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RIO BLANCO COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

Special Use Permit / License – Process Overview and Outline

The purpose of this document is to give prospective applicants for Special Use Permits (SUP) and Special Use Licenses (SUL) an overview and outline to follow in producing their application package. No specific form is used as all projects/applications differ somewhat. Not all sections will apply to all projects, use what is applicable to your project. Copies of recent applications for some representative projects as well as other supporting documents are available for review and comparison on the Rio Blanco County web site at <http://www.co.rio-blanco.co.us> under the Planning and Development section.

The application and required attachments described below are intended to provide enough information to enable the Planning and Development Department staff, the Planning Commission, and Board of County Commissioners (BOCC) to make an informed decision as to whether the development, if completed as proposed, will comply with all of the requirements of the Rio Blanco County Land Use Resolution (LUR). This outline is not intended to be a complete listing of the requirements of the LUR but is a summary of the items and considerations most commonly encountered in applications.

General Considerations:

Pre-Application Meeting- Before the application process is begun, it is suggested that the applicant set up a pre-application meeting to discuss the particular details of their project with the Planning and Development staff. Staff can then advise the applicant on the process and discuss issues or concerns that may need to be addressed in the application.

Completed Agreement For Payment Form – This form needs to be completed early in the process, usually at the pre-application meeting. Additional costs will be discussed with the applicant before they are incurred but will be the responsibility of the applicant. This could be in the form of outside consultants or additional processing time.

Environmental Assessment (EA) – It is the policy of the Board of County Commissioners of Rio Blanco County, Colorado, that all projects for development on private land requiring

permitting and not otherwise subject to the Federal NEPA process will be evaluated for impacts to the natural and manmade environment. At the discretion of the County Planning Director, depending on project size, location, potential impacts, or timing, a third party consultant may be required for a County Environmental Assessment (EA). This will usually be required on large projects or those with obvious environmental impacts. An MOU (sample on the web site) will be required before this process is begun.

Copies of the Application- It is generally advised that an applicant submit a final draft of their application materials before making additional copies. This can be submitted as a paper or electronic copy. The final draft then can be reviewed by the Planning and Development Department staff for completeness. Edits, additions and suggested changes can then be made before distribution copies are made.

When the application is determined to be complete, a minimum of twelve (12) complete sets of all required materials (application, supporting documents and drawings) must be submitted. Additional copies may be required at the applicant's expense.

Maps: All applications must include paper copies of a general vicinity map showing the project and a specific site plan for all aspects of the project. The site plan should include all structures with approximate sizes indicated. The preferred format is either GIS compatible or Google Earth .html or .hmz files. AutoCad produced files should be converted to the above formats. These maps will be used for public mailings, staff reports, and presentation at the Planning Commission and the Board of County Commissioners (BOCC) review and approval meetings.

Timing for Approvals: The applicants should allow for 45 to 60 days from the time the application is determined to be complete in order to meet required legal notifications before the Planning Commission and the BOCC review and approval meetings. Some projects, usually minor projects not involving new land disturbance, can be approved administratively without the notification periods.

Application Fees – Fees are to be submitted with the application. SUP and SUL fees are calculated using the projected project costs broken out between labor and materials, for the construction and operations portion of the project. There is a current fee schedule on the Rio Blanco County web site. Applications that require more staff time to process because of complexity will be charged an additional per hour fee. Make check payable to Rio Blanco County.

Conditions of Approvals: Typically, conditions of approval will be included in the approval process for an application. These are project specific but will usually include a number of standard conditions for the type of project being considered.

Notification of Agencies, Notification of Adjacent Landowners – Once the application is complete and scheduled for hearings, the County will notify the affected agencies and adjacent landowners with a brief summary of the project and the timeline for comments. A list of names and addresses of adjacent landowners should be submitted with the application materials. In

some cases, depending on the project, we may ask for landowners' names and addresses up to one mile from the site.

Mineral Rights Owners Notification – As mandated by State Statute, CRS 24-65.5-101-104, a project proponent must identify mineral rights owners and provide notification of the planned project to them at least 30 days before the first public meeting. In our process, this will be before the Planning Commission meeting. The application package must include certification that this requirement has been met and the listing of mineral rights owners. There are some exceptions in the Statute, primarily for linear projects such as pipelines and power lines.

Project Costs - Costs can be included in the application narrative or if you desire to keep costs confidential, submit this information in a separate document with a request that the information be confidential. With the request, we will not include the cost estimates in the public information. Costs should be given broken down between construction and operations of the project and listed as materials and labor costs.

Impact Fees - In July 2008, the BOCC enacted an impact fee on all new development within the County. Background information materials, fee schedules, and fee calculators are available on our web site in the Impact Fee section. An estimate of impact fees should be included with the application materials. Impact fees must be paid before a SUP/SUL will be issued.

