

**RESOLUTION 52- 2024**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY APPROVING CERTAIN FEES RELATED TO THE RECORDING OF DOCUMENTS**

**WHEREAS**, the County Clerk and Recorder does not currently charge land use applicants for the recording of approvals and other land use application related documents;

**WHEREAS**, pursuant to Colorado law, there are established recording fees for documents, including the types of documents described herein;

**WHEREAS**, the County Clerk and Recorder desires to charge the statutorily established fees for these documents when recorded as shown in attachment 52A; and

**WHEREAS**, the Board of County Commissioners desires to ensure the County Clerk and Recorder may charge fees for the recording of these documents.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, COLORADO:**

Section 1. Upon the recording of any zoning or subdivision approval document or related document, the County Clerk and Recorder is authorized to charge the statutorily established fees for such documents. The applicant shall be responsible for the payment of such fee to the County Clerk and Recorder. If the County records these documents on behalf of the applicant, the County is authorized to charge the applicant the cost of recording to be remitted to the County Clerk and Recorder as shown in attachment 52A.

Section 2. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

Section 3. This resolution shall be in full force and effect upon its passage and approval.

APPROVED this 26th day of March, 2024.

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, COLORADO

*K. R. Van*

Chair

*Siwile Jefferson*

Commissioner

*Lee Ann Laybourn*

Commissioner



*Annie Kuntz*

Annie Kuntz, Clerk and Recorder

**APPLICATION FOR EXEMPTION  
FROM SUBDIVISION APPROVAL REGULATIONS**

**WASHINGTON COUNTY**  
**150 ASH AVE, AKRON, COLORADO, 80720**  
**970-345-2701 ext 2 Fax 970-345-2702**  
**Email [planning@co.washington.co.us](mailto:planning@co.washington.co.us)**  
**<http://co.washington.co.us>**

Permit Number <b>EX</b> _____
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**WASHINGTON COUNTY**

**STATE OF COLORADO**

**Administrative Review/Application Fee: \$500**

**Recording Fees: 1st page \$13 and \$5 for each additional page due at time of Recording**

Date \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Telephone number (s) \_\_\_\_\_  
City, St, Zip  
Phone(1) Phone(2) Fax

Email Address \_\_\_\_\_

Legal description as defined by the quarter/quarter section (**Example:** property located in SW1/4 of SW1/4 Section 21, Township 5 North Range 54 West)

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4Section \_\_\_\_\_

Approximate location using existing County roads \_\_\_\_\_

Current landowner \_\_\_\_\_

(if different from applicant) Phone

Address \_\_\_\_\_

City, St, Zip

Purchaser, if applicable \_\_\_\_\_

Phone

Address \_\_\_\_\_

Registered engineer/surveyor \_\_\_\_\_

City, St, Zip

Phone

Address \_\_\_\_\_

City, St, Zip

(a). It is mandatory that you supply a survey print of the proposed parcel for which the exemption is being sought. There are several survey companies that will develop such a document for this purpose. If you need assistance in contacting a surveyor, there is a list available within the County Commissioners' office. The County does not recommend any firm in particular. When your application is submitted you will be asked to also submit a survey print showing the following:

1. The location of all dwellings, structures, outbuildings
2. The access from the nearest public right of way
3. Wells
4. The approximate location of the septic system

5. A legal description is necessary

The County will require the following execution blocks as the only acceptable format for approvals:  
the owner of the property **along with a notary block for the owner's signature**;

**EXAMPLE of COUNTY SIGNATURE BLOCK FOR MYLAR ONLY – DO NOT FILL OUT**

Recommended for approval by the Washington County Planning Commission on \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Chairman, Planning Commission

Attest: \_\_\_\_\_  
Recording Secretary

Approved by the Board of County Commissioners on \_\_\_\_\_ 20 \_\_\_\_  
subject to an acceptable mylar being prepared with certain conditions for final approval as  
may be set forth within Resolution \_\_\_\_\_. Tendered to the Board with required  
changes for final execution and recording which completes the planning process on  
\_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Chairman, Board of County Commissioners

Attest: \_\_\_\_\_  
Clerk to the Board

Recorded on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ by Annie Kuntz, Washington  
County Clerk and Recorder at \_\_\_\_\_ M, in Book \_\_\_\_\_; Page \_\_\_\_\_;  
Reception Number \_\_\_\_\_.

