



BOARD OF COUNTY COMMISSIONERS SPECIAL MEETING AGENDA

March 21, 2023 at 10:00 AM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | Meeting ID: 825-5051-1219

10:00 AM - PUBLIC MEETING

1. PLEDGE OF ALLEGIANCE

2. AGENDA APPROVAL

3. ACTION ITEMS

- [a.](#) Corrected EDA Grant MOU
- [b.](#) Fox Theatre Walsenburg State Historical Fund Grant Owner Permission
- [c.](#) USFS Grant Letter of Support for CETNA Energy
- [d.](#) Payroll Data Extract
- [e.](#) DHS Sewer Line Replacement
- [f.](#) Michelle Trujillo Re-Hire
- [g.](#) Austin Maddox New Hire
- [h.](#) Francisco Lantis New Hire
- [i.](#) Cameron Gonzales Promotion

4. EXECUTIVE SESSION

5. ADJOURNMENT

6. UPCOMING MEETINGS

- [a.](#) 11AM - Board of Human Services
- [b.](#) 12PM - Road and Bridge Workshop
- [c.](#) 1:30PM Land Use Workshop

**Business Incubator Program Grant Administration
Memorandum of Understanding**

This Memorandum of Understanding regarding the administration of grants for the Retail Business Incubator Program (this “**Agreement**” or “**MOU**”) is made as of this 14th day of March 2023 (the “**Effective Date**”) by and between the following entities:

- A. Huerfano County, a political subdivision of the State of Colorado (the “**County**”)
- B. Huerfano County Economic Development Inc., a Colorado Non-Profit Corporation (“**HCED**”)

The above-listed parties may be referred to individually as “Party” and collectively as “Parties.”

RECITALS

WHEREAS, The County and HCED have been awarded an Economic Development Administration (“EDA”) Grant for the establishment of a Retail Business Incubator; and

WHEREAS, The County has been awarded a Department of Local Affairs (“DOLA”) Rural Economic Development Initiative Grant to support the same Retail Business Incubator and an associated Makerspace; and

WHEREAS, the County serves as the fiscal agent for both grants and is responsible for financial management of the grants; and

WHEREAS, HCED serves as the programmatic partner and is responsible for developing and providing the services and programs included in said grants; and

WHEREAS, the Southern Colorado Economic Development District (“SCEDD”) is also a co-applicant and is responsible for compiling and preparing reports to the EDA; and

WHEREAS, the Parties must adhere to the terms and conditions of these grant awards in order to receive reimbursement from the agencies making those awards; and

WHEREAS, the Parties desire to formalize and reduce to writing the processes by which they will cooperate to ensure grant compliance and a successful project that benefits Huerfano County residents and business owners.

AGREEMENT

In consideration for the promises herein, the recitals, and other good and valuable consideration, the Parties agree as follows.

Section 1. Business Incubator Operation

- A. HCED will operate the Business Incubator for the term of EDA grant and actively seek ways to make the Business Incubator sustainable after the term of said grant.
- B. HCED recognizes that continued financial support for the Business Incubator after the term of this grant is subject to appropriation by the Board of County Commissioners and should not be relied upon.
- C. HCED agrees that the Business Incubator shall be operated in such a manner as to be a credit to the County, and shall be made available to all members of the public regardless of race, color,

gender, sexuality, creed, national origin, religious preference, or any other classification protected by state, local, or federal law.

Section 2. Procurement.

- A. HCED will be responsible for procurement of all goods and services valued below \$25,000 and will seek multiple quotes for all goods and services valued above \$5,000. HCED will provide the County with a statement explaining their process when reimbursement is sought.
- B. The County will be responsible for procurement of all goods and services valued at or above \$25,000. HCED will participate in the drafting of any RFP or RFQ and comprise no less than half of any committee to review responses to any RFP or RFQ.
- C. Services procured by the respective parties will be paid by that party.

Section 3. Staffing.

- A. Funding for salaries and benefits of staff to operate the Business Incubator is included with the EDA Grant and as fiscal agent, the County will reimburse HCED for the expenditure of those salaries and benefits allowed by the grant. The County and HCED have a contractual relationship and staff of HCED are not staff of the County.
- B. The County Economic Development Director provides administrative and programmatic support to HCED, but will not have oversight or any form of supervisory relationship to the staff hired by HCED.
- C. HCED may request the County's assistance in developing their own employment policies or personnel handbook, but may not adopt the County Handbook or utilize County Policies as a reference for employment with HCED.

Section 4. Financial Considerations.

- A. HCED will submit a monthly itemized invoice to the County for reimbursement. Items contained in the invoice must be categorized using the spending categories from the relevant grant. The invoice must be sent to the County Finance Officer and the County Administrator before the 15th of each month and will be paid in the County's next vendor run.
- B. The County will be responsible for coordinating reimbursement requests with SCEDD and filing them with EDA or DOLA.
- C. The County will contribute \$20,000 to HCED on or before April 1, 2023 to serve as working capital and to assist with other non-reimbursable costs related to the operation of the incubator as may from time to time arise.
- D. HCED will seek donations, grants, and other funding to support and sustain the incubator.
- E. HCED may request, no later than August 31st of 2023 and 2024, additional funds from the County to support the incubator and cover non-reimbursable costs or replenish working capital. Requests should be submitted to the County Administrator and the County Finance Officer and will be considered as part of the County's annual budget process.

Section 5. Oversight.

- A. The County, through the Administrator or his designee, will review and monitor the operations and performance of HCED under this agreement and the grant agreements, including but not limited to review of financial records and programmatic documents.
- B. The parties agree to comply with the oversight and compliance guidance from SCEDD.

Section 6. Term and Termination.

- A. Term. This Agreement shall be in full force and effect from the Effective Date, subject to any amendments, until the end of the Day on December 31, 2025.
- B. Extension. Should the EDA grant be extended for any reason this Agreement will also be extended with the agreement of both Parties.

Section 7. General Provisions.

- A. Amendments. Any amendment or addition to this Agreement must be in writing, approved and signed by both Parties to this Agreement.
- B. Further Assurances. Each Party shall execute all further documents and take all further acts reasonably necessary or appropriate to carrying out the intent of this Agreement.
- C. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.
- D. Venue. Venue to any action arising from this Agreement shall lie in the state courts in Huerfano County, Colorado. Each Party submits to the jurisdiction and venue of this court and waives any objection to which it otherwise might be entitled regarding such jurisdiction or venue and any right it may have to remove an action to federal court.
- E. Waiver of Right to Jury Trial. Each party waives any right it has or may have to a jury trial in any action, suit, or proceeding arising out of or in connection with this Agreement.
- F. Independent Contractors. The Parties are independent contractors in all matters concerning this Agreement. Nothing in this Agreement creates a joint venture, partnership, or employment relationship between the Parties. No Party will be liable for the debts, liabilities, or obligations of the other Parties. No Party is acting as the agent or partner of the other Parties or any of them and no Party will hold itself out as such. No Party has the authority to bind the other Parties or any of them.
- G. Force Majeure. No Party will be considered in default under this Agreement to the extent that such performance is delayed or prevented by fire, flood, hurricane, tornado, earthquake, other natural disaster, pandemic or other state or county declared health emergency, riot, war, terrorism, labor disputes, or civil strife.
- H. Entire Agreement. This Agreement states the entire agreement among the Parties with respect to the subject matter of this Agreement and supersedes and replaces all previous discussions, negotiations, and agreements.
- I. Waiver. The failure of any Party to insist upon the performance of any provision of this Agreement or to exercise any right or privilege granted to such Party under this Agreement will not be construed as waiving such provision or any other provision of this Agreement.
- J. Severability. If any provision of this Agreement is held invalid or unenforceable, the invalidity or unenforceability will not invalidate the remaining provisions of this Agreement.
- K. Counterparts. This Agreement may be executed and delivered in counterparts (including by means of electronic signature), all of which taken together will constitute one and the same agreement.

The Parties are executing this Agreement to signify their acceptance of all the terms and conditions stated above, to be effective as of the Effective Date, regardless of the date of actual signature.

Huerfano County, Acting by and through its Board of County Commissioners

By: _____

Date Signed: _____

Name: John Galusha

Title: Chairman, Board of County Commissioners

Attest:

By: _____
County Clerk and Recorder

Date Signed: _____

Huerfano County Economic Development Inc.

By: _____

Date Signed: _____

Name: Lola Spradley

Title: President

Attest:

By: _____
Secretary

Date Signed: _____

History Colorado State Historical Fund Application Signature Page

Applicant Organization



 Signature of Legally Authorized Representative
Please sign in blue ink

Jennifer Orrigo Charles, Executive Director

 Name / Title

3/1/2023

 Date

Property Owner *if different than Applicant Organization*

 Signature of Legally Authorized Representative
Please sign in blue ink

 Name / Title

 Date

Government Official *(see [Program Guidebook](#) for applicability)*

 Signature of Legally Authorized Representative
Please sign in blue ink

 Name / Title

 Date

John Galusha, Chairman
Arica Andreatta, Commissioner
Karl Sporleder, Commissioner



Board of County Commissioners

Cetna Energy, LLC
PO Box 360222
Hoover, AL 35236
Attn: Kevin Waddell

March 21, 2023

RE: CETNA Energy's Walsenburg USFS Grant Application

To Whom It May Concern:

Please accept this letter of support for the US Forest Service's Woody Biomass Utilization Grant.

Huerfano County looks forward to welcoming Cetna Energy to Walsenburg and strongly supports the development of their new facility. We believe that Cetna's leadership in the Biofuel Industry makes Cetna a great addition to Colorado's and the Nation's Green Energy future. Their use of our state's beetle kill and burn scar wood, which will be removed from our National Forests and turned into clean burning Jet Fuel and Diesel Fuel, is extraordinarily important for forest health and providing a clean burning alternative to fossil fuels.

We are particularly excited that Cetna is starting their first forest restoration project in the Rio Grande National Forest and working with local San Luis Valley companies to take out old hazardous dead wood, bring it to Del Norte for chipping and made ready for use in the new Walsenburg Plant. This will bring much needed jobs to Huerfano County and our neighbors in the San Luis Valley.