Protection of Prime Agricultural Areas - It is the intent of the County to protect prime agricultural areas, usually irrigated valley bottoms, from development. The application should show how the project relates to agricultural lands or, if these lands are being impacted by the proposal, why this is necessary.

The Standardized Outline for Applications is as Follows:

1.0 PURPOSE AND NEED

- Background and Introduction - Usually a paragraph or two of introduction.
- Need for the Action - Why is this project needed by the applicant and why it is necessary to locate the project as proposed.

2.0 PROJECT OVERVIEW

2.1 **Project Location** – Including the legal description and coordinates in latitude and longitude.

2.2 Project Description

- Facilities Layout and equipment with dimensions
- Ancillary Facilities
- Hazardous Materials

- Access to the site – Current and any proposed roads, include any necessary State or County road access permits
- Power needs and supply
- Water – Describe the needs and supply for potable and/or processed water. It is preferred that water sources be on site without truck hauling. If well water is used by the project, attach a copy of the appropriate well permit or other legal water supply information. If water from an existing system is planned, attach a copy of a letter of intent to provide, signed agreement, or contract between the applicant and the supplier indicating the amount of water and any conditions of service.
- Communications
- Lighting – Must be the minimum necessary and must be downcast
- Housing Plan - State how you plan to accommodate the temporary housing of the construction workforce and how the operations persons will be housed long-term.

2.3 Proposed Construction Schedule

- Development Schedule, if applicable, indicating the details of a phasing plan.
- Include an estimate of manpower necessary during various phases of construction.

2.4 Construction Methods – type of construction and materials to be used.

2.5 Federal, State and Local Regulations and Permits - All development must comply with applicable regulations. Copies of any Federal, State and/or local permits obtained for the development must be submitted with the application as appendixes. For uses located on Federal lands, proof of compliance with the National Environmental Policy Act (NEPA) and/or other relevant jurisdictional agency approvals will be required. Please list all required permits by type and status.

2.6 Land Ownership Proof of Ownership / Authority for Use.

- Attach a copy of the recorded deed, or a current title policy.
- If the proposed use is on State or Federal lands, a copy of the Right of Way must be provided.
- If the applicant is not the current property owner, a letter conveying authority to act on behalf of the owner, a valid power of attorney (which has been recorded in the real estate records), or other proof of legal ability to apply for and/or carry out the activity/development must be provided.

2.7 Mineral Rights Ownership - Certification of notification of mineral right holder(s) (if other than the applicant) or a waiver by the right holder(s) as required by CRS 24-65.5-103 must be included.

2.8 Names and Addresses of Adjacent Property Owners

- Provide a list of the names and mailing addresses of adjacent property owners. This information can be obtained from the County Assessor's Office. Adjacent properties shall include all parcels which adjoin the subject parcel, or are located across any abutting roadways and/or water bodies, and are opposite the subject parcel.
- On large projects or projects with high public interest, property owners up to one mile from the project may need to be listed with addresses.

2.9 Financial Assurance – Provide evidence that the applicant has the necessary funding to complete reclamation, and construction of improvements and/or infrastructure for the development. The BOCC may require that a bond, a letter of credit, or other approved collateral mechanism be posted to assure proper completion of the project.

3.0 STANDARDS - These standards are based on the requirements in the Land Use Resolution (LUR). Under each category, the application should discuss how the design and use of their project will meet the standards. This is not a complete list of the standards, but is a listing of those used most commonly in land development applications. Please refer to the LUR (available on the Rio Blanco County web site, <http://www.co.rio-blanco.co.us>) for a complete listing. If you feel that a particular standard does not apply to your project, that should be stated along with the rationale.

Sec. 233: Utilities - All types of development must have adequate utilities to provide for a civil standard of living and/or operation in terms of sanitation, power, and communications. Services will, by necessity, be required to be of a higher quality when development involves multiple parties, are open to the public, and/or are clustered together in close proximity so that sanitation, power and communication require deeper consideration for provisions of adequate service.

Sec. 234: Transportation Systems – Increased development has surpassed the capacity of many of the roads in the County and has led to safety problems. All development must have safe and adequate access to public roads and transportation related services and ensure that development does not create demand for public improvements and services that cannot be met with existing public resources. If safe and adequate access does not exist at the time of development, the development must make the improvements necessary to meet the standard or wait until others construct the needed improvements.

- A transportation plan which includes a provision to minimize new traffic through van-pooling or bussing of the construction and operations workforce will be required. Individual vehicles will be permitted only if they contain specialized equipment.
- Engineered road construction and design standards and specifications for new road construction or necessary road improvements are required.

