



Change of Zone (COZ) Procedural Guide

Department of Planning Services
1402 N. 17TH Avenue, P.O. Box 758, Greeley, CO 80632
(970) 400-6100 | www.weld.gov

Note: A Pre-Application Request Form must be submitted to the Department of Planning Services prior to the submittal of a COZ application.

Submit all the application components as separate documents, in PDF format, in the order outlined in the checklist below.

Planning Requirements Checklist

- Application Form. (See attached).
- Authorization Form, if applicable. (See attached).
- Deed identifying the surface estate ownership interest in the property and relevant Lease documents.
- Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.
- Trustee documents if the owner is a Trust.
- A signed Statement of Taxes from the County Treasurer showing no delinquent property taxes for subject property. The Statement shall be from the current tax year.
- Completed Planning Questionnaire. (See attached).
- Draft COZ land survey plat. (See attached for map requirements.)
- Soil Report of the site prepared by the Natural Resource Conservation Service or a soils engineer.
- Mineral Resource Statement if there appears to be a sand, gravel or other mineral resource on or under the subject property, prepared by a professional geologist as defined in C.R.S. Section 23-41-208(1)(b) or other qualified expert. The statement shall indicate the estimated quantity of resources and the economic feasibility of recovery, now and in the future, of the resources so that the Planning Commission and Board of County Commissioners can determine whether a commercial mineral deposit is contained on or under the subject properties.
- Notice of Inquiry (NOI) Form from a municipality or municipalities if the site is located within an Intergovernmental Agreement (IGA) boundary or a Coordinated Planning Agreement (CPA) boundary, if applicable.
- Buffer Report, signed, of the names, addresses and parcel numbers of the surrounding property owners within 500 feet of the property. Once signed, the buffer report expires within 30 days.
- Community meeting sign-in sheet, minutes, and summary (optional).
- The names and addresses of any owner, operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc. on the property, if applicable.
- A copy of an agreement with the owner of any ditch located on or adjacent to the site, or written evidence that an adequate attempt has been made to mitigate the concerns of the ditch owners in accordance with Section 23-2-50.B.14.
- A copy of any Surface Use Agreement with mineral owners associated with the subject property, stipulating that the oil and gas activities on the subject property have been adequately incorporated into the design of the site in accordance with Section 23-2-50.B.13.
- Water Supply Documentation. Submit documentation that the water source is adequate to serve any of the proposed uses permitted in the proposed zone district. If utilizing a public water tap, include a will serve letter from the Water District, a tap or meter number, or a copy of the water bill. Provide evidence of existing water service, if applicable. Example: A bill from a water district or municipality, or a well permit from the State Division of Water Resources. Provide a statement if upgrading the water source from agricultural or residential usage to commercial or industrial.

- _____ Sewage Disposal Documentation. Submit documentation that the sewage disposal source is adequate to serve any of the proposed uses permitted in the proposed zone district. Provide evidence of existing sewage disposal service, if applicable. Example: An on-site wastewater treatment system permit or application or bill from a sanitary sewer district.
- _____ Application fee. A 50% investigation fee is required if this is application is in response to a violation.

Development Review Requirements Checklist

- _____ Completed Public Works Questionnaire. (See attached).

Any other item(s) deemed necessary to process the Change of Zone application may be requested by the Departments of Planning Services and Public Works.

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COZ Hearings	Fee
▪ Weld County Planning Commission ▪ Board of County Commissioners	\$3,000

Fees are non-refundable and due at time of application submittal. Fees are set by the Board of County Commissioners. County Staff is not authorized to negotiate fees and cannot, under any circumstance, waive, reduce, or amend the fees set forth in the Weld County Planning Fee Schedule per Appendix 5-J of the Weld County Code.

Do not attempt to contact Planning Commissioners or the County Commissioners about your project in order to refrain from ex parte communication, defined as any material oral or written communication relevant to the merits of the case that was neither on the record nor included the reasonable prior notice to all parties.

It is the applicant's responsibility to meet the application requirements outlined in Section 23-2-50 of the Weld County Code. No COZ application shall be assigned a case number to be reviewed until all required items on the submittal checklist have been completed and submitted to the Department of Planning Services.

The Department of Planning Services is responsible for reviewing and processing the application in accordance with Section 23-2-20 of the Weld County Code. The planner will post one or more notification signs on the property and mail notice to owners of property within 500 feet of the subject property.

