



1041 Areas and Activities of State Interest 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 is required prior to the submittal of this application. Please submit a Pre-Application Request form.

(Available at <https://www.weld.gov/Government/Departments/Planning-and-Zoning/Land-Use-Applications-and-Guides>)

Note: This Procedural Guide is for uses that meet the definition of Areas and Activities of State Interest as listed in the Weld County Code Chapter 21, Article III - 1041 Major Facilities of a Public Utility, and Article VII - 1041 Solar Energy Facilities (SEFs).

Per Section 21-2-200. Application Submittal Requirements

- _____ Application form. (See attached.)
- _____ Articles of Organization or Incorporation documents if the applicant is a corporate entity, and a Statement of Authority/Delegation for the person(s) authorized to sign on the corporation's behalf.
- _____ Authorization form, if applicable. (See attached.) The application must designate all agents for the applicant. The applicant shall be bound by any agreements made by the agent(s).
- _____ 1041 draft map in electronic (.pdf) format. Upon approval, the applicant shall submit a 24" x 36" map for recording on paper once the 1041 has been approved by the Board of County Commissioner. (See attached for map requirements.)
- _____ Project Narrative. (See attached.)
- _____ Traffic Impact Study or Traffic Narrative, at the discretion of the Director of Planning Services or their designee, including a construction haul route map. A construction and road maintenance agreement to mitigate traffic impacts may be required in accordance with Article II, Improvements Agreements, of Chapter 8 of the Weld County Code. (See attached for a list of requirements for traffic.)
- _____ Drainage Narrative or Preliminary Drainage Study pursuant to the requirements of Chapter 8, Article XI of the Weld County Code, at the discretion of the Director of Planning Services or their designee. A preliminary drainage report providing water quality will be required if the project site falls within an MS4 area. See Chapter 8, Article IX, of the Code. Areas may be exempted from impervious surface calculations if compacted soil will be loosened (tilled or otherwise aerated), as determined by the Department of Planning Services. The applicant shall be responsible for ensuring all such areas are revegetated within 12 months of construction and maintained in perennial vegetation to prevent erosion, manage runoff, and build soil. (See attached for a list of requirements for drainage.)
- _____ Municipal Separate Storm Sewer System (MS4) requirements, if applicable.
- _____ Noise study and a noise abatement plan, if applicable, documenting the methods to be utilized to meet the applicable noise standard.
- _____ A Waste Handling Plan.
- _____ A Dust Abatement Plan.
- _____ Decommissioning/Reclamation Plan. The developer is responsible for the decommissioning and reclamation if the proposed use is discontinued. The Decommissioning/Reclamation Plan shall be signed and notarized. (See attached for the Decommissioning/Reclamation Plan requirements.)
- _____ Proof that a water supply will be available which is adequate in terms of quantity, quality, and dependability, if applicable, as determined by Planning Services (e.g. well permit or letter from water district.)

Per Section 21-2-200. Application Submittal Requirements (cont.)

- _____ Sewage disposal documentation, if applicable, as determined by Planning Services (e.g. on-site wastewater treatment system (OWTS) (septic)) permit.)
- _____ Names and addresses of any owner and/or operator of any oil and gas facilities, irrigation ditches/laterals, pipelines, overhead lines, railroad, etc., on the property(ies).
- _____ Buffer Report - SEF/Substation/Power Station. 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 1,320 feet ($\frac{1}{4}$ -mile) of the property(ies). 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. The applicant shall certify that such list was assembled within 30 days of the application submission date. (See attached affidavit form.)
- _____ Buffer Report - Transmission Lines. 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 on either side of the centerline of the proposed alignment, and interest holders (excluding mineral interests) in any real property(ies) proposed to be physically disturbed or crossed by the activity or development which is the subject of the application. 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. The applicant shall certify that such list was assembled within 30 days of the application submission date. (See attached affidavit form.)
- _____ Any other information required by the Board of County Commissioners or the Department of Planning Services and communicated to the applicant. The Board may request the applicant to provide additional information during the public hearing on the application. The applicant may be granted reasonable continuance to provide such information, if the applicant so requests.
- _____ Supplement – SEF. See the SEF Supplement for additional items required for Solar Energy Facility applications.
- _____ Application fee (\$12,000). Note: 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 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.
- _____ Investigation fee, due only if this is a violation case. (50% of the application fee.)

1041 Areas and Activities of State Interest Procedural Guide

It is the applicant's responsibility to meet the application requirements outlined in 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 21-2-260 of the Weld County Code. Upon receipt of a submittal, the Department of Planning Services shall note upon the application the date of its receipt. Within 28 days of submittal, the Department of Planning Services shall determine if the submittal is complete. If the submittal is considered incomplete, the applicant shall be notified of the deficiencies and the deadline to correct the deficiencies, which shall be 120 days. The Director of Planning Services may grant an extension, for good cause shown, upon a written request by the applicant. If no written request is submitted or if the deficiencies are not corrected by the date specified by the Department of Planning Services, the application shall be rejected.

