition; or
- (iii) The project has been completed and security conditions have been satisfied.

(4) Cancellation

The security may be canceled by the surety only after 90 days' notice to the Board of County Commissioners, and upon receipt of the Board's written consent, which may be granted only when the requirements of the bond have been fulfilled. If a surety's license to do business in Colorado is suspended or revoked by any state authority, then the applicant or permittee, within 30 days after receiving notice, shall substitute a good and sufficient corporate surety licensed to do business in this State. If the permittee fails to make substitution of surety within 60 days, the Board of County Commissioners shall suspend the 1041 Permit until proper substitution has been made.

(5) Forfeiture

If the Board of County Commissioners determines that a financial guarantee should be forfeited because of any violation of the 1041 Permit or any applicable regulations adopted by this governing body, it shall provide written notice to the surety and to the permittee that the financial guarantee will be forfeited unless the permittee makes written demand to the Board of County Commissioners within 30 days after permittee's receipt of notice, requesting a hearing before the Board. If no demand is made by the permittee within this period, then the Board of County Commissioners shall order the financial guarantee forfeited.

- (i) The Board of County Commissioners shall hold a hearing within 30 days after the receipt of the demand by the permittee. At the hearing, the permittee may present for the consideration of the Board statements, documents and other information with respect to the alleged violation. At the conclusion of the hearing, the Board of County Commissioners shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

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17.07.090 Issuance and Security for Approved Permits

17.07.090(c) Revocation or Suspension of Permits

- (ii) The security may be used by the Board of County Commissioners in the event of the default or alleged default of the permit holder only for the purposes of recovering on the surety or fulfilling the 1041 Permit obligations of the permit holder. If the ultimate reviewing court determines that there has been no default by the permit holder, that portion of any monies expended by this jurisdiction from the escrow fund relating to such default shall be replaced in the escrow account by the governing body immediately following the judicial determination. This jurisdiction may arrange with a lending institution, which provides money for the permit holder, to hold in escrow any funds required for the security. Funds shall be disbursed out of escrow by the institution to this jurisdiction upon this jurisdiction's demand for the purposes specified in this section.
- (iii) If the forfeited bond is inadequate to cover the cost of returning the site to its original condition or to complete the development or activity, the County Attorney shall take such steps as they deem proper to recover such costs where recovery is deemed reasonably possible.

(c) Revocation or Suspension of Permits

- (1) If the Board of County Commissioners makes a preliminary determination that the provisions of any 1041 Permit or the terms of any regulation have been violated by the permit holder, the Board may temporarily suspend the 1041 Permit for a period of 90 days. Before making a temporary suspension, the Board shall give the permit holder written notice of the specific violation and shall allow the permit holder a period of at least 15 days to correct the violations. If the permit holder does not concur that they are in violation, they shall, within 15 days of receipt of the notice, show cause in the manner directed by the Board of County Commissioners why temporary suspension should not be ordered.
- (2) Either prior to or subsequent to a temporary suspension, the Board of County Commissioners may permanently revoke or suspend the 1041 Permit after conducting a public hearing in substantially the same manner and after substantially the same notice as for permit hearing, if it finds:
 - (i) A violation of the provisions of the 1041 Permit or any applicable regulation; or

- (ii) That the applicant has failed to take substantial steps to initiate the permitted development or activity within 12 months from the date of the 1041 Permit, or, if such steps have been taken, the applicant has failed to complete the development or activity with reasonable diligence.

17.07.100 Administration, Enforcement, and Penalties

(a) Enforcement and Penalties

Any person engaging in a development in a designated area or activity of state and local interest who does not obtain a 1041 Permit pursuant to these regulations for administration, or who does not comply with 1041 Permit requirements, or who exceeds the permission granted in the 1041 Permit, may be enjoined from engaging in such development or conducting such activity, and may be subject to such other criminal or civil liability as may be prescribed by law.

(b) Mapping Disputes

Where interpretation is needed as to the exact location or the boundary of any designated area, and where there appears to be a conflict between a mapped boundary and actual field observations, the Board of County Commissioners shall make the necessary determination of boundary. Any person contesting the location of the boundary shall be given an opportunity to present their case to the Board.

(c) Inspection

- (1) The Board of County Commissioners or the Director, is hereby empowered and directed to inspect and examine the use, occupation or development of, or activity in, each and every area or activity subject to these regulations for the purpose of determining from time to time whether or not any use, occupation, or development of, or activity is in violation of any of the provisions of this UDC or of any permit issued or required pursuant to this or other applicable regulations.
- (2) If a violation shall be found to exist, the Board of County Commissioners or the Director shall by written order direct that such remedial action be taken as will result in full compliance with the applicable regulations; provided, however, that the issuance of an order shall in no way be deemed a prerequisite to the institution of such enforcement proceedings as are set forth in this UDC; and provided further, that compliance with the order shall not necessarily be deemed to be a defense to any alleged violation of this or other applicable regulations in any court action instituted seeking full compliance therewith.

(d) Appeals

The Board of County Commissioners shall be empowered to hear appeals from any person aggrieved by any decision of the Director made in the course of administering these regulations.

(e) Judicial Review

Any action seeking judicial review of a final decision of the Board of County Commissioners shall be initiated within 30 days after the decision is made, in the District Court in and for the County of Pueblo, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

17.07.110 Appendix A: Considerations for Review Criteria

The Board of County Commissioners may use the following considerations when applying any of the §17.07.050(h)(2), Review Criteria.

(a) Technical and Financial Feasibility

The project will be technically and financially feasible. The determination of technical and financial feasibility of the project may include but is not limited to the following considerations:

- (1) Amount of debt associated with the project.
- (2) Debt retirement schedule and sources of funding to retire the debt.
- (3) Estimated construction costs and construction schedule.
- (4) Estimated annual operation, maintenance, and monitoring costs.

(b) Natural Hazard Risk

The project will not be subject to significant risk from natural hazards. The determination of risk from natural hazards to the project may include but is not limited to the following considerations.

- (1) Faults and fissures.
- (2) Unstable slopes including landslides, rockslides, and avalanche areas.
- (3) Risk of subsidence.
- (4) Wildfire hazard areas.
- (5) Floodplains.

(c) Land Use Patterns

The project will not have a significant adverse effect on land use patterns. The determination of effects of the project on land use patterns may include but is not limited to the following considerations:

- (1) Whether the project complies with and is consistent with applicable plans.
- (2) Likelihood that the project will/will not cause or contribute to urban sprawl or "leapfrog" development.
- (3) Significant changes in the amount of impervious surfaces.
- (4) Contiguity of development associated with the project to existing growth centers.
- (5) Changes to unique landforms.
- (6) Changes in the amount of character of open space.
- (7) Changes to traffic patterns, road capacity and congestion.

(d) Local Services

The project will not have a significant adverse effect on the capability of local governments affected by the project to provide services or exceed the capacity of service delivery systems. The determination of the effects of the project on local government services may include but is not limited to the following considerations:

- (1) Existing and potential financial capability of local governments to accommodate development related to the project.
- (2) Current and projected capacity of roads, schools, infrastructure, housing, and other services necessary to accommodate development, and the impact of the project upon the current and projected capacity.
- (3) Changes caused by the project in the cost of providing education, transportation networks, water treatment and wastewater treatment, stormwater drainage, channel stabilization, bridges, emergency services, or other governmental services or facilities.
- (4) Changes in short- or long-term housing availability, location, cost or condition.
- (5) Need for temporary roads to access the construction of the project.
- (6) Change in demand for public transportation.
- (7) Reduction in the amount of water available for future water supply in the County.

(e) Financial Burden

The project will not create an undue financial burden on existing or future residents of the County. The determination of the financial effects of the project may include but is not limited to the following considerations:

- (1) Changes in assessed valuation.
- (2) Tax revenues and fees to local governments that will be generated by the project.
- (3) Changes in tax revenues caused by agricultural lands being removed from production.
- (4) Changes in costs to water users to exercise their water rights.
- (5) Changes in costs of water treatment or wastewater treatment.
- (6) Effects on wastewater discharge permits.
- (7) Changes in total property tax burden.
- (8) Changes in costs to prevent stream channel erosion or sedimentation, or the costs of bridging streams.

(f) Local Economy

The project will not significantly degrade any current or foreseeable future sector of the local economy. The determination of the effects of the project on the economy may include but is not limited to the following considerations:

- (1) Changes to projected revenues generated from each economic sector.
- (2) Changes in the value or productivity of any lands.
- (3) Changes in opportunities for economic growth and diversification.

(g) Recreational Opportunities and Experiences

The project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experiences. The determination of effects of the project on recreational opportunities and experience may include but is not limited to the following considerations:

- (1) Changes to existing and projected visitor days.
- (2) Changes to duration of kayaking and rafting seasons.
- (3) Changes in quality and quantity of fisheries.
- (4) Changes in instream flows or reservoir levels.
- (5) Changes in access to recreational resources.

- (6) Changes to quality and quantity of hiking trails.
- (7) Changes to the wilderness experience or other opportunity for solitude in the natural environment.
- (8) Changes to hunting experiences.

(h) Air Quality

The project will not significantly degrade air quality. The determination of effects of the project on air quality may include but is not limited to the following considerations.

- (1) Changes to seasonal ambient air quality.
- (2) Changes in visibility and microclimates.
- (3) Applicable air quality standards.

(i) Visual Quality

The project will not significantly degrade existing visual quality. The determination of visual effects of the project may include but is not limited to the following considerations:

- (1) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
- (2) Interference with viewsheds and scenic vistas.
- (3) Changes in appearances of forest canopies.
- (4) Changes in landscape character types of unique land formations.
- (5) Compatibility of building and structure design and materials with surrounding land uses.

(j) Surface Water Quality

The project will not significantly degrade surface water quality. The determination of effects of the project on surface water quality may include but is not limited to the following considerations:

- (1) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color, or taste of water.
- (2) Applicable narrative and numeric water quality standards.
- (3) Changes in point and nonpoint source pollution loads.
- (4) Increase in erosion.
- (5) Changes in sediment loading to waterbodies.

- (6) Changes in stream channel or shoreline stability.
- (7) Changes in stormwater runoff flows.
- (8) Changes in trophic status or in eutrophication rates in lakes and reservoirs.
- (9) Changes in the capacity or functioning of streams, lakes or reservoirs.
- (10) Changes in flushing flows.
- (11) Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.

(k) Groundwater Quality

The project will not significantly degrade groundwater quality. The determination of effects of the project on groundwater quality may include but is not limited to the following considerations:

- (1) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
- (2) Changes in capacity and function of wells within the impact area.
- (3) Changes in quality of well water within the impact area.

(l) Wetlands and Riparian Areas

The project will not significantly degrade wetlands and riparian areas. The determination of effects of the project on wetlands and riparian areas may include but is not limited to the following considerations:

- (1) Changes in the structure and function of wetlands and riparian areas.
- (2) Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
- (3) Changes to aerial extent of wetlands and riparian areas.
- (4) Changes in species' characteristics and diversity.
- (5) Transition from wetland to upland species.
- (6) Changes in function and aerial extent of floodplains.

(m) Terrestrial or Aquatic Animal Life or its Habitats

The project will not significantly degrade terrestrial or aquatic animal life or its habitats. The determination of effects of the project on terrestrial or aquatic life may include but is not limited to the following considerations:

- (1) Changes that result in loss of oxygen for aquatic life.

Chapter 17.07 Areas and Activities of State and Local Interest

17.07.110 Appendix A: Considerations for Review Criteria

17.07.110(n) Terrestrial Plant Life or Plant Habitat

- (2) Changes in flushing flows.
- (3) Changes in species composition or density.
- (4) Changes in number of threatened or endangered species.
- (5) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.
- (6) Changes to habitat and critical habitat including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species.
- (7) Changes to the aquatic and terrestrial food webs.

(n) Terrestrial Plant Life or Plant Habitat

The project will not significantly deteriorate terrestrial plant life or plant habitat. The determination of effects of the project on terrestrial plant life or habitat may include but is not limited to the following considerations:

- (1) Changes to habitat of threatened or endangered plant species.
- (2) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
- (3) Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
- (4) Changes in threatened or endangered species.

(o) Soils and Geologic Conditions

The project will not significantly deteriorate soils and geologic conditions. The determination of effects of the project on soils and geologic conditions may include but is not limited to the following considerations:

- (1) Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
- (2) Changes to stream sedimentation, geomorphology, and channel stability.
- (3) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

- (4) Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.
- (5) Exacerbation of seismic concerns and subsidence.

(p) Nuisance

The project will not cause a nuisance. The determination of nuisance effects of the project may include but is not limited to the following considerations:

- (1) Increase in odors.
- (2) Increase in dust.
- (3) Increase in fumes.
- (4) Increase in glare.
- (5) Increase in heat.
- (6) Increase in noise.
- (7) Increase in vibration.
- (8) Increase in artificial light.
- (9) Increase in traffic impacts.

(q) Hazardous Materials

The project will not result in unreasonable risk of releases of hazardous materials. The determination of the risk of release of hazardous materials caused by project may include but is not limited to the following considerations:

- (1) Plans for compliance with federal and state handling, storage, disposal, and transportation requirements.
- (2) Use of waste minimization techniques.
- (3) Adequacy of spill prevention and response plans.

(r) Efficient Use of Water

The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water. The determination of whether the project emphasizes the most efficient use of water may include but is not limited to the following considerations:

- (1) Whether the project uses readily available conservation techniques.
- (2) Whether the project recycles water to the greatest extent allowed by law.

(s) Water or Wastewater Treatment Services

The project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services. The determination of whether the project will result in excess capacity or create duplicate services may include but is not limited to the following considerations:

- (1) Whether the project creates overlapping or competing service areas.
- (2) Whether the project differs significantly from the provider's facility plan.
- (3) Whether the project impacts other water and wastewater permits.

(t) Water or Wastewater Treatment Systems

New domestic water and wastewater treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and wastewater treatment systems of adjacent communities. The determination shall include but is not limited to the following considerations:

- (1) Relationship to reasonable growth projections and local land use plans.
- (2) Proximity to other water and wastewater provider's service area.

(u) Consolidation of Existing Water and Wastewater Facilities

To the extent feasible, wastewater and water treatment facilities shall be consolidated with existing facilities within the area. The determination of whether consolidation is feasible shall include but is not limited to the following considerations:

- (1) Whether there is an opportunity for consolidation.
- (2) The environmental, financial, and social feasibility of consolidation.

(v) Community Development and Population Demands

The project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the project, or to comply with regulatory or technological requirements. The determination of whether the project meets community development and population demands may include but is not limited to the following considerations:

- (1) Relationship to reasonable growth projections and local land use plans.
- (2) Relationship to other water and wastewater provider's service area.
- (3) Whether the project is not in compliance with regulatory or technological requirements or will not be in compliance in the near future.

(w) Aquifer Recharge Areas

Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas. The determination of potential for pollution of the aquifer recharge areas by the project may include but is not limited to the following considerations:

- (1) Proximity of urban development and population densities to aquifer recharge areas.
- (2) Proximity of stormwater and sanitation systems to aquifer recharge areas.
- (3) Changes in water quality in the aquifer recharge areas.

(x) Sustainable Growth and Development

The project shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development. The determination shall include but is not limited to the following considerations:

- (1) Relationship of the project to approved land use plans for the area.
- (2) The environmental, financial, and social impacts related to such development.

Chapter 17.08 Hazardous Waste Incinerator or Processor Site Procedures⁵¹

17.08.010 Purpose

The purpose of these regulations is to supplement and clarify the procedural requirements attendant upon the application for and issuance of a Certificate of Designation sought by an applicant pursuant to the provisions of the State Hazardous Waste Incinerator or Processor Siting Act, hereinafter, "the Act"; C.R.S. 25-15-501 through 515, as amended.

17.08.020 Applicability

(a) Construction and Interpretation

These regulations shall be construed in accordance with their express purpose. Nothing in these regulations shall be construed or interpreted to limit the power or authority of the Board of County Commissioners granted by the provision of the Act.

(b) Conflict with State Law

In the event that any provision of these regulations is in direct conflict with the provisions of C.R.S. 25-15-501 through 515, as amended, then the provisions of C.R.S. 25-15-501 through 515, as amended, shall prevail.

(c) Severability⁵²

This Section is hereby declared to be severable. Should any part of this Section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Section as a whole, but only that portion declared to be unconstitutional or invalid.

17.08.030 Initiation and Limitations

A request for a Regional Comprehensive Plan Amendment may be initiated in accordance with S17.06.040(c)(3).

⁵¹ Minor updates made to Division III for clarity and consistency with other sections of the UDC.

⁵² Updated to provide parallel construction with other severability provisions of the UDC.

17.08.040 Applicable Procedures

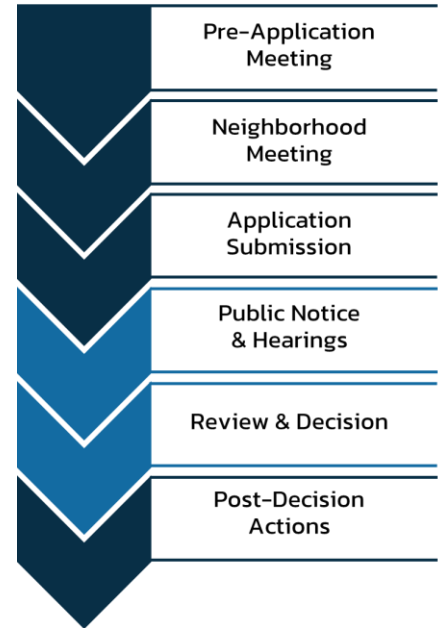
(a) Common Review Procedures

Common review procedures are established in §17.06.040. They are summarized in Table 17.06.1: Commonly Applicable Procedures for applicant convenience.