You should title the print " (see below) Subdivision Exemption Survey Plat".

You may also title the document using personal information so long as you include the  
aforementioned language. For example:

If your name was Robert Johnson, the document could be titled "Johnson Subdivision  
Exemption Survey Plat". Washington County prefers the name be included in the Subdivision  
Exemption title. **NOTE: Your application will not be processed unless and until you submit a  
survey print that complies with this section.**

(b). When the Planning Commission and/or the Board of County Commissioners considers  
your application, they may require that you add additional notes which will supplement your approval  
with certain conditions. These conditions may vary, for example, from requiring that you not allow  
commercial uses upon your property or that you not construct another residence upon the parcel.  
This is the reason why a survey print is required when you submit your application. When the final  
notes, if any, have been determined, they will be supplied to the person who prepared the survey for  
inclusion upon a final document to be recorded called a "mylar print".

(c). The mylar print must be completed and forwarded to the County for recording. **Note: The  
exemption process is not complete until the County Clerk and Recorder records the final**

**mylar document.** If you have scheduled a closing, most title companies will not complete the closing unless and until they have evidence that the mylar print has been recorded.

Date survey print received by County \_\_\_\_\_

Date final mylar print received (to be completed by County) \_\_\_\_\_

Reason for exemption: \_\_\_\_\_

Are your Real Property taxes current? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
(If No, date taxes expect to be paid)

Total amount of land in tract before exemption: \_\_\_\_\_ acres

Total acreage for which the exemption is being sought: \_\_\_\_\_ acres

(a). Note: Washington County requires that a minimum of 2.5 acres is necessary for the installation of a septic system. Therefore, subdivision exemption requests cannot be processed for less than this parcel size. If there are public water and sewer systems in place, this requirement may be adjusted.

Availability of utilities to subdivision:

Water supply: public system \_\_\_\_\_ existing on-lot system \_\_\_\_\_  
Proposed on-lot system \_\_\_\_\_ water well# \_\_\_\_\_  
Sewage: public system \_\_\_\_\_ existing on-lot system \_\_\_\_\_  
Proposed on-lot system \_\_\_\_\_ application attached \_\_\_\_\_

(a). If you are constructing a new septic system on the parcel, you will be required to show documentation of application and/or approval from Northeast Colorado Health Department. **NOTE: Your application will not be processed unless and until you submit proper documentation which complies with this section; unless you have an existing septic system or you are served by a public water and sewer system.**

(b). The Colorado State Water Engineer issues well permits for agricultural and residential uses within Washington County. If you are constructing a well upon the parcel, you will need to supply evidence that you have obtained a well permit. **NOTE: Your application will not be processed unless and until you submit a well permit which complies with this section, unless you have an existing well.**

Washington County has a Right to Farm Policy. The Board of County Commissioners is proud of the County's agricultural based economy. Based upon the rural nature of Washington County, persons living within the unincorporated areas will be subject to all aspects of farming and ranching activities. As a condition of approval of all subdivision exemptions, persons will be required to sign an acknowledgement that they have received and read a statement of understanding relating to farming and ranching operations within the County. This will be a condition of approval for all subdivision exemptions.

If the property is not currently served by an existing county road, and the county is required to construct access to the parcel, you will be required to bear the costs of road construction. The county cannot construct roadways unless and until they receive title to the proposed right of way. This will be a condition of approval for the exemption. The costs for construction will be determined on a case by case basis. This section is not applicable for subdivision exemptions that currently abut existing county roads. However, if culverts or other roadway design improvements must be made to meet county standards, those costs will be paid by you.

Linear feet of proposed new county roads if applicable \_\_\_\_\_

a. State/county road access: existing \_\_\_\_\_

Additional information you wish to submit regarding the exemption request: \_\_\_\_\_

\_\_\_\_\_

Name, address and telephone number of person preparing this application:

Name		email (optional)	
Address			
City		State	Zip
Phone (1)	Phone (2)	Fax	

I hereby certify that to the best of my knowledge the above information is true and correct.