We urge the grant reviewers to support Cetna's efforts to bring 80 to 100 high paying jobs to Huerfano County.

Sincerely,

John Galusha, Chairman

Arica Andreatta, Commissioner

Karl Sporleder, Commissioner



Avenu Enterprise Solutions, LLC

CUSTOMER NO C100424	DATE March 15, 2023	SALES ORDER NUMBER 012346
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BILL TO	Huerfano County	SHIP TO	Huerfano County
	Attn: Kim Trujillo		Attn: Kim Trujillo
	PO Box 388		PO Box 388
	WALSENBURG, CO 81089		WALSENBURG, CO 81089

CUSTOMER EMAIL ADDRESS: ktrujillo@huerfano.us

Customer Contact: Kim Trujillo **Phone:** (719) 738-3485 x210

Effective Term: Start: 3/1/2023 12:00:00 AM

End: 3/31/2023 12:00:00 AM

PRODUCT NAME	PRODUCT DESCRIPTION	PRODUCT CODE	QTY	UNIT PRICE	SALES AMOUNT
New Vision - Data Extracts or Spreadsheet Imports	Data Extract – Payroll 2001 – 2021 (full 12-months of each calendar year)	FT000276	21	\$ 620.00	\$ 13020.00
New Vision - Data Extracts or Spreadsheet Imports	Data Extract – Payroll 2022 – All months in Calendar Year 2022	FT000276	1	\$ 620.00	\$ 620.00
					\$ -
					\$ -
					\$ -
8840104	Freight - At Cost as Needed				\$ -

SPECIAL INSTRUCTIONS:
Avenu Enterprise Solutions, LLC incorporates by reference the Application Hosting and Technology Support Services Agreement effective January 1, 2020.

SUBTOTAL \$ 13,640

CUSTOMER ACCEPTANCE: *I hereby accept the terms and conditions of this Sales Order Agreement included in page 2 and authorize Avenu to proceed on this matter as set forth herein.*

CUSTOMER SIGNATURE:

DATE:

SALES APPROVAL	TOTAL	\$ 13,640
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****THIS IS NOT AN INVOICE – Please do not send payment from this order. You will receive a separate invoice for the services provided above****

Item 3d.

If you have any questions regarding payment, you can reach us directly at AR@avenuinsights.com or (571) 485-7875.

Terms and Conditions:

Payment Terms: Customer agrees to remit payment to Avenu within 30 days from issuance of invoice.

Limited Warranty: Hardware and Commercial Software Warranties: If third-party hardware and/or commercial software is furnished under this Agreement, then Avenu shall, to the maximum extent allowable by said third-party vendors, pass-through to the Customer all manufacturers' warranties for materials furnished under this agreement. Avenu shall provide only the standard manufacturers' warranties, guarantees, and/or exchange policies for defective items, which are offered through the manufacturers themselves. AVENU MAKES NO OTHER WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED, WITH REGARD TO THE HARDWARE AND COMMERCIAL OFF-THE-SHELF SOFTWARE, IN WHOLE OR IN PART. AVENU EXPLICITLY DISCLAIMS ALL WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Rights to Third Party Software: Rights to third party commercial off-the-shelf software provided by third-party software vendors, including "shrink wrap" and "click wrap" software, are subject to the provisions of the software licenses provided by those third-party software vendors, and Customer understands and agrees that acceptance and use of such third-party software shall be deemed an acceptance of the terms and conditions of the licenses. Client further agrees to use the third party software in accordance with the terms of those licenses. In the event Client requested Avenu to install third party software that contains "shrink wrap" or "click-wrap" software Client hereby authorizes Avenu to accept such "shrink wrap" or "click-wrap" software on behalf of the Client when the software is installed.

Limitation of Liability: IN NO EVENT SHALL AVENU BE LIABLE TO THE CUSTOMER HEREUNDER FOR ANY CLAIMS, PENALTIES OR DAMAGES, WHETHER IN CONTRACT, TORT, OR BY WAY OF INDEMNIFICATION, IN AN AMOUNT EXCEEDING TEN PERCENT (10%) OF THE FULL PRICE OF THE ORDERED GOODS AND SERVICES UNDER THIS AGREEMENT. UNDER NO CIRCUMSTANCES WILL AVENU BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, INDIRECT, PUNITIVE OR SPECIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT, HOWEVER CAUSED AND BASED ON ANY THEORY OF LIABILITY. THIS LIMITATION SHALL APPLY EVEN IF CUSTOMER HAS BEEN NOTIFIED OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT MAY ANY ACTION BE BROUGHT AGAINST AVENU ARISING OUT OF THIS AGREEMENT MORE THAN ONE YEAR AFTER THE CLAIM OR CAUSE OF ACTION ARISES, DETERMINED WITHOUT REGARD TO WHEN THE AGGRIEVED PARTY SHALL HAVE LEARNED OF THE INJURY OR LOSS. UNDER NO CIRCUMSTANCES WILL AVENU BE RESPONSIBLE FOR THE LOSS OF DATA OR SOFTWARE.

Force Majeure: Neither party to this agreement shall be responsible for delays or failures in performance resulting from an act of God, war, civil disturbance, labor dispute, or other cause beyond the reasonable control of such party.

Force Majeure: Neither party to this agreement shall be responsible for delays or failures in performance resulting from an act of God, war, civil disturbance, labor dispute, or other cause beyond the reasonable control of such party.

Ownership of Data: Customer will retain all title, rights, and ownership of all data, including associated indexes, film, and other data provided to Avenu, whether stored on magnetic tape, magnetic disk, CD-ROM disk (or other "like" electronic media that may be used).

Risk of Loss & Title: Avenu shall bear the risk of loss or damage to any hardware and commercial software provided under this agreement, while in transit to the Customer's designated delivery or installation site. The Customer shall bear all risk of loss or damage to the hardware and commercial software after delivery to the Customer site, unless such loss or damage is due to the negligence or willful acts of Avenu, its employees, agents, representatives or subcontractors. Title and risk of loss to the hardware and commercial software shall pass to the Customer upon the date products were delivered to the customer's site.

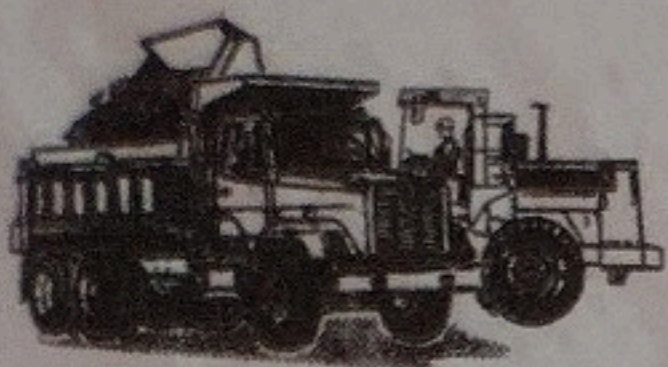
Returns: Customer may return hardware and commercial software products purchased from Avenu within 15 days from the date products were delivered to the Customer's site.

Termination for Breach: If Customer materially breaches any of the terms and conditions set forth in this agreement or fails to perform the obligations set forth in this Agreement and fails to cure the breach or failure within ten (10) calendar days (or other reasonable period stated in the notice) after receipt of written notice specifying the basis for the breach or failure to perform, Avenu may terminate this agreement for breach. Termination by Avenu shall be effective upon written notice to Customer. Customer agrees to discontinue use of all Avenu-owned materials no later than the effective date of termination and return such Avenu-owned materials to Avenu within thirty (30) calendar days after termination.

Entire Agreement: The contents of this agreement constitute the entire understanding and agreement between the parties and supersede any prior agreements, written or oral, that are not specifically referenced and incorporated in this agreement. The terms and conditions of this agreement shall not be changed or modified except by written agreement signed by both parties. The parties agree that in event Client provides Avenu with a purchase order, or any other document, containing terms or conditions that are in addition to, or in conflict with, the terms and conditions contained in this agreement, such additional and/or conflicting terms shall be deemed null and void.

Work being performed by Avenu throughout the project is earned as completed; therefore, in the event the Customer cancels this sales order without cause, the Customer shall equitably compensate Avenu for all services performed through the effective date of the cancellation.

Stop Work: Avenu is entitled to stop work on this Agreement when the funding or cost limit specified on page 1 is reached. Under no circumstances will Avenu be required to perform services or provide deliverables in the absence of available funding.



BUTTE VALLEY CONSTRUCTION / B.V.C., LLC

PO BOX 146
WALSENBURG, CO 81089-0146
(719) 214-3536
(719) 989-2446

CUSTOMER'S ORDER NO.	PHONE	DATE 3-17-23
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NAME Huerfano County

ADDRESS Social Services parking lot
Walsenburg Co 81089

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D.	PAID OUT
		<input checked="" type="checkbox"/>				Bid

QTY.	DESCRIPTION	PRICE	AMOUNT
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	Replace Sewer Line Across parking lot 4" sch 40 pipe / 2 cleanouts Remove Saturated Soil Replace with DRY SOIL Compact with compaction wheel Top with Road Base		
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	Dispose OF asphalt and Saturated soil		
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RECEIVED BY	TAX TOTAL \$12,250.00
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11059

All claims and returned goods MUST be accompanied by this bill.

THANK YOU

JNP Construction

Estimate

JNP Construction

516 twin lakes rd
Walsenburg Co 81089
US

719 859 0631
jnpconstruction2@gmail.com

BILL TO	Estimate #	7
Huerfano county	Date	Mar 17, 2023
cbechaver@huerfano.us		

Item	Quantity	Price	Amount
Sewer line replacement Excavate and replace approximately 140 ft of sewer line. Price includes removal of asphalt, parts , labor and approximately 15 ton of road base. Does not include replacement of asphalt.	1	\$13,950.00	\$13,950.00

Subtotal \$13,950.00

Grand Total	\$13,950.00
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Jnp Construction is not responsible for private utilities that are not located by the 811 call.