(b) Procedures Specific to Hazardous Waste Incinerator or Processor Site Review

All applications for a Certificate of Designation to permit the location, construction, operation, or closure of a hazardous waste incinerator or processor in the unincorporated portions of Pueblo County shall comply with the provisions of this Section. Applications not in compliance with these provisions shall be deemed to have not been received by Pueblo County and no further action shall be taken by Pueblo County on such an application until the same is brought into compliance.

Hazardous Waste Incinerator or Processor Site



(1) Required Submittals

All applications for a Certificate of Designation pursuant to this Section shall include the following information:

- (i) The location of the subject property and the location of the proposed incinerator or processor on that site.
- (ii) The owner(s) of the subject property upon which the proposed incinerator or processor site is to be located, as well as the person(s) or entity(ies) proposed to construct, operate, maintain, and demolish or remove such facility upon closure or project completion. Information for all such persons or entities should include, but not be limited to: name, title, address, telephone number, fax, email address, and designated contact person along with that person’s name, title, address, telephone number, fax, and email address.
- (iii) The types of hazardous waste or materials to be accepted or rejected for incineration or processing and the current location of the hazardous waste and/or materials to be accepted.

Chapter 17.08 Hazardous Waste Incinerator or Processor Site Procedures

17.08.040 Applicable Procedures

17.08.040(b) Procedures Specific to Hazardous Waste Incinerator or Processor Site Review

- (iv) The type or types of incinerator or processor by-product requiring disposal and disposal plans.
- (v) The method of supervision of the incineration or processing process.
- (vi) All anticipated access routes to be used to and from the site within Pueblo County.
- (vii) A complete copy of all applications for all permits made by the applicant or its agents to the state of Colorado, the United States, or any local government, or any agencies thereof including, but not limited to, the Colorado Department of Public Health and Environment (CDPHE) and the Environmental Protection Agency (EPA), related to the proposed incinerator or processor site. Specifically, if the applicant has applied to the state for a permit under the Resource Conservation and Recovery Act of 1976, 42 U.S.C., Section 6901, et. seq. (RCRA) and/or regulations promulgated pursuant thereto, whether such application is for a Part A, Part B, RD&D, or any other type of permit, a complete copy of that application shall be submitted. In addition, the applicant must submit a complete copy of any support documentation, including but not limited to, Multi-Pathway Health Risk Assessment, or any similar assessment, which has been performed in connection with the proposed incinerator or processor by or at the request of any federal, state, or local agency.

- (viii) A complete copy of all findings and conclusions made by the state of Colorado, the United States, or any local government, or agencies thereof in conjunction with its review of the permit applications referenced above in subsection (vii), as well as a complete copy of any permits issued by the state of Colorado, the United States, or any local government, or any agencies thereof, to the applicant or its agents. No application for a Certificate of Designation under the Act and these regulations shall be complete or deemed to have been received by Pueblo County unless all other permit approvals required by state and/or federal law, have been granted, approved, or issued and proof of such grant, approval, or issuance has been submitted with the application for Certificate of Designation. The issuance of any draft permits by the CDPHE or other regulatory body shall constitute issuance of those permits. If any final permit is different in any respect from its draft permit, then the owner or operator shall refer those differences to the County for determination and direction as to whether the difference constitutes a substantial change for which an amendment is required pursuant to §17.06.040(k), Post-Decision Actions.
- (ix) Written statements along with supporting documentation available to the applicant addressing, in detail, the applicant's position on each of the following issues:
- a. Whether the proposed incinerator or processor poses a significant threat to the health and/or safety of the public and/or the environment considering:
 1. The density of population in the areas neighboring the proposed site;
 2. The density of population in areas adjacent to access roadways to the site and which lie within a 50-mile radius of the proposed site; and
 3. The risk of accidents occurring during the transportation of any wastes to, from, or at the proposed site.
 - b. Whether the applicant, the owner, or any agent engaged or to be engaged by the applicant or owner has the financial ability to construct and operate the proposed incinerator or processor, and to perform required post-operation closure and clean-up activities.
 - c. Whether, considering its prior performance records, the applicant, owner, or any agent engaged or to be engaged by the applicant or owner has, and can document that it has sufficient reliability, expertise, and competency to operate and manage the proposed hazardous waste incinerator or processor.

Chapter 17.08 Hazardous Waste Incinerator or Processor Site Procedures

17.08.040 Applicable Procedures

17.08.040(b) Procedures Specific to Hazardous Waste Incinerator or Processor Site Review

- d. Whether the proposed site conforms to the Regional Comprehensive Plan and land use regulations of Pueblo County, including but not limited to Title 12 and this UDC, as amended. Supporting documentation should include, but not be limited to:
 - 1. plans for road and/or rail access to the facility;
 - 2. plans for construction and improvements supporting the related transportation needs of the facility during the construction, operation, maintenance, and demolition phases of the project;
 - 3. other infrastructure improvement plans such as communication systems, electrical, gas, water, and sewer utility systems;
 - 4. drainage plans;
 - 5. fire suppression plans;
 - 6. hazardous material spill mitigation and cleanup plans;
 - 7. proposed hours of operation; and
 - 8. expected duration of the project.
 - e. What effect the planned incinerator or processor will have on the surrounding property taking into consideration the type of processing to be used and wind and climatic conditions. Supporting documentation should include, but not be limited to, a study or studies of the impact that the construction, operation, maintenance, and demolition or removal of the proposed incinerator or processor will have on any agricultural activities surrounding the site, the infrastructure surrounding the site (roads, bridges, rail, electricity, water supplies, sewer, and gas, etc.), and community support services (schools, housing, social services, law enforcement, emergency services, etc.). The supporting documentation may also, but is not required to, include any proposed plans or recommendations of the applicant or its agents of how to best address or mitigate those impacts.
 - f. A statement from the applicant, owner, or agent of the facility that any and all construction done in support of this project will be consistent with County building code requirements, if applicable.
- (x) The application fees required by §17.08.090.

- (xi) If a phased project is contemplated by the owner or applicant, whether at the construction operation, maintenance, or demolition or removal stage, a plan describing each such phase of the project and all activities that are contemplated under each such phase shall be provided. The plan should describe each phase of the project in detail to the greatest extent possible based upon the information available at the time the application is submitted. The applicant shall send updates to the County of new details of the plan as those details are determined and developed throughout the course of the application submittal and review process, as well as throughout the development of the project after a certificate is granted.
- (xii) The annual estimated operating cost of or the annual estimated gross revenue received for the incineration or processing of hazardous wastes by the hazardous waste incinerator or processor.

(2) Other Information

- (i) The applicant may submit other information they deem relevant to the consideration of its application for a Certificate of Designation.
- (ii) In addition, Pueblo County may request additional information and/or documentation from the applicant, which it reasonably deems relevant to its review of the application. The applicant, owner, or any agent shall provide such additional information along with all other information and submittals required by this Section and the Certificate of Completeness shall not be issued until such additional information has been submitted. However, if such request(s) for such additional information are not made by the County at the time of the initial filing of the application, or within 120 days of the submission of all other information or documentation required by this UDC, then such additional requests for information shall not prevent or delay the issuance of the Certificate of Completeness referenced in this Section.

(3) Submission

The applicant shall submit the original and ten copies of the completed application to the Director. All sections of the application do not have to be submitted at the same time for review. The applicant may submit various sections of the application over a period of time in order to allow an expedited staff review by the County. However, the County will not issue a Certificate of Completeness pursuant to §17.08.080 until all requirements contained in this Section are addressed. The submittal of an application

for a Certificate of Designation may be submitted concurrently with any other permit applications applicable to the proposed project, including an application submitted to the state of Colorado for a RCRA permit. A project may be pursued in phases with the various phases being considered for permitting in a single application with conditions, multiple applications, or with succeeding phases being considered as amendments to the original application. The applicant must inform the County if it proposes to pursue the project in phases. The County, within its sole discretion, shall determine if phasing is appropriate for a project, and, if so, whether the contemplated phasing shall be permitted through conditions to a single application and Certificate of Designation, multiple applications and certificates, or amendments to an original application and certificate. The County shall make such determination as to the appropriateness of a project for phasing and whether it shall be pursued through conditions, multiple applications, or amendments within 30 days of a request for such determination by an applicant.

(4) Verification

Each application for a Certificate of Designation under this Section shall be verified by an officer of the applicant authorized to act on its behalf and shall include a verified representation that all representations in the application are true and accurate.

17.08.050 Review and Decision-Making⁵³

After the receipt of an application for a Certificate of Designation and the issuance of a Certificate of Completeness, the County shall schedule and hold a public hearing on the application in accordance with §17.06.040(f), Public Notice and Public Hearings and §17.06.040(g), Review and Decision-Making. Any hearing conducted in accordance with this Section shall include, but not be limited to, the following:

⁵³ Previously called Hearing and Decision.

- (a) The hearing will be conducted by the Board of County Commissioners as a quasi-judicial hearing in accordance with standard administrative rules of evidence.
- (b) The entire hearing will be open to the public and interested parties and the public will be allowed to participate in the hearing.
- (c) 30-day notice for the time and place of the hearing will be given by posting and publication.
- (d) Relevant written and oral testimony will be accepted from the applicant, other governmental agencies and interested citizens. Witnesses will be required to give sworn testimony. All parties at the hearing have the right to be represented by counsel. The hearing will be recorded.
- (e) Notification of approval or denial of the certificate will be issued within five days after such determination is made by the Board of County Commissioners.
- (f) Any appeal of the hearing decision shall be made to the Pueblo County District Court, 10th Judicial District, state of Colorado pursuant to Colorado law.

17.08.060 Post-Decision Amendment⁵⁴

The certificate holder shall notify the County of any proposed modifications or changes in operations, ownership, or design for its hazardous waste incinerator or processor, which involve matters that are the subject of or contained in the Certificate of Designation, its application, amendments, or previous modifications. All such modifications and changes shall be referred to as modifications under this Section. Modifications that are internal to the facility and that are not expected to have external impacts shall not require advance notice to the County if: a) such notice is impracticable; and b) notice is provided to the County within three business days of implementation of the modification. The certificate holder shall assume all risks with respect to any modification implemented prior to notice pursuant to this paragraph.

Within ten days of receipt of a modification notice, the County shall notify the certificate holder of the County's classification of the modification.

⁵⁴ Previously called Modifications and Amendment.

- (a) Class A modifications are those for which the County requires no additional information or input from the certificate holder. No further action shall be taken by the County on Class A modifications.
- (b) Class B modifications are those for which the County requires additional information or input. If the County classifies a modification as Class B, it shall notify the certificate holder whether the informal or formal process described below is contemplated. Modifications initially categorized as informal or formal may later be recategorized by the County.
 - (1) Informal Class B modifications require only additional information, explanation, or discussion with the County. The County shall notify the certificate holder of any decision rendered within five business days of its receipt of the additional information.
 - (2) Formal Class B modifications require a more detailed review process.
 - (i) The County shall provide a 20-day public notice and comment period for formal Class B modifications. Any additional information provided by the certificate holder shall be made available to the public for review during the comment period. Class B modifications may also necessitate a hearing and/or an amendment to the Certificate of Designation.
 - (ii) If a hearing is required, a notice shall be issued at least ten days before the hearing and that hearing shall be held within 30 days of the close of the public comment period. The County shall notify the certificate holder of any decision rendered within five days of completion of the hearing.
 - (3) No modification selected for the Class B review process shall be implemented until that process is complete.
- (c) Class C modifications are those that would modify the ownership, design, or operations described in the existing Certificate of Designation so substantially that an amendment process is warranted. If a modification is classified as a Class C modification, the certificate holder shall proceed with an amendment application pursuant to below.
 - (1) The certificate holder shall maintain and supply to the County a list of all modification notices produced pursuant to this Section. The certificate holder shall also maintain a record of all supporting documentation or drawings related to such notices.

- (2) The County may change its initial classification of a proposed modification if it deems such change necessary. Members of the public may make a request to the County to change its initial classification within 30 days of the County's receipt of the modification notice.
- (3) Any certificate holder desiring to amend its Certificate of Designation or required to do so pursuant to a County classification of a modification as a Class C modification, may do so by filing an application for such amendment with the County. The application for an amendment shall include and address all of the information and submittal requirements contained in these regulations for an application for the initial certificate and shall be processed by the County in the same manner as an initial certificate application. Information or submittals that remain unchanged from the initial certificate application need not be readdressed or resubmitted, but, instead, the unchanged section or submittal may be incorporated by reference into the amendment application.

17.08.070 Extension and Lapsing of Approval

(a) Revocation or Suspension

- (1) Any certificate issued by the County pursuant to this Section is subject to revocation or suspension for those violations outlined in this Section.
- (2) Notice of revocation or suspension shall be sent in writing to the certificate holder at the address on file with the Department of Planning and Development. Copies of all such notices shall be sent to the owner and operator of the subject incinerator or processor. The notice shall indicate the violation and any time period, if applicable, for correction of the violation. Depending upon the severity or urgency of the violation, a certificate may be summarily suspended, pending hearing, as deemed appropriate by the County. Notices will indicate whether operations must stop immediately or continue until completion of the hearing. The Board of County Commissioners may cancel the hearing on the matter if the violation is corrected to the satisfaction of the County prior to the scheduled hearing date.

Chapter 17.08 Hazardous Waste Incinerator or Processor Site Procedures

17.08.080 Certificate of Completeness

17.08.070(a) Revocation or Suspension

- (3) Hearings on any revocation or suspension shall be held within 60 days of the date of mailing of the notice. The hearing shall be conducted by the Board of County Commissioners in accordance with the provisions of §17.06.040(m). At any such hearing, all information, evidence, allegations, and arguments supporting the alleged violation shall be presented to the Board. The certificate holder shall have an opportunity to contest the matter and present their own information, evidence, and arguments. The hearing may be continued until all matters of dispute are properly addressed to the satisfaction of the Board.
- (4) The Board of County Commissioners will give its decision on the matter within 30 days after the conclusion of the hearing.
- (5) The certificate holder shall correct any matter found by the Board of County Commissioners to be a violation and correct it in accordance with the terms of the Board's decision. The certificate holder shall have the burden of notifying the County and proving correction of the violation. The County may inspect the incinerator or processor, or the records or the certificate holder, operator, or owner to verify correction. Additional hearings may be conducted by the County if needed. The County may restore the certificate if the violation is found to be corrected.

17.08.080 Certificate of Completeness

Within a reasonable period of time not to exceed 120 days after the receipt of an application for a Certificate of Designation pursuant to this Section, the County shall:

- (a) Inform the applicant in writing of any deficiencies in the application in view of the requirements of this UDC, shall state with reasonable specificity each deficiency in the application, and shall refer the applicant to the corresponding sections addressing the matters in question; or
- (b) Issue the applicant a written notice entitled "Certificate of Completeness" signed by the Director certifying that the application is complete in accordance with the requirements of this UDC.
- (c) In the case of a County authorized phased project, the County shall inform the applicant of deficiencies or issue a Certificate of Completeness for each phase proposed in a separate application or as an amendment to the original permit.
- (d) In the event that an applicant is notified of deficiencies pursuant to subsection (1) of this Section, it shall have a period of 180 days from the date of its receipt of the notice to correct the deficiency in the application. If the applicant is unable to correct the deficiency within that 180-day period, it may request an extension of time within which to make that correction, and such requests shall be granted by the County if good cause is shown. In the event that no Certificate of Completeness is issued to the applicant by the conclusion of that 180 day period, and no extension for good cause has been granted, then the application shall lapse, and no further action shall be taken by the County.

Upon the date of the issuance of a Certificate of Completeness the 180 day review period specified in C.R.S. 25-15-505(1) shall begin. The County may approve or disapprove an application at any time within that 180 day period, and the applicant may request an expedited review by the County. The issuance of a Certificate of Completeness shall not serve as the basis of an inference, nor shall it give rise to a presumption of approval of the Certificate of Designation.

17.08.090 Fees

The application shall be accompanied by a fee payable to Pueblo County in cash or certified funds in an amount to be certified to the applicant by Pueblo County at or near the time that the application is submitted. In no event shall the required fee exceed \$100,000.00. Such fee shall be based upon the reasonable anticipated costs that may be incurred by Pueblo County in the application review and approval process. Once such reasonable anticipated costs have been determined by Pueblo County, it shall certify the same to the applicant and, thereafter, the applicant shall pay said amount to receive further consideration of its application. Pueblo County shall provide an accounting of the actual costs incurred in its review of the application

and in the hearing process and shall refund any payment in excess of actual costs within 90 days after completion of the certification process. An application fee shall accompany each separate application for a Certificate of Designation. A phased project may be subject to only one application fee if it is determined by the County that the phases are simply parts or elements of a single project.

17.08.100 Inspections

Inspections may be conducted by County staff pursuant to this UDC. The certificate holder, owner and operator of an incinerator or processor shall cooperate with such County staff and assist them in conducting such inspections. The provision of notice of such inspections, the date, time, and location of such inspections, and the frequency of such inspections shall be within the sole discretion of the County, subject to the requirements of this UDC. Failure to cooperate with such inspections shall constitute cause for revocation or suspension.

17.08.110 Annual Fees

The owner or operator of any proposed incinerator or processor for which a Certificate of Designation is required under this Section shall provide to the County the annual estimated operating cost of that incinerator or processor as well as the annual estimated gross revenue to be received for the incineration or processing of hazardous wastes as part of the initial application for a Certificate of Designation. After a certificate has been issued, the owner or operator shall provide to the County not less than 60 days prior to each anniversary date of the issuance of the certificate any new or revised estimates of the annual operating cost and the annual gross revenue expected to be received for the incineration or processing of hazardous wastes by the hazardous waste incinerator or processor.