\_\_\_\_\_  
Signature of applicant(s)  
(If not the property owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of applicant(s)  
(If not the property owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of current property owner (s)  
(Required)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of current property owner (s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(The following page is for County action)

COUNTY USE ONLY

Planning Commission Recommendation:

- Approved as submitted ( )
- Approved with conditions ( )
- Not Approved ( )

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chairman \_\_\_\_\_ Date \_\_\_\_\_  
                    Planning and Zoning

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Board of County Commissioners Recommendation:

- Approved as submitted ( )
- Approved with conditions ( )
- Not Approved ( )

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chairman \_\_\_\_\_ Date \_\_\_\_\_  
                    Board of County Commissioners

## **WASHINGTON COUNTY RIGHT TO FARM POLICY**

Washington County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all other manner of agricultural activities and operations in Washington County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape and lifestyle. Washington County specifically recognizes the importance of agricultural operations as necessary and worthy of recognition and protection.

Landowners, residents and visitors must be prepared to accept as normal the effects of agriculture and rural living. These may include noise from tractors, equipment, and aerial spraying sometimes at night or in the early morning, dust from animal pens, field work, harvesting, and gravel roads, odor from animal confinement operations, silage, manure, smoke from ditch burning, flies, mosquitoes, the use of pesticides and fertilizers, including aerial spraying, and movement of livestock or machinery on public roads. Under the provision of the State of Colorado's "Right to Farm" law, C.R.S. 35-3.5-101 and following), all normal and non-negligent agricultural operations may not be considered nuisances.

Also, public services in a rural area are not at the same level as in an urban or suburban setting. Road maintenance may be at a lower level, mail delivery may not be as frequent, utility services may be non-existent or subject to interruption, law enforcement, fire protection and ambulance service will have considerably longer response times, and snow may not be removed from county roads for several days after a major snow storm. First priority for snow removal is that school bus routes are normally cleared first.

Children are exposed to different hazards in a rural setting than they are in an urban or suburban setting. Farm and oil field equipment, ponds and irrigation ditches, electrical services to pumps and oil field operations, high speed traffic, noxious weeds, livestock and territorial farm dogs may present real threats to children. It is necessary that children's activities be properly supervised for both the protection of the children and protection of the farmer's livelihood.

All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Washington County. Information regarding these topics may be obtained from the Colorado State University Cooperative Extension Office, the County Planning and Zoning Department, and the County Attorney.

Any person purchasing property which has been granted a subdivision exemption will be required to sign an acknowledgment of the Washington County Right to Farm Policy before approval of the exemption.



**8.202 (b) RECEIPT AND STATEMENT OF UNDERSTANDING**

I hereby certify that I have received, read and understand the Washington County Statement of Policy regarding the Right to Farm.

I further state that I am aware that the conditions so living in an unincorporated area are different than living in a town or city and that the responsibilities of rural residents are different from urban or suburban residents. I understand that under Colorado Law that a pre-existing, non-negligent agricultural operation may not be considered a public or private nuisance.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature – Applicant(s)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Town, State, Zip Code

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature – Applicant(s)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Town, State, Zip Code

Please list any additional applicant, trust or purchaser signatures below:

**WASHINGTON COUNTY PLANNING DEPARTMENT**  
**CHECKLIST FOR EXEMPTION FROM SUBDIVISION**  
**REQUIREMENTS FOR YOUR PROPOSED PROJECT**

1. Provide an official survey plat.
  - a. A preliminary copy provided by the surveyor will be adequate for the application hearing.
2. Sign a "Right to Farm Policy" statement of understanding.
3. Legal Access:
  - a. Show all accesses to new parcel on survey plat. Property cannot be denied access to a public right of way.
  - b. If easement is required, provide documentation of signed easement agreement if easement is crossing property other than that included in the subdivision exemption.
  - c. Show easement on the survey plat.
4. If There is a current residence on the property or  
You intend to build a residence within 12 months of this subdivision exemption and know where the following locations can be shown on the survey then the following information needs to be included with your application:
  - a. Sewer or Septic System:
    - i. Provide documentation that the Health Department will issue a permit (for a new system) or

- ii. Provide a diagram of any existing waste sewer or septic system.
  - iii. Any subdivision must be a minimum of 2.5 acres to have a septic system.
- b. Water System:
- i. Provide a copy of a well permit from the State of Colorado (for a new well)  
or
  - ii. Provide the well number for or a diagram of any existing well.
- c. You must obtain a Washington County building permit if construction or improvements will occur. Access to public utilities (electricity) must be available.
- d. Washington County application fees are non-refundable.