- A traffic study/plan to determine the impacts of the development on existing roads, determine the level of service requirements, and provide other information to the County Road and Bridge Dept. will be required.
- Access to State or County roads must be permitted with a copy of the permit included.

Sec. 235: Irrigation Facilities – An applicant must ensure that irrigation that is necessary for agricultural operations in the County are not impacted by a development. If a development has the potential for disrupting the delivery of irrigation water, this should be resolved before the application is submitted.

Sec. 236: Individual Sewage Disposal Systems - The owner of any property where people live, work or congregate shall provide an adequate sewage disposal system in good working order and constructed, installed, and maintained and when not on a central sewage disposal system, sewage disposal shall be in accordance with these regulations.

Because of Colorado Department of Public Health and Environment (CDPHE) regulations and considerations for additional impacts to transportation and central treatment facilities, pump and haul designs will be considered only in short term instances. In no case, shall sewage contaminated material, sewage or effluent be permitted to be discharged upon the surface of the ground or into waters of the state, unless the sewage or effluent discharge is permitted and meets the minimum requirements of these regulations and the Colorado Department of Public Health and Environment Guidelines or the meets the water quality standards of the Colorado Water Quality Control Commission, whichever are applicable.

In an effort to minimize hauling traffic and encourage the reuse of water, even projects with temporary needs are encouraged to design their project without pump and haul systems. There are a number of self contained package plants available on the market.

Sec. 237: Building Codes – The application must demonstrate that all buildings, structures and facilities that are built in or brought into Rio Blanco County will adhere to the applicable building standards as promulgated at the State, Federal and local level. The County has adopted the International Building Code of 2006.

Building Permits are required for all structures.

Construction of buildings, structures and facilities is permitted only after application for and receipt of a building permit from the County Building Department. The Building Department will have forms for the necessary permits or they are available on the web site. A building or structure shall not be occupied until it has a Certificate of Occupancy. No building permit shall be issued until after the appropriate land use approval has been granted as

described in the resolution. Contact the Building Department for further details, 970-878-9450.

Sec. 244: Hazard Areas - Hazard areas regulated by this section include all areas that are or may become hazardous due to environmental conditions. Hazards may include but are not limited to wildfire, avalanche, landslide, rock fall, floodway and/or floodplain, mud flow and debris fan, unstable or potentially-unstable and/or very steep slopes, seismic effects, radioactivity, ground-subsidence, and expansive soil and rock. Presence of any of these hazards and how the development will deal with them should be addressed in the application

Sec. 245: Floodplains – Most of the area of floodplain in the County, as mapped on the FEMA maps, is not given with elevations. Compliance with the National Flood Insurance Program and Rio Blanco floodplain standards must be shown for any developments within an area of special flood hazard and all floodways. If a development is close to or within a mapped floodplain area, a floodplain elevation determination must be done. For all development, it must be shown there will be no impact to or will not be impacted by the floodplain and/or floodway.

Sec. 246: Fire-Emergency - Proximity to Fire/EMS Station: All year round habitable (having people present significant portion of the time) development must provide access roads capable of supporting emergency equipment year-round, (as determined by the Rio Blanco County Road and Bridge Department with the concurrence of the local fire district) at an appropriate level of service for the project.

A discussion of access and of a sufficient water supply and delivery system for the project must be included in the application.

Sec. 247: Airport Impact Areas - All development that is within an airport impact area as defined in the most recent airport plan categorizing the airspace and impact area shall mitigate any potential impact and comply with Federal Aviation Regulation Part 77- Objects Affecting Navigable Airspace and any others that may apply including FAA form 7460 (reporting of structures above 1:100 foot relationship from the centerline of the main runway or over 200 feet if further than 20,000 feet.

Sec. 255: Water Quality, Stormwater, Drainage - The intent of this section is to prevent water that leaves a property from contributing and/or creating a deterioration in quality to other uses and/or other waters unless explicitly allowed (and within the conditions of) by State or Federal approval and after it is shown to be entirely necessary as part of the regular operation of the use. Included is the control of stormwater on-site so that waters only leave a property through evaporation and/or percolation to provide catchments and attenuation of pollutants and/or constituents in the water. Drainage is to be incorporated into designs to prevent erosion and resulting sediment, and land and/or water deterioration.

Sec. 256: Wetlands - Any wetlands, their buffer areas and their water sources must be protected from encroachment that would adversely affect their ability to maintain water quality, provide wildlife habitat, provide flood protection and maintain other critical environmental functions. When encroachment cannot be avoided, this section provides for mitigation of the impacts resulting from the encroachment.

If involvement of wetlands are suspected, but the area of the wetlands is not delineated, a wetlands determination and delineation by a qualified specialist will be required.