- (a) The County shall provide the owner or operator a statement of the annual fee that must be paid to the County as a condition of the issuance of a Certificate of Designation. In addition, the County shall provide as the basis for such fee, an estimate of all direct costs necessitated by the construction, operation, maintenance, or demolition of the proposed incinerator or processor. The County shall provide the initial year's annual fee and the estimated cost basis of that fee to the owner or operator prior to the issuance of the Certificate of Designation. After the issuance of a Certificate of Designation, the County shall provide to the certificate holder each subsequent year's annual fee within 30 days prior to the anniversary date of the issuance of a certificate, and annual updates or amendments to the estimated direct costs.
- (b) If the owner or operator wishes to dispute the annual fee or the basis of that fee, it shall notify the County of such in writing. In such an event, a meeting shall be arranged between the owner or operator and the County to allow the matter to be discussed and/or negotiated. The County will make its final decision with regard to the fee based upon those discussions.
- (c) The owner or operator of an incinerator or processor shall pay to the County the annual fee within 90 days after the issuance of the Certificate of Designation, and within 90 days of each anniversary date of that certificate. Upon a showing of good faith effort, the County may grant additional time within which the owner or operator will be required to make any payments due pursuant to these regulations.
- (d) The failure to pay the annual fee pursuant to this Section, or the failure to cooperate with the County in calculating the annual fee in accordance with this Section, shall be cause for denial to issue a certificate, or revocation or suspension of an existing certificate.
- (e) The County shall deposit annual fees received into a hazardous waste incinerator or processor fund as required by §25-15-515(3), C.R.S.

Chapter 17.09 Mining or Extraction Permit (MEP)

17.09.010 Purpose

Review of applications for the mining or extraction of sand, soil, or gravel by the Board of County Commissioners in a manner that does not duplicate or contradict applicable state or federal requirements. Pueblo County reserves the right to assume the functions of external agencies involved with sand, soil, or gravel mining if such agencies are eliminated or their operations are curtailed.

17.09.020 Applicability

(a) Permit Required

The following activities require an MEP:

- (1) Mining of sand, soil or gravel.
- (2) Temporary borrow pits to extract sand, soil or gravel.
- (3) Use of Pueblo County roads for transportation of mined sand, soil, or gravel.
- (4) Projects that include any of the following:
 - (i) Accessory uses and structures associated with mineral extraction.
 - (ii) Crushing, screening, stockpiling of extracted materials.
 - (iii) Processing or batching of materials into other products such as asphalt and concrete.
 - (iv) Outdoor storage of equipment and materials used for mineral extraction.

(b) Exemptions

The following activities are exempt from an MEP provided they do not include any of the activities identified in §17.09.020(a):

- (1) The use is for an agricultural operation where no material would be exported from the parcel and is for the property owner's use on their property. The associated equipment may only operate internal roads within the parcel boundaries where the operation takes place. All associated operations, screening, and loading must be at least 1,000 feet from the nearest residence in different ownership.
- (2) The activity is approved as a mining activity by the County under separate permit, such as landfill sites, foundation excavations, building or subdivision developments, or water or road tunnel developments;

- (3) If for an approved building or subdivision, the disturbed area is located within and immediately surrounding the footprint of an approved building, road, or recreational facility and for sand or soil only.

17.09.030 Initiation and Limitations

A request for an MEP may be initiated in accordance with §17.06.040(c)(3).

17.09.040 Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

17.09.050 Review and Decision-Making

The Planning Commission shall review and recommend, and the Board of County Commissioners shall decide on the MEP in accordance with §17.06.040(g), Review and Decision-Making, and in light of the following review criteria:

- (a) The requested use is a use listed as a Mining or Extraction Permit use in the zone district in which the parcel is located.
- (b) The granting of the MEP will not substantially modify the Regional Comprehensive Plan or the intent or purpose of this UDC;
- (c) The MEP proposal incorporates reasonable means to mitigate impacts on surrounding properties; and
- (d) The MEP will not adversely affect public health, safety, or welfare.

17.09.060 Post-Decision Actions

(a) Post-Decision Amendment

Approved MEPs may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(b) Appeal

A decision on an MEP application may be appealed in accordance with §17.06.040(i), Appeals.

17.09.070 Extension and Lapsing of Approval

(a) General

Approved MEPs are valid for the timeframe identified in the approval, up to a maximum of 20 years. The MEP shall lapse if the use is not commenced within one year of approval.

(b) Reapplication

In the event an application for a MEP is denied, no new application shall be made for the same or a substantially similar special use on the same property covered by the original application within six months of the denial.

(c) Extension

The Board of County Commission may extend an approved MEP.

Chapter 17.10 Nonconformities⁵⁵

17.10.010 Purpose

- (a) Changes to this UDC can impact the status of legal, existing uses, lots, and structures. It is the general policy of the County to allow uses, structures, and lots that came into existence legally to continue to exist and be put to productive use. As these uses and structures change, they should be brought into compliance with applicable regulations as expediently as is reasonably possible.
- (b) These regulations are intended to:
 - (1) Recognize the interests of property owners in continuing to use their property;
 - (2) Promote the reuse and rehabilitation of existing buildings; and
 - (3) Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties, neighborhoods, or the County as a whole.
- (c) Nothing in this UDC shall be interpreted as authorization for or approval of a continuance of the use of a structure or premises in violation of this UDC.

17.10.020 Application

Any use, parcel, or structure that legally existed prior to the adoption of this UDC which does not conform to the provisions of this UDC at the time of adoption shall be known as a nonconforming use, nonconforming parcel, or a nonconforming structure.

17.10.030 Nonconforming Status

(a) Establishment

The property owner shall bear the burden of establishing that a nonconforming use or structure lawfully exists. The use of land, use of a structure, or a structure itself shall be deemed to have nonconforming status when each of the following conditions are satisfied:

- (1) The use or structure does not conform to the regulations prescribed in the zoning district in which the use or structure is located and was in existence and lawfully constructed, located, and operating prior to, and at the time of, the event that made the use or structure nonconforming.
- (2) The event that made the use or structure nonconforming was one of the following:

⁵⁵ Existing 17.124, Nonconforming Uses, Parcels, and Structures, modified for clarity.

- (i) Adoption of this UDC or a previous code, or
 - (ii) Amendment of this UDC or a previous code.
- (3) The nonconforming use or nonconforming structure has been operating since the time that the use or structure first became nonconforming without abandonment.

(b) Ordinary Repair and Maintenance

Normal maintenance and incidental repair may be performed on all structures, both conforming and nonconforming. This Section shall not be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the Building Official who declares a structure to be unsafe and orders its restoration to a safe condition.

17.10.040 Registration and Recording

The Director, at the request of the landowner of record or an authorized representative, may issue a Certificate of Nonconformance, a Certificate of Conforming Use, a Parcel of Record Certificate and/or a Merger by Contiguity Certificate to the owner of each known Nonconforming Use, Nonconforming Parcel, and/or Nonconforming Structure. The Director shall then record a copy of the Certificate(s) in the office of the County Clerk and Recorder within thirty days of its issuance at the applicant's expense. No use of land or structures so registered shall be other than specified on the Certificate(s) unless the use shall be in conformity with the provisions of the zoning district in which the parcel is located.

17.10.050 Nonconforming Use

(a) Continuation

Nonconforming uses may be continued so long as the use remains otherwise lawful.

(b) Expansion

- (1) No nonconforming use may be expanded or increased except that any nonconforming use may be extended throughout any parts of a building designed for the use that existed as of the Effective Date of the land use regulation that made the use nonconforming, but no use shall be extended to occupy any land outside the building.
- (2) No existing structure specific to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conjunction with changing to a conforming use.

(c) Discontinuance and Abandonment

- (1) If a nonconforming use has been discontinued for a period of 12 consecutive months, the landowner of record shall be notified by certified mail and a memorandum to the public record, identifying the discontinued use, shall be recorded in the office of the County Clerk and Recorder, and such use or any other nonconforming use shall not be re-established and any future use shall be in conformance with the provisions of this UDC. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation. Maintaining connection to or payment of public services or utilities is not evidence of continuing operations.
- (2) A nonconforming use replaced by a permitted conforming use will result in the loss of the nonconforming use.

17.10.060 Nonconforming Lots

(a) Parcel of Record

A "parcel of record" that pre-dates the adoption of the County's original subdivision regulations and is nonconforming to this UDC may be developed if:

- (1) The "parcel of record" is in separate ownership or contiguous to lots in the same ownership; and
- (2) The proposed development can be located on the lot so that the yard, height, and other dimensional requirements of the underlying zone district can be met as applicable or with an Administrative Adjustment.

(b) Lot Reduction

- (1) No lot or interest therein shall be transferred, conveyed, sold, or subdivided so as to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this UDC, or to leave remaining any lot in violation of the dimensional requirements of this UDC.
- (2) No lot or portion of a lot required as a building site under this UDC shall be used as a portion of a lot required as a site for another structure.
- (3) No Building Permit shall be issued for any lot or parcel of land that has been conveyed, sold, or subdivided in violation of this subsection. Any transferee who acquires a lot in violation of this subsection without knowledge of the violation, and any subsequent transferee, shall have the right pursuant to Colorado law to rescind or receive damages from any transferor responsible for the violation.

(c) Merger of Contiguous Nonconforming Parcel

If a nonconforming parcel ever comes under the same ownership as a contiguous parcel, it shall no longer be the same nonconforming parcel. Such cessation shall be recorded in the office of the County Clerk and Recorder, and then no portion of the enlarged parcel shall be sold unless both the portion to be sold and the remainder shall be conforming parcels. The following is a listing of mergeable parcels:

- (1) Two or more vacant nonconforming parcels of land; or
- (2) An improved nonconforming parcel of land and a vacant adjacent parcel(s) of land (whether or not nonconforming). However, if a landowner purchases a vacant parcel of land adjacent to an improved parcel owned by same individual, for the purposes of developing, then each parcel will have to be under separate ownership. (Note: Two improved nonconforming parcels of land under the same ownership will not be required to merge.)

17.10.070 Nonconforming Signs

(a) Continued Use

- (1) Any sign that existed prior to the enactment of this UDC, which was legally established but does not now meet the provisions of this UDC, shall be considered nonconforming and may remain in its same location, be repaired, and maintained provided:
 - (i) The sign is not destroyed beyond its total replacement cost;
 - (ii) The sign is not destroyed and/or abandoned for a period of 12 consecutive months; and
 - (iii) The sign does not become a hazard to the motoring public due to changes in land use development, traffic patterns, or a causal factor in automobile or automobile related accidents.
- (2) Signs that are individually or as part of a building designated by the County as a historic landmark or a historically important sign are considered conforming provided that:
 - (i) The sign is kept in good repair;
 - (ii) The sign does not constitute a hazard to public safety; and
 - (iii) The original design of the sign does not change.

(b) Classification of Nonconformities

There are two types of legal, nonconforming signs: major and minor. Signs with multiple nonconforming elements are classified in the category of the most significant nonconformity.

(1) Major Nonconforming Signs

Major nonconforming signs are those signs for which the nonconformity generates a nuisance per se, violates County sign policy, or is incompatible with adjacent signs or applicable County plans such that public policy favors their elimination from the zoning district if they are discontinued, abandoned, or destroyed. Major nonconforming signs include:

- (i) Dangerous signs;
- (ii) Signs that exceed the maximum height or size permitted in the zone district by more than 20 percent;
- (iii) Nonconforming location that encroaches on or over a public right-of-way, clear vision area, or public access easement;
- (iv) Signs with nonconforming illumination;
- (v) Nonconforming sign types; and
- (vi) Signs approved with a variance that permits any issue included in this major nonconformity list,

(2) Minor Nonconforming Signs

Minor nonconforming signs are any nonconforming signs that are not classified as major nonconforming signs. Minor nonconforming signs include without limitation:

- (i) Signs that exceed the maximum height or size permitted in the zone district by 20 percent or less; and
- (ii) Nonconforming location that does not encroach on or over a public right-of-way.

(c) Major Nonconformities

(1) Alterations

- (i) A major nonconforming sign or sign structure may not be altered in any way that increases any nonconformity. A proposed change to any nonconforming aspect of a major nonconforming sign shall require the entire sign to be brought into conformance with this chapter.

- (ii) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

(2) Replacement

- (i) A major nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- (ii) A major nonconforming sign that loses its nonconforming status shall be replaced with a conforming sign.

(d) Minor Nonconformities

(1) Alterations.

- (i) A minor nonconforming sign may be altered in a manner that conforms to this chapter while still maintaining the nonconforming elements. For example, a sign that is two feet over the height limit for the zone district may be altered provided the height is not increased.
- (ii) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

(2) Replacement

- (i) A minor nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- (ii) A minor nonconforming sign that loses its nonconforming status shall be replaced with a conforming sign.

(e) Sign Removal for Public Purposes

Any nonconforming sign temporarily removed by a public utility company, the County, or any governmental agency to accommodate repair, maintenance, or expansion operations may be replaced, provided that there is no change in size, height, or location of the sign. If any sign is moved as a direct result of a governmental or utility project, it may be relocated to a position determined by the County Engineer to be appropriate in relation to the project, and such a sign shall not be considered nonconforming for the reason of applicable separation standards. No permit shall be required for such replacement.

(f) Loss of Nonconforming Status

A nonconforming sign shall lose its nonconforming designation and be required to comply with this UDC if any of the following apply:

- (1) Any portion of the primary sign structure is replaced.

- (2) The primary structure on the site is replaced, renovated in a manner that expands the building footprint by more than 50 percent, or when the sign is required to be moved to accommodate building replacement or expansion in compliance with the zoning district regulations.
- (3) A major nonconforming sign is removed, relocated, or replaced for any reason except towards compliance with this UDC.
- (4) If more than 50 percent of a nonconforming sign is damaged by any means, as measured by total replacement cost of both the sign and structure prior to such destruction, and the sign type is no longer permitted in the zoning district, it shall be considered destroyed and shall not be brought back into service or use except in conformity with the provisions of this UDC.
- (5) The sign is voluntarily replaced in compliance with this UDC.
- (6) The sign is abandoned.

(g) Maintenance and Repair

- (1) A nonconforming sign is subject to all requirements of this UDC regarding safety, maintenance, and repair.
- (2) Temporary removal of any portion of a sign for repairs or general maintenance shall not be considered to be in violation of this UDC, provided that no alterations are made to the sign or sign structure. Should the sign or sign structure be moved permanently for any reason and over any distance whatsoever, it shall thereafter conform to all regulations for the district in which it is located after it has been moved or relocated.
- (3) Maintenance shall not include the conversion of a nonconforming sign to an electronic message display sign. Any such conversions may only be made to a conforming sign and shall be subject to the permitting and fee requirements set forth in this UDC.

(h) Records

In addition to initial and construction inspections, signs may be inspected periodically by the Department of Planning and Development to ensure continued compliance with this UDC. Sign owners shall maintain all records related to sign installation and maintenance and make them available for County review as requested.

17.10.080 Nonconforming Structures

- (a) A nonconforming structure may continue to be used so long as the structure remains lawfully occupied.
- (b) The structure may not be enlarged or altered in a way which increases its nonconformity unless an enlargement or structural alteration is required by law. Structural alterations may be permitted when necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in the building. Any enlargement greater than 10% of the GFA that is necessary to adapt to new technologies shall be authorized only by a Conditional Use Permit.
- (c) If a nonconforming structure is vacant for 12 consecutive months, moved or condemned, or torn down or destroyed, it shall be removed or made conforming to all the requirements of this UDC.

17.10.090 Repairs, Maintenance, and Restoration

- (a) Ordinary repairs and maintenance of a structure and care of lands containing a nonconforming use shall be permitted. A nonconforming structure damaged or partially destroyed by fire, explosion, or natural occurrence may be restored to the condition in which it was immediately prior to the occurrence of such damage or destruction, provided:
 - (1) The restoration or reconstruction shall not extend beyond the original limits of the structure in setbacks, lot area coverage, building height, and floor area; and
 - (2) All restoration or reconstruction shall be commenced within six months from the date of damage and shall be completed within one year.
- (b) A nonconforming structure that is totally destroyed may not be restored or reconstructed unless the restored structure is in compliance with the current zoning regulations.

Chapter 17.11 Enforcement⁵⁶

17.11.010 Violations

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of the provisions of this UDC. Any person, firm, or corporation, either as owner, lessee, occupant, or otherwise, who violates any of the provisions of this UDC shall be guilty of a misdemeanor.

17.11.020 Penalties

The violation of any provision of this UDC shall be punishable as provided by law. Each day or portion of a day any violation of any provisions of this UDC shall continue shall constitute a separate offense.

⁵⁶ Existing 17.04, General Provisions, modified for clarity.

Chapter 17.12 Measurements & Definitions

17.12.010 Rules of Construction⁵⁷

(a) Meanings and Intent

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by definition in §17.12.030, Definitions, by legislative declaration, or otherwise, shall be construed accordingly. The particular controls the general.

(b) Mandatory and Discretionary Terms

Mandatory requirements use the words "shall," "must" or "will" and are sometimes labeled Standards. Recommendations use the words "may" or "should" and are sometimes labeled Guidelines.

(c) Tenses, Plurals, and Gender

Words used in the present tense include the future, unless the context clearly indicates otherwise. Words indicating a specific gender apply to all persons and things unless the context clearly indicates otherwise.

(d) Conjunctions

Unless the context clearly indicates otherwise, the word "and" indicates all connected words or provisions apply. The word "or" indicates connected words or provisions may apply singly or in any combination. The words "either ... or" indicate the connected words or provisions apply singly but not in combination.

(e) Computation of Time

A reference to days is to calendar days unless otherwise specified in this UDC or state statute. If a deadline falls on a weekend or county holiday, the deadline extends to the next working day. When computing a period of days, the first day is excluded and the last day is included. If the last day falls on a weekend or county holiday, the last day is the next working day.

⁵⁷ New.

(f) Delegation of Authority

Whenever a provision requires the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

(g) Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this UDC and any heading, caption, figure, illustration, table, or map, the text shall control. Section and subsection headings are for convenience only. They do not govern, limit, or modify the scope, meaning or intent of this UDC.

17.12.020 Rules of Measurement

(a) Purpose⁵⁸

This section provides uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDC.

(b) Density⁵⁹

Density shall be calculated by the number of dwelling units per acre within a proposed development site, excluding public and private streets and rights-of-way, natural bodies of water, and public access easements that restrict the surface use of the property.