If you have any questions, please feel free to contact the Washington County Zoning Official at 970-345-2701

**LAND USE DEVELOPMENT GUIDELINES  
FOR  
WASHINGTON COUNTY, COLORADO  
SUBDIVISION EXEMPTION**

The purpose of a subdivision exemption is to create a legal parcel within the unincorporated area of Washington County as required by law without zoning or platting of the property. It is important that you follow the guidelines so that your proposed exemption can be approved in a timely manner.

The Board of County Commissioners, as well as the Planning Commission has attempted to develop these guidelines to be straightforward in order to help you through the development process. If they are followed and the complete application is submitted, you can expect approval within 30 days from the date the application is filed.

The Planning Commission generally meets the third Monday of each month. The Board of County Commissioners will hear the exemption request on Tuesday, following the Planning Commission meeting the night before. Therefore, you should be able to calculate the exact date that your application will be formally considered. Under some circumstances, and at your request for an additional fee, the Planning Commission may hold a special meeting to accommodate your request. This fee is \$350.00. If such a special request is made, the Board will act on the application on the Tuesday following the special meeting of the Planning Commission.

The complete application will need to be submitted to the County Commissioners' office no later than the Wednesday before the third Monday of the month in order to be considered at that month's meeting.

If you have questions when you are completing the application, you may contact the County Commissioners' office for assistance prior to the actual submission of your application. The telephone number is 970-345-2701.

Approved by Board of County Commissioners June 28, 2002

Effective date July 1, 2002

Resolution No. 2002-59

Resolution No. 2004-83 (execution blocks)

**APPLICATION FOR USE BY SPECIAL REVIEW**  
**WASHINGTON COUNTY**  
**150 ASH AVE AKRON, COLORADO 80720**  
**(970) 345-2701 Fax (970) 345-2702**

Permit Number <b>SP</b> _____
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**WASHINGTON COUNTY**                      **STATE OF COLORADO**  
Date of Application \_\_\_\_\_

Name of applicant \_\_\_\_\_  
Address, \_\_\_\_\_  
City, St, Zip \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax \_\_\_\_\_

Legal description as defined by the quarter/quarter section (Example: property located in SW1/4 of SW1/4 Section 2, Township 5 North Range 54 West)  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4Section \_\_\_\_\_

Approximate location using existing County roads \_\_\_\_\_

Owner of Property \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

Current Zoning \_\_\_\_\_

Type of interest Applicant has in property \_\_\_\_\_  
\_\_\_\_\_

Evidence of Availability of utilities to service proposed uses \_\_\_\_\_  
\_\_\_\_\_

Additional application requirements for CMRS facilities (attach)  
Additional application requirements for Confined Animal Feedlot Operations (attach)  
Additional application requirements for other Commercial/ Mixed Uses (attach)

I hereby certify that to the best of my knowledge the above information is true and correct.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ Date \_\_\_\_\_  
(or if facility is to be located on an existing approved CMRS facility, signature of the current facility owner/operator).

**For Building permit:** Building permit form and fees are required. Form can be obtained from County Commissioner's office or from County website at <http://www.co.washington.co.us> .

**Administrative Review/ Application Fee \$500.00                      =Total Due \_\_\_\_\_**

**Recording Fees: 1<sup>st</sup> page \$13 and \$5 for each additional page due at time of Recording**

**\*Sign Posting Fee \$150.00**

\*Publication charges will be added if the posting sites need to be published in the local newspapers instead of actual sign posting on the property.