The Planning Commission will consider the application in accordance with Section 23-2-30 of the Weld County Code and provide a recommendation to the Board of County Commissioners concerning the application. The Board of County Commissioners will consider the application in accordance with Section 23-2-40 of the Weld County Code.

The applicant should attend all hearings scheduled for consideration of the application in order to present the proposal and answer any questions. The applicant is also encouraged to communicate with the planner assigned to process and review the application once it has been submitted in order to keep up to date with any developments pertaining to the application.

It is also recommended that the applicant contact owners of property within at least 500 feet of the subject property about the proposed use prior to applying. Do not attempt to contact Planning Commissioners or County Commissioners about your project.

Staff are available to assist the applicants through this process. For questions, please visit the Department of Planning Services at 1402 N. 17th Avenue, Greeley, Colorado or call us at (970) 400-6100.

Change of Zone (COZ) Code Requirements

Review Criteria

Per Sections 23-2-30.A and 23-2-40.B of the Weld County Code, the applicant shall demonstrate:

1. That the proposal is consistent with Chapter 22 of this Code; if not, then that the zoning of the property under consideration is faulty, or that changing conditions in the area warrant a Change of Zone.
2. That the uses which would be allowed on the subject property by granting the Change of Zone will be compatible with the surrounding land uses.
3. That adequate water and sewer service can be made available to the site to serve the uses permitted within the proposed zone district.
4. For zoning amendments to any zone district other than A (Agriculture), unpaved STREETS/ROADS providing access to the subject parcels shall have a minimum 26-foot-wide travel surface with a minimum 4-inch depth of aggregate surface course (gravel) and a minimum RIGHT-OF-WAY width of sixty (60) feet. Otherwise, the rezoning shall only be approved on the condition that the applicant shall enter into an Improvements Agreement prior to recording the Change of Zone plat. Such agreement shall be in conformance with Appendix 8-N, Transportation Plan, and Section 2-3-30, Collateral for improvements, both of this Code. The Improvements Agreement shall provide for the road to be improved to a minimum of 26-foot-wide travel surface with a minimum 4-inch depth of aggregate surface course (gravel) and a minimum RIGHT-OF-WAY width of sixty (60) feet prior to the recording of any land use permit map or issuance of any building permit, access permit, or grading permit, whichever comes first, and shall be re-evaluated for compliance with any additional improvements upon submittal of an application for a land use permit, building permit, access permit, or grading permit. Additional improvements, if necessary, may require an amended or new Improvements Agreement documenting additional requirements. No land use permit, building permit, access permit, or grading permit shall be issued without review of the Improvements Agreement.
5. That, in those instances where the following characteristics are applicable to the rezoning request, the applicant has demonstrated compliance with the applicable standards:
 - a. If the proposed Change of Zone is located within any overlay zoning district identified by maps officially adopted by the county, that the applicant has demonstrated compliance with the county regulations concerning overlay zoning districts. Compliance may be demonstrated in a previous public hearing or in the hearing concerning the rezoning application.
 - b. That the proposed rezoning will not permit the use of any area known to contain a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property.
 - c. If soil conditions on the site are such that they present moderate or severe limitations to the construction of structures or facilities proposed for the site, that such limitations can be overcome and that the limitations will be addressed by the applicant and/or the applicant's successors or assigns prior to the development of the property.

Other Provisions

Applications for COZ shall be accepted only for legal lots. (Section 23-2-10.B)

Upon approval, a Mylar plat will be required along with the recording fee and any conditions of approval. The conditions of approval must be met and the plat recorded within 120 days of the date the Board of County Commissioners resolution was signed, or by the date specified in the resolution. (Section 23-2-50.F)

The submittal requirements and review procedures are stated in Chapter 23, Article II, Division 1 of the County Code. The Weld County Code is available online at www.weld.gov (Useful Links > Weld County Code).

Contact Information and Office Locations

Weld County Planning, Building and Development Review

1402 N 17th Avenue
PO Box 758
Greeley, CO 80632
(970) 400-6100
www.weld.gov/Government/Departments/Planning-and-Zoning
www.weld.gov/Government/Departments/Building

Weld County Department of Public Health and Environment

Weld County Septic Permits
On Site Waste Water Systems (OWTS)
1555 N 17th Avenue
Greeley, CO 80631
(970) 304-6415
www.weld.gov/Government/Departments/Health-and-Environment

Colorado Department of Transportation (CDOT)