- (1) The density calculation shall be adjusted for conservation subdivisions as provided in S <> [Land Conservation Standards].

(c) Lot Dimensions⁶⁰

- (1) New lots created, developed, used, or occupied shall meet the minimum lot dimensions for the applicable zone district unless otherwise established in this UDC.
- (2) No land needed to comply with minimum lot dimensions or other standards in this UDC shall be sold or leased away from a lot.
- (3) Minimum lot area, for lots created by the land division process, may not include any portion of an adjacent road.
- (4) Lot width is measured at the required front building setback line, or in the case of an irregularly shaped lot, the front building line.

⁵⁸ New.

⁵⁹ New.

⁶⁰ New.

(d) Setbacks

(1) Setback Measurement⁶¹

Setbacks shall be measured along the shortest distance from the lot line of the property to the exterior wall of any building or structure on the lot.

(2) Setbacks for Attached Buildings⁶²

For buildings where multiple dwellings or businesses share a common wall, only the outside walls of the end units shall comply with applicable setback requirements. Internal separation requirements may apply to structures.

(3) Through parcel⁶³

On a through parcel, the front setback requirements of the district in which the parcel is located shall apply to both street frontages.

(4) Corner parcel⁶⁴

On corner parcels, a required side setback with street frontage shall be at least 15 feet wide, and the other setback requirements shall be the same as for other parcels in the same zone district.

(e) Building Coverage⁶⁵

That portion of the parcel covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level.

(f) Building Height⁶⁶

Generally, the height of a building or structure shall be measured from the established street grade to the highest point of the coping of a flat roof, or to the center height between the eaves and ridge for pitched roofs. For buildings set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building, provided the distance from the street line is not less than the height of the finished grade above the established street grade.

⁶¹ From the definition of "setback".

⁶² New.

⁶³ Existing Section 17.120.060

⁶⁴ Existing Section 17.120.070

⁶⁵ New.

⁶⁶ From the definition of "Building, height of".

17.12.030 Definitions

A

Accessory Outdoor Commercial Storage⁶⁷

An outdoor area used for the long-term deposit (more than 48 hours) of any goods, material, merchandise, or vehicles as an accessory use to and associated with a principal use on the property.

Accessory Vehicle Storage⁶⁸

The storage of vehicles on a lot outside of a structure such as a storage building or garage.

Adult Uses

Any facility used for an adult amusement or entertainment business. This includes an adult bookstore, adult photography studio, adult theater, adult movie arcade, adult restaurant, bar or nightclub, adult tanning salon and other adult businesses characterized by offering patrons activities or material depicting, exhibiting, describing, or relating to specified sexual activities or specified anatomical areas for observation, amusement, enjoyment, satisfaction, or gratification, whether for a fee or not. The uses contemplated by this definition customarily, although not always, offer adult amusement or entertainment activities or materials as a principal, significant or emphasized part of their enterprise and, customarily, although not always, exclude minors under 18.

Aerospace Activities

A use pertaining to the development, production, maintenance and support of aircraft and spacecraft, including but not limited to, research and development, testing and manufacturing of aircraft and spacecraft components and systems, simulator, and ground support equipment; and the maintenance, repair and overhaul of aircraft and spacecraft systems. In PuebloPlex, this includes space port facilities.

Agricultural and Animal Uses⁶⁹

Uses in this category include limited, commercially oriented agricultural activities, greenhouses, nurseries, and facilities for selling agricultural products. This category also

⁶⁷ New.

⁶⁸ Replaces current definition for "Vehicle Storage."

⁶⁹ New.

includes animal-related uses such as the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

Agricultural Custom Contractor

The provision of services necessary and customary to farming or ranching operations, requiring special knowledge, expertise or equipment, including the parking, servicing, repairing or maintenance of vehicles designed for on-road hauling of livestock or agricultural products, and including vehicles and machinery designed for the harvesting, planting, cultivating or processing of crops.

Agricultural Fencing⁷⁰

Any fence in the A1, A2, or A3 zone districts used to control, confine, or corral livestock, deter wildlife from crops, or indicate the borders of a lot that maintains any agriculture use as listed in Table <> [Table of Allowed Uses].

Agricultural Implement, Sale and Repair⁷¹

A commercial enterprise for the repair of equipment normally or routinely used for agricultural uses, and related parts, tools, and accessories. This use includes sale of associated materials.

Agricultural Processing⁷²

The processing and/or packaging of agricultural products, excluding the processing of fish, meat, or game. Examples include but are not limited to the making of alfalfa pellets, herbal products, food products, wreaths, woolen products, cheese, and candles. Agricultural processing may include the sales of agricultural products grown on the site or agricultural products produced on the site.

Agricultural Production

Outdoor farming, including plowing, tillage, cropping, keeping of animals, grazing, livestock farming and similar uses; seeding, cultivating/harvesting for the production of food and fiber products (excluding commercial logging and timber harvesting). Agricultural Production includes horticulture, silviculture, viticulture, aviculture, aquaculture, apiculture, livestock

⁷⁰ New.

⁷¹ New.

⁷² New.

grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and animal husbandry and animal sales yards. This use excludes marijuana cultivation.

Agricultural Tourism⁷³

Activities conducted on a parcel with a primary agricultural use and offered to the public for the purpose of recreation, education, or active tourism related involvement in the agricultural use. These activities shall be incidental to the primary agricultural use on the site or related to natural resources present on the property. This term includes guest ranches, site tours, hayrides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. Agricultural tourism does not include accommodation uses or retail sales.

Agriculture

See "Farming" or "Ranching."

Airport or Heliport

A place on land or water where aircraft may land to discharge or receive cargo and passengers, make repairs, or take on fuel.

Alcohol Sales

The retail sale of alcoholic beverages for off-site consumption.

Alley

A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Alter

Any structural change in the supporting or load bearing members of a building, such as bearing walls, columns, beams, girders, or floor joists.

Amphitheater

An open-air venue used for entertainment, performances, and sports with seating tiers that surrounded the central performance area.

⁷³ New.

Annual Estimated Operating Cost

The good faith estimate, provided by the owner or operator of an incinerator or processor for which a Certificate of Designation is required pursuant to O, of all costs, expenses, debts or obligations expended or incurred, or to be expended or incurred, including the amortized or depreciated cost of all capital expenditures based upon the planned or anticipated useful life of such capital expenditures, by said owner or operator, or their agents, in pursuit of the construction, operation, maintenance, or demolition of the incinerator or processor. If the operator is a person or entity other than the owner, then the fee or other remuneration paid or to be paid to the operator for its services shall be included as an operating cost. Such good faith estimate shall include an estimate of those expenditures anticipated to be incurred in the current calendar year as well as those anticipated to be incurred in each calendar year thereafter for a minimum of three years. The expenses included in such good faith estimate shall be limited to those expenses directly incurred for and uniquely a part of the incinerator or processor project.

Annual Estimated Gross Revenue

The good faith estimate, provided by the owner or operator of an incinerator or processor for which a Certificate of Designation is required pursuant O, of the total amount of money or other valuable consideration provided to or received by the entity actually charged with or contracted for the construction, operation, maintenance, or demolition of said incinerator or processor, including all amounts paid to reimburse such entity for all costs, expenses, debts, or obligations incurred by such entity in the construction, operation, maintenance, or demolition of such incinerator or processor. Such good faith estimate shall include an estimate of those revenues anticipated to be paid in the current calendar year as well as those anticipated to be paid in each calendar year thereafter for a minimum of three years. The revenues included in such good faith estimate shall be limited to those revenues received, which are directly related to and uniquely a part of the incinerator or processor project.

Antique

A fine art object, artifact, implement or household furnishing, over fifty years old, which is characteristic of a specified area or country, or which has other historical and artistic significance.

Appropriate

Belonging peculiarly, or especially suitable.

Appurtenant Facilities

Any building, structure, or other property which is incidental to, and customarily found in connection with, major facilities of public utilities and are operated and maintained for the benefit or convenience of the occupants, employees, customers, or visitors of such major facilities.

Aquaponics

A system that combines hydroponics (cultivating plants in water) with aquaculture (raising of fish and other aquatic animals) in a symbiotic relationship.

Aquifer Recharge Area

Any area where surface waters may infiltrate to a water bearing structure of permeable rock, sand, or gravel. This definition also includes areas affected by wells used for disposal of wastewater or other toxic pollutants.

Assembly

The joining together of completely fabricated parts to create a product.

Assembly, Religious or Secular⁷⁴

Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, worship, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, and concessions.

Associations, Clubs, and Lodges⁷⁵

A building or rooms and accessory buildings and grounds occupied by a nonprofit association of persons for the promotion of some common objective such as, but not limited to, literature, science, politics, recreation and good fellowship, meeting periodically, limited to members, with no more than one-third of the gross floor area occupied by the use used for residential occupancy.

Atmospheric Light Pollution

General sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see and enjoy the natural night sky.

⁷⁴ New.

⁷⁵ Replaced "Club".

Auction Hall⁷⁶

A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Autonomous Vehicle Test Site

A proving ground for the safe testing and operations of automated vehicle technologies.

Aviary

A place for keeping birds confined for the purposes of breeding, raising, or selling.

B

Bar or Tavern⁷⁷

An establishment where the primary business is providing or dispensing by the drink for on-site consumption of fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, in which the sale of food products such as sandwiches and light snacks is secondary, and where music, live entertainment and/or dancing may be provided. This use does not include any adult use.

Battery Energy Storage Facilities

One or more battery cells for storing electrical energy stored in a Battery Energy Storage System (“BESS”) with a Battery Management System (“BMS”).

Battery Energy Storage System (BESS)

A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Battery Management System (BMS)

An electronic regulator that manages a battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and being able to shut down the system before operating outside safe parameters.

⁷⁶ New.

⁷⁷ New.

Bed and Breakfast⁷⁸

A single-family dwelling, or portion thereof, where short-term lodging rooms and meals are provided for a maximum of 28 days and where the operator of the house lives on the premises or in adjacent premises.

Beekeeping

The raising or producing of bees, beeswax, honey, and by-products.

Bicycle Parking Device

A rack to which the bicycle frame and at least one wheel can be secured with a user-provided U-lock or padlock and cable.

Bioengineering Facility

A facility involved in the application of engineering principles, practices, and technologies to the fields of medicine and biology especially in solving problems and improving care as in the design of medical devices and diagnostic equipment or the creation of biomaterials and pharmaceuticals.

Biofuel Energy Development Facility

A facility involved in the development of fuels derived from organic matter, for example, ethanol produced from corn, sugarcane, or other plants, using agricultural processes or by micro-organisms in oxygen-free tanks (anaerobic digestion).

Block

A distinct portion or plot of land in a platted subdivision described and numbered as a block on the recorded plat of a subdivision, or a distinct portion or plot of land bounded on all sides by public streets, alleys, or easements.

Board

The Board of County Commissioners of Pueblo County.

Boarding or Rooming House⁷⁹

A residential structure that is the operator's personal primary dwelling where lodging is provided, with or without meals, for compensation. A boarding house is not a bed and breakfast or short-term rental.

⁷⁸ New.

⁷⁹ New.

Brownfield

A former industrial or commercial site typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

Buffer

An area of land to separate visibly one use from another or which acts as a separation between two land uses of different intensity.

Buildable Area

That portion of a lot or parcel that can be occupied by a building or structure.

Building

A roofed structure for the support, shelter or enclosure of persons, animals, or chattels. See "Structure."

Building and Landscape Materials Sales

A retail establishment selling hardware, lumber, and other large building materials such as paint, wallpaper, glass and fixtures, plant materials, and other landscaping material.

Building Area

The total area on a horizontal plane at the average grade level of the principal building and including all accessory buildings measured along outside walls and exclusive of uncovered porches, terraces, and steps.

Building Height

The vertical distance at the center of a building's principal front measured from the established street grade to the highest point of the coping of a flat roof, or to the center height between the eaves and ridge for pitched roofs. For buildings set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building, provided the distance from the street line is not less than the height of the finished grade above the established street grade.

Building Line

A line on a plat or the theoretical line on the ground between which line and a street, alley or private place no principal building or structure may be erected.

Building, Attached

A building attached to another building by a common wall (the wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension of eight feet or more. See "Building, semi-attached."

Building, Principal

A building in which is conducted the main or principal use of the lot or parcel on which the building is situated, and including attached structures such as garages, carports, or storage sheds. On farms, the house shall be considered the principal structure.

Building, Semi-Attached

A building attached to another building by a common wall (the wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension less than eight feet. See "Building, attached."

Drafting Comment to Clarion
This term is not used outside of residential.

Bulk Plant

That portion of a property where flammable liquids are received by tank vessel, pipeline, tank car, or tank vehicles, and are stored or blended in bulk for the purpose of distributing those liquids by tank vessel, pipeline, tank car, tank vehicle, or container.

Bus Shelter⁸⁰

A roofed structure to provide temporary protection for people waiting to use or ride public transportation.

C

Call Center

A large-scale office providing incoming and outgoing telephone and computer services for one or more corporations. Call centers do not provide on-site customer services and are characterized by high employee density, open offices and 24-hour operations.

⁸⁰ New.

Campground or Recreational Vehicle Park

A parcel of land upon which two or more recreational vehicle sites and/or camping sites are located, established, or maintained for occupancy by recreational vehicles or camping units of the general public as temporary living quarters for recreation or vacation purposes.

Car Wash⁸¹

A facility for the cleansing of automobiles and other vehicles providing either self-serve facilities, automated machines, or employees to perform washing operations.

Carnival or Circus⁸²

A temporary festival typically offering amusement rides, variety shows, or other entertainment.

Carport

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

Cemetery, Crematory and/or Mausoleum

A public or private facility for interment of the deceased. This use shall include mausoleum and crematory, which is an incinerator, furnace, retort, oven, or chemical system used for the purpose of cremation of human or animal remains.

1. A public cemetery is one which is operated as a business for commercial gain.
2. A private cemetery is one in which its use is intended solely for the owner of the property and immediate family. After approval by (PCPC) and appropriate proof shown.

Center Line

See "Street, center line of."

City

Pueblo, Colorado, a municipal corporation.

Question to Clarion

⁸¹ New.

⁸² New.

We have issues with methadone clinics. Can we figure out how to ensure these facilities are not in close proximity to residential and may be allowed only by SUP without getting in trouble by discriminating?

Clinic, Medical or Dental⁸³

An ambulatory health facility where patients are admitted for outpatient examination and treatment by a group of licensed health care practitioners in practice together. This use includes facilities providing support to the medical profession and patients medical and dental laboratories, blood banks and various types of medical supplies and services. This definition includes facilities such as blood donor stations, chiropractor offices and clinics, optometrist offices and clinics; osteopathic physician offices and clinics, outpatient drug treatment clinics, and other specialized treatment clinics.

Cluster Subdivision

A form of single-family residential subdivision that creates parcels containing less than 35 acres each, permits housing units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional sizes of the current zone district, allows one residential unit for each 17.50 acre increment, and where at least two-thirds of the total land area is reserved for the preservation of open space.

Cogeneration Facility

A facility that uses a heat engine or power station to generate electricity and useful heat at the same time.

Collector Sewer Line

A wastewater treatment system’s pipe, conduit, ditch natural water course, or combination thereof which is designed to accept and transport wastewater from privately owned service lines from individual structures and properties to the system’s treatment plant. A collector sewer line for the purpose of this regulation includes common lateral sewers and interceptor sewers. Not included in this definition are privately owned individual on-site wastewater disposal system lines and privately-owned service lines.

⁸³ New.

College or University⁸⁴

An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

Color rendering index (CRI)

The measured effect of light on objects. To determine the CRI of a lamp, the color appearances of a set of standard color chips are measured with special equipment under a reference light source with the same correlated color temperature as the lamp being evaluated. If the lamp renders the color of the chips identical to the reference light source, the CRI is less than one hundred (100). A low CRI indicates that some color may appear unnatural when illuminated by the lamp.

Commercial

Of, or pertaining to, or engaged in the buying, selling, renting or leasing of goods, services or property.

Commercial Vehicle

Commercial vehicles include truck-tractors, trailers, semi-trailers, motor trucks, straight trucks, bobtails, dromedaries, drays, trailer coaches, well-boring rigs, gantry trucks and logging trucks, but shall not include recreational vehicles as defined in this UDC.

Common Open Space

Land within or related to a cluster residential development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development, or the public, which may contain accessory structures and improvements as are necessary and appropriate for recreation purposes. A condition of the cluster residential development approval shall be that the common open area may not be further subdivided.

Community and Cultural Facilities⁸⁵

Uses in this category include buildings, structures, or facilities that provide services to the public and generally provide public access. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

⁸⁴ New.

⁸⁵ New.

Community Center

A multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for meetings, parties, receptions, and dances.

Compact Car⁸⁶

A vehicle which has a maximum wheelbase of 106 inches.

Composite and Steel Manufacturing

The manufacturing of steel or composites from raw materials.

Composting Facility

A facility where organic matter that is derived primarily from offsite is to be processed by composting and/or is processed for commercial purposes. The use may include collection, transportation, composting, curing, storage, marketing, or use of compost. Any Composting Facility is subject to regulation by the Colorado Department of Public Health and Environment’s Hazardous Materials and Waste Management Division, under 6 CCR 1007-2, Regulations Pertaining to Solid Waste Sites and Facilities, Section 14 Composting, as now enacted or amended.

Comprehensive Plan

The sum of the policies, proposals, programs, maps and reports adopted and identified by the planning commission as components of the comprehensive plan.

Concealed Light Source

An artificial light intended to illuminate the face of a sign, building, structure or area, which light is shielded from the public view and from the adjoining properties.

Concession Stand⁸⁷

A place where patrons can purchase snacks or other items which is accessory to the primary use of the facility.

Conference Center

One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

⁸⁶ New.

⁸⁷ New.

Conservation Standards

Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Pueblo County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

Construction

The utilization of labor and/or materials on the footings, foundations, walls, roofs and other portions of the building or structure.