Setbacks for wetlands – The County requires a 50 foot setback from wetlands one acre or smaller and a 100 foot setback from those larger than one acre. Projects should be planned and applications should demonstrate these setbacks are being met.

Sec. 257: Waste Disposal – The application must provide for the orderly and sanitary disposal of waste materials (materials that are no longer of use and require disposal, remanufacture, or transformation). Waste must be prevented from leaving property and contributing to and/or creating a deterioration through pollution and/or nuisance the well-being of other uses and/or other properties unless explicitly allowed (and within the conditions of) by State or Federal approval and after it is shown to be entirely necessary as part of the regular operation of the project.

Generally, wastes must be stored in wildlife proof containers until they are hauled from the site.

Sec. 258: Air – A project will usually require an emissions permit from the State (CDPHE) or Federal Government. If this is the case, the limitations and conditions of the permit will be included as conditions for the SUP/SUL and the permit must be provided as an appendix to the application. Air leaving a project must not contribute to and/or create a deterioration in quality to other uses and/or other air unless explicitly allowed by (and within the conditions of) State or Federal approvals. This must be shown to be entirely necessary as part of the regular operation of the use. Included is the control of odor and dust on-site so that air quality (and water quality) are not impacted.

Sec. 259: Wildlife - A project proponent must provide for wildlife mitigation measures where projects are determined to have significant impacts. Items that may be considered shall include but are not limited to:

- Containment of trash for protection from animals including bear proof trash containers.
- Replacement of high quality or specialized habitat.
- Providing buffer zones around lakes and along riparian areas.

- Protection of migration corridors and wildlife production areas.
- Fencing restrictions and accommodations to minimize blockage of wildlife movements.
- Revegetation of disturbed areas.
- Appropriate timing controls on construction or operation activities.
- Discourage winter recreation in areas used by wildlife.
- Access to public lands.

Sec. 260: Noise - The volume of sound generated by a use shall not inherently or recurrently exceed sixty five (65) decibels at any point, of any boundary line, of the lot on which the use is located. Uses that exceed these levels during limited periods of construction are exempt from the provisions of this part if the activity is carried out during daylight hours. Daylong activity that exceeds these noise levels must receive approval from the County before commencing

Sec. 261: Weeds and Invasive Species – The Panning staff shall apply this standard for all approvals that will cause disturbance of the ground or vegetation in Rio Blanco County in a manner that may result in the establishment or spread of noxious weeds. Application of this standard includes long-term weed management as well as weed control in the all phases of construction and revegetation/reclamation efforts. This section can be supported by a noxious weed plan.

Sec. 262: Nuisances - The intent of this section is to provide for a mechanism to determine when a property is of such an unkept state (excessive trash, fecal or septic buildup, etc) that it present a threat to neighboring properties and/or uses such as but not limited to reduction of land valuation, threat to health, and danger to the community at large.

Sec. 268: Landscaping, Buffering, Screening, Fences – In order to mitigate the impacts of adjacent incompatible uses or dampen views, landscaping, buffering, screening or fencing may be required. Generally these will be used to protect views around areas occupied by trash containers, storage areas, mechanical equipment and similar items visible from any public roads, sidewalks or open space. The need for these requirements will be discussed at the pre-application meeting.

Sec. 269: Lighting – The project must use only the minimum amount of external lighting that is necessary for safety standards. The lighting must be downcast so that it does not cause night-sky light pollution or light areas outside the project area.

Sec. 270: Off Road Parking - Off-road parking in all new developments must comply with the access, circulation and parking standards in this section.

Sec. 271: Signs - A property/project owner has an opportunity for effective identification while maintaining the visual appearance of scenic corridors, business, commercial, and industrial areas by avoiding clutter and excessive signage in terms of area, size, number, lighting, and other features. There is also a need for identification for emergency identification. The application should specify design and location of identification signs.

Sec. 272: Viewscapes - Viewscapes are defined as those features that provide a range of sight that can be identified as providing a community asset such as but not limited to pleasing vistas, scenes and view that provide a sense of place and character. Views within viewscapes include pastoral open space vistas, skylines, ridgelines and peaks. These aspects provide an important sense of place and need to be considered as development that impacts these features can have a profound economic and social impact on the County.

Supporting Documents - These should be included as Appendixes to the Application

- **Weed plan** – should be approved by the County Weed Department before SUP/SUL approval.
- **Emergency Response Plan** - A plan which addresses fire protection, hazardous spills, serious injury responses, ect. may be required. Include proposed signage, access/evacuation routes, health care facilities anticipated to be used, name and contact information for emergency responders, etc.
- **Stormwater Management Plan**
- **Reclamation Plan**