Upon determination of the submittal being complete, the Department of Planning Services shall notify the applicant and refer the application for review and comment to those referral agencies deemed by the Department of Planning Services, in its sole discretion, to be appropriate to the subject matter of the application. Should any agency impose a fee for such review, their fee shall be paid by the applicant no later than the date of the Planning Commission hearing on the application. Referral agencies have 28 days to respond.

Within 90 days of a complete submittal, the Department of Planning Services shall prepare a staff report for the Planning Commission and Board of County Commissioners, which shall address all aspects of the application, its conformance with applicable sections of the Weld County Code or any other ordinance in effect, and comments received from agencies to which the proposal was referred. The staff report shall also be provided to the applicant.

Upon completion of the staff report, the Department of Planning Services shall, within 30 days, set dates for public hearings before the Planning Commission and Board of County Commissioners, notify the applicant of such dates, and arrange for legal notice of said hearings to be published once in a newspaper of general circulation in the County designated by the Board of County Commissioners for publication of notices. The date of the hearing before the Board of County Commissioners shall be not less than 30 nor more than 60 days following the date of publication of the notice. The Department of Planning Services shall notify referral agencies that previously responded with comments of the hearing dates.

The Department of Planning Services will give notice of the application and the public hearing dates to those persons listed in the application as owners of real property located within 1,320 feet of the boundaries of the property proposed to be physically disturbed, or in the case of a linear project extending more than one mile, surface owners of real property within 500 feet on either side of the centerline of the proposed alignment and surface owners of real property to be physically disturbed.

The Department of Planning Services will post one or more signs on the property under consideration with the case number, date, time, and location of the hearings, location and phone number of the Department of Planning Services, applicant's name and address, and type of request. A sign shall be posted adjacent to and visible from a publicly maintained road right of way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. For any linear project more than two miles in length, a sign shall be posted along the proposed route approximately every two miles, or a greater distance if the total number of signs to be posted would be more than ten.

The applicant shall provide written certification required by C.R.S. § 24-65.5-103.3, if applicable. Such certification shall be submitted on or before the date of the initial public hearing (Planning Commission) referred to in C.R.S. § 24-65.5-103(1).

The Planning Commission will consider the application in accordance with Section 21-2-300 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 21-2-310 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.

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

**1041 Areas and Activities of State Interest
Application**

| | |
|--------------------------------|-------------------------|
| Planning Department Use: _____ | Date Received: _____ |
| Amount \$ _____ | Case # Assigned: _____ |
| Application Received By: _____ | Planner Assigned: _____ |

Property Information *(Attach additional sheets if necessary.)*

Proposed use: _____

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

Site Address: _____

Parcel Number: _____ - _____ - _____ - _____ - _____ (Attach additional sheet if necessary.)

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: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

Applicant(s) *(Attach additional sheets if necessary.)*

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/Zip Code: _____

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. I (We) have read and understand the applicable provisions of Weld County's 1041 regulations in Chapter 21 of the Weld County Code. I (We) understand Weld County's 1041 application process and notice/hearings schedule and hereby waive the time requirements and limitations set forth in C.R.S. 24-65.1-501(2)(d). I (We) agree to abide by Weld County's 1041 regulations contained in Chapter 21 of the Weld County Code.

Signature Date Signature Date

Print Print



Departments of Planning
Building and Development Review
1402 N 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 or Grading** 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 Date _____ Owner Signature Date _____

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

My commission expires _____

Notary Public

1041 Timeline per Chapter 21, Article II, Division 2 and Division 3

A. Pre-Application Meeting (Section 21-3-320)

1. Planning Department and Applicant will discuss the project. The extent of interest holders to receive notification of the project will be provided by staff → Within **10 days**

B. Application Intake & Completeness Review (Section 21-2-260)

1. **Receive Application** → Stamp date of receipt.
2. **Completeness Review** → Within **28 days**.
3. **If Incomplete** → Notify applicant of deficiencies
4. **Applicant has 120 days** to correct deficiencies
 - a. Extensions possible if written request & good cause shown.
5. If no request or deficiencies not corrected → **Application rejected**.

C. Application deemed complete → Application fee submitted

1. **Referral Agency Review** → 28 days to respond (no response = favorable).
2. **Fees** (if any) must be paid to the referral agency no later than the **Planning Commission hearing date**.

D. Public Hearings & Notices

1. **Hearing Dates for Planning Commission and BOCC scheduled**
2. **Notification of by Planning Department**
 - a. Owners within **1,320 ft** of disturbed property.
 - b. For linear projects >1 mile → Owners within **500 ft** of centerline and all owners of land to be disturbed.
 - c. Referral Agencies with comments
3. **Notification of mineral owners by the applicant** → per CRS Section 24-65.5-103 (30 days prior to Planning Commission hearing) (Section 21-2-240)

1041 Areas and Activities of State Interest Project Narrative

Planning Questions: Planner on Call (970) 400-6100

Per Section 21-2-200.E. Project narrative. Provide responses to the following questions on a separate sheet. If a question does not pertain to your use, respond with "not applicable".

1. A description of the existing property, including its current and/or previous use and any existing improvements, the proposed project