Contractor's Yard

Property used partially or exclusively to park or store construction vehicles or equipment used by a building or construction trades contractor licensed by or registered with the appropriate Pueblo County governmental agency. The contractor's business office is considered an accessory use to a contractor's yard. Vehicles and equipment may be repaired or maintained in a contractor's yard provided the work is done in an enclosed building or structure.

Convenience Store

A type of general retail store which carries a range of merchandise oriented to convenience and/or travelers' shopping needs.

Court

An uncovered space, other than a yard, on the same parcel as the building and bounded on three or more sides by buildings, walls, or fences.

Covered

Roofed, trellised, or otherwise shielded from the sky except for ground cover material.

Craft Alcohol Facility⁸⁸

A small brewery, winery, meadery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, mead or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments,

⁸⁸ Replaced "Brewery" and "Winery".

restaurants, or wholesalers. Accessory uses include tasting rooms at which product tasting occurs.

Crosswalk

A right-of-way dedicated to public use to facilitate pedestrian access through a subdivision block. Also known as a “walkway”.

Cultural Facility⁸⁹

A public or non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences, including libraries, museums, and theaters.

D

Day Care Center, Adult⁹⁰

A nonresidential, protective facility specializing in providing activities and socialization for the elderly and/or disabled adults. Care is generally provided during daytime hours, but less than a 24-hour consecutive period, with a variety of planned program activities.

Day Care Center, Child⁹¹

A facility that is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for mentally retarded children and those facilities which give 24-hour care for dependent and neglected children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

Decommissioning and Reclamation Plan

A plan to disconnect remove, and properly dispose of equipment, facilities, or devices and reclaim the site.

⁸⁹ New.

⁹⁰ New.

⁹¹ New.

Designation

The legal procedure specified by C.R.S. §24-65.1--101, et seq., as amended, for designating matters of state interest, and carried out by the Board of County Commissioners of Pueblo County.

Determination

The Director's decision whether a project qualifies for a Finding of No Significant Impact (FONSI) or requires a 1041 Permit, as the project relates to Chapter 17.07, Areas and Activities of State and Local Interest.

Development

Any construction and/or activity which in any way changes or modifies the basic character or use of the land on which the activity occurs.

Development Plan

A Site Plan prepared to scale pursuant to the requirements of Chapter 17.90.070, showing all of the uses (existing and proposed) for a specific project and including all information necessary to clearly define the intended use and development details of the project.

Director⁹²

The Director of the Pueblo County Department of Planning and Development and their staff or designees.

Display Gallery

An establishment that displays and may sell art, but that does not derive more than fifty percent (50%) of its income from the display and sale of art objects.

Disposition

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.

District Park

A park with specialized facilities such as a swimming pool, tennis complex, recreation center, regulation size playing fields, an outdoor theater, restrooms, large grass and tree areas, and

⁹² Replaced "Administrator".

off-street parking. The park should be located within ten minutes' driving time of all residents within the area intended to be served.

District, Zone

A land area or land areas as defined by the zoning map within which the zoning regulations are uniform.

Domestic Water and Wastewater Treatment System

A water supply system, water treatment plant, or wastewater treatment plant.

Domesticated Pot-Bellied Pig

A domesticated porcine animal of the species *Sus Scrofa bittatus*.

Dormitory⁹³

A building, oftentimes associated with an educational facility, providing housing for a number of unrelated persons utilizing common entrances and hallways, single or group sleeping accommodations, and shared bath and toilet facilities.

Dwelling⁹⁴

A building or portion of a building containing one or more dwelling units.

Dwelling, Accessory

A residential unit that is located on the same lot as a principal dwelling unit and is either internal to or attached to the unit or located in a detached structure. Accessory Dwelling does not include mobile homes, recreational vehicles, or travel trailers.

Dwelling, Attached⁹⁵

A structure divided into separate dwelling units, usually arranged in a row and joined by party walls. This use includes row homes and townhomes.

Dwelling, Cottage Court⁹⁶

A residential development that combines a group of small individually owned single-family dwelling units on a single parcel of land that are oriented around a shared open space for

⁹³ New.

⁹⁴ New.

⁹⁵ New.

⁹⁶ Renamed from "Housing, grouped".

communal use by the residents of the development and may include a shared parking area and/or a shared community building.

Dwelling, Farmstead Accessory

An accessory dwelling on a farm or ranch intended for the housing of persons (and their families) employed on the farm or ranch. Farmstead accessory dwellings may not be used for short-term rentals.

Dwelling, Guest House

Living quarters within a semi-attached or detached accessory building located on the same premises as the principal building for use by temporary guests of the occupants of the premises, and not rented or otherwise used as separate dwelling unit.

Dwelling, Live/Work

A building which contains a dwelling located above the ground floor of a directly associated institutional, civic, office, commercial or retail use.

Dwelling, Multi-Family⁹⁷

One or more buildings or portion of buildings on a single lot or tract that contains five or more individual dwelling units, where each unit is living independently of each other and maintaining separate cooking facilities and where each unit has an individual entrance to the outdoors or to a common hallway.

Dwelling, Single-Family⁹⁸

A detached structure containing one dwelling unit. See also “Manufactured Home”.

Dwelling, Tiny Home⁹⁹

A structure that:

1. Is permanently constructed on a vehicle chassis;
2. Is designed for long-term residency;
3. Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;

⁹⁷ New.

⁹⁸ Updated to include manufactured homes as a type of single-family dwelling.

⁹⁹ New.

4. Is not self-propelled; and
5. Has a square footage of not more than 400 square feet.

In order to meet this definition, a tiny home must be built to the International Residential Code as adopted by the Building Codes & Standards program within the Division of Housing.

Colorado tiny homes will receive a metal plate insignia that certifies the tiny home is built to the codes and standards of the program. This use does not include manufactured homes, recreational park trailers, or recreational vehicles.

Dwelling, Tiny House

See "Dwelling, Single-Family."

Dwelling, Two-Family

A building or semi-attached building containing two dwelling units.

Dwelling Unit¹⁰⁰

One or more rooms connected together, but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy by humans, with facilities for sleeping, cooking, and eating, and with sanitary facilities.

E

Easement

A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

Educational Facilities

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, including colleges and college campuses. Accessory uses commonly include play areas, cafeterias, recreation areas, auditoriums, and day care facilities.

Efficient Use of Water

The employment of methods, procedures, techniques, and controls to encourage use of water that will yield the greatest possible benefits including social, economic, environmental, aesthetic, agricultural, commercial, and recreational benefits, and that will promote, where

¹⁰⁰ New.

feasible and appropriate, the conservation of water in particular uses, and that emphasizes, to the extent permissible under law, the recycling and reuse of water.

Electric Power Plant

A facility designed and operated for the generation and distribution of electricity for the primary purpose of selling electricity generated to the electric power grid, including facilities which use fossil fuels, solar energy, hydroelectric energy, geothermal energy, biomass energy or wind energy as a resource. This definition does not apply to on-site generation equipment when the use is an accessory use.

Electronics Manufacturing

Uses including the design, manufacture, testing, distribution, and provision of return/repair services for electronic components and assemblies.

Emergency Facility

A permanent facility from which care or relief from a situation or occurrence of a serious nature, and demanding immediate action, is directed. This term shall include training facilities for first-responders, fire departments, ambulance headquarters but shall not include hospitals.

Employee

A person employed permanently; this shall not mean temporary or seasonal employees.

Employee, Off-Site

An employee of a home occupation whose primary residence is outside the location of the home occupation. This definition includes permanent, temporary, and seasonal employees.

Enclosed

Surrounded by walls and/or fences and a roof. See "Unenclosed."

Equestrian Operation, Commercial¹⁰¹

An area where activities involving horseback riding are conducted for practice, competition or entertainment. Activities include, but are not limited to a rodeo, a charreada, calf roping, riding, bulldogging and barrel racing. A commercial equestrian operation is any equestrian operation which is not a personal equestrian operation. A commercial equestrian operation may offer goods and services as are normal and incidental to the activities conducted. A commercial equestrian operation shall be developed and used in accordance with

¹⁰¹ Renamed from "Equestrian Arena, Commercial/club".

development and operating plan approved with the special use permit. The development plan shall include, but is not limited to, an accurately drawn map, which shows activity areas and improvements, access, driveways and parking areas. The operating plan shall include, but is not limited to, the methods proposed for control of dust, erosion, odor, noise, glare, waste (manure) disposal, and congestion; and the methods to provide potable water and wastewater treatment.

Equestrian Operation, Private¹⁰²

An area where activities involving horseback riding are conducted for practice, competition or entertainment. Activities include, but are not limited to a rodeo, a charreada, calf roping, riding, bulldogging and barrel racing. A private equestrian operation shall meet the following:

6. Accessory and incidental to the ranch, farm, or home site on which it is located;
7. The use of the arena is limited to the family and invited guests of the farmer/rancher/home occupant;
8. No commercial competition or commercial entertainment occurs, and no user fees, dues or other compensation are paid; and
9. The arena is operated in a manner so that there is no adverse impact on surrounding properties relating to dust, erosion, odor, noise, glare, off-site illumination (more than one-foot candle of illumination measured at the property line), waste disposal, and traffic and parking congestion. Neither a nuisance nor noxious activity shall be conducted on the property, which is caused by the use of the property as a personal equestrian arena.

Evidence

Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

Exhibition Center

A building or group of buildings used for trade, consumer and recreational shows and expositions, which feature a regularly changing collection of information booths, display stations, and/or presentation areas, with or without food and live entertainment on an incidental basis, where events are intended to inform, educate, promote, sell or otherwise

¹⁰² Renamed from "Equestrian arena, personal".

bring together people to participate in a given market activity; or used to conduct formal ceremonies, meetings, conferences, banquets, and live entertainment events, concerts, or similar events. This use excludes activities related to Adult Uses.

Explosive

A substance that causes a sudden rapid release of mechanical, chemical, or nuclear energy from a confined region.

Extractor

Any individual, partnership, association, or corporation, which extracts commercial mineral deposits for use in the business of selling the deposits or for use in another business owned by the extractor or any department or division of Federal, State, County or municipal government which extracts deposits.

F

Fabrication

The stamping, cutting, assembling, or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials.

Family

A group of persons related by blood, marriage, adoption, or fosterage living together on the premises in a single dwelling unit, or a group of not more than five individuals living in a single dwelling unit not related by blood, marriage or adoption.

Farmers' Market¹⁰³

A structure or place where agricultural products are brought for the purpose of retail sales. A farmers' market differs from a roadside sale stand in that there may be more than one seller allowed per parcel of land and the structure from which produce is sold at a farmers' market need not be portable or capable of being dismantled or removed from the site.

Farming or Ranching¹⁰⁴

The agricultural or horticultural crops, composting, aquaponics, aquaculture, hydroponics, the keeping of livestock and/or poultry, or a combination of these activities. This definition does not include feedlot or kennels.

¹⁰³ New.

¹⁰⁴ New.

Feed Lots¹⁰⁵

Any lot, tract, or parcel of ground upon which five or more head of feeder livestock, including cattle, horses, sheep, goats, and swine are gathered, kept or closely confined and especially fed for gain prior to sale or slaughter.

Fence

A physical barrier of any type of construction used to mark a boundary or to define and enclose a specific area for the purposes of protection, privacy, or confinement.

Fence, Open

A fence which permits direct vision through at least seventy-five (75) percent of the fence surface area as calculated within any and all one (1) square foot area.

Fence, Solid

A fence which is not an "open fence."

Fixture

The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Flea Market¹⁰⁶

A facility where stalls or sales areas are set aside and rented or otherwise provided and intended for use by various individuals to sell articles that are homemade, homegrown, handcrafted, old, obsolete, or antique. It may also include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This use does not include farmer's markets and garage or yard sales which operate a total of less than seven days per calendar year.

Flex Office

A one-story building with an open configuration designed to accommodate a variety of uses that can be combined in the building as needed and over time such as office, warehouse and industrial uses.

¹⁰⁵ Added examples of livestock types.

¹⁰⁶ New.

Flood-Related Definitions

100-Year Flood

A flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood". The term does not imply that the flood will necessarily happen once every 100 years.

100-Year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-Year Flood

A flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every 500 years.

500-Year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Addition

Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial Fan Flooding

A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of Shallow Flooding

A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is

unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement

Any area of a building having its floor sub-grade (below ground level) on all sides.

Channel

The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization

The artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR)

The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Community

Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR)

FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility

A structure or related infrastructure, but not the land on which it is situated, as specified in §17.108.190 H, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See §17.108.190 H.

Critical Feature

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development

Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM Database

Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM)

FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building

A non-basement building

10. built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and
11. adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park

A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Expansion to an Existing Manufactured Home Park

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Register

The official daily publication for Rules, proposed Rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA

Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally

dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Control Structure

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)

The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Flood, Intermediate Regional

A type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one percent flood or hundred 100-year flood.

Floodplain or Flood-Prone Area

Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator

The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit

A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are

required to ensure that proposed development projects meet the requirements of the NFIP and this management Chapter.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations

Zoning and subdivision regulations, building codes, health regulations, special purpose regulations (such as a floodplain regulation, grading regulation and erosion control regulation) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing

Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Profile

Engineering conclusions, based upon historical facts and/or generally accepted engineering principles, represented on a graph or other medium, showing the relationship of the water surface elevation of a flood to the lands surrounding the channel.

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be six inches. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood

heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally Dependent Use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR)

FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F)

FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee

A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee System

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home

A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Manufactured Home Park

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Material Safety Data Sheet (MSDS)

A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

Mean Sea Level

For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP)

FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New Construction

Structures for which the "start of construction" commenced on or after the effective date of this UDC.

New Manufactured Home Park

A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of

concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

No-Rise Certification

A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR)

FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Recreational Vehicle

A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Rural Communities

Rural Communities include the Beulah Valley and Avondale communities and the statutory towns of Rye, Boone, and Vineland, based on the boundaries established in the Regional Comprehensive Plan.

Special Flood Hazard Area

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of Construction

The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the

local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Threshold Planning Quantity (TPQ)

A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

Variance

A grant of relief to a person from the requirement of this UDC when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this UDC. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in **Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5)** is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Floor Area, Gross

The sum of the gross horizontal areas measured between the exterior faces of exterior walls of the several floors of a building and accessory buildings, including interior walls, balconies,

mezzanines, hallways, wells, basements, and cellars, and including the area of roofed porches, patios and carports having more than one wall.

Floor Area, Net

The square footage totaling seventy-five (75) percent of the gross floor area; or, when an "as-built," detailed floor plan or current use plan can identify a lesser or greater amount of usable floor area which can be demonstrated by the sum of the horizontal area measured between the interior face of the exterior walls or all usable floors of a building, accessory buildings (including interior balconies and mezzanines) and surrounding open spaces wherein goods and services are offered or displayed, but excluding interior walls, enclosed hallways, stairwells, shafts, lavatories, furnace room, janitor supply rooms and closets, interior parking and loading areas, and inventory stock rooms.

FONSI

A Finding of No Significant Impact, as it related to Chapter 17.07, Areas and Activities of State and Local Interest.

Food and Beverage¹⁰⁷

Uses in this category include establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

Food Truck

A licensed mobile and motorized vehicle food unit that is temporarily utilized on a privately-owned piece of property where food items are being sold to the general public.

Foot-candle

A unit of measure for illuminance. A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candlepower and equal to one lumen per square foot.

¹⁰⁷ New.

Freight Depot¹⁰⁸

Land and buildings used as a relay station for the transfer of a load of freight from one vehicle to another or from one party to another. In PuebloPlex, this includes multi-modal loading and unloading facilities. Long-term or accessory storage is not permitted in a freight depot.

Frontage

That portion of a lot, parcel, tract or block abutting upon a street. See "Yard, front."

Full Cut Off Fixtures

A luminaire or light fixture that, by design of the fixture housing, does not allow any light dispersion or direct glare to shine above a ninety-degree, horizontal plane from the base of the fixture.

G**Game Preserve, Developed**

A restricted property on which wild animals are hunted for sport or food, and where the potential for hunting success has been enhanced through significant changes in the land, habitat or game population, in addition to those associated with restricting access to the property. Significant change includes, but is not limited to, any of the following:

1. Wetlands development that is extensive enough to require a 404 Permit from the U.S. Army Corps of Engineers;
2. Introduction of native or exotic game animals (excluding fish), resulting in expenditures of more than one thousand dollars (\$1,000.00) per year to raise and/or purchase the animals; or
3. Construction of a lodge or clubhouse for the use of hunters.

Developed game preserve does not include undeveloped game preserve and game refuge.

Game Preserve, Undeveloped

A restricted property on which wild animals are hunted for sport or food, and the potential for hunting success has not been enhanced through significant changes in the land, habitat, or game population, other than those associated with restricted access to the property.

Undeveloped game preserve is an accessory use to ranching and farming.

¹⁰⁸ New.

Game Refuge

A restricted property on which wild animals are provided shelter or protection from danger or distress. Game refuge is an accessory use to ranching and farming.

Garage, Private

An accessory building or an accessory portion of a main building, designed or used for the shelter or storage of motor vehicles owned or operated by the occupants of the main building.

Garden Supply Center¹⁰⁹

A facility for the sale of feed, grain, fertilizers, pesticides, garden tools, equipment and supplies that includes the sale of plant materials grown on the premises.

Gardening

The cultivation of fruits, vegetables, flowers or other plant materials.

Gasoline Service Station

A property where flammable liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles, and which may include, as an incidental accessory use only, facilities for polishing, greasing, washing or minor servicing motor vehicles, but not including auto body work or other major repairs.

Geologic Hazard Area

An area which contains or is directly affected by a geologic hazard. The following definitions are related to geologic hazard areas:

Avalanche

A mass of snow, a mass of snow or ice and other material which may become incorporated as such mass moves rapidly down a mountain slope.