HUERFANO COUNTY

GREEN SHEET/STATUS CHANGE		EFFECTIVE DATE
		3/20/2023
NAME: Michelle Trujillo	PAYROLL :	3/31/2023

CHANGE OF ADDRESS/PHONE	STREET	355 Leon Ave
	CITY, STATE, ZIP	Walsenburg CO 81089
	TELEPHONE	

CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE	SCW III CP Crisis Worker	SCW III CP Services
DEPARTMENT		Dept of Human Services
HOURS		up to 24 per week
ANNUAL SALARY		
SEMI-MONTHLY SALARY		
HOURLY SALARY		\$20.00
OTHER SALARY		

REASON FOR CHANGE

- | | | |
|----------------|------------------------------|-------------------------------|
| NEWHIRE | RESIGNATION | LENGTH OF SERVICE INCREASE |
| REHIRED | RETIREMENT | REEVALUATION OF CURRENT JOB |
| PROMOTION | LAYOFF | INTRODUCTORY PERIOD COMPLETED |
| DEMOTION | ADMINISTRATIVE LEAVE PAID | OTHER |
| TRANSFER | ADMINISTRATIVE LEAVE UN-PAID | |

COMMENTS, IF NECESSARY

Motion to rehire Michelle Trujillo to do TRAILS Entry, CP visits and other duties as needed in the CP unit up to 3 days per week.

I, Sheila Hudson-Macchietto, Director certify that the above presented information has been requested by the Department Head and or Elected Official directly responsible for the employee named within. I certify that I have received all proper documentaion and that I have entered the information on the Green Sheet to reflect the change as requested.

Sheila Hudson-Macchietto 03/17/2023

John Galusha-Board Chairman

Arica Andreatta, Vice Chairman

Karl Sporleder, Commissioner

Date

Date to Finance Office:

HUERFANO COUNTY

GREEN SHEET/STATUS CHANGE		EFFECTIVE DATE
		3/26/2023
NAME: Austin Maddox	PAYROLL :	4/14/2023

CHANGE OF ADDRESS/ PHONE	STREET
	CITY, STATE, ZIP
	TELEPHONE

CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE		Detention Officer
DEPARTMENT		Jail
HOURS		
ANNUAL SALARY		\$33,000.00
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY	Non-Exempt	Non-Exempt

REASON FOR CHANGE

- NEW HIRE**
- REHIRED
- PROMOTION
- DEMOTION
- TRANSFER

- RESIGNATION
- RETIREMENT
- LAYOFF
- ADMINISTRATIVE LEAVE PAID
- ADMINISTRATIVE LEAVE UN-PAID

- LENGTH OF SERVICE INCREASE
- REEVALUATION OF CURRENT JOB
- INTRODUCTORY PERIOD COMPLETED
- OTHER

COMMENTS, IF NECESSARY

Motion to Approve the Hiring of Austin Maddox for the Position of Detention Officer with an Annual Salary of \$33,000.00 Contingent Upon Passing CBI Background Investigation and Passing Pre-Employment Drug Test With Negative Result.

BA 03-14-23
 Elected Official / Department Head Date

John Galusha, Chairman Date

Angela Wakeman 3/13/2023
 Human Resources Officer Date

Budget Officer Date

Date Inputed Into System

HUERFANO COUNTY

GREEN SHEET/STATUS CHANGE		EFFECTIVE DATE
		3/26/2023
NAME: Francisco Lantis	PAYROLL :	4/14/2023

CHANGE OF ADDRESS/PHONE	STREET
	CITY, STATE, ZIP
	TELEPHONE

CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE		Detention Officer
DEPARTMENT		Jail
HOURS		
ANNUAL SALARY		\$33,000.00
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY	Non-Exempt	Non-Exempt

REASON FOR CHANGE

- NEW HIRE**
- REHIRED
- PROMOTION
- DEMOTION
- TRANSFER

- RESIGNATION
- RETIREMENT
- LAYOFF
- ADMINISTRATIVE LEAVE PAID
- ADMINISTRATIVE LEAVE UN-PAID

- LENGTH OF SERVICE INCREASE
- REEVALUATION OF CURRENT JOB
- INTRODUCTORY PERIOD COMPLETED
- OTHER

COMMENTS, IF NECESSARY

Motion to Approve the Hiring of Francisco Lantis for the Position of Detention Officer with an Annual Salary of \$33,000.00 Contingent Upon Passing CBI Background Investigation and Passing Pre-Employment Drug Test With Negative Result.

 03.14.23
 Elected Official / Department Head Date

John Galusha, Chairman Date

Angela Wakeman 3/13/2023
 Human Resources Officer Date

 Budget Officer Date

 Date Inputed Into System

HUERFANO COUNTY

GREEN SHEET/STATUS CHANGE	EFFECTIVE DATE
	3/11/2023
NAME: Cameron Gonzales	PAYROLL : 3/17/2023

CHANGE OF ADDRESS/PHONE	STREET
	CITY, STATE, ZIP
	TELEPHONE

CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE	Deputy	Deputy Officer
DEPARTMENT	Sheriff	Sheriff
HOURS		
ANNUAL SALARY	\$40,000.00	\$43,127.76
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY	Non-Exempt	Non-Exempt

REASON FOR CHANGE

NEW HIRE	RESIGNATION	LENGTH OF SERVICE INCREASE
REHIRED	RETIREMENT	REEVALUATION OF CURRENT JOB
PROMOTION	LAYOFF	INTRODUCTORY PERIOD COMPLETED
DEMOTION	ADMINISTRATIVE LEAVE PAID	OTHER
TRANSFER	ADMINISTRATIVE LEAVE UN-PAID	

COMMENTS, IF NECESSARY

Motion to Increase Deputy Cameron Gonzales' pay from \$40,000 to \$43,127.76 for Completion of the FTO Process on 3/11/2023.

BW 03.16.23
 Elected Official / Department Head Date

John Galusha, Chairman Date

Angela Wakeman 2/10/2023
 Human Resources Officer Date

Budget Officer Date

Date Inputed Into System

HUERFANO COUNTY
BOARD OF COUNTY COMMISSIONERS

PUBLIC NOTICE
REGARDING HUMAN SERVICES MEETING

DATE: March 21, 2023
TIME: 11:00 a.m.
PLACE: Huerfano County Courthouse
County Commissioner's Office
401 Main Street
Walsenburg, Colorado

HUMAN SERVICES AGENDA

1. Review and approval of the minutes of the February 21, 2023 meeting.
2. Personnel/executive session matters, if needed.

Discussion regarding part time Director posting effective June 1, 2023
Green Sheet Michelle Trujillo change in pay rate and job duties

3. Financial Reports
 - a. Approval of the January 2023 monthly expenditures
 - b. Review of the January 2023 financial statements

4. Agency Updates: Sewer Line Replacement

Employment First

Child Care

Child Protection

Assistance Payments



MEMORANDUM

MEETING TYPE: Board of County Commissioners Work Session

MEETING DATE: 3/21/23

ITEM NAME: Land Use Code Update

SUBMITTED BY: Sky Tallman

SUMMARY:

Sections to be reviewed in this session: 1.18 Rezoning; 2.09 Subdivisions; 2.14 Amendments to Approved and Recorded Plats; 2.15 Vacating of Approved and Recorded Plats, Roads or Easements; 3.07 PUDs; Section 12 Submittal Copies; 14.04 Sign Permit Procedures; 18.00 Marijuana Conditional Use Permits; 17.00 Definitions; Section 4.00 Flood Damage Prevention

Major questions to consider:

1. Public Hearings: Should public hearings be held with the Planning Commission, Board of County Commissioners, or both?
 - a. If two public hearings were to be held, would the same noticing requirements apply to both?
 - i. State law seems to give Counties substantial flexibility for establishing noticing requirements for land use processes. If letters were sent and notice in the paper were posted for a first public hearing, that may be sufficient under State law.
 - ii. Process Outline: Application submitted → Review Agencies contacted (30-days) → Public Noticing (can overlap with noticing) → PC hearing → BOCC hearing and decision.
 - b. If one public hearing were held with the Planning Commission:
 - i. Advantages: Simple process. BOCC role would be limited to making a decision on a recommendation.
 - ii. Disadvantages: Members of the public may still want to speak at BOCC meeting after hearing closed, but there would be no legal space for their testimony to be considered.
 - iii. Process Outline: Application submitted → Review Agencies contacted (30-days) → Public Noticing (can overlap with noticing) → PC hearing → BOCC meeting and decision.
 - c. If one public hearings were held by the BOCC (Planning Commission recommendation):
 - i. Advantages: Public noticing could go out after Planning Commission review.
 - ii. Disadvantages: Public or applicants may want to testify at public meeting, but since it would not be a formal hearing, this testimony would not necessarily be

part of the record reviewed by the BOCC. There would be no formal process for public to offer input and it could lead to inconsistent practices in which sometimes comment would be invited and other times not.

Time to process would be slightly longer because review agency comments would still be sought to include in staff report to PC, but the review period could not overlap with public noticing, which would add about two weeks to the process.

- iii. Process Outline: Application submitted → Review Agencies contacted (30-days) → PC Meeting → Public Noticing (can not overlap with noticing) → BOCC hearing and decision.
- d. Under either a one or two hearing process, review agencies would get 30 days to respond with comments. This time period would suffice to prepare a staff report, with, perhaps a few additional days to incorporate any comments or feedback into the staff report and present it to the Commission, a total of 32 to 35 days plus any residual time to the next regular meeting, up to 14 days, implying the time between a complete application and a first public hearing could be between 32 and 46 days; between a Planning Commission meeting and a regularly scheduled Board of County Commissioners meeting, there are typically 5 days; in the best case scenario with a Planning Commission or two public hearing process, processing time could be 37 to 51 days. If only the BOCC holds a public hearing, noticing would have to be sent after the Planning Commission review and recommendation, adding another 18 days to the process (because the paper is only published on Thursdays).
- e. Proposed changes eliminate the need for joint public hearings.
- f. The pattern proposed by the Planning Commission is that the Planning Commission hold a public meeting and the Board of County Commissioners would hold all public hearings.
 - i. If this is not what gets adopted, certain application types give Planning Commission the discretion to determine whether an application requires a public meeting or hearing, and to request additional materials or information. If this remains their role and we adopt a process in which the Planning Commission holds public hearings, an initial application review meeting may still be necessary.
For example: Public Noticing Requirements for Rezoning, subdivisions: Planning Commission recommendation is to include identified properties that have the potential to be impacted by the proposal as determined by majority vote of the Commission.
Depending on public hearing pattern selected, when in the process this vote would occur is not clear. If there were two public hearings, the Commission would have to have a review meeting prior to a public hearing.
- 2. Define threshold between subdivision and plat amendment. Currently it is at the discretion of the Planning Commission to interpret whether changes proposed are “significant”.
- 3. Remove requirement for the vacation of a lot line to hold a public hearing and align code with State statute.
- 4. Review Sign Permit requirements – First Amendment does not allow regulation of content.
- 5. Marijuana CUPs – add clarity to language around billing permittee for staff expenses.