**Building Permit – see Building Permit form**  
**(\$150.00 for permit plus use tax on building)**

**Make check payable to: Washington County**

Revised March 22, 2024

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COUNTY USE ONLY

**Planning Commission Recommendation:**

- Approved as submitted ( )
- Approved with conditions ( )
- Not Approved ( )

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chairman \_\_\_\_\_ Date \_\_\_\_\_

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**Board of County Commissioners Recommendation:**

- Approved as submitted ( )
- Approved with conditions ( )
- Not Approved ( )

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chairman \_\_\_\_\_ Date \_\_\_\_\_

**USE BY SPECIAL REVIEW REGULATIONS  
RELATING TO  
CERTAIN COMMERCIAL, MIXED USE,  
INDUSTRIAL, COMMERCIAL MOBILE RADIO (CMRS)  
AND ELECTRICAL GENERATION WIND TOWERS  
AND THEIR APPROVAL WITHIN  
WASHINGTON COUNTY**

**POLICY**

To provide for uses within the unincorporated areas of Washington County which require special review by the Board of County Commissioners in order to determine their compatibility with surrounding current uses. Such uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts which could undermine the integrity of the area in which it would be situated and therefore could jeopardize the health, safety and welfare of the existing citizens of Washington County.

**PROCEDURES**

**FOR COMMUNITY BUSINESS**

A. Intent:

Washington County encourages the location and development of businesses to serve the needs of its citizens and increase the economic viability of the County. It is the purpose of utilizing the Use By Special Review procedures for these activities to provide regulations for the establishment of business enterprises within the County to serve the residents. These activities will utilize the site plan and public hearing process for County approval.

B. Minimum Lot Size: As set forth in the site plan

C. Maximum Lot Size: As set forth in the site plan

D. Principal Permitted Uses:

1. Agricultural business store.
2. Auto sales and repair
3. Auto service station
4. Billiard parlor and/or pool hall.
5. Bowling alley, tennis club, skating rink, health club, beauty salon/barber shop, etc.
6. Convenience store with or without gas pumps.
7. Department store.
8. Dry goods / hardware store.

9. Furniture store.
10. Grocery Store
11. Nightclub, tavern, liquor store.
12. Special trade contractors, including but not limited to construction, plumbing, heating, and electrical.
13. Restaurant (including drive-thru "fast foods").
14. Hotel/motel.
15. Dog kennel.
16. Adult Entertainment
17. Special Cultural events or facilities.
18. Shooting Ranges
19. Other commercial or accessory uses.

#### **FOR MIXED USE DEVELOPMENT**

**A. Intent:**

It is the purpose of utilizing the Use By Special Review procedures for these developments are to allow for all other uses not delineated above or for a combination of commercial activities and multi-family dwellings such as apartments, condominiums, town homes, combinations of uses such as dwellings, recreational and commercial projects, adult entertainment, cultural facilities, etc. This district will utilize the site plan and public hearing process for County approval.

**B. Minimum Lot Size:** As set forth in the site plan

**C. Maximum Lot Size:** As set forth in the site plan

**D. Principal Permitted Uses:**

1. Multi-family dwelling units such as condominiums, town homes, etc.
2. Combinations of commercial activities.
3. Combinations of commercial activities and single family and / or multi-family dwelling units.
4. Recreational and commercial projects.

#### **FOR INDUSTRIAL USES**

**A. Intent:**

It is the purpose of utilizing the Use by Special Review procedures for these uses to allow for industrial, manufacturing, and / or those uses which may create potential adverse impacts to adjacent properties and / or neighbors. While said uses shall be permitted in order to foster



economic development within Washington County, the approval of such uses will utilize the site plan and public hearing process.

B. Minimum Lot Size: As set forth in the site plan

C. Maximum Lot Size: As set forth in the site plan

D. Principal Permitted Uses:

1. Commercial trucking and heavy equipment operations, with storage yards, extended long term parking and /or maintenance.
2. Asphalt or concrete batch plants.
3. Golf courses and/or recreational facilities.
4. Packing plants, slaughter houses, rendering plants.
5. Commercial synthetic fuel production.
6. Junk, scrap metal, and/or auto salvage yards.
7. Water and sewer treatment facilities.
8. Commercial grain elevators.
9. Solid waste, manure and compost facilities.
10. Other industrial uses.