Expansive Soils and Rocks

Any mineral, clay, rock or other type of geologic deposit having the property of absorbing water with an accompanying swelling to several times its original volume.

Geologic Hazard

A geologic phenomenon, which is so averse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

¹⁰⁹ New.

The term includes, but is not limited to avalanches, landslides, rock falls, mudflows, unstable or potentially unstable slopes, seismic effects, radioactivity, and ground subsidence.

Initial Control Area

An area suspected, but not finally determined, to be a natural hazard area or a mineral resource area.

Ground Subsidence

A process characterized by the downward displacement of surface material caused by natural phenomena such as removal or underground fluids, natural consolidation or dissolution of underground minerals, or man-made phenomena such as underground mining.

Landslide

A mass movement where there is a distinct surface of rupture, or zone of weakness, which separates the slide material from more stable underlying material.

Mudflow

A flowing mass of predominately fine-grained earth material possessing a high degree of fluid during movement.

Radioactivity

A condition related to various types of radiation emitted by natural radioactive minerals that occur in natural deposits or rocks, soils, and water.

Rock Fall

The rapid free-falling, bounding, sliding, or rolling of large masses of rock or individual rocks.

Seismic effects

Direct and indirect effects caused by a natural earthquake or a man-made phenomenon.

Unstable or Potentially Unstable Slope

An area susceptible to a landslide, mudflow, rock fall, or accelerated creep of slope-forming materials.

Geothermal Facility

A facility that collects heat from the earth through wells to convert to electricity.

Glare

The direct light emitting from a luminaire that causes reduced vision or momentary blindness.

Golf Course

A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge.

Grade, Building

That elevation which is the average of the highest and lowest elevation of the ground along the facade of the building or structure which is nearest the street.

Grade, Street

That elevation at the crown of the street on a line perpendicular to midpoint of the front property line of the lot, parcel, or tract.

Grazing

Feeding or growing grass or herbage.

Greenhouse, Accessory¹¹⁰

An enclosed structure used for cultivating plants in a controlled climate, as accessory to a principal residential use.

Grocery Store

A store selling foodstuffs and household supplies.

Group Home, FHAA¹¹¹

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of residents protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the state of

¹¹⁰ New.

¹¹¹ New.

Colorado, including but not limited to facilities providing housing for persons with disabilities, persons with mental health conditions, or persons with developmental disabilities.

1. A "Group Home, FHAA Large" is a facility designed for and occupied by nine or more residents living together.
2. A "Group Home, FHAA Small" is a facility designed for and occupied by no more than eight residents living together.

Group Living

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a living unit. Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

Group Residential Facility¹¹²

A dwelling other than a group home that provides a community living environment for persons requiring custodial care, medical treatment, or specialized social services, but that does not meet the definition of an FHAA Group Home. This definition includes but is not limited to correctional diversion program housing, post-incarceration program housing, and domestic violence shelters.

1. A "Group Residential Facility, Large" is a facility designed for and occupied by nine or more residents living together.
2. A "Group Residential Facility, Small" is a facility designed for and occupied by no more than eight residents living together.

Guest Ranch

A destination resort offering overnight accommodations and activities.

Guest Room

A room in a hotel or motel offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.

¹¹² New.

H**Hazardous Material**

Any substance that, because of its quantity, concentration, physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Hazardous Storage¹¹³

Bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. This use includes the storage and application of domestic septage.

Hazardous Waste

See definition in [§25-15-101 \(6\) \(a\), C.R.S.](#)

Hazardous Waste Facility¹¹⁴

A facility primarily devoted to hazardous waste analysis for compatibility with chemical and physical properties and the research and development of technology relating to the disposal, recovery, treatment, storage or transportation of hazardous waste. Such a facility shall not be used for commercial disposal, recovery, treatment, storage or transportation of hazardous waste.

Hazardous Waste Incinerator or Processor

A facility with a furnace designed for burning hazardous waste in a combustion chamber.

Health and Fitness Facility

A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis; basketball, handball, racquetball and/or other sport courts; archery and shooting ranges; weight training facilities; swimming pools; exercise pools; meeting rooms and related facilities; and which would provide on-site as well as outreach community activities such as, but not limited to, day camps, educational assistance programs, swimming instruction and/or other fitness programs. This facility excludes adult entertainment businesses.

¹¹³ New.

¹¹⁴ New based on the definitions of "hazardous waste research and development facility" and "hazardous waste testing laboratory".

Health Department

The Pueblo County Department of Health and Environment.

Healthcare Facilities

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions.

Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of employees in the firm or building.

Hedge

Closely planted rows of landscape materials such as shrubs planted and maintained so as to create a visual barrier.

Heliport

A place, on land and/or water, and/or structures where rotorcraft may land and/ or take off.

Hemp Establishment

1. Any Establishment which has been issued a Research and Development (R & D) Industrial Hemp Registration or Commercial Industrial Hemp Registration by the Colorado Department of Agriculture, pursuant to the Industrial Hemp Regulatory Program Act, Title 35, Article 61, C.R.S., including outdoor farming, greenhouse farming and indoor (building; excludes residential structures) farming; greenhouse and building shall be permitted by Pueblo Regional Building Department and obtain zoning authorization from Department of Planning and Development;
2. Any Establishment which processes hemp, which is the refinement of Industrial Hemp to create products derived from hemp. Hemp processing shall only be conducted in a greenhouse and/or building, excluding residential structures, that are permitted by Pueblo Regional Building Department and Pueblo Department of Public Health and Environment and have obtained zoning authorization from the Department of Planning and Development.

Hemp Establishments shall follow and abide by rules and regulations issued by the Department of Agriculture in accordance with the Industrial Hemp Regulatory Program Act and shall also follow and abide by Pueblo County's regulations regarding Industrial Hemp.

Hemp, Industrial

A plant of the genus Cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol (THC) concentration of no more than three-tenths of one percent (0.3%) on a dry weight basis. Delta-9 tetrahydrocannabinols has the same meaning as “tetrahydrocannabinols” as set forth in §27-80-203(24), C.R.S.

Highway, Arterial

Any limited access highway that is part of the federal-aid interstate system or any limited access highway constructed under the supervision of the Colorado Department of Transportation.

Highways, Collector

A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation centers, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the Colorado Department of Transportation. “Collector highway” does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

Home Occupation

An accessory use clearly incidental and subordinate to an established principal dwelling unit (a.k.a., dwelling) that is conducted within a dwelling unit, accessory building, or private recreation area (e.g., swimming pool, tennis court, riding arena, etc.).

Homeowner’s Association

A private nonprofit association which is organized by the developer of a cluster residential development in which individual owners share common interests in open space and/or facilities and are in charge of preserving, managing, and maintaining the common property, and enforces certain covenants and restrictions.

Horizontal Illuminance

The measurement of brightness from a light source, usually measured in foot-candles or lumens.

Hospital¹¹⁵

An institution providing health services for inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training and central services facilities and staff offices.

Hospital, Veterinary

A building in which animals requiring special medical care are treated, or temporarily housed; the term shall not be interpreted to include any type of boarding or commercial kennel or stable.

Hotel or Motel

A structure containing five or more guest rooms with access usually from a common hallway.

House, Boarding or Rooming

A building or structure containing guest rooms in which lodging for five or more persons is provided with or without meals for permanent guests.

House, Fraternity or Sorority

The building occupied by an organization incorporated as a fraternity or sorority formed chiefly to promote friendship and welfare among the members, usually college students, and usually providing space for eating, sleeping and social activity.

Household Living

Uses in this category are characterized by residential occupancy of a building by a living unit and is not occupied by the living unit for less than 28 continuous days. This category does not include hotels, motels, boarding/rooming houses, resort cottages, or lodges.

I

IESNA

Illuminating Engineering Society of North America is an organization that recommends standards for the lighting industry.

¹¹⁵ New.

Improvements Agreement

An agreement guaranteeing the construction of any required public improvements together with collateral which is sufficient, in the judgment of the Board, to make reasonable provision for the completion of the improvements in accordance with design and time specifications.

Industrial Laboratory Facility

A facility for the testing or analysis of environmental, industrial, or similar products or materials.

Industrial Sales and Services¹¹⁶

Establishments engaged in the sale or repair of agricultural, industrial, business or consumer machinery, excluding vehicles, or that provide services of an industrial nature. Examples include but are not limited to: wood working and welding shops; tool repair; repair of scientific or professional instruments; industrial laundry services; firearms servicing; and fumigating or exterminating.

Industry

The commercial production and wholesale of goods and services.

Industry, Light

Any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process which is not noxious or offensive by reasons of the emission of odor, dust, smoke, gas, fumes, noise, or vibrations, whose waste products are not allowed to emerge or accumulate where they will cause discomfort or be unsightly to adjoining property owners or to the public generally, and which operates independent of: railroad sidings, extensive loading docks, and steam generation as prime power.

Initial Commercial Operating Date of the Solar Facility

The date upon which all equipment and portions of the facility necessary to put the facility into operation have been tested and commissioned and are both legally authorized and able to operate and deliver energy to the electric power grid. Should a portion of the facility achieve such operational capability, being able to operate and deliver energy to the electric grid, the initial commercial operating date of the solar facility shall be the date upon which the first portion of the facility achieves such capability.

¹¹⁶ New.

Integrated Photovoltaics

Photovoltaics incorporated into building materials, such as shingles.

Interchange

The intersection of two or more highways, roads, or streets, at least one of which is an arterial highway or toll road where there is direct access to and from the arterial highway or toll road.

J

Junk

Goods, material or objects that are so worn, deteriorated or obsolete as to make them unusable in their existing condition and/or which are subject to being dismantled or processed for reuse.

Junked Vehicle

Any motor vehicle, which because of a legal or mechanical condition or defect, cannot be operated on a public street or highway. It shall be prima facie evidence that a vehicle is mechanically inoperable if its motor, axle, wheel or similar necessary parts have been removed from the vehicle. A motor vehicle means any self-propelled vehicle which is designed primarily for travel on public highways and which is generally and commonly used to transport persons and property over the public highway. The term "junked vehicle" as shall not include vehicles within a properly screened portion of the premises of a junk or salvage dealer whose use of the property is proper under the zone district wherein the property is located, vehicles on the premises of any properly zoned business dealing in the selling, repairing or servicing of vehicles, or vehicles within a fully enclosed building.

Junkyard

Any lot, parcel or tract used for the storage, keeping, sale or abandonment of junk and/or for the dismantling, demolition or abandonment of automobiles, or other junk or parts thereof.

K

Kennel, Breeding and Boarding¹¹⁷

Any lot or premises, or portion of a lot or premises, on which five or more dogs, cats, and other household domestic animals are maintained, harbored, possessed, boarded, bred, or cared for

¹¹⁷ New.

in return for compensation or are offered for sale. This use shall not be conducted as a home occupation.

Kitchen

Any area intended and equipped for the preparation of food.

L

Laboratory and/or Research Facility

A facility for research and development of products, including but not limited to technology-intensive fields such as chemical, biological, pharmaceutical, electronics and genetic research.

Lamp

The light-producing source installed in the bulb portion of a luminaire.

Land Use Plan

See "Comprehensive plan."

Landscaping Materials

Items such as, but not limited to decorative rock, mulch, sand, topsoil, flagstone, weed barrier, edging, fill dirt, paverstone type products, sod, nursery products, and decorative concrete products. Landscaping materials shall not include stockpile storage of organic fertilizer (animal manure or sludge).

Lateral Sewer

A sewer which discharges into another sewer and has only building sewer tributary to it.

Laundromat

Aan establishment providing washing, drying, ironing or dry-cleaning machines for hire to be used by customers on the premises.

Law Enforcement Training Facility, Outdoor

An open area for cognitive and physical skills training including driving skills, equipment training and firearm training for law enforcement.

Legal Description

Any description from which it is possible to locate accurately on the ground the boundaries of the land being described.

Light Trespass¹¹⁸

Any form of artificial illuminance emanating from a light fixture or illuminated sign that shines beyond the property on which the light source is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line.

Line, Center

See "Street, center line of."

Line, Property

The boundary of any lot, parcel, or tract as the same is described in the conveyance to the owner and shall not include the public streets or alleys upon which the lot, parcel or tract may abut.

Livestock Sales and Auction¹¹⁹

An area or facility at which livestock are offered for sale through retail sales or an auction.

Loading Space

A space within the main building or on the same lot, parcel or tract providing for the standing, loading or unloading of trucks and/or semi-trailers.

Lodger

A person who rents a room in a bed and breakfast, short-term rental, or guest ranch for fewer than 28 consecutive days.

Lodging Facility¹²⁰

Uses in this category provide lodging services for a defined period with the incidental food, drink, and other sales and services intended for the convenience of guests.

Lot

A distinct portion or plot of land in a recorded, platted subdivision described and numbered or lettered as a lot on the recorded plat of the subdivision. See also "Parcel" and "Tract."

Lot Area

The total horizontal area, expressed as square footage or acreage, calculated within the interior boundary of a lot, tract, or parcel. Lot area shall not include land which has been

¹¹⁸ New.

¹¹⁹ New.

¹²⁰ New.

dedicated, deeded, or otherwise legally acquired as public right-of-way. Portions of sections may be used to establish lot area for purposes of zoning compliance; however, legal descriptions may not include land which has been dedicated, deeded, or acquired as public right-of-way.

Lot Coverage

That portion of the lot, parcel or tract shielded from the sky by building and/or structures.

Lot Line

The perimeter or outer boundary of a lot, parcel, or tract.

Lot Line, Front

The line separating a lot, parcel, or tract from any public street right-of-way.

Lot Line, Rear

The line, which is opposite and most distant from a front line or, on an irregular or triangular lot, a line at least ten feet long entirely within the lot, parallel to and furthest distance from the front lot line.

Lot Line, Side

A line connecting a front lot line with a rear lot line.

Lot Width

The distance between the side lot lines measured at the required front building setback line or in the case of an irregularly shaped lot the front building line.

Lot, Corner

A lot situated at the junction of two or more streets.

Lot, Flag

A lot where the main use or building area does not abut a public street but is connected to the street by a narrow strip of land which is a part of the lot.

Lot, Interior

A lot other than a corner lot.

Lot, Through

An interior lot having frontage upon two parallel or nearly parallel streets.

Luminaire

A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

M

Machine shop

A structure containing machinery for the manufacture, modification or repair of metal goods and equipment.

Major Facilities of a Public Utility

Transmission lines, power plants, substations, pipelines, and storage areas of utilities as herein separately defined.

Manufacture

The creation of a finished or semi-finished product.

Manufactured Home

A factory-built, single-family detached dwelling that complies with the National Manufactured Housing and Construction Standards Act of 1974, 42 U. S. C. 5401 et seq., as amended and bears a seal issued by either the Department of Housing and Urban Development or the Colorado Division of Housing that certifies that the structure is approved to be a dwelling.

Manufactured Home Park

A parcel of land under single ownership that has been planned and improved for the placement of manufactured homes for single-family dwelling purposes. Accessory uses shall include manufactured home park facilities, and vehicle parking for residents and staff.

Manufactured Home Park Support Facilities

Supportive facilities (e.g., swimming pool, club house, sauna, laundry room, restroom, recreation center, recreational vehicle storage areas, and common open space) which supplement the recreational or service needs of the manufactured home park residents but are not available for use by the general public.

Manufactured Home Space

A plot of ground within a manufactured home park designed for the accommodation of one manufactured home, its accessory structures, parking spaces and required yard areas.

Manufacturing and Fabrication Additive

The process of joining materials to make objects from 3D model data, usually layer upon layer.

Manufacturing, Assembly, or Processing

Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of finished parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of products and materials. Manufacturing and assembly uses may be conducted entirely outdoors and have moderate to significant off-site impacts, including visual impacts. Uses involving radioactive or highly toxic materials or chemicals, highly combustible or explosive materials, or other materials and substances of a noxious nature in the manufacturing process are included in this classification. This use classification includes, but is not limited to, steel fabrication, concrete block manufacturing, and truss plants. Products require shipping by semi-trucks or rail.

Manufacturing, Heavy¹²¹

An establishment or business that uses hazardous inputs or creates hazardous byproducts in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas. Examples include but are not limited to asphalt and concrete batch plants, fuel alcohol plants, fuel bulk plants, and explosives manufacturing.

Manufacturing, Light¹²²

Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, or processing of goods or products, using parts previously developed from raw material. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where assembly, fabrication, or processing take place.

¹²¹ New.

¹²² New.

Marijuana-Related Uses¹²³

Masonry or Equal

Eight inches or more of exterior masonry material or exterior material equivalent in fire retardant characteristics.

Master Plan

A land use map or plan which indicates desired future physical development of Pueblo County or any portion or portions thereof. It is a plan which encompasses all geographic parts of a community or proposed division of land and all functional elements which relate to its physical development such as: agricultural, residential, commercial and industrial developments; thoroughfare systems; drainage; open spaces; etc. It is a general plan that summarizes concepts and proposals and does not indicate specific location or detail regulations. Master Plans should reflect general concepts and land use proposals as recommended in the Pueblo Regional Comprehensive Development Plan.

Material Change

Any change in a project as approved by the Board of County Commissioners which significantly changes the nature of impacts considered by the Board in approval of the original permit or in the case of a development not previously issued a permit, a structural modification, change of use, change of operation, change of user, which significantly changes the nature of the development and its associated impacts.

Matter of State and Local Interest or Matter

An area of state or local interest or an activity of state and local interest or both.

Mineral Resource Area

An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes, but is not limited to, any significant mining activity in the past, significant mining activity in the present, mining development planned or in progress, or mineral rights held by mineral patent or valid mining claims with the intention of mining. The term also includes an area of oil and gas or geothermal resource development if such area has been identified by the State Oil and Gas Conservation Commission for designation.

¹²³ Proposed changes to the existing standards for marijuana-related uses will be informed by ongoing discussions with Pueblo County Staff.

Commercial Mineral Deposit

A natural mineral deposit for which extraction by an extractor is or will be commercially feasible and 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.