10601 W. 10th Street
Greeley, CO 80634
(970) 353-1232
www.codot.gov/

Division of Water Resources

Water Wells
1313 Sherman St. Ste. 821
Denver, CO 80203
(303) 866-3581 ext. 0

1809 56th Avenue
Greeley, CO 80634
(970) 352-8712
<https://dwr.colorado.gov/>

Well Permitting Information:

<https://dwr.colorado.gov/services/well-permitting>

Soil Conservation Districts

Boulder Valley and Longmont – (303) 776-4034
Brighton & Southeast Weld – (303) 659-0525
Centennial – (970) 522-7440 ext. 3
Greeley – (970) 356-6506
Larimer (Big Thompson & Ft. Collins) – (970) 295-5658
Morgan – (970) 867-9659 ext. 4
Platte Valley – (303) 857-6721
Southeast Weld – (303) 659-7004 ext. 101
West Adams – (303) 659-2080
www.coloradoacd.org

Colorado Geological Survey

Division of Minerals and Geology

1313 Sherman Street
Room 715
Denver, CO 80203
(303) 384-2643
www.coloradogeologicalsurvey.org

Change of Zone (COZ) Application

<u>Planning Department Use:</u>	Date Received: _____
Amount \$ _____	Case # Assigned: _____
Application Received By: _____	Planner Assigned: _____

Property Information (Attach additional sheets if necessary.)

Is the property currently in violation? No / Yes Violation Case Number: _____

Site Address: _____

Parcel Numbers: _____

Legal Description: _____

Section: _____, Township _____ N, Range _____ W # of Lots: _____ Total Acreage: _____

Floodplain: No / Yes Geological Hazard: No / Yes Airport Overlay: No / Yes

Rezoning

Existing Zone District(s): _____ Proposed Zone District: _____

Property Owner(s) (Attach additional sheets if necessary.)

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

Applicant/Authorized Agent (Authorization must be included if there is an Authorized Agent.)

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

I (We) hereby depose and state under penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my (our) knowledge. All fee owners of the property must sign this application, or if an Authorized Agent signs, an Authorization Form signed by all fee owners must be included with the application. If the fee owner is a corporation, evidence must be included indicating the signatory has the legal authority to sign for the corporation.

Signature

Date

Signature

Date

Print

Print



Departments of Planning
Building, Development Review
and Environmental Health
1402 North 17TH Avenue
P.O. Box 758
Greeley, CO 80632

Authorization Form

I, (We), _____, give permission to _____
(Owner – please print) (Authorized Agent/Applicant–please print)

to apply for any **Planning, Building, Access, Grading or OWTS** permits on our behalf, for the property located at
(address or parcel number) below:

Legal Description: _____ of Section _____, Township _____ N, Range _____ W

Subdivision Name: _____ Lot _____ Block _____

Property Owners Information:

Address: _____

Phone: _____ E-mail: _____

Authorized Agent/Applicant Contact Information:

Address: _____

Phone: _____ E-Mail: _____

Correspondence to be sent to: Owner _____ Authorized Agent/Applicant _____ by: Mail _____ Email _____

Additional Info: _____

I (We) hereby certify, under penalty of perjury and after carefully reading the entire contents of this document, that the information stated above is true and correct to the best of my (our) knowledge.

Date _____ Date _____
Owner Signature Owner Signature

Subscribed and sworn to before me this _____ day of _____, 20 _____ by

My commission expires _____ Notary Public

Change of Zone (COZ) Map Requirements

The following items shall be included on the 24" x 36" Change of Zone map.

1. The scale of the map shall be 1 inch equals 100 feet (1" = 100') or at other suitable scale when approved by the Department of Planning Services.
2. Certified boundary survey of the parcel under consideration, showing all bearings and distances outside the perimeter boundary lines. The closure error of the survey may not exceed one to five thousand (1:5,000). The boundaries and dimensions shall be shown to the nearest hundredth of a foot (or seconds of arc for angular dimensions and bearings). Curved boundaries and all curves on the rezoning plat shall include the radius of curve, central angle, chord distance, and bearing. Notation of non-tangent curves with radial bearings shall be shown to all points of non-tangency.
3. Legal description, including total area involved, as certified and signed by the surveyor. The draft plat need not be signed or certified.
4. Title, scale and north arrow. The map shall be titled "Change of Zone Plat [case number]." The Department of Planning Services shall provide the appropriate number.
5. Date of drawing.
6. Current zoning.
7. Proposed zoning.
8. Vicinity Map. The scale of the vicinity map shall be 1 inch equals 2,000 feet (1" = 2,000') or at another suitable scale if approved by the Department of Planning Services and shall indicate the property with respect to adjacent streets/roads, rivers, and other major land features.
9. Irrigation ditches on or within 200 feet of the property.
10. Location of easements, rights-of-way, and other similar interests of record on the parcel and within 50 feet of the parcel.
11. Location of all existing utilities (electricity, gas, water and sewer) on the parcel, as well as within 50 feet of the parcel.
12. Special Flood Hazard Areas on the property.
13. Geologic Hazard Areas on the property.
14. Mineral resource areas on the property.
15. Areas of moderate or severe soil limitations as defined by the Natural Resources Conservation Service or by a soil survey and study prepared by a soils engineer or soil scientist for the uses and associated structures permitted within the proposed zone district.
16. Other information as may be reasonably required by the Department of Planning Services in order to determine that the application meets the standards and policies set forth in this Chapter and in Chapter 22.
17. Signature blocks. (See next page).