6. Add clarity to manufactured home definition. Currently, it is defined differently in two parts of the Code, Section 17, definitions and Section 4, Flood Damage Prevention.
 - a. Remove definition from Chapter 4 so terms are defined in only one place in the Code.
 - b. These changes are in response to BOCC request when we were editing the Use Table on where manufactured homes would be permitted; they were not proposed or reviewed by the Planning Commission.
7. Repeal Section 12 Submittal Copies – obsolete with online permitting.

8. Incorporate Roadway Design Guidance into Land Use Code. Minor changes suggested to avoid issues with road repair when cuts are made.

To improve clarity on responsibility for repairs when a gravel road is cut for utilities or another purpose.

- a. Section 10.11(B) add:

After a disturbance in the surface of the road, the road must be restored to have 4”-6” inches of gravel across the whole width of the road and to be inspected by Road and Bridge Department.

Repair to roads in poor condition or roads lacking road base at the time of disturbance is to be negotiated with Road and Bridge prior to any disturbance. See 10.11.1.

- b. Add a section 10.16 to address nuisances such as blocking or damaging roads.
 - i. Intentionally or unintentionally causing a County Road to become blocked, partially blocked, or damaged shall be considered a nuisance and the responsible party may be fined.
 1. Causing a road to be blocked or partially blocked without a permit shall make responsible party subject to a fine of up to \$500/day for each 24-hour period in which a road was blocked for any amount of time over 30 minutes, to be determined by the Board of County Commissioners.
 2. Causing a County road to be damaged or flooded will make responsible party subject to a fine of \$500 plus the costs associated with repair.
 3. Creating obstructions or hazards in the right-of-way may be subject to prosecution under CRS 43-5-301.
- c. Staff suggests calling this Section 16.00 Roadway Design and Construction Standards, which was formerly known as “Manufactured Home Park & Campground Regulations”, rescinded in August of 2013. Alternatively, this could be adopted as Section 19.00 Roadway Design and Construction Standards.
- d. Markup and Clean Copies include only pages 54, 55 and 59 of the Roadway Design and Construction Standards as these are the only pages on which changes are made or referenced. The complete Roadway Design and Construction Standards can be found on the Road and Bridge page on the County website: <https://huerfano.us/departments/road-bridge/>

Markup Copy of Changes to Processes by application type

1.03.02 District Characteristics and Requirements

The districts enumerated in Section 1.03.01 shall have the following characteristics and specifications:

A Agricultural District

This district is created for the purpose of protecting the productive agricultural lands of Huerfano County and preserving the visual and cultural values, historical and archeological features and critical wildlife habitat associated with the scenic vistas, natural topography and agricultural lifestyles in rural, unincorporated areas of Huerfano County.

Minimum district size:	40 acres
Minimum lot area:	35 acres
Minimum lot width:	200 feet per dwelling unit
Front yard setback:	60 feet
Side yard setback:	25 feet
Rear yard setback:	30 feet
Maximum structure height:	Refer to Comprehensive plan, page 4, "Residential Use"
Minimum dwelling size:	600 square feet <u>Meets currently adopted Building Code.</u>
Maximum lot coverage:	15 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

RR Rural Residential District

This district is created for the purpose of allowing the establishment of moderate density rural residential development in predominantly agricultural and rural areas of unincorporated Huerfano County without compromising or otherwise significantly changing the visual, scenic and other natural characteristics of the surrounding area and providing as necessary for the protection of critical wildlife habitat.

Minimum district size:	20 acres
Minimum lot area:	2 acres
Minimum lot width:	100 feet per dwelling unit
Front yard setback:	20 feet
Side yard setback:	10 feet
Rear yard setback:	20 feet
Maximum structure height:	40 feet (refer to Comprehensive plan, page 4, "Residential Use")
Minimum dwelling size:	600 square feet <u>Meets currently adopted Building Code.</u>
Maximum lot coverage:	30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

UR Urbanizing Residential District

This district is created to accommodate the urbanizing areas of Huerfano County where relatively high density residential and associated commercial and service development has occurred, is occurring or is desired to occur.

Minimum district size:	10 acres
Minimum lot area:	½ acre
Minimum lot width:	50 feet
Front yard setback:	20 feet
Side yard setback:	10

Rear yard setback: 20 feet
 Maximum structure height: 40 feet (refer to Comprehensive plan, page 4, “Residential Use”)
 Minimum dwelling size: ~~600 square feet~~ Meets currently adopted Building Code.
 Maximum lot coverage: 30 percent
 For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

C Commercial-Service District

This district is created for the purpose of establishing medium to highly intensive use commercial and service areas at designated locations by major highways or in close proximity to urbanized and urbanizing areas within Huerfano County.

Minimum district size: 5 acres
 Minimum lot area: ½ acre
 Minimum lot width: 50 feet
 Front yard setback: 20 feet
 Side yard setback: 10 feet
 Rear yard setback: 20 feet
 Maximum structure height: 40 feet (refer to Comprehensive plan, page 4, “Residential Use”)
 Minimum dwelling size: ~~600 square feet~~ Meets currently adopted Building Code.
 Maximum lot coverage: 30 percent
 For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

I Industrial District

This district is created for the purpose of establishing exclusive areas for the construction, fabrication, assembly, storage, shipping and other general and light industrial processing of goods and the extraction, transport and processing of natural resources at appropriate locations within Huerfano County as designated by these regulations.

Minimum district size: 5 acres
 Minimum lot area: ½ acre
 Minimum lot width: 50 feet
 Front yard setback: 20 feet
 Side yard setback: 10 feet
 Rear yard setback: 20 feet
 Maximum building height: none, except in APO districts
 Minimum dwelling size: ~~600 square feet~~ Meets currently adopted Building Code.
 Maximum lot coverage: 30 percent
 For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

1.04.01 Variances

Variances from various provisions of this zoning regulation are heard by and decided by the Board of Adjustment. See Section 9.02.~~02~~.

Process Summary

1. Staff reviews application for completeness, notifies relevant referral agencies and prepares staff report
2. Public noticing
3. BOA Public Hearing and decision

9.02.02 (4)

4. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of enactment of these regulations, or by reason of exceptional topographic conditions or other

extraordinary or exceptional physical characteristics or conditions of such piece of property not created by the applicant, or due to unique characteristics of the proposed project, subsequent to the adoption of these regulations or previously adopted County zoning regulations, the strict application of any zoning regulation or provision therein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, then the Board of Adjustment shall have the authority, upon an appeal relating to said property, to authorize a variance from such strict and literal application so as to relieve such difficulties or hardship. Such relief shall be granted, however, without substantial detriment to the public good or neighborhood character, and without altering or impairing the intent and purpose of the zoning regulations and other provisions contained within State or County regulations. The Board shall not, however, have the power to grant variances from the uses prohibited or allowed conditionally by special review for the zoning district involved.

9.02.03 Submittal Requirements for Appeals and Variances

1. Applicants appearing before the Board of Adjustment shall submit the following submittal materials and all other materials as the County Planner or the Board of Adjustment may deem necessary. These submittal requirements are in addition to those specified in Section 9.02.04, Application and Appeals Procedures, of these regulations.

01. A full and accurate legal description of the land involved in the appeal action.

02. A plot plan showing the existing and proposed location of all structures, uses, zoning district boundaries and setbacks on the land involved in the appeal action.

03. Proof of ownership of the property or written evidence of authority to act on behalf of the lawfully demonstrated owner of the property.

04. ~~Proof of publication of the advertised legal notice of public hearing before the Board of Adjustment. A list of Names of owners of record and physical addresses of all property adjacent to the property in question and all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor. (10) days prior to the Board of Adjustment public hearing date.~~ See Section 9.02.04, Appeals Procedures, below.

05. ~~Proof of p~~Payment of the cost of publication of the ~~advertised mailed and published~~ public hearing notices.

06. Letter of Intent describing regulation from which a variance is being requested, why requested variance is necessary, and how such variance request meets criteria for a variance described in 9.02.02 (4).

07. A letter of intent addressing criteria described in 9.02.02 and 9.02.04 (4)

2. Items in Section 9.02.03 numbers .04, .05, and .06, above, need to be submitted ~~not~~ at the time of application but by or before the conduct of the public hearing.

9.02.04 Appeal and Application Procedures

1. Appeals to the Board of Adjustment may be made by any person(s) aggrieved by an inability to obtain a building permit or by the decision or interpretation of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of these zoning regulations. Appeals to the Board shall be made within thirty (30) days of the order, requirement, decision, interpretation or refusal alleged to have occurred or to be in error. Applications to the Board of Adjustment may also be made by persons, organizations or corporations ~~to provide applicants with an opportunity to apply~~ for variances from zoning setback requirements and other circumstances for which a variance may be obtained.

2. The Board shall hold a public hearing on all applications for variances and appeals. Prior to such public hearing scheduled before the Board of Adjustment a notice of public hearing shall be published in a legal publication in Huerfano County at least ten (10) days before the scheduled date of the public hearing. Publication of such notice shall follow a form prescribed by the County and publication of the notice, which shall specify the time and place of the hearing and location of the land subject to the hearing. ~~Such publication of the notice is the responsibility of the applicant.~~ Applicants shall be billed ~~directly~~ by the County for costs associated with noticing, newspaper and shall submit proof of publication of the notice and proof of payment of publication costs with the Board of Adjustment as a condition for action by the Board of Adjustment.