Mineral

An inanimate constituent of the earth in either solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, metallic compound, chemical, energy source, raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural, or industrial purposes, nor does it include geothermal resources.

Mining

The process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools, or other concentrations in the earth's crust. This term also includes the preliminary treatment building stone.

Open Mining

The mining of natural mineral deposits by removing any amount of overburden lying above such deposits, and mining directly from the deposits thereby exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying, and dredging.

Reclamation

The rehabilitation of affected land by means of replanting, soil stabilization, water resource protection, and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

Mining Operation and Processing

The development or extraction of a commercial mineral deposit from its natural occurrences on affected land. The term includes, but is not limited to, open mining, surface operation and surface clearing (rock picking) of individual stones and stone boulders. The term also includes transportation and processing operations on affected land. The term does not include: Oil and/or Gas Operations; the concentrating, milling, evaporation, cleaning, preparation, transportation, and other off-site operations not conducted on affected land.

Mini-Warehouse

A building or portion thereof divided into separate compartments, which are individually rented or leased for the purpose of storing the renter’s or lease holder’s property. Goods stored within the warehouse shall not be offered or displayed for sale at the warehouse.

Mitigation

Avoiding an impact; minimizing impacts by limiting the degree or magnitude of the action or its implementation; rectifying the impact by repairing, rehabilitating, or restoring the impact area, facility or service; or compensation for the impact by replacing or providing for the replacement of biological or physical conditions, services or facilities.

Mixed-Use¹²⁴

The development of a lot, tract or parcel of land, building or structure with two or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed Use Structure, Horizontal¹²⁵

A building or structure containing both nonresidential and residential uses distributed horizontally throughout the structure.

Mixed Use Structure, Vertical¹²⁶

A building or structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the structure.

Mobile Home

Any vehicle or similar portable structure having no foundation other than wheels or jacks or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Mobile home includes any structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured.

¹²⁴ New.

¹²⁵ New.

¹²⁶ New.

Motor Vehicle

An automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails.

Multi-modal Loading and Unloading Facility

A facility for the purpose of loading and unloading of materials between different modes of transportation such as truck and rail.

Municipal and Industrial Water Project

A water supply system and all related components through which a water supply from either surface or subsurface sources is derived for municipal or industrial uses or both. A water supply system includes wells, diversion facilities, pumps, conduits, canals, pipes, ditches, reservoirs, or other impoundments, through which a water supply is obtained directly or by trade, substitution, augmentation, or exchange, and also includes those components for returning unconsumed flows back to the stream system. The filing of an application in court to adjudicate the use of water and obtaining a decree, in and of itself, shall not constitute the development of a water project.

Municipality

An incorporated city or town.

N

National Cooperative Soil Survey

The soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

Natural Grade

The historic grade or the finished grade necessary for drainage control, but does not include optional or ornamental (e.g., berms) alterations to grade.

Natural Resource Extraction¹²⁷

The physical withdrawal of minerals and natural resources.

Neighborhood Park

A park providing the primary source of recreational open space for the residents of its service area. The neighborhood park usually provides such facilities as structured and unstructured

¹²⁷ New.

play areas, paved multipurpose area, playing field, open grassed area, picnic facilities, shaded sitting area, and a shelter. The park should be located within one-half mile or less of walking distance from any point in its service area.

Nuclear Power Facility

A thermal power station in which the heat source is a nuclear reactor.

Nursery¹²⁸

An area used to raise trees, shrubs, plants, and other horticultural and floricultural products, for transplanting or for use as stocks for budding and grafting. This use may be conducted within or without an enclosed building.

Nursing Home

An establishment which maintains and operates continuous day and night facilities providing room and board, personal services, and nursing care (not hospital care) for two or more persons not related to the proprietor who by reason of illness or infirmity are unable to care properly for themselves.

O

Occupancy

The use of land and/or building or portions thereof.

Office¹²⁹

An establishment primarily used for conducting the affairs of a business, profession, service, or industry, or similar activity, that may include ancillary uses such as restaurants, coffee shop, and limited retail sales. In PuebloPlex, this includes call centers.

Open

Not roofed.

Open Space¹³⁰

A parcel of land, an area of water, or a combination of land and water within a planned unit development (PUD) site, designed and intended to reasonably serve the needs of the residents, occupants, and owners of the PUD.

¹²⁸ Modified existing definitions of "Greenhouse" and "Nursery".

¹²⁹ New.

¹³⁰ Existing definition relocated from Chapter 17.126, Planned Unit Development District.

Outdoor Display and Sales¹³¹

The placement of products or materials for sale outside the enclosed business space of a retail or wholesale sales establishment as an accessory use to that establishment.

Outdoor Storage¹³²

A principal use where goods and equipment, such as recreational vehicles, boats, and other large items, are stored outside of a building.

Owner

Any person who, alone or jointly or severally with others, shall have legal title to any land or structure, or contract of purchase, with or without accompanying actual possession thereof; or shall have charge, care or control of any land or structure as owner or agent of the owner; or as executor, administrator, conservator, trustee, or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with this UDC to the same extent as if they were the owner.

P

Parapet Wall

A low wall extending above a roof.

Parcel

A lot or tract, or contiguous groups or portions of lots and/or tracts shown on the assessor's roll of Pueblo County, or a contiguous area of land under legal control of any one person, partnership, firm, corporation, syndicate, agency, or institution. See also "Lot" and "Tract."

Parcel, Nonconforming

A parcel which lawfully existed at the time the resolution codified in this division, or any amendment hereto became effective, but which does not now conform to the regulations applicable in the zone district in which it is located.

Parcel of Record¹³³

A lot which is part of a subdivision, the plat of which was legally approved and recorded with the County Clerk and Recorder prior to the effective date of this UDC.

¹³¹ New.

¹³² New.

¹³³ New.

Parking

The assembling or standing of motor vehicles for relatively temporary periods of time.

Parking Lot¹³⁴

A lot, parcel or tract for the parking of motor vehicles as a principal use where motor vehicles may be stored for purposes of temporary, daily, or overnight, off street parking.

Parking Space

The space required to park one passenger vehicle.

Parking Structure¹³⁵

A garage, carport or other structure for the parking of motor vehicles as a principal use where motor vehicles may be stored for purposes of temporary, daily, or overnight, off street parking.

Parking, Off-Street

Parking of motor vehicles off the public rights-of-way.

Parks and Open Space¹³⁶

Uses in this category are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include maintenance facilities, restrooms and dressing rooms, concessions, and parking.

Parks and Playgrounds¹³⁷

A parcel of land designated and used by the public for passive and active recreation. It may include a variety of facilities, including equipment for younger children as well as court and field games.

Passenger Terminal

A premises used for the boarding or discharge of people being transported.

¹³⁴ New.

¹³⁵ New.

¹³⁶ New.

¹³⁷ New.

Patio

An outdoor living area, usually hard-surfaced, and frequently fenced or covered.

Permanent

Continuing or enduring in the same state, place, or the like without marked change.

Permanent Monument

Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Permanent occupancy

The use of land and/or structures or portions thereof for a period of 28 consecutive days or longer.

Person

Firms, corporations, associations, partnerships, societies and/or individuals.

Personal Service

A business that provides personal services directly to customers at the site of the business, or which received goods from or returns goods to the customer which have been treated or processed at another location. Personal service establishments include, but are not limited to, travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

Pet

A domestic animal kept for pleasure rather than utility. Keeping pets shall be considered as an accessory use in residential and agricultural zone districts. If such an animal is raised for the purpose of sale and/or food, it shall be conclusively presumed not to be a pet. For the purposes of this resolution, hogs, pigs, swine, sheep, horses, cattle, emus, rheas, ostriches, llamas, pea fowl, guinea hens or goats may be kept upon land zoned for agricultural use, as an activity of farming or ranching. Not more than one domesticated pot-bellied pig, as herein defined, may be kept or maintained as a pet. It is prohibited to keep or maintain in the County any wild animals, poisonous snakes, or constricting snakes over four feet in length.

Pharmacy

A building or a part of a building used exclusively for the compounding and/or dispensing of medicines.

Photometry

The quantitative measurement of light level and distribution.

Photovoltaics (PV)

Materials and devices that absorb sunlight and convert it directly into electricity.

Pipelines

Any pipeline and appurtenant facilities designed for, or capable of, transporting natural gas, manufactured gas, or other petroleum derivatives of ten inches or more in diameter which creates a hoop stress of 20 percent or more at their specified minimum yield strength.

Planning Commission

City Planning and Zoning Commission, and/or Pueblo County Planning Commission, and/or District Planning Commission as appropriate to the context.

Plat

A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Playground

An improved area that is designed, equipped, and set aside for children’s play.

Porch

A roofed or unroofed unenclosed portion of a building projecting from the front, side or rear wall of the building.

Power Plant

A power plant may be any of the following:

1. Any fossil fuel, biofuel, or similar electrical energy generating facility with a generating capacity of 100 megawatts or more, and any appurtenant facilities, or any addition or series of additions increasing the existing design capacity of the facility by 100 megawatts or more.

2. Any wind electrical energy generating facility with a generating capacity in excess of two megawatts and any appurtenant facilities, or any addition or series of additions increasing the existing design capacity of the facility in excess of two megawatts.
3. Any solar electrical energy generating facility with a generating capacity one megawatt or greater and any associated facilities, or any addition or series of additions increasing the existing design capacity of the facility to one megawatt or greater.
4. Any nuclear or hydropower electrical generating facility.

Preliminary Plan

The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

Premises

The central, actual physical location where an activity is routinely conducted. The premises include the primary structures, parking facilities, and private roadway if they are necessary to the principal activity.

Prime Agricultural Land¹³⁸

Land zoned for agricultural use that is generally unirrigated and used for rangeland. See the map in § <> [AGO], for more details.

Prime Farmland¹³⁹

Land zoned for agricultural use which is generally irrigated. See the map in § <> [AGO], for more details.

Primitive Camping¹⁴⁰

The use of a private yard in association with a permanent residential structure for overnight stays. Camping is intended as a temporary recreational or leisure activity by the landowner for the private enjoyment of the landowner and their association by permission. This use does not include the rental of private property for camping in exchange for compensation.

¹³⁸ New.

¹³⁹ New.

¹⁴⁰ New.

Processing, Food

Preparing, treating, converting, or packaging food.

Processing, Minerals

Any activities associated with the preparation of commercial mineral deposit for use. These activities include, but are not limited to on-site transport, waste products from air emissions control and water treatment, crushing, screening, washing, slabbing, polishing, grinding, concrete or asphalt mixing (does not include concrete batch plant and hot mix plant) or other action exclusive of extraction.

Professional office

An office for professions, such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, realtors, accountants, and others who through training are qualified to perform services of a professional nature, and where limited storage or sale of merchandise exists.

Professional Services

An office of a member of a recognized profession maintained for the conduct of that profession.

Project¹⁴¹

1. General: The facility and/or development which is the subject of an application or an approved permit under this UDC.
2. Matters of State and Local Interest: The facility and/or development which is the subject of an application or an approved permit under this UDC, and which can include but is not limited to the site selection, construction, development, operation, reoperation, enlargement or expansion, conversion of an existing facility or structure, or material change of a facility or development throughout its life cycle, including all ancillary structures, facilities, improvements, and activities, and all integrated components thereof, and any proposed land use directly related to such project if such project is to be located wholly or partially within the County. A project cannot be segmented to avoid the requirements of this UDC. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of

¹⁴¹ New.

the project or development must be considered together when reviewing the project hereunder and determining if it satisfies this UDC.

Property Line

See "Line, property."

Public Hearing

A meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions.

Public Safety Facility

A facility, including ambulance dispatch facilities, fire stations, other fire prevention and fire-fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public Utilities

Those utilities defined by 39-4-101, C.R.S. 1973.

Pueblo Region

An area in Pueblo County, Colorado, defined by resolutions of the Board of County Commissioners of Pueblo County and the City Council of the City of Pueblo, Colorado.

Q

[Reserved]

R

Racetrack

A course on which races are run.

Rail Car Storage, Repair, and Restoration

The storage, maintenance, and restoration of rail cars for future use.

Railroad Mainline

A railroad track handling long-distance, through traffic.

Rated Capacity

The maximum capacity of a solar facility based on the sum of each photovoltaic system's nameplate capacity reported as Watts Direct Current (Wdc) or Walls Alternating Current (Wac).

Receipt of Application

The acceptance by the Board of County Commissioners of an application as complete.

Reclamation

The employment, during and after an operation, of procedures reasonably designed to minimize as much as practicable the disruption from an operation and provide for the establishment of plant cover, stabilization of soil, protection of water resources, or other measures appropriate to the subsequent beneficial use of the affected lands.

Recreation and Entertainment¹⁴²

Uses in this category include indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Recreation and Entertainment, Indoor¹⁴³

Facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades, skating, swimming, tennis, teen clubs, escape rooms, archery and axe-throwing, trampolines, and similar indoor activities taking place inside an enclosed building.

Recreation and Entertainment, Outdoor¹⁴⁴

Commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Activities include, but are not limited to sports complexes (baseball, football, soccer, tennis), racetracks, amphitheatres, water parks, batting cages, miniature golf, go-cart tracks, amusement parks, golf driving ranges, swimming pools, and other similar uses. In PuebloPlex, this includes stadiums.

Recreation Camp

A place used for vacationing or other recreational purposes consisting of permanent structures, which may contain cooking facilities, and used for temporary occupancy. This term shall not be interpreted to include hotels, motels, restaurants, theaters, or recreational vehicle parks.

Recreational Vehicle (RV)

A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by

¹⁴² New.

¹⁴³ New.

¹⁴⁴ New.

another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

Recreational Vehicle as Temporary Housing¹⁴⁵

A form of temporary housing where a resident of the property is permitted to live in a recreational vehicle on the subject property while the principal dwelling unit is under construction.

Recreational Vehicle Park

A parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site

A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recycling Collection Center

A drop-off facility accepting recyclable waste material from normal household operations. The recyclable material is limited to aluminum, glass, plastic, paper, and paper products that are intended for recycling. Recyclable materials do not include junk, refuse, electronics, or hazardous materials. The facility shall not involve on-site processing of the recyclable materials. No commercial recyclers (i.e., waste disposal companies or the like) shall be permitted to utilize the facility for drop off of recyclable materials.

Recycling Processing Center

A center for the collection and processing of recyclable materials. Processing may include powered or unpowered preparation of material for efficient shipment, or to an end-user's specifications, by baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

Rest Stop

A roadside area with restrooms and other facilities for the use of motorists.

¹⁴⁵ New.

Restaurant¹⁴⁶

An establishment where food and beverages are prepared, served, and consumed within the principal building, or off the premises as carry-out orders; or in an outdoor seating area on the premises. Accessory uses may include an outdoor dining area.

Resubdivision

The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.

Retail Sales¹⁴⁷

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of goods.

Retail Sales, Small

A facility or establishment with up to 5,000 square feet of gross floor area.

Retail Sales, Medium

A facility or establishment with between 5,001 and 25,000 square feet of gross floor area.

Retail Sales, Large

A facility or establishment with more than 25,000 square feet of gross floor area

Riding Trails and Fields¹⁴⁸

An area providing for the riding of non-motorized vehicles, such as horses and bicycles.

Right-of-Way, Public

All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, as a matter or right, for the purpose of vehicular or pedestrian travel.

Road maintained

A public road that has been accepted by a governmental agency for maintenance.

Road, Private

A right-of-way or easement for purposes of access which is in private ownership, and which has not been dedicated to or accepted for maintenance by a public entity.

¹⁴⁶ New.

¹⁴⁷ New.

¹⁴⁸ New.

Roadside Sale Stand¹⁴⁹

A temporary or permanent structure and/or area for the display and retail sale of agricultural products such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, herbs, and wool. Normal and incidental accessory uses for those agricultural products for sale at a roadside sale stand are packaging, sorting, cleaning, drying, roasting and popcorn popping.

Roadway

That portion of the street right-of-way designed for vehicular traffic.

Rotorcraft

Any aircraft deriving its principal lift or support in the air from one or more rotors or from the vertical component of the force produced by rotating airfoils.

Runway

The hard surface of the airport landing area used primarily for the landing and takeoff of aircraft.

Instrument runway

A runway equipped or to be equipped with a precision electronic navigation aid or other landing aids or other air navigational facilities suitable to permit the landing of aircraft by any instrument approach under restricted visibility conditions.

Non-instrument runway

A runway other than an instrument runway.

Rural Community¹⁵⁰

Rural Communities include the census designated places of the Beulah Valley and Avondale communities and the statutory towns of Rye, Boone, and Vineland.

Rural Land Use Process

A planning process duly enacted and adopted by Pueblo County which is designed to offer a land use option for single-family residential purposes that differ from traditional 35 acre divisions of land.

¹⁴⁹ Revised description of agricultural products.

¹⁵⁰ New.

S

Saddle Shop

A shop for the repair and sale of saddles and tack items (bridle and halter) for use on a horse, and the sale of incidental horse apparel and horse care products.

Sanitary Landfill¹⁵¹

A planned and approved method or system of waste disposal in which the waste is disposed or buried in layers, compacted by earth or other approved methods, or a facility where solid waste is burned prior to disposal.

Sawmill

A mill or machine for sawing logs.

School, Private¹⁵²

A school organized and maintained by a recognized religious or independent association performing an academic function including parochial and independent schools which provide education to children of compulsory school age.

School, Trade¹⁵³

A secondary school offering instruction in a professional, vocational, or technical field.

Seasonal Sales¹⁵⁴

The temporary sale of goods or products associated with the season or a cultural event, including but not limited to the sale of healthy, nonhazardous, cut or live evergreen trees, wreaths, tree stands, pumpkins, fireworks, and seasonal produce.

Secretary

The secretary to the Planning Commission or the Zoning Board of Appeals or may be a designated employee.

Setback

The distance from the lot line to any building or structure on the lot.

¹⁵¹ New.