Change of Zone (COZ) Certification Blocks

*** To be included on the maps. Do not sign at this time. ***

SURVEYOR'S CERTIFICATION

I, ____, a Professional Land Surveyor in the State of Colorado, do hereby certify that this Change of Zone was prepared by me, or under my personal supervision, and that this plat is an accurate representation thereof, based upon my knowledge, information, and belief. I further certify that this plat complies with all applicable requirements for Change of Zone plats as described in Section 23-2-50 of the Weld County Code.

____ Colorado Professional Land Surveyor #_____ Date: _____
Name, Company

PROPERTY OWNER'S CERTIFICATION

The undersigned property owner(s), being the sole owner(s) in fee of the property described hereon, do(es) hereby request that said property be rezoned from [insert existing zone district] to [insert proposed zone district.]

Signature – Name of Property Owner

Print – Name of Property Owner

State of Colorado
County of _____

The foregoing instrument was subscribed and sworn to be before me this _____ day of _____, ___, by _____.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

BOARD OF COUNTY COMMISSIONERS CERTIFICATION

This is to certify that the Board of County Commissioners, Weld County, Colorado, does hereby confirm, approve, and adopt this Zone Change as shown and described hereon this _____ day of _____, 20____.

Chair, Board of County Commissioners

ATTEST:

Weld County Clerk to the Board

BY: _____ Dated: _____
Deputy Clerk to the Board

Change of Zone (COZ) Planning Questionnaire

Answer the following questions per Section 23-2-50 of the Weld County Code. Please type on a separate sheet. If a question does not pertain to your proposal, please respond with an explanation – do not leave questions blank.

1. Describe the purpose of the proposed Change of Zone.
2. Describe the current and previous use of the land.
3. Describe the proximity of the proposed use to residences.
4. Explain how the proposed rezoning will correct what the applicant perceives as faulty zoning, or how the proposed rezoning will fit with what the applicant perceives as the changing conditions in the area.
5. Explain how the uses allowed by the proposed rezoning will be compatible with the surrounding land uses. Include a description of existing land uses for all properties adjacent to the subject property.
6. Does the soil report indicate the existence of moderate or severe soil limitations? If so, detail the methods to be employed to mitigate the limitations for the uses proposed.
7. Explain how this proposal is consistent with the Weld County Comprehensive Plan per Chapter 22 of the Weld County Code.
8. Explain how this proposal will be compatible with future development of the surrounding area or adopted master plans of affected municipalities.
9. Explain how this proposal impacts the protection of the health, safety and welfare of the inhabitants of the neighborhood and the County.
10. Explain how this proposal complies with Article V and Article XI of Chapter 23 if the proposal is located within any Overlay Zoning District (Airport, Geologic Hazard, or Historic Townsites Overlay Districts) or a Special Flood Hazard Area identified by maps officially adopted by the County.
11. Discuss the existing and proposed potable water source. If utilizing a drinking water well, include either the well permit or well permit application that was submitted to the State Division of Water Resources. If utilizing a public water tap, include a will serve letter from the Water District, a tap or meter number, or a copy of the water bill.
12. Discuss the existing and proposed sewage disposal system is on the property. If utilizing an existing on-site wastewater treatment system (OWTS), provide the OWTS permit number. If there is no permit due to the age of the existing system, apply for a permit through the Department of Public Health and Environment prior to submitting this application. If a new OWTS system will be installed, please state “a new on-site wastewater treatment system is proposed.” Only propose portable toilets if the use is consistent with the Department of Public Health and Environment’s portable toilet policy.

