



Minor Amendment to a Use by Special Review (MUSR) Procedural Guide

Department of Planning Services
1402 N 17TH Avenue, P.O. Box 758, Greeley, CO 80632
www.weld.gov | (970) 400-6100 | Fax (970) 304-6498

Note: A pre-application conference with the Department of Planning Services may be required prior to the submittal of an MUSR application. Please submit a Pre-Application Request form. (Available at [www.weld.gov>departments>planning and zoning>land use applications](http://www.weld.gov/departments/planning_and_zoning/land_use_applications).)

Application Submittal Requirements:

- Application form (see attached).
- Authorization form, if applicable (see attached).
- A certified list of names, addresses and the corresponding Parcel Identification Number(s) assigned by the County Assessor of the owners of property (the surface estate) within 500 feet of the property. The source of such list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within 30 days of the application submission date. (See attached affidavit form.)
- A copy of the most recent deed to the property and, if the applicant is not the property owner, evidence of interest in the subject land held by the applicant, such as a lease agreement, trust documents, Statement of Authority, or similar evidence.
- MUSR map. The applicant shall submit the draft map for preliminary approval to the Department of Planning Services in electronic (.pdf) format. Upon approval, the applicant shall submit a 24" x 36" map on Mylar. (See attached for map requirements.)
- Completed Questionnaire (see attached).
- A copy of a document showing evidence of adequate water supply (e.g., well permit or letter from water district).
- A copy of a document showing evidence of adequate methods of sewage disposal (e.g., septic permit).
- Application fee (\$600.00).
- Investigation fee, due only if this is a violation case. (50% of the application fee.)

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Task	<u>Number of days after submittal of Complete Application</u>
Staff review	60 days
The Director of Planning Services may refer the application to the Board of County Commissioners for its decision following a public hearing	Up to 5 weeks after staff review

Fees

Application fee: \$600.00
Recording Fee: \$43.00
Fees are non-refundable and due when the application is determined to be complete. Fees are set by the Board of County Commissioners. County Staff are 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.

It is the applicant's responsibility to meet the application requirements outlined in Section 23-2-285 of the Weld County Code. No 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 23-2-285 of the Weld County Code. The Director of Planning Services may refer the application to the Board of County Commissioners for its decision following a public hearing. In that case, 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 Board of County Commissioners will consider the application in accordance with 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 proposal prior to applying. Do not attempt to contact 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.

Minor Amendment to a Use by Special Review (MUSR) Code Requirements

Per Section 23-2-285 of the Weld County Code. Words in all CAPS are defined in Section 23-1-90.

Minor amendments to any approved Use by Special Review and Site Specific Development Plan may be approved, approved with conditions, or denied administratively by the Planning Services Director and may be authorized without additional public hearings. Such minor amendments may be authorized by the Planning Services Director as long as the development application, as amended, continues to comply with these standards and regulations, at least to the extent of its original compliance. The Planning Services Director's approval shall be in writing and contain findings of fact.

Once the application that is subject of this section is deemed complete by the Department of Planning Services, the Department of Planning Services shall send the application to applicable agencies listed in Appendix 23-G, as determined by the Department of Planning Services. The failure of any agency to respond within twenty-eight (28) days may be deemed a favorable response. All referral agency review comments are considered recommendations. The authority and responsibility for approval and denial of the amendment rests with the Department of Planning Services.

Review criteria for minor amendments to a Use by Special Review Application and Site Specific Development Plan. To approve a minor amendment, the Planning Services Director shall consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

1. The proposed changes will be compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood.
2. The proposed changes are consistent with the Comprehensive Plan pursuant to Chapter 22 of this Code.
3. The proposed changes will not result in a substantial adverse impact on other property in the vicinity of the subject property.
4. The recommendations of referral agencies have been considered.
5. The proposed change is not deemed to be a major change.
6. The proposed changes shall be consistent with the original development standards.

The Planning Services Director may refer a Minor Amendment to the Board of County Commissioners and schedule a public hearing. If such hearing is scheduled, the staff shall:

1. Arrange for legal notice of said hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices at least ten (10) days prior to the hearing.
2. Give notice of the application and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first-class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.
3. Post a sign on the property under consideration in a location readily visible from the adjacent PUBLIC STREET/ROAD RIGHT-OF-WAY. The sign will be posted at least ten (10) days preceding the hearing date for the Board of County Commissioners' hearing. In the event the property under consideration is not adjacent to a PUBLIC STREET/ROAD RIGHT-OF-WAY, a second sign at the point at which the driveway (access drive) intersects a PUBLIC STREET/ROAD RIGHT-OF-WAY will be posted. The sign posting will be evidenced with a photograph.

Preapplication Conference. It shall be at the discretion of the Department of Planning Services to determine if a preapplication conference is necessary to meet with the applicant and discuss information pertaining to the amendment. The standard preapplication form shall be used.

Site Specific Development Plan and Use by Special Review (USR) Map Requirements. The map requirements for Minor Amendments shall be the same as required in Subsection 23-2-260.D, except that the certificate for the Planning Commission's signature shall be replaced with one for the Director of Planning Services and the certificates for the Board of County Commissioners and the Clerk to the Board are only required if the application is referred to the Board of County Commissioners.