**FOR COMMERCIAL MOBILE RADIO (CMRS) FACILITIES  
WIND ELECTRICAL GENERATION TOWERS**

A. Intent:

To provide for the installation of Commercial Mobile Radio Service (CMRS) facilities, and ensure that such facilities are located and designed in a manner that is consistent with the health, safety, welfare, aesthetic values, and agricultural interest of the County.

B. General Provisions for CMRS towers:

a. The County encourages co-location of CMRS facilities when co-location minimizes their number and aesthetic impact.

b. When requested, the applicant must provide written documentation which demonstrates that co-location was refused or provide evidence that co-location is not possible before attempting to locate an additional free standing CMRS facility on a given parcel of land. The County may require a third party technical study at the expense of either or both parties to determine the feasibility of co-location. The study will be conducted at a reasonable cost and with minimum necessary effort-to make determination regarding co-location

c. No CMRS facility owner or operator shall unfairly exclude a wireless provider competitor from using the same facility or location. Upon request by the County, the owner or operator shall provide evidence why co-location is not possible.

d. CMRS facilities must comply with any and all applicable federal, state, and county rules, regulations, and/or requirements as set for herein.

e. Abandoned CMRS facilities which are not in use for CMRS purposes for a period of six (6) consecutive months shall be removed by the CMRS facility owner. This removal shall occur within ninety (90) days of the said six month period. Upon removal, the site shall be re-vegetated or restored to substantially the condition it was in prior to the existence of the CMRS facility within the time limit specified above. The County is hereby authorized to remove or cause the removal of the abandoned CMRS facility without any liability for trespass, and all costs incurred by the County, including and administrative cost equal to twenty-five percent (25%) of all direct costs, shall be charged as a lien against such real property and the owners thereof.

f. Land forms, vegetation, structures, and architectural treatments shall be used when appropriate to aid in screening the facility to blend in into the surrounding built and natural environment to the degree it is technically feasible (consideration should be given to placing associated equipment underground or within structures).

g. Utilize design, materials, and colors of antennae, support structure and equipment storage shelters that are compatible with the surrounding environment and/or structures in terms of general appearance, scale, bulk and height.

h. All equipment, storage shelters, and/or cabinet components of the CMRS facility shall be grouped as closely as technically possible.

i. No structure shall be located within 250 feet plus the tower height from any residence.

j. The equipment storage shelters and/or cabinets for a freestanding CMRS facility shall meet the following standards:

(i.) The total footprint of each service provider's equipment storage shelter and/ or cabinets shall not exceed 360 square feet; and

(ii) No equipment storage shelter and/or cabinet shall exceed thirteen (13) feet in height.

#### C. General Provisions for Electrical Generation Wind Towers

a. Wind tower applications may be for multiple units upon any one parcel. Separate building permit(s) will be issued for each unit and / or appurtenances

b. Wind tower facilities must comply with any and all applicable federal, state, and county rules, regulations, and/or requirements as set within a development agreement.

c. Utilize design, materials, and colors of support structure and equipment storage shelters that are compatible with the surrounding environment and/or structures in terms of general appearance, scale, bulk and height.

d. All equipment. storage shelters, and/or cabinet components of the facility for multiple units shall be grouped as closely as technically possible.

- e. No wind tower structure shall be located within 250 feet plus the tower height from any residence.

**APPLICATION REQUIREMENTS FOR COMMUNITY BUSINESS, MIXED USE, INDUSTRIAL, COMMERCIAL MOBILE RADIO SERVICE (CMRS) AND ELECTRICAL GENERATION WIND TOWERS USES BY SPECIAL REVIEW**

1. All proposals for a Use by Special Review approval under these regulations shall be submitted to the Clerk and Recorder's Office prior to consideration of the request by either the Planning Commission or the Board of County Commissioners. The initial proposal shall be in written form describing the proposed use and signed by the applicant. Upon receipt of the written proposal, the land use coordinator shall advise the applicant that the proposal will be scheduled for a brief review at the next regularly scheduled Board meeting date, at which time the Board will assess the matter and set forth the requirements and parameters for the formal application process. The applicant will be advised of this initial hearing date and time and may be present before the Board when the matter is discussed.