3. ~~All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses of adjacent properties shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. A written notice of such hearing shall be mailed by certified or registered mail, return receipt requested, at least ten (10) days prior to the Board of Adjustment public hearing date to owners of record of all property adjacent to the property in question.~~ This mailed notice shall also be sent to all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor and identified in the application by the applicant, and the notice shall include a vicinity map, a short narrative describing the relief sought and an announcement of the date, time and location of the scheduled hearing.

~~Acceptable proof of mailing such notice shall be submitted to the Board of Adjustment as a condition for action by the Board of Adjustment.~~

4. All applications and appeals to the Board of Adjustment shall be in writing and on such forms as shall be prescribed by the Board and the appropriate filing fee shall accompany the application. Every application or appeal shall state what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant. The chairman of the Board, or his appointed designee, shall call a meeting of the Board scheduled to take place within fifteen (15) days of the submission of the required submittal materials. ~~The Board of Adjustment may, at its discretion and by majority vote, transmit a copy of the application or appeal to the Planning Commission or other appropriate public organizations or private parties for review and comment.~~

5. Upon reaching a decision in the manner described above, the Board of Adjustment or its authorized agent shall notify applicant(s) in writing ten (10) working days after the Board of Adjustment takes action on an appeal brought before it.

1.05 USES ALLOWED BY RIGHT, CONDITIONAL USES AND PROHIBITED USES IN ZONING DISTRICTS

Table 1 on the following pages indicates which land uses are allowed by right, which are conditional uses and which are prohibited uses in the zoning districts listed in Section 1.03.01 and described in Section 1.03.02. Uses not listed are considered to be conditional uses. See Section 1.06 on conditional use provisions and Section 1.07 on uses not itemized.

Table 1
Uses allowed by Right. Conditional Uses and Prohibited Uses by Zoning District

R = Use Allowed by Right C = Conditional Use P = Use Prohibited

Zoning District	AA	RR	UR	C I	Regulatory Reference
.01 Single family dwelling on a single undivided parcel of land	R	R	R	R C	1.06
.02 Additional dwellings; e.g., for rent, lease or sale, on any undivided parcel of land or lot	C	P	P	P C	1.06
.02 Addition dwellings on tracts of land that meet a 35:1 land/dwelling ratio	R	C	C	C C	1.06
.03 Two family dwelling	C	C	R	C P	1.06
.04 Multiple family dwelling, co-housing facilities and single and multi family condominiums	C	C	C	C P	1.06
.01 Up to two dwelling units on a single parcel of land	R	R	R	R C	1.06
.02 Three to six dwelling units on a single, parcel of land.	C	C	R	R C	1.06
.03 Over six dwelling units on a single parcel, including: Multiple family dwelling, co-housing facilities, condominiums or employee housing.	C	C	C	R C	1.06
.04 <u>Tiny home and mobile home parks (over 6 units)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C P</u>	
.05 <u>Unpurged mobile homes built prior to 1976 and mobile home parks and non-qualified manufactured mobile homes.</u>	P	P	P	<u>P</u> P	N/A
.55 Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise, heat, dust, fumes or other adverse consequences	C	P	P	C R	1.06
.61 Medical Marijuana dispensaries	P	P	P	P P	Section 18
.62 Commercial Medical Marijuana cultivation operations	C	P	P	C C	Section 18
.62 Commercial Marijuana retail stores	P	P	P	P P	Section 18
.64 Commercial Marijuana testing facilities	P	P	P	P P	Section 18
.65 Commercial Marijuana product manufacturing <u>and testing product infusion</u> facilities	<u>P-C</u>	P	P	<u>P</u> <u>P</u> - <u>C</u> <u>C</u>	Section 18
.63 Commercial/ <u>recreational/medical</u> Marijuana cultivation facility	C	P	P	- C C	Section 18
66 <u>Any use not listed in this table</u>	C	C	C	C C	

1.14 MANUFACTURED HOME AND NON-QUALIFIED MANUFACTURED HOME REQUIREMENTS AND PROVISIONS

1.14.01 Treatment of Non-Qualified Manufactured Homes

Home built prior to 1993 HUD standards are considered non-qualified homes and are prohibited in all zoning districts. Such housing, for habitation or for storage, may not be installed or erected on any land within unincorporated Huerfano County, including, but not limited to a manufactured home park upon the date of adoption of these regulations. However, non-qualified manufactured homes lawfully located in the County prior to the date of adoption of these regulations shall be treated as legal non-conforming uses

under Section 1.16.01.

1.14.02 Treatment of ~~Double-wide~~Qualified Manufactured Homes

A ~~double-wide~~qualified manufactured home, as defined in these regulations, ~~are is~~ treated as a "single family dwelling" for all purposes. A ~~double-wide~~qualified manufactured home is a permitted use in any zoning district where a single family dwelling is a permitted use. A ~~double-wide~~qualified manufactured home is a prohibited use in those zoning districts in which a single family dwelling is a prohibited use. The placement, erection or installation of a ~~double-wide~~qualified manufactured home requires a conditional use approval in those zone districts where a conditional use approval is required for a single family dwelling. A ~~double-wide~~qualified manufactured home which is placed, erected or installed in the County must comply with all applicable provisions including, but not limited to, applicable HUD or ICC regulations, set-back requirements, minimum dwelling size and minimum lot size requirements. All ~~double-wide~~qualified manufactured housing shall be installed according to the Colorado Division of Housing, Manufactured Home Installation Program.

1.06 CONDITIONAL USE APPROVAL AND APPROVAL AMENDMENT PROVISIONS

...

1.06.01 Submittal Requirements

Application for a conditional use approval for a conditional use shall require submission a) of an application on a form provided by Huerfano County, b) submission of a Letter of Intent and c), submission of a Site Plan. These submissions shall be made to the ~~Planning Commission~~Department and ~~it shall be by majority vote of the Planning Commission to staff shall~~ determine ~~as necessary~~ that ~~the submittal materials applications~~ are ~~complete, accurate and~~ ready for formal review and processing.

1.06.01 (2)

...

The appropriate filing fees shall accompany the submission of these above materials. The ~~Planning Commission~~Director, ~~by majority vote~~, may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. ~~In special cases additional submittal items may be required in the Letter of Intent or on the Site Plan, as specified by majority vote of the~~The Planning Commission ~~may vote to continue a public hearing in order to permit applicant time to prepare and submit additional information deemed necessary to make a recommendation.~~ ~~The Planning Commission may require additional documentation, including any requirements listed above that were waived by the Director before making a decision.~~

1.06.02 Procedures for Referral, Review and Action on an Application for a Conditional Use Approval

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. Planning Commission public meeting and recommendation
- ~~2-3. Public noticing~~
4. Board of County Commissioners public hearing and decision.

1. Upon proper and adequate submission of the appropriate application form, fees and other submittal materials as specified in Section 1.06.01, the Planning Commission shall consider at a regular or special public meeting the conditional use application. ~~When, as specified in Section 1.06 the Planning Commission determines by majority vote that a public hearing is required, the Board of County Commissioners and the Planning Commission shall conduct a joint public hearing on the application, with notice of such hearing published by the applicant in a newspaper of general circulation in Huerfano County at least ten (10) days prior to the scheduled hearing date. The applicant shall also mail notification of the hearing date and subject of the hearing to a~~ All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones shall be notified by certified mail and all registered

~~addresses in the same radius shall be notified by regular mail~~ at least ten (10) days prior to the scheduled hearing date ~~and provide at the public hearing proof of publication, proof of payment of publication and proof of notification of adjacent property owners and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The applicant will be responsible for cost of noticing, which must be paid as a condition of approval.~~ The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

In addition, the applicant shall cause to have posted on the property in question, in a conspicuous location, a sign supplied by Huerfano County, stating the time, date, location and subject of the hearing. Such sign(s) shall be posted at least ten (10) days before the scheduled date of the hearing.

These public due process notification and proof of notification procedures shall apply to all ~~joint~~ public hearings conducted by Huerfano County for actions included within these regulations.

2. ~~Following the conduct~~Upon the closing ofAt the ~~public meeting or the public hearing, meeting,~~ the Planning Commission shall make a recommendation on the application for a conditional use ~~approval~~ to the Board of County Commissioners, recommending approval, denial or conditional approval. The Planning Commission shall forward its recommendation and any records of the hearing to the Board within ten (10) working days of its action.

Within thirty (30) days of receiving such materials the Board of County Commissioners shall consider the recommendation at a regular or special session of the Board and shall act to approve, deny or conditionally approve the application, including notice whether there shall be a time period for review of compliance with any approval conditions. ~~The Board of County Commissioners shall also provide the Planning Commission with notification of the action taken.~~

3. When ~~Planning Commission, as decided upon by majority vote, in the judgment of the~~ a conditional use application has a potential impact on any of the referral agencies listed in 8.04.01 (4), requires referral review and comment by any agency, organization, governmental entity or person or persons, the Planning Commission may so cause the application materials or any portion thereof to be submitted~~staff will route the application~~ for referral review and comment. The referral review and comment period shall be for a period of time of up to thirty (30) days from the date ~~materials are received for review, that the Planning Commission so decides upon the need for such referral before the date of the conduct of the public meeting or public hearing.~~

1.18 Rezoning

1.18.01 General Information

Applications to rezone or change the zoning classification of a parcel or parcels of land shall be treated as proposed amendments to this zoning regulation and such applications also shall comply with the common procedures described in these regulations. Applications for rezoning shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials and by the necessary filing fees.