The submittal requirements and review procedures are stated in Section 23-2-285 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

**Minor Amendment to a Use by Special Review (MUSR)
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 Number: _____

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

Zoning District: _____ Acreage: _____ Within subdivision? No / Yes Townsite? No / Yes

If yes, subdivision or townsite name: _____

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

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

Name: _____

Company: _____ Name of proposed business: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

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.

Owner Signature

Owner Signature

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

My commission expires _____

Notary Public

Minor Amendment to Use by Special Review (MUSR) Questionnaire

Answer the following questions on a separate sheet. If a question does not pertain to your use, please respond with "not applicable".

1. Describe, in detail, the proposed amendment to the existing USR. Include, as applicable:
 - a. Any proposed changes to hours of operation, number of employees, parking, landscaping, screening, etc.
 - b. Any changes to the lot surface (e.g. asphalt, gravel, landscaping, dirt, grass, buildings).
 - c. Any changes to the size of stockpile, storage, or waste areas to be utilized, if any.
 - d. Any changes to the type of items stored.
 - e. Any changes to where and how storage and/or stockpile of wastes, chemicals, and/or petroleum will occur on this site.
 - f. Any changes to the fuel storage on site.
 - g. Any changes in air emissions (e.g. painting, oil storage, etc.).
 - h. Any changes from the original application to the traffic generated by the use (average per day, maximum per day, type of vehicles, travel routes, etc.). A traffic study or traffic narrative including a traffic control plan may be required.
 - i. Any increase in the impervious area of the site. A drainage report, preliminary drainage study, or drainage narrative may be required.
 - j. Any changes to the access to the site. An Access Permit may be required.
2. Provide a statement delineating the need for the proposed amendment.
3. Describe the uses surrounding the site and explain how the proposed amendment is compatible with them.

An MSWord (.docx) version of this questionnaire is available by request.

Minor Amendment to Use by Special Review (MUSR) Map Requirements

Submit the draft map for preliminary approval in electronic (.pdf) format. Upon approval, a 24" x 36" map on Mylar will be required along with the recording fee.

Vicinity Map. 1" = 2,000' or another suitable scale if approved by Planning Services.

Delineate all of the following within ½ mile of the subject parcel:

Section, township and range.

Scale and north arrow.

Outline of the perimeter of the subject parcel.

The general classifications and distribution of soils over the parcel under consideration. Soil classification names and agricultural capability classifications shall be noted in the legend.

Locations and names of all streets/roads, irrigation ditches, and water features.

Existing residences, existing and proposed accesses to the subject property, any abutting subdivision outlines and names, and the boundaries of any adjacent municipality.

Any other relevant information.

Plot Plan. 1" = 100' or another suitable scale if approved by Planning Services.

Delineate all of the following within 200 feet of the subject parcel as well as within the parcel itself.

Outline of the perimeter of the subject parcel.

All public rights-of-way of record (including names).

All existing and proposed structures.

All utility easements or rights-of-way for telephone, gas, electric, water and sewer lines.

Irrigation ditches.

Adjacent property lines and respective owners' names (may be shown on vicinity map instead).

All hydrographic features including streams, rivers, ponds and reservoirs (including names).

Topography at ten-foot contour intervals or as determined necessary by Planning.

Location of 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 scientist for the uses and associated structures proposed for the parcel.

Location and design of stormwater management devices or structures.

Complete traffic circulation and parking plan showing locations and sizes.

Location, amount, size and type of any proposed landscape material, including fencing, walls, berms or other screening.

Location of any special flood hazard area, geologic hazard area, or mineral resource areas.

Development standards.

Certification blocks. (See next page).

**FOR COMMERCIAL OR INDUSTRIAL BUILDINGS,
PLEASE COMPLETE THE FOLLOWING INFORMATION:**

Business Name: _____ Phone: _____

Address: _____ City, state, zip: _____

Business Owner: _____ Phone: _____

Home Address: _____ City, state, zip: _____

List up to three persons in the order to be called in the event of an emergency:

Name	Title	Phone	Address

Business Hours: _____ Days: _____

Utility Shut Off Locations:

Main Electrical: _____

Gas Shut Off: _____

Exterior Water Shutoff: _____

Interior Water Shutoff: _____

**Affidavit of Interest Owners
Surface Estate**

I, the undersigned, certify that the attached list is a true and accurate list of the names, addresses, and corresponding Parcel Identification Numbers assigned by the County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the subject property(ies). This list was compiled from the records of the Weld County Assessor, or a person qualified to do the task, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Department of Planning Services.

Subject Property(ies): _____

Signature

Date

Certification Blocks to be added to the MUSR Map

PROPERTY OWNER'S CERTIFICATION

The undersigned property owner(s) do(es) hereby agree to the Use by Special Review Development Standards as described hereon this _____ day of _____, 20_____.

Signature – Name of Property Owner

Signature – Name of Property Owner

DEPARTMENT OF PLANNING SERVICES' ADMINISTRATIVE REVIEW CERTIFICATION

This map is accepted and approved for filing.

Director of Planning Services

Date

If referred to the Board of County Commissioners:

BOARD OF COUNTY COMMISSIONERS CERTIFICATION

This is to certify that the Board of County Commissioners, Weld County, Colorado, does hereby confirm and adopt this Site Specific Development Plan and Use by Special Review and the Development Standards 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