Change of Zone (COZ) Development Review Questionnaire

Answer the following questions per Section 8-11-40, Appendix 8-Q, and Section 8-14-10 of the Weld County Code. Please type on a separate sheet. If a question does not pertain to your proposal, please respond with an explanation – do not leave questions blank.

1. Describe the access location and applicable use types (i.e., agricultural, residential, commercial/industrial, and/or oil and gas) of all existing and proposed accesses to the parcel. Include the approximate distance each access is (or will be if proposed) from an intersecting county road. State that no existing access is present or that no new access is proposed, if applicable.
2. Describe any anticipated change(s) to an existing access, if applicable.
3. Describe in detail any existing or proposed access gate including its location.
4. Describe the location of all existing accesses on adjacent parcels and on parcels located on the opposite side of the road. Include the approximate distance each access is from an intersecting county road.
5. Describe any difficulties seeing oncoming traffic from an existing access and any anticipated difficulties seeing oncoming traffic from a proposed access.
6. Describe any horizontal curve (using terms like mild curve, sharp curve, reverse curve, etc.) in the vicinity of an existing or proposed access.
7. Describe the topography (using terms like flat, slight hills, steep hills, etc.) of the road in the vicinity of an existing or proposed access.

Development Review General Requirements

Access Information

Tips for Selecting Your Access on a Weld County Road (not required for a complete application)

- An Access Permit is required for access onto Weld County maintained roadways. (Weld County Code, Section 8-14-40)
- The location of an access can negatively impact public safety and traffic movement efficiency.
- When feasible there shall be no net increase in the number of accesses onto a County road. (Weld County Code, Section 24-8-40.C)
- Access locations shall comply with the spacing criteria for the road's functional classification. Accesses on both sides of the road should be considered when determining access spacing. (Weld County Code, Section 8-14-30.I)
- Information about the Weld County Functional Classification Map can be found here: <https://www.weld.gov/Government/Departments/Public-Works/Transportation-Planning/2045-Transportation-Plan>
- Accesses should not be located within a horizontal curve if possible.
- Accesses should not be located where it is difficult to see oncoming traffic.
- Select County roads have "Access Control Plans" that have special requirements that you should be aware of. Please check to see if your project's access location is impacted by an Access Control Plan here:
<https://www.weld.gov/Government/Departments/Public-Works/Transportation-Planning/Access-Control-Plans>
- We strongly encourage you to discuss your access with Public Works prior to laying out your site plan to ensure the approved accesses are compatible with your layout.

Change of Zone (COZ) Development Review General Requirements, continued

Important Information to know (not required for a complete application)

- Right-of-way Use Permit. Per Weld County Code, Section 8-13-30.B, a Weld County Right- of-way Use Permit is required for any project that will be occupying, constructing or excavating facilities within, and/or encroaching upon, any county rights-of-way or easement. Right-of-way Use Permit instructions and application can be found at:
<https://www.weld.gov/Government/Departments/Public-Works/Permits>
- Overlapping Easements. Weld County will not replace overlapping easements located within existing right-of-way or pay to relocate existing utilities within the county right-of-way.
- Improvements and Road Maintenance Agreement. Public Works may require an Improvements Agreement for one or all the following reasons:
 - Off-site public improvements
 - Road Maintenance Agreement
 - Construction Maintenance Agreement
 - Access Improvements Agreement
 - On-site improvements for subdivisions/PUDs

An Improvements and Road Maintenance Agreement will detail the approved haul route(s), outline when offsite improvements will be triggered, and include a maintenance agreement for the haul routes. Possible mitigations included in the road maintenance agreement may include, but are not limited to: dust control, specified haul routes, damage repairs, and future improvement triggers. An example agreement is available at:

<https://www.weld.gov/files/sharedassets/public/departments/public-works/documents/usr-spr-permits-improvements-agreement-template.pdf>

Contact List

Access Permits:

Stephanie Flores sflores@weld.gov (970) 400-3718

Improvements Agreements: Jazmyn Trujillo-Martinez jtrujillomartinez@weld.gov (970) 400-3711

Right-of-Way Permits: Amy Mutchie amutchie@weld.gov (970) 400-3764

MS4 Requirements: Lyndsay Holbrook lholbrook@weld.gov (970) 400-3788

Development Review (Engineering):

Mike McRoberts mmcroberts@weld.gov (970) 400-3798

Dan Campbell dcampbell2@weld.gov (970) 400-3808

Aaron Maurice amaurice@weld.gov (970) 400-3588