Process:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report→
2. PC public hearing meeting and recommendation
3. Noticing for public hearing
- ~~2.4. BOCC public hearing and decision. Changes to the text of the zoning regulations are addressed in, The Amendment Process.~~

1.18.02 Special Rezoning Requirements and Provisions

All listed owners of record of adjacent properties shall be notified by certified mail and all registered ~~addresses in the same radius shall be notified by regular mail~~ at least ten (10) days prior to the scheduled

hearing date ~~and provide at the public hearing proof of publication, proof of payment of publication and proof of notification of adjacent property owners~~ and notice shall be posted in a newspaper of record at least ~~ten (10) days prior to any public~~ hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

~~Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment to the Planning Commission before said hearing may take place. Applicants will be billed by the county for costs associated with public noticing, payment of such costs is a condition of approval.~~

In addition, the applicant shall also post notice on the property for which the rezoning is requested at least ~~thirty (30)~~ ten (10) days prior to a public hearing scheduled before the Planning Commission ~~or~~ and indicating information on the public hearings scheduled with both the Planning Commission and the Board of County Commissioners. ~~SA~~ Applicant shall post notice on the property; such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right-of-way. Such signs shall measure at least three (3) feet by four (4) feet, the size of all letters shall be at least two (2) inches high and the signs shall be erected on posts no less than four (4) feet nor more than six (6) feet above ground level. ~~The applicant shall also mail a W~~ ritten notice of said hearing(s) shall be sent by registered mail, return receipt requested, at least ~~fifteen (15)~~ ten (10) days prior to a Planning Commission or Board of County Commissioners hearing date to owners of record of all property adjacent to the property proposed for rezoning. The notice shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the proposed land use change along with announcement of the date, time and location of the scheduled hearing.

Rezoning applications may be initiated by any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application.

The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a rezoning.

1.18.03 Submittal Requirements

Applications for rezoning shall include a Letter of Intent and a Site Plan providing the information required in Section 1.06.01 for a conditional use review. Additionally, the following items shall be submitted with an application: ~~In addition, applicants shall supply the following supplemental information and such additional information and documentary material as the Planning Commission shall reasonably stipulate by majority vote:~~

Required attachments:

1. The source and quantity of water required for the proposed use(s) within the area to be rezoned.
2. The method of wastewater treatment and anticipated quantity of wastewater generated.
3. When water or wastewater service would be provided by a municipality or a water or sanitation or water and sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question.
4. A description of any natural or man-made hazard within or in the vicinity of the land proposed for rezoning and a statement describing how the anticipated impact of such hazards will be mitigated.
5. A legal description of the property to be rezoned.

6. A vicinity map showing to scale the proposed area to be rezoned in relationship to the surrounding area within a distance of two (2) miles from the boundaries of the proposed rezoning.
7. A graphic description of all natural and manmade water courses, retention areas, streams, lakes and known one hundred (100) year flood plains on or adjacent to the property along with all areas in the proposed rezoning with a slope of twenty (20) percent or greater.
8. A description of any critical wildlife habitat and migration corridors and unique natural features, such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.
9. [Explanation of how proposal is consistent with the Comprehensive Plan.](#)
10. [Any additional information requested by staff or Planning Commission.](#)

1.18.05 Criteria for Action on a Rezoning Application

All actions by the Planning Commission in reviewing and making recommendations on a rezoning application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically ~~on the criteria contained in Section 1.06.03, Criteria for Action on a Conditional Use Application, and also~~ on the following additional criteria:

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan [and other adopted planning documents](#).
2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.
3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.

In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

2.09 SUBMITTAL REQUIREMENTS FOR PROPOSED SUBDIVISIONS

Applications for approval of a subdivision shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. The Planning Commission may, at its discretion and upon written application by an applicant, waive any of these items not required by the laws of the State of Colorado, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate an application for a subdivision.

Process Summary:

OneTwo public hearing for each phase – Sketch Plan, Preliminary Plan, and Final Plat:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting with PC and prepares staff report
2. PC public meetinghearing and recommendation
3. Public Noticing
- 3.4. BOCC public hearing and decision

Public Notice: Public noticing requirements shall apply for each public hearing involved in the subdivision process. At least ten (10) days prior to public hearings for the Sketch Plan, Preliminary Plan and Final Plat, the County shall send notice to property owners by certified mail and to listed physical addresses by regular mail to properties within 1320 feet of the boundaries of the proposed subdivision for properties zoned Agricultural, or 500 feet for properties in all other zones; This distance provision may be expanded up to twenty-five hundred (2,500) feet, or to include identified properties that have the potential to be impacted by the proposal by majority vote of the Planning Commission in the case of large subdivisions and when other special circumstances so warrant.

2.09.02 Preliminary Plan/General Submission

The preliminary plan shall incorporate all modifications of and changes to the sketch plan agreed to by the applicant, the Planning Commission and the Board of County Commissioners. The purpose of a preliminary plan is to review the proposed subdivision in the context of the technical requirements, design standards and improvement requirements of Huerfano County and the various other terms and provisions of these regulations to ensure the compatibility of the proposed subdivision with these considerations and with the current and anticipated or desired future land use patterns within and in the vicinity of the proposed subdivision. Detailed review of a preliminary plan at the general submission stage provides further evidence of compliance or lack of compliance of the proposed subdivision with the comprehensive plan and other provisions of State & Local Regulations, along with the policies and plans of other public and quasi-public agencies in Huerfano County.

Preliminary plans shall be prepared by appropriately qualified persons in a clear and legible manner on reproducible stock in a manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet or another scale approved by the County Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted.

Preliminary plans approved by the Board of County Commissioners shall remain valid for one (1) year following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

A preliminary plan shall require the following information:

1. The name(s) and address(es) of the property owner(s) and of the applicant(s), if other than the owner(s), and the person(s) preparing the preliminary plan submittal materials.
2. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
3. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the state of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.
4. The name or identifying title of the proposed subdivision.
5. The date of preparation of the preliminary plan, a north arrow and a written and graphic scale.

6. An accurate legal description of the property included within the proposed subdivision and the total acreage of the proposed subdivision.

7. The location of the proposed subdivision as a part of a larger subdivision, if any, and with reference to permanent survey monuments with a tie to a section or a quarter-section corner.

8. A location map showing the relationship of the proposed subdivision to the characteristics of the surrounding area along with the names of adjacent subdivisions and the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.

9. A list from the County Assessor's office of current property owners of record and their complete mailing address ~~as well as physical addresses for properties~~ within five hundred (500) feet of the boundaries of the proposed subdivision. At the Planning Commission's discretion, this can be expanded to 1,320 feet and to include other properties likely to be impacted. ~~This distance provision may be expanded up to twenty five hundred (2,500) feet, or to identified properties that have the potential to be impacted by the proposal, by majority vote of the Planning Commission in the case of large subdivisions and other special circumstances that so warrant. The County shall send notices by certified mail with return receipt, to listed property owners, and letters by regular mail to physical addresses on listed properties at least ten (10) days prior to a public hearing.~~

10. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.

11. Site data in chart form presenting the total number of proposed residential lots, the net size of the average (mean) lot, minimum lot size, maximum lot size, the types of land use proposed and the area of land proposed for each such land use.

12. The proposed sites, if any, for multi-family residential use, business use, commercial and industrial areas and other public and non-public uses exclusive of single family residential areas within the proposed subdivision.

13. The total number of projected square feet of non-residential floor space to be included within the proposed subdivision.

14. The current zoning districts on the site and any zoning changes to be requested.

15. The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown. All streets and access easements must have proposed names for addressing according to the County's emergency systems. All roads & access names must be approved in writing by the Huerfano County Land Use Department before the final plat is submitted.

16. The location and current and proposed future uses of all buildings and other structures in and within one hundred (100) feet of the boundaries of the proposed subdivision.

17. A lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.

18. The location of and preliminary engineering from any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants and the sizes and types thereof, along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all under-ground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.

19. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.

20. The topography of the proposed subdivision at two (2) foot contour intervals for predominant ground slopes up to five (5) percent grade and five (5) foot contours for predominant ground slopes within the site that are over five (5) percent grade. Upon request of and at the discretion of the County Planner, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea level data.

21. The delineation of any known identified or designated areas where a flood statistically has a one (1) percent chance of occurring in any given year and localized areas subject to periodic flooding. Mitigation

measures, if any, proposed to overcome the consequences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.

22. The delineation of the geological characteristics of the area with evidence regarding the extent and intensity of any geological, radiological, seismic or other related hazards within or in close proximity to the proposed site. Mitigation measures, if any, proposed to overcome such geological, radiological, seismic or other hazards shall also be included in the submission.

23. Soil suitability and interpretation information developed from National Cooperative Soil Survey data and accompanied by a table of interpretation for the soil types shown on the soils map or equivalent qualified private research sources, along with a narrative description of the mitigating measures, if any, proposed to overcome soils limitations present on the site of the proposed subdivision.

24. Preliminary drainage, erosion and sedimentation control plans, as required.

25. Delineation of the type and extent of vegetative cover on the site.

26. All areas to be reserved for community or public uses and all areas to be dedicated to Huerfano County along with any other areas to be used for open space and a statement describing how such reserved, dedicated and open space lands shall be maintained.

27. Preliminary copies of the protective covenants to be filed with the final plat.

28. Evidence that the proposed system for the disposal of sewage will comply with State of Colorado and regional health department statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound. The peak capacity of the sewage treatment system shall be provided if a centralized collection and treatment system is proposed.

29. Evidence from the Colorado Division of Water Resources that the proposed system for the supply of potable water would be sufficient in terms of quantity, quality, dependability and pressure to provide adequate water supply to the proposed subdivision. The peak capacity of the proposed water supply system shall be provided if a centralized distribution system is proposed.

30. Where water supply or sewage collection and treatment is to be provided by an already existing centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed subdivision and that the owners of the system are willing and able to provide the proposed water supply or sewage collection and treatment services.

31. Information regarding the relationship of the proposed location of the subdivision to any critical wildlife habitat and wildlife migration corridors and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of future human settlement on such wildlife habitat and migration corridors.

32. Information regarding the relationship of the proposed location of the subdivision to any historical or archeological resources and proposed mitigation measures to preserve such resources and measures to be employed to reduce the impact of future human settlement on these historical and archeological resources.

33. A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing.

34. A discussion of any special districts that would be created wholly or partly within the proposed subdivision, listing the proposed boundaries of the service district and what services it would provide.

