

APPLICATION FOR USE BY SPECIAL REVIEW
WASHINGTON COUNTY
150 ASH AVE AKRON, COLORADO 80720
(970) 345-2701 ext 2 Fax (970) 345-2702
Email planning@co.washington.co.us
www.colorado.gov/washingtoncounty

Permit Number

SP _____

WASHINGTON COUNTY

STATE OF COLORADO

Date of Application _____

Name of applicant _____

Address, _____

City, St, Zip _____

Telephone Number _____ Fax _____

Email _____

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

***Sign Posting Fee \$150.00**

=Total Due _____

Building Permit – see Building Permit form

(\$100.00 for permit plus use tax on building)

*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.

COUNTY USE ONLY

Planning Commission Recommendation:

Approved as submitted ()

Approved with conditions ()

Not Approved ()

Remarks: _____

Chairman _____ Date _____

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.

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 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 use and signed by the applicant. Upon receipt of the written proposal, the planning and zoning official 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 (two copies) drawn on 18" x 24" 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 planning and zoning official, 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), 20(year) at (time) 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. The sign shall be posted by the Washington County Road and Bridge department

5. A "Certification of Posting" form shall be completed by the Washington County Road and Bridge department 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 Road and Bridge department 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 Recorders 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 planning and zoning official 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 Planning and Zoning official, 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.

**TEMPORARY USE
REGULATIONS RELATING TO SPECIAL EVENTS
AND THEIR APPROVAL WITHIN
WASHINGTON COUNTY
TEMPORARY USE PERMIT**

POLICY

To provide for special events within the unincorporated areas of Washington County at which the attendance is expected to exceed 200 or more persons and said event is being held for commercial or other pecuniary purposes and either an admission fee or monetary charge is required to attend or participate in any given 24 hour period, the County will require a temporary use permit in order to provide for security of those persons attending the event and to minimize various adverse impacts that could jeopardize the health, safety and welfare of those attending the event or nearby residents or citizens of Washington County.

PROCEDURES:

The Board of County Commissioners encourages those activities which benefit the citizens of Washington County and which may bring cultural, artistic and / or economic benefits to the County. However it is necessary to assure that those persons attending any event sponsored by an individual, organization and or any other corporate entity be provided with minimum standards of safety, sanitation and protection so as to prevent harm or injury to their persons. Therefore before any such private activity which projects that more than 200 persons will be in attendance at any event not sponsored by a governmental entity, the following will be required to obtain a temporary use permit.

1. The Board requires that application be made by the individual, organization and / or corporate entity detailing the event, the location of the event, and the proposed purpose of the event.
2. The owner of the property upon which the event will take place will be required to sign the application as well as the event sponsor.
3. The application shall contain the following as a minimum:
 - a. A detailed sketch plan of the property illustrating the location of any and all temporary facilities to be erected or placed upon the property in order to conduct the temporary event.
 - b. The proposed number of persons projected to attend the event.
 - c. A detailed proposed security plan which is intended to enhance crowd control, restrict affrays and prevent any and all potential injuries or liabilities due to accidents.
 - d. The proposed access points to the event detailing the County roads to be utilized and an example of any and all signage directing traffic to the event.
 - e. A detailed parking plan for vehicles at the event.

- f. Evidence of an appropriate liability insurance policy which provides liability coverage for the event in an amount not less than \$1,000,000.00 for property damage and personal injury protection for any and all persons attending the event. Also as a minimum, said policy and the owner of the property must agree to indemnify and hold harmless, Washington County, its officials and employees from any and all liability that may be incurred in relation to the proposed event.
 - g. If any road closures are projected a detailed request for those roads and the length of time of the closure.
 - h. Proposed sanitation facilities to be located at the event.
 - i. Proposed vendors, if any, including food, alcohol, and sales.
 - j. A non-refundable application fee of \$500.00 to cover administrative and review costs incurred by County staff.
4. Upon receipt of the aforementioned application, the Board will set a hearing date to review the application and shall forward same to the following individuals or entities and request a response from them within 10 days:
- a. The Washington County Sheriff's Office for review and recommendation regarding any and all safety concerns that office may have.
 - b. To the Fire Department responsible for protecting the property upon which the event is to be held for review and recommendation regarding any and all potential fire or personal hazards.
 - c. To the appropriate Road Supervisor for review and recommendations regarding the access points to the event.
 - d. To the Washington County Planning Commission for review and recommendation.
 - e. To any residences within a two mile radius of the event and to those residents who may be affected by any road closures requested by the applicant.
 - f. Upon receipt of any and all materials submitted to the Board, the Board shall forward same to the applicant in preparation of the public hearing.
 - g. To the Northeast Colorado health department if any food or beverage sales are to be available to persons at the event.
5. At the hearing scheduled as set forth hereinabove, the applicant shall present evidence and testimony in support of the application and address any and all concerns expressed by the referrals made in relation to the proposed event. The Board will review all the evidence and testimony and shall make a decision approving or denying the permit. The Board may take the matter under advisement for decision at a later date, not to exceed 10 days.

6. The following costs may be included in any and all approvals of the temporary use permit:
- a. If the Planning Commission review requires that the Planning Commission hold a special meeting other than the regular monthly meeting held on the third Monday of every month, the costs of the special meeting shall be born by the applicant.
 - b. If the appropriate fire department determines that it is in the interest of public safety to provide on-site equipment and personnel at the event, the costs of providing said personnel and equipment shall be born by the applicant.
 - c. If the Board so determines due to the type of event or the size of the event based upon the number of persons attending the event that a Washington County Ambulance should be on-site during the event, the costs of providing this service and equipment shall be born by the applicant.
 - d. f the Washington County Sheriff so determines due to the type of event or the size of the event based upon the number of persons attending the event that he or any number of his deputies should be on-site during the event, the costs of providing this service shall be borne by the applicant at current rates for said deputies.

MISCELLANEOUS PROVISIONS / EXEMPTIONS

1. Gatherings such as farm auctions, private family reunions or private weddings, lasting and completed within one calendar day are exempted from the aforementioned provisions. However in the event that said event or private gathering will impact the County primary or secondary road system by parking of vehicles upon County roads, said event organizer has the responsibility to notify the County and adjacent neighbors in advance of the event.

Adopted April 20th 2004 (Resolution 2004-68)

CRMS and Electrical Wind Generation Towers added September 21st 2004 (Resolution 2004-142)

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

Temporary Use Regulations Relating to Special Events adopted May 31, 2011 (Resolution 102-2011)