2. Once the Board has determined the application requirements, a complete application for a Use by Special Review hearing must be submitted to the County. This document shall contain one or more of the following:

a. Letter of intent requesting the Use by Special Review hearing and fully describing the intended use of the property. The letter must be signed by the property owner and applicant (if different from property owner), and a certification of ownership must be included in the submittal.

b. A fee established by the Board of County Commissioners shall be paid at the time of the application.

c. A site plan (six copies) drawn on 24" x 36" sheets, to include the following information:

- (1) Name of proposed use.
- (2) The land area and legal description.
- (3) Vicinity map one (1) mile radius.
- (4) The proposed land use for each use requested in square feet.
- (5) Existing and proposed public and private rights-of-way, easements and drainage ways.
- (6) The residential density of all adjacent properties.
- (7) The location(s) and dimensions of all existing and proposed structure(s), the use(s) to be located therein, gross floor area, locations of entrances and loading points, if applicable.
- (8) Location of outdoor waste disposal facilities, if applicable.
- (9) Location and height of fences, walls, screens, planting and any other landscaping features.
- (10) Types of surfacing, such as asphalt paving, concrete, gravel or grass, of the interior of the site.

- (11) Provisions for access by emergency vehicles.
  - (12) Signs and lighting devices (fully detailed).
  - (13) Utility lines and appurtenances.
- d. a proposed drainage report, if required by the Board, for commercial uses.
  - e. cost estimates of any public improvements for roads or other infrastructure, as may be required by the Board.
  - f. an appropriate number of 11 "x 17" reductions of the required site plan.
  - g. sufficient proof of water and sanitation facilities to serve the proposed use.
  - h. additional information may be requested by the Board as appropriate to review the request.
3. Once the complete application submittal is received by the land use coordinator, they will:
- a. "Log in" the submittal and notify the applicant that the case filing is complete.
  - b. Refer the submittal to the Planning Commission, and other appropriate agencies, such as the applicable fire department and school district.
  - c. Schedule the proposal for a future public hearing before the Washington County Planning Commission.
  - d. Send posting requirement instructions to the applicant.
4. The property on which the use is proposed shall be posted by the county with a sign not less than three feet high by four feet long (3' x 4') on posts not less than two feet (2') above natural grade, and shall contain the following information:

**NOTICE OF USE BY SPECIAL REVIEW APPLICATION**

(must be 4 inch letters in red)

Notice is hereby given that the property upon which this sign is posted shall be considered for a Use by Special Review within unincorporated Washington County, said use being a (use). Additional information may be obtained from the Washington County Courthouse, Commissioners' Office. Such hearing is to be held before the Washington County Planning Commission on (day) (date) of (month), 200(year) at 7 p.m. in the County Courthouse, 150 Ash, Akron Colorado, 80720.

DATE OF POSTING  
NAME OF APPLICANT

Said sign shall be erected on the property in a prominent place visible from the nearest dedicated public roadway, for a period of not less than fourteen (14) days prior to the hearing.

5. A "Certification of Posting" form shall be completed by the applicant and submitted to the Planning Commission. Such certification attests to the continual posting of the public hearing sign in the proper location for a required fourteen (14) day period. The Commission may require the applicant to testify at the hearing as to compliance with these procedures.

6. After the public hearing and review by the Planning Commission, their recommendations will be forwarded to the Board of County Commissioners, and the Board will hold second hearing on the proposal.

7. At the conclusion of the hearing before the Board of County Commissioners, they will take one of the following actions regarding the case. They may:

- a. Approve as submitted and / or recommended by the Planning Commission.
- b. Approve with additional or different conditions.
- c. Table (for further information, etc.)
- d. Take the request under advisement.
- e. Deny.