35. A preliminary phasing plan when the proposed subdivision would be developed in more than one phase.

36. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request.~~Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the preliminary plan.~~

~~2.09.02 (36) & 2.09.03 (25) preliminary and final plat submittals. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request. t. review and act upon the preliminary plan to.~~

2.09.02 Preliminary Plan/General Submission

...

Preliminary plans approved by the Board of County Commissioners shall remain valid for ~~one (1) year~~eighteen (18) months following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

...

2.09.03 Final Plat/Final Submission

...

Final plats shall be submitted to the Planning Commission for action within eighteen (18) months after the date that a preliminary plan for the same proposed development was granted approval by the Board of County Commissioners, except that one extension of up to an additional eighteen (18) months may be granted by the Board of County Commissioners upon the submission of a written request for such extension by the applicant prior to the expiration of the initial eighteen (18) month period. Failure to submit an acceptable final plat within this allowable time period or extension period, if granted, shall require that an applicant resubmit a preliminary plan with the appropriate filing fees and associated materials.

...

2.14 AMENDMENTS TO APPROVED AND RECORDED PLATS

The re-subdivision of land or substantial changes to a recorded plat shall be considered a subdivision or the subdivision of land and shall be subject to the subdivision and other applicable provisions of these regulations. Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included ~~within an overall site~~ within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein. If more than three new lots are created, Staff analysis of impact and recommendation on whether it should be an amendment or subdivision to PC for determination on how to treat the application.

Referral agencies: HOA/POAs, Utilities, Fire Dept, and other agencies reasonably expected to be impacted as determined by staff, Planning Commission or County Commissioners.

2.14.01 Procedures for Amendment

Process Summary:

1. If more than three new lots are created, PC recommendation on whether to treat application as subdivision or plat amendment.
2. Full application submitted; Staff determines completeness, routes to relevant referral agencies and schedules public meeting/public hearing with PC and prepares staff report
3. PC public hearing meeting and recommendation
4. BOCC public meeting hearing and decision

Applicants wishing to amend an approved and recorded plat shall submit to the Planning ~~Commission~~ Department an application on a form supplied by the County, the appropriate submittal materials and the required filing fees. Applications to amend an approved and recorded plat shall be reviewed by the Planning Commission following the submission of the required materials. Upon closing the public meeting, the Planning Commission shall make a recommendation on the application for the amendment of an approved and recorded plat and transmit the application to the Board of County Commissioners for a decision. The Board of County Commissioners shall consider the application at a regularly scheduled meeting following, ~~at their discretion, the submission of the application to any appropriate review agencies and interested parties,~~ and the decision of the Board shall be recorded in the minutes of the meeting and transmitted in writing to the applicant. Applications that are denied by the Board of County Commissioners shall result in a statement to the applicant giving the reason for the denial.

2.14.02 Submission Requirements

Submission requirements for an application to amend an approved and recorded plat include a completed application, the appropriate filing fees and the following items:

1. Proof of ownership of the lot(s), parcel(s) or subdivision plat to be amended and evidence that the applicant, if not the owner, has full legal authority to act on behalf of the owner.
2. A copy of the approved and recorded final plat along with drawings done to the same scale as the recorded final plat indicating the amendment(s) proposed to be made to the approved and recorded plat. The drawings submitted with the recorded final plat shall meet all requirements for the preparation of a final plat and be suitable for recording in the office of the County Clerk and Recorder. The drawings shall also show the location of all structures, streets, rights-of-way and easements within the area of the proposed plat
3. A narrative statement describing the proposed changes to the approved and recorded final plat and providing an explanation of why the proposed changes should be approved by the Planning Commission and the Board of County Commissioners. Included with the narrative statement shall be the acreage or square footage of all lots before and after adjustment, a legal description of each lot ~~before and after~~ adjustment and a statement of the current zoning of all portions of the plat to be amended.
4. Applications for amendment of an approved and recorded plat submitted to correct minor surveying or drafting errors shall be accompanied by an affidavit by a Colorado licensed land surveyor attesting to the changes that have been made in the previously approved and recorded final plat.
5. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of these submission items listed above, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for a plat amendment submitted to it. The Planning Commission may also submit the application for review to such referral agencies and interested parties as it reasonably sees fit.

2.15 VACATION

2.15 VACATING OF APPROVED AND RECORDED PLATS, ROADS OR EASEMENTS

Applicants may apply for the vacating of any plat, road, easement or portion thereof so long as the plat, road, easement or portion thereof has been filed and recorded in the office of the Huerfano County Clerk and Recorder.

Process Summary:

Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting /public hearing with PC and prepares staff report

1. PC public meetinghearing and recommendation
2. Public Notices go out (If public hearing requested for lot consolidation)
3. BOCC public hearing and decision (public hearing optional for lot consolidations).

2.15.01 _____Procedures for Vacating Plats, Roads and Easements

1. Applications to vacate approved and recorded plats, roads, easements or portions thereof shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials listed in 2.15.02. and by the necessary filing fees. Copies of the vacating submittal materials shall be submitted to the school district and any other special purpose districts in which the proposed vacating is located along with all utility companies and municipalities potentially affected by the proposed vacating. Additional referral agencies may be contacted by the Planning Commission, at its discretion. All referral agencies shall be allowed a review period, or the extension period shall be deemed an approval by referral agencies, twenty-one (21) days from the receipt of the referral materials to report their findings and/or recommendations to the County, and an additional twenty-one (21) day extension period with the approval by a majority vote of the Planning Commission. Failure to respond within the original review period or the extension period shall be deemed a de facto approval by referral agencies.

2. At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place.

3. Notice: All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones, as well as all identified mineral estate owners identified, shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may

~~expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote. At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place. Applicants will be billed by the county for costs associated with public noticing.~~

~~In addition, the applicant County shall also mail a written notice of said hearing(s) or meeting(s) by certified or registered mail, return receipt requested, at least ten (10) days prior to the Planning Commission hearing date to owners of record of all property adjacent to or within the property where the proposed vacating is located and to owners of record of all property located within five hundred (500) feet of the boundaries of the property in question. Pursuant to C.R.S. § 24-65.5-103 (2) (a) The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the County Tax Assessor and Clerk and Recorder. The notice shall include a vicinity map, a short narrative describing the proposed action and an announcement of the date, time and location of the scheduled hearing.~~

4. Applications for vacating shall be processed as a final submission except as otherwise provided for in this Section 2.15.

Applications for vacating may be initiated by:-

~~03. The~~ owner of record or duly authorized agent of any owner of record of any approved and recorded plat or easement. ~~01. The~~ Board of County Commissioners and

~~02. The~~ Huerfano County Planning Commission may also initiate a vacation of land.

3.07 SUBMITTAL REQUIREMENTS FOR PROPOSED PUDS

Applications for a PUD approval shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. ~~Staff~~ The Planning Commission may, at its discretion and upon written application by an applicant, waive any but not all of these items. The Planning Commission may ~~also~~, by majority vote, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for the issuance of a PUD approval.

3.08 PROCESSING PROCEDURES FOR SUBDIVISION AND NON-SUBDIVISION PUDS

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies, schedules public meeting with PC and prepares staff report→
2. PC public hearing meeting and recommendation
3. Schedule and post notices for BOCC public hearing
4. BOCC public hearing and decision

The review and processing procedures for non-subdivision PUD development plans shall be as specified in the County's Common Land-use Procedures and Requirements for Preliminary Submission, of these regulations. In the event that a conflict or inconsistency exists between the procedures and requirements contained the County's

Common Land-use Procedures and in these regulations, the procedures contained herein in these PUD regulations shall prevail.

Section 12 Submittal Copies

Repeal Section

14.04 SIGN PERMIT PROCEDURES

Applications for sign permit shall be made to the County Building Inspector who shall, except as specified otherwise herein, administer this sign code. Upon payment of the required application fee and the submission of the required application materials, the County Building Inspector shall decide, on the basis of the provisions contained herein, whether to issue a sign permit, whether to deny the permit.

14.04.01 Submittal Requirements

Applications for a sign permit shall include, in addition to the application fee and an application on a form supplied by Huerfano County, a legibly done rendering, in ink, fully dimensioned, showing the sign message and a site plan showing the location, setbacks, height, construction materials and sign are of all proposed signs and sign alterations. ~~For signs not expressly included within the scope of this code, The Planning Commission will review the application at a public meeting and may, at its discretion, and by majority vote, require additional information for sign applications submitted to it for review.~~

14.04.02 Permit Issuance by the County Building Inspector

Sign permit applications meeting the requirements contained herein shall be approved by the County Building Inspector so long as such applications do not expressly require Planning Commission approval [as described in 14.04.03](#).

Sign permit applications failing to meet the requirements contained herein shall be denied by the County Building Inspector.

14.04.03 Permit Review, Denial and Issuance by the Board of Adjustment ~~and the Planning Commission~~

Any person denied a sign permit by the County Building Inspector may [seek a variance by](#) appealing that decision to the Board of Adjustment within sixty (60) days of the denial. ~~The Planning Commission shall review all sign applications for signs not otherwise expressly included within the scope of this code. For sign code appeals and the applications brought before them, the board of Adjustment and the Planning Commission shall base their actions on the following criteria:~~

1. ~~That there exists a clear and reasonable need for the sign at the proposed location. That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations, or that the proposed sign poses no significant nuisance.~~
2. ~~That the type, style, size and other characteristics of the proposed sign are consistent with the character of the proposed location.~~ That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.
3. ~~That the benefits that the sign would provide to residents of Huerfano County and the motoring public outweigh any esthetic or other negative impacts of the proposed sign.~~
4. ~~That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations.~~ 3. That the proposed sign poses no significant nuisance.

~~—That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.~~

Marijuana Conditional Use Permits 18.

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Public Noticing
- ~~2.4.~~ BOCC public hearing and decision

18.04.01 Time of application and operation.

18.04.01.01 Annual Compliance Reviews shall be performed by the Building Department Board of County Commissioners, or its designees, and no later than 30 days following the anniversary date of the issuance of a Commercial Building Permit.