¹⁵² New.

¹⁵³ New.

¹⁵⁴ New.

Shielding

A technique or method of construction which causes all the light emitted from an outdoor light fixture to be projected below a horizontal plane passing through the fixture.

Shooting Range, Indoor

A facility designed or used for shooting at targets with rifles, pistols, or shotguns and which is completely enclosed within a building or structure.

Shooting Range, Outdoor

The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, and temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and non-recurring discharging of firearms on private property.

Shopping Center

A primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

Short-Term Rental¹⁵⁵

A principal or accessory dwelling rented to transient guests who are part of one party for short-term lodging (28 days or less). The term "party" as used in this definition shall mean one or more persons who stay at a short-term rental as a single group, with a maximum occupancy of two people per bedroom, pursuant to a single reservation and payment.

Sight-Distance Triangle

A pentahedron shaped area at the intersection of two or more streets in which the unregulated placement of structures and improvements could reduce the visibility of motor vehicle operators and create a hazardous condition. The base of the pentahedron is a triangle, having angle points "a," "b," and "c" determined as follows: point "a" is the intersection of the existing curb or asphalt lines (extended), points "b" and "c" are points along the existing curb or asphalt lines measured back from point "a" a distance(s) determined by the Public Works Department. The three sides of the pentahedron are perpendicular to the base and begin a distance of two feet above the centerline grades of the intersecting streets and extend to a height of eight feet above the centerline grade.

¹⁵⁵ New.

Sign

An advertising device.

Sign, Animated

A sign having regular variation in its physical position by mechanical movement or mechanical rotation.

Sign Area

The total area enclosed by the shortest single line that can be drawn around the entire sign, excluding structural supports. Each display face of a sign shall be measured separately in computing total sign area.

Sign, Chasing

A sign having a change in its visible advertisement by rotation or by the sequential presentation of words and/or phrases.

Sign, Development

A temporary sign which is established to inform the public of: (1) construction or rehabilitation occurring on the premises; or (2) identify model homes which represent residential structures which are being offered for construction in the subdivision or development.

Sign, Face

That portion of the sign visible to the public right-of-way for the purpose of advertising.

Sign, Flashing

Any illuminated sign on which the artificial light or lights are not maintained in a satisfactory condition or not constant in intensity and color at all times when the sign is illuminated. A sign whereon the time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature.

Sign, Fluttering

A sign, including "wind sign," having irregular variation in its physical position by non-mechanical movement (e.g., wind). Fluttering signs, unless otherwise exempted by this division (e.g., national and state flags), are devices such as spinners, wind cups, streamers, pennants and flags.

Sign, Free Standing

A sign, which is supported by one or more uprights, poles or braces in or upon the ground; or a portable sign; or a sign, which by its configuration stands freely without support from a primary or accessory structure.

Sign, Gateway

A sign, which is established to denote entrance into a predominately residential neighborhood.

Sign, Illuminated

A sign which is directly lighted by any electrical light source, internal or external, except public light sources (e.g., streetlights) and private light sources operated for the purpose of illuminating an area (e.g., parking lot) in which the sign is located.

Sign, Off-Premise¹⁵⁶

A sign which is used or intended for use to advertise, identify, direct, or attract attention to a business, institution, product, organization, event, or location offered or existing elsewhere than upon the same property where the sign is displayed.

Sign, Projecting

A sign which is attached directly to the building wall, and which extends more than fifteen inches from the face of the wall.

Sign, Roof

A sign erected upon or above a roof or parapet wall or a building or structure.

Sign, Wall

A sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall and extending not more than fifteen inches from the face of the wall.

Significant

Deserving to be considered; important; notable and not trifling.

¹⁵⁶ New.

Sketch Plan

A map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early state in the planning.

Small Wind Energy Facility¹⁵⁷

A facility which is used to produce electrical energy from energy supplied by the wind, including any transmission lines, and developed for the purposes of supplying or distributing electrical energy to a customer or customers, and in which there are no more than three wind generator towers, and the hub height of the wind towers does not exceed 80 feet.

Social Service Organization Facility

An establishment for public or quasi-public organizations providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services and the otherwise disadvantaged. Examples of this land use include counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day-care services, emergency shelters and transitional housing, residential care, or soup kitchens.

Solar Facility, Medium-Scale

A solar facility between one acre and ten acres. This size is approximately equivalent to a rated capacity of about 250 kW to one megawatt (MW) alternating current. Facilities are generally generating electricity from sunlight primarily to reduce onsite consumption of utility power for commercial and industrial applications.

Solar Facility, Small-Scale

A solar facility of less than one acre. This size is approximately equivalent to a rated capacity of about ten kilowatts (kW) to 250 kW alternating current. Facilities are generally generating electricity from sunlight primarily to reduce onsite consumption of utility power for residential, agricultural, commercial, and industrial applications.

Solar Facility, Utility-Scale

¹⁵⁷ New.

A solar facility of more than ten acres. This size is approximately equivalent to a rated capacity of about one MW alternating current or greater. Facilities are generally generating electricity from sunlight to provide electricity to a utility provider.

Solar PV Panel Coverage

The total acres covered by blocks of photovoltaic panels including spaces between panels but excluding wildlife corridors, mandated setbacks, wetlands, and other avoided natural or cultural features.

Solid Waste Disposal Site and Facility

The location and facility at which the deposit and final treatment of solid wastes occur but does not include those sites where selected biologically and chemically stable materials such as concrete, mortar, bricks and asphalt are being used as a substitute for natural rock in land leveling and filling operations.

Solid Waste Transfer Station

A facility at which refuse awaiting transportation to a disposal site is transferred from one type of collecting vehicle and placed into another.

Solid Wastes

Garbage, refuse, sludge of sewage disposal plants, and other discarded solid materials, including solid waste materials resulting from industrial, commercial and community activities, but does not include agricultural wastes.

Space Port Facility

A site at which spacecraft are tested, launched, sheltered, and/or maintained.

Special Event

A temporary commercial, promotional, or festive activity, at a specific location that is open to the public and is planned for or expected to attract a large assembly of persons. A Special Event Permit is not required for the following: Parades; Wedding and funeral ceremonies; Events or gatherings that attract or are intended to attract less than 500 people; Election activities and political rallies; and Farming and harvest related events (e.g., corn mazes, pumpkin patches, and similar) which are held on a working farm.

Specialized group facilities

A residential structure, established and supervised by the Pueblo County Department of Social Services or a licensed child placement agency, which provides 24-hour care for five to

twelve children from the ages of three years old to eighteen years old and those persons twenty-one years old who are placed by court order prior to their eighteenth birthday whose special needs may be met through the medium of the small group. Children in care are from different family households and are not related to the caregiver. Caregivers are required to be licensed by the state of Colorado and/or the Pueblo County Department of Social Services. The definition of "Specialized Group Facilities" includes a "Specialized Group Home" and a "Specialized Group Center" as defined by the state of Colorado, Department of Human Services, Division of Child Care.

Specified Anatomical Areas

1. Less than completely and opaquely covered: human genitals or pubic region or buttocks or female breast below a point above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities

Acts, simulated acts, exhibitions, representations, depictions or descriptions through any medium of:

1. Human genitals in a state of sexual stimulation or arousal.
2. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.

Spotlight or Floodlight

Any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Stable

A building for the purpose of housing and feeding horses and for the storage of equipment relating to the care, maintenance, and operation of the horses.

Stadium

An outdoor sports arena with tiers of seats for spectators.

Storage and Application of Domestic Septage¹⁵⁸

The storage and application of the liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III Marine Sanitation Device, or a similar system that receives only domestic septage (household, non-commercial, non-industrial sewage).

Storage, Warehousing and Wholesaling¹⁵⁹

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present.

Street

A way for vehicular and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, mall or otherwise.

Street Right-of-Way

That portion of land dedicated to public use for street and utility purposes.

Street Width

The horizontal distance between right-of-way lines.

Street, Center Line of

The true center line of a dedicated public right-of-way as determined by the Commissioner of Roads. Where public right-of-way is curved, offset, angular or any other question arises, the Commissioner of Roads shall determine the alignment of the center line.

Street, Private

A right-of-way or easement in private ownership, not dedicated or maintained as a public street which affords the principal means of access to one or more lots and not maintained by Pueblo County.

Structural Alteration

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

¹⁵⁸ Updated to match use.

¹⁵⁹ New.

Structure

Anything constructed or erected and having a permanent location on the ground. (Does not include fences.)

Structure, Accessory¹⁶⁰

A structure, usually subordinate in size to the principal structure, located on a lot and designed for a permitted accessory use in the zoning district applicable to the lot.

Structure, Nonconforming

A building or structure, or portion thereof, lawfully existing at the time this resolution or any amendment hereto became effective, that does not conform to all regulations applicable in the zone district in which it is located. If a structure is made to be nonconforming by the actions of a local, state or federal agency, then the structure shall not be considered to be a nonconforming structure.

Structure, Permitted

A structure meeting all the requirements established by these zoning regulations for the district in which the structure is located.

Structure, Principal

See "Building, principal."

Studio

A place where an art is taught or studied; an artist's or photographer's establishment.

Subdivider

Any person, developer, firm partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision

A division, subdivision, or resubdivision of a lot, tract or parcel of land into two or more lots, tracts, or parcels of land.

¹⁶⁰ New.

Subdivision Improvements Agreement

One or more security arrangements which may be accepted by a county to secure the construction of such public improvements as are required by county subdivision regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

Substation

Any facility designed to provide switching, voltage transmission, or voltage control required for the transmission of electricity at 115 kilovolts or more but does not have as a primary purpose the transformation of voltage to 50 kilovolts or less for distribution purposes.

T

Technical Laboratory Facility

A building or group of buildings in which facilities for environmental, industrial, medical or scientific research, investigation, testing or experimentation are located.

Telecommunication Tower(s)

Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna clusters, microwave dishes and/or a combination thereof for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. Equipment shelters and support facilities constructed in conjunction with the tower shall be considered accessory structures but must be constructed within the specifically leased area.

Temporary

Use of land and/or structure or portion thereof which continues for a period of less than 28 consecutive days.

Terrace

A raised level or platform of earth surfaced or unsurfaced supported on one or more faces by a wall, a bank, turf or the like.

Theater

A building used primarily for the presentation of live stage productions, performances, or motion pictures, excluding adult entertainment.

Tract

An area, parcel, site, piece of land, or property. See also, "Subdivision."

Transitional Housing¹⁶¹

A facility that provides housing and supportive services to persons experiencing homelessness and whose primary purpose is to enable those individuals or families to move into independent living and permanent housing. The length of stay in transitional housing may be specified.

Transmission Lines

Any electric transmission line and appurtenant facilities which transmit electricity at 115 kilovolts or more.

Transportation¹⁶²

Uses in this category are primarily associated with bus, train, and aircraft facilities.

Travel Trailer

A temporary portable housing unit on wheels that is eight feet or less in width and thirty-two feet or less in length, excluding towing gear and bumpers which is designed for short-term occupancy while being used for travel, recreation, and vacation.

Truck-Tractor

A motor vehicle designed and used primarily for drawing other vehicles (trailer) and not so constructed as to carry a load other than a part of the weight of the vehicle (trailer) and load so drawn.

U

Unenclosed

May be roofed but may not be enclosed on more than two sides by walls or fences. See "Enclosed."

¹⁶¹ New.

¹⁶² New.

Uplighting

Any light source that distributes illumination above a 90-degree horizontal plane.

Urban Agriculture¹⁶³

The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture, hydroponics, beekeeping and/or poultry keeping. This definition includes gardens, container gardens, edible landscapes, residential greenhouses, hoopouses, apiaries, chicken coops, and other similar activities.

Use

Any activity taking place on land and/or in structures.

Use by Right

A use which may be permitted in a zone district upon issuance of a permit by the Director.

Use, Accessory¹⁶⁴

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Use, Principal¹⁶⁵

The primary use of a lot, tract, or parcel.

Use, Special

A use which may be permitted in a zone district upon favorable action by the Planning Commission.

Utilities¹⁶⁶

A water, irrigation, sewer, gas, electric, telephone, bus, taxi, ambulance or railroad system or installation which serves five or more customers whether or not to be franchised or organized as a corporation or district.

¹⁶³ New.

¹⁶⁴ New.

¹⁶⁵ Updated.

¹⁶⁶ Existing definition from 17.120.130 for "public utility".

V

Vehicle

A device that is required to be licensed or registered or is used to carry persons or goods from one place to another, and which is self-propelled or designed to be transported from one place to another upon wheels or endless tracks.

Vehicle Equipment¹⁶⁷

Establishments related to the sale, lease, or rental of new or used parts, tools, or supplies for the purpose of repairing or maintaining vehicles, including distribution of products from the same premises that sells, leases, or rents vehicles.

Vehicle Repair, Major¹⁶⁸

A shop or place of business where heavy maintenance activities such as engine overhauls, automobile/truck painting, body and fender work, welding, and the like are conducted. This use shall not include the sale of fuel, gasoline or petroleum products.

Vehicle Repair, Minor¹⁶⁹

A shop or place of business where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing and the like are conducted. This use shall not include the sale of fuel, gasoline or petroleum products.

Vehicle Sales, Rental, and Leasing, Heavy¹⁷⁰

A facility consisting of buildings and yards used for the display, sales, or rental of heavy trucks, recreational vehicles, boats, trailers, tractors, construction equipment, agricultural implements, manufactured homes, or similar heavy equipment including incidental storage, maintenance, and servicing. This use includes but is not limited to recreational, boat, and trailer dealerships, truck dealerships, construction equipment dealerships, and manufactured home sale establishments.

¹⁶⁷ New.

¹⁶⁸ New.

¹⁶⁹ New.

¹⁷⁰ New.

Vehicle Sales, Rental, and Leasing, Light¹⁷¹

An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done, except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

Vehicle Service Station¹⁷²

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas, or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. Accessory use may include restaurants, and convenience food and beverage sales.

Visible

Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.

W

Wall

An obscuring structure constructed of masonry, brick, concrete, metal, wood or similar materials that prevents the passage of light, air and vision.

Warehouse

A facility or portion thereof used and appropriated by the occupant:

1. For the deposit and safekeeping or selling of their own goods at wholesale or by mail order; or
2. Not for the deposit and safekeeping or selling of their own goods but for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

Waste and Salvage¹⁷³

Waste and Salvage Uses receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage Uses also include uses that receive hazardous waste from

¹⁷¹ Replaced "Automobile and trailer sales area".

¹⁷² New.

¹⁷³ New.

others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

Wastewater Treatment Plant

The facility or group of units, including any system of pipes, structures and facilities through which wastewater is collected for treatment, that is used for treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units discharges into state waters.

Waste-to-Energy Plant

A facility that generates energy in the form of electricity and/or heat from the primary treatment of waste that excludes hazardous or recyclable materials.

Water Distribution Line

A water supply system's pipe, conduit, ditch, natural water course, or combination thereof which is designed to transport water of a potable or non-potable quality, commonly referred to as treated or raw water, and having the characteristic that it allows customer service taps. A water distribution line for the purpose of this regulation is a line having a vertical cross-sectional area equal to or greater than a 12 inch diameter pipe or its equivalent.

Water Recharge Area

A natural area in which water enters an aquifer. In a recharge area, surface water or precipitation percolates through relatively porous, unconsolidated, or fractured materials, such as sand, moraine deposits, or cracked basalt, that lie over a water bearing, or aquifer, formation.

Water Supply Facility

The real property and the plants, structures, and interconnections between machinery and equipment for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water for the purpose of making available a supply of water.

Water Supply System

The system of wells, diversions, pipes, structures and facilities, including impoundments and their associated structures, through which a water supply is obtained, stored and sold or distributed for domestic uses; or the system of wells, diversions, pipes, structures and facilities, including impoundments, through which a water supply is obtained which will be

used directly or by trade, substitution, augmentation or exchange, for water which will be used for human consumption or household use. In determining whether a project is a domestic water supply system, the Board will consider water rights decrees, pending water rights applications, intergovernmental agreements, water supply contracts and any other evidence of the ultimate use of the water.

Water Transmission Line

A water supply system’s pipe, conduit, ditch, natural water course, or combination thereof which is designed to transport water of a potable or non-potable quality, commonly referred to as treated or raw water, and having the characteristic that it does not allow customer service tap. A water transmission line for the purpose of this regulation is a line having a vertical cross-sectional area equal to or greater than a 12 inch diameter pipe or its equivalent.

Water Treatment Plant

The facilities within the water supply system that regulate the physical, chemical or bacteriological quality of the water. Wholesale Sales¹⁷⁴

An establishment engaged in enclosed wholesale of manufactured products, supplies, and equipment, including accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. Other accessory uses may include product repair, parking, minor fabrication services, and repackaging of goods.

Wild Animal

Any species of animal which exists in a natural unconfined state and is not commonly domesticated or suitable for domestication. The term specifically includes, without limitation, all species of poisonous reptiles, lizards belonging to the family Varanidae and crocodilians.

Wildfire Hazard Area

The following terms are associated with wildfire hazard areas:

Wildfire

An uncontrolled fire burning in vegetation, structures, or other improvements.

Wildfire Behavior

The predictable action of a wildfire under given conditions of fuels, weather, and topography.

¹⁷⁴ New.

Wildfire Hazard

A wildfire phenomenon which is so averse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

X

[Reserved]

Y

Yard

An existing or required space not occupied or not to be occupied by a principal use or building on the same lot, parcel or tract with a principal use or building.

Yard, Front

A yard extending the full width of the lot and situated between the street line and the required front setback line.

Yard, Rear

A yard extending the full width of the lot and situated between the rear line of the lot and the required rear setback line.

Yard, Side

A yard extending between the required side setback line and the adjacent side line of the lot and extending from the required front setback line to the required rear setback line.

Z

Zero Lot Line Development¹⁷⁵

A form of development where dwellings are shifted to one side of the lot to provide greater usable yard space on each lot.

¹⁷⁵ New.