If and when a case is approved by the Board of County Commissioners, the applicant shall submit a final mylar to the County which shall be executed and recorded in the permanent land use records within the Clerk and Records Office

8. The proper appeal of a decision of the Board of County Commissioners is to the District Court for Washington County.

### **SITE PLAN AMENDMENTS**

#### **POLICY:**

It is understood that applicant(s) may from time to time desire to modify the approved Use By Special Review obtained from Washington County, for changes in principle permitted uses, or modifications to the requirements imposed by the County under paragraph 2 ( c) of the Application Requirements, or for financial reasons. The Board therefore determines to provide a mechanism to accomplish changes sought by applicants to approved site plans. These amendments are considered either administrative where minimal changes are sought or a formal plan amendment, which requires a review and recommendation by the Washington County Planning Commission and reposting of the property.

#### **PROCEDURES:**

##### **ADMINISTRATIVE SITE PLAN AMENDMENTS**

1. Amendments to approved site plans for the following purposes are considered to be minor and will be approved administratively:

- a. Changes in lot configurations
- b. Changes in access to the property
- c. Changes in fencing or landscaping
- d. Changes in signage or lighting
- e. Changes in interior private roadway configurations (not including changes in surfacing materials)
- f. Other minor plan changes as may be determined by the Board

2. All proposals for a Use by Special Review administrative site plan amendment under this section shall be submitted to the Commissioners' Office prior to consideration of the request by the Board of County Commissioners. The proposal shall be in written form describing the proposed changes and signed by the applicant. Upon receipt of the written proposal, the land use coordinator shall advise the applicant that the proposal will be scheduled for a review at the next

regularly scheduled Board meeting date, at which time the Board will assess the matter, and if it is determined that the amendment is administrative in nature, take action on the request. The applicant will be advised of this hearing date and time and may be present before the Board when the matter is discussed. A fee established by the Board of County Commissioners shall be paid at the time of the application.

3. After the hearing and review by the Board of County Commissioners, they will take one of the following actions regarding the case. They may:

- a. Approve as submitted.
- b. Approve with additional or different conditions.
- c. Table (for further information, etc.)
- d. Take the request under advisement, for decision at a later time.
- e. Deny the administrative amendment request and determine that the matter should be considered a formal amendment to the plan requiring Planning Commission review and reposting of the property for public input.

4. If and when an administrative site plan amendment is approved by the Board of County Commissioners, the applicant shall submit a revised mylar to the County which shall be executed and recorded in the permanent land use records within the Clerk and Records Office. The title of the site plan should include the word "Amended".

#### FORMAL SITE PLAN AMENDMENTS

1. Amendments to approved site plans for the following proposed purposes are considered to be formal and are subject to Planning Commission review and a posting for public notice of the proposed changes to the approved site plan:

- a. Changes of 15 % or more in proposed structure size or building gross floor area
- b. Changes by the addition of structures not approved on the original site plan
- c. Increases in the approved densities for a residential development
- d. Increases in the number of lots approved in the original site plan
- e. Changes in the proposed use of the property as approved
- f. Increases in the approved signage or lighting
- g. Other proposed changes that may have a negative impact upon surrounding properties as may be determined by the Board after an initial review

2. All proposals for a Use by Special Review formal site plan amendment approval under this section shall be submitted to the Commissioners' Office prior to consideration of the request by either the Planning Commission or the Board of County Commissioners. The initial proposal shall be in written form describing the proposed changes and signed by the applicant. A fee established by the Board of County Commissioners shall be paid at the time of the application.

3. Once the complete application submittal is received by the Land Use Administrator, they will:

- a. "Log in" the submittal and notify the applicant that the case filing is complete.
- b. Refer the submittal to the Planning Commission, and other appropriate agencies, such as the applicable fire department and school district.
- c. Schedule the proposal for a future public hearing before the Washington County Planning Commission.
- d. Send posting requirement instructions to the applicant.

4. Formal site plan amendments shall then follow the same procedure as set forth within paragraphs 4, 5, 6, and 7 of the initial application process as set forth hereinabove.

**Adopted April 20<sup>th</sup> 2004 (Resolution 2004-68)**

**CRMS and Electrical Wind Generation Towers added September 21<sup>st</sup> 2004 (Resolution 2004-142)**

**Site Plan Amendments added December 30, 2004 (Resolution 2004-181)**