18.04.02.03 When determined necessary by the Building Inspector, Commercial Marijuana Facilities shall be equipped with an automatic fire sprinkler system, meeting the commercial building standards adopted by Huerfano County at the time of construction.

~~Consider adding a county licensing process in addition to CUP process in order to improve ongoing oversight with annual renewal requirements.~~

18.06 FEES

18.06.01 Initial Review Fee: \$400, non-refundable.

Fee shall be paid when the application is submitted to the Land-Use Department.

18.06.02 Application Fee: \$1,300, non-refundable. Operating Fee: \$10,000 Fees shall be paid prior to the Planning Commission's completeness review. This operating fee shall be utilized by Huerfano County to cover any costs to the County associated with the review and enforcement of said Conditional Use Application or Permit. This fee may include, but shall not be limited to, outside review agencies, staff inspections & enforcement, and professional services. Staff expenses related to CUP and inspections not limited to those related to any actual or perceived violation. Subject to forfeiture in the event that the terms of the CUP are violated. Can be used to cover the cost of any fines assessed to CUP holder. Following the first or any subsequent annual compliance reviews, the Applicant may request a reimbursement of any unused operating fees.

Section 17.00

Definitions

Dwelling: A building designed to be used or used as the living quarters for one or more persons, families or housekeeping units, including modular homes but excluding mobile homes.

Dwelling unit: A building or portion thereof designed to be used or used as the living quarters for one person, family or housekeeping unit, including modular homes but excluding mobile homes.

Manufactured homes, qualified and non-qualified: A single-wide or double-wide factory manufactured home or otherwise a non-qualified manufactured home as defined herein.

1. ~~Double-wide~~Qualified manufactured home: A structure which is designed and used as a single family dwelling, as defined herein, and which is partially or entirely manufactured in a factory; ~~is not less than twenty-four feet in width and thirty-six feet in length;~~ meets all HUD building codes or building codes adopted by the County; is installed on an engineered, permanent perimeter foundation; and was constructed after 1992.

A non-qualified manufactured home as defined herein does not meet the requirements of a double-wide manufactured home.

~~**2. Single-wide manufactured home:** A structure which is designed to house a single family, and which is partially or entirely manufactured in a factory; is less than twenty-four feet in width; (iii) has brick, wood, or cosmetically equivalent siding and a pitched roof; can be installed on a permanent foundation, and was constructed after 1992.~~

~~A non-qualified manufactured home as defined in herein does not meet the requirements of a single-wide manufactured home.~~

3. Non-qualified manufactured home: A structure which is designed and used to house a single family, and which is partially or entirely manufactured in a factory, and is not attached to an engineered, permanent foundation or does not meet the requirements of ~~either a "single-wide manufactured home" or "double-wide"qualified~~ manufactured home" as defined herein.

4. Mobile home: A non-qualified manufactured home.

Single family dwelling: A building or structure or portion therein designed to be used as the living quarters for one person, family or housekeeping unit. In accordance with the provisions described in Sections 1.05 and 1.14 of these regulations, the term ~~double-widequalified~~ manufactured home shall meet and qualify for the definition of a "Single family dwelling."

Section 4.00 Flood Damage Prevention

definitions

~~**MANUFACTURED HOME**—A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".~~

10.10 Compaction tests.

- A Compaction tests shall be taken on longitudinal or crosscuts at the request of the Huerfano County Road and Bridge Department. These tests shall be taken at the depth and location specified by the county and shall meet the requirements specified in Section 10.09.
- B. The excavator shall have the compaction tests conducted by an approved testing laboratory. A copy of the results shall be furnished to the Huerfano County Road and Bridge Department no later than five days after the test is conducted. (Res. 06-24 As Amended)
- C. Compaction tests do not relieve the contractor of his or her obligation to maintain said repairs as guaranteed under Section 10.04(C). (Res. 06-24 As Amended)

10.11 Resurfacing.

- A After proper backfill procedures are completed in accordance with the preceding requirements, the vacant depth shall be surfaced to a condition equal to or better than the existing surface. Temporary and/or permanent repairs shall begin within twenty-four (24) hours after backfilling is completed on roads or highways designated by the Road and Bridge Department and continue until all repairs are made. (See subsection F of this section.) On all other roads or highways permanent repairs shall be completed within a period of fifteen (15) calendar days. At the discretion of the Huerfano County Road and Bridge Department, a delay of up to seven days in the time designated for initiation or completion of repairs may be granted. The twenty-four (24) hour designation will be noted on the permit at the time of issuance. The following minimum standards shall apply to all resurfacing done in the county.
- B. Gravel Surfaced Roads. Backfill shall be placed to within twelve (12) inches of the surface, and the twelve (12) inch vacant depth shall be filled with thoroughly tamped granular material meeting the requirements specified under the aggregate for Bases Item, Class 6 of the Standard Specifications for Road and Bridge Construction, Department of Highways, State of Colorado (current issue), or materials extracted at the same precise location, or other suitable granular materials approved by the County Administrator with the approval of the Board of County Commissioners. After a disturbance in the surface of the road, the road must be restored to have 4"-6" inches of gravel across the whole width of the road and to be inspected by Road and Bridge Department.
Repair to roads in poor condition or roads lacking road base at the time of disturbance is to be negotiated with Road and Bridge prior to any disturbance. See 10.11.1.
- C. Soil Cement Surfaced Roads. Backfill shall be placed within eighteen (18) inches of the surface, and granular material meeting the requirements specified under the Aggregate for Bases Item, Class 6 of the Standard Specifications for Road and Bridge Construction, Department of Highways, State of Colorado (current issue) shall be placed and thoroughly compacted to within eight inches of the surface. The eight-inch vacant depth shall be filled with five and one-half sacks per cubic yard portland cement concrete, which shall be struck and floated to match adjacent undisturbed surface. Ninety-five (95) percent of patched surface shall match the plane of the adjacent surface, when measured by means of a six-foot straight edge or beam, within one-eighth inch.

- D. Portland Cement Surfaced Roads. Backfill shall be placed within eighteen (18) inches of the surface or ten (10) inches below the bottom of the existing slab, whichever is the deepest, and

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the next ten (10) inches shall be filled with thoroughly compacted granular material as described in subsection C of this section. The eight-inch minimum vacant depth shall be filled with six and one-half sacks per cubic yard portland cement concrete which shall be struck and floated to match the adjacent undisturbed surface. Ninety-five (95) percent of this patched surface shall match the plane of the adjacent undisturbed surface, when measured by means of a six-foot straight edge or beam, within one-eighth inch.

- E. Asphaltic Concrete Surfaced Roads. Backfill material shall be placed within twelve (12) inches of the surface. Granular material described in subsection C of this section shall be placed and thoroughly wetted and compacted to within four inches of the surface. Prior to placing of Asphaltic concrete, the edges of the cut shall be coated with a tack oil of CSS-1 at not less than 0.10 gallons per square yard. The four-inch vacant depth shall be filled with asphaltic concrete in two-inch lifts and thoroughly compacted. Asphaltic Concrete for this purpose shall be mixed with asphaltic cement of the AC-10 type or equal. Ninety-five (95) percent of this patched surface shall match the plane of the adjacent undisturbed surface, when measured by means of a six-foot straight edge or beam, within one-eighth inch.

A prime coat of MC-70 oil applied at a rate of 0.30 gallons per square yard may be required on the surface area of granular material at the time of the issuance of a permit or as directed by the Huerfano County Administrator and/or Planner.

1. Required Overlay: Overlay of the entire road width and ten (10) feet beyond each end of damaged area may be required, at the discretion of the Road and Bridge Department, when utility installation is made longitudinally within five feet of, or on the centerline of the paved road for a length of seventy-five (75) linear feet or more. For lengths less than the above-stated, the repairs and/or overlays must be made as agreed to by the excavator and the County Inspector, prior to obtaining a permit. If the excavation within five feet of the centerline does not extend into the adjacent traffic lane, overlay of only one-half of the entire road width may be required.

Overlay of one-half of the entire road width and ten (10) feet beyond each end of damaged area shall be required when utility installation is made longitudinally within the area five feet from centerline and edge of paved road for a length of seventy-five (75) linear feet or more. Again for lengths less than the above-stated, the repairs and/or overlays must be made as shall be agreed to by the excavator and the County Inspector, prior to obtaining a permit.

Overlay of the entire road width and ten (10) feet beyond each end of incorporated damaged area shall be required when two or more lateral utility installations are made by the same utility excavator within seventy-five (75) linear feet of road length. Three or more lateral utility installations within one hundred fifty (150) linear feet of road length and or more lateral utility installations within three hundred (300) linear feet of road length will also require full road width of overlay.

The minimum compacted depth of the Asphaltic Concrete overlay shall be five-eighths inch with edges feathered as much as possible eliminating the fracturing of the mix aggregate. The areas of overlay shall require a tack coat of CSS-1 at the rate of 0.10 gallons per square yard.

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F. In addition to fees listed in the fee schedule, the permittee will be charged for any inspection made necessary due to noncompliance with regulations or the failure of any work.

Item 6c.

G. Penalty Permit. This permit shall be issued to any excavator commencing work prior to obtaining a basic right-of-way cutting permit. Failure by the excavator to notify the County Inspector as stated in section 10.12(A) may result in revocation of the original permit and issuance of a penalty permit. The fee for this permit shall cover the foregoing plus a penalty of five hundred dollars (\$500.00). (Res. 06-24 As Amended)

10.16 Nuisances.

a. Intentionally or unintentionally causing a County Road to become blocked, partially blocked, or damaged shall be considered a nuisance and the responsible party may be fined.

i. Causing a road to be blocked or partially blocked without a permit shall make responsible party subject to a fine of up to \$500/day for each 24-hour period in which a road was blocked for any amount of time over 30 minutes, to be determined by the Board of County Commissioners.

ii. Causing a County road to be damaged or flooded will make responsible party subject to a fine of \$500 plus the costs associated with repair.

iii. Creating obstructions or hazards in the right-of-way may be subject to prosecution under CRS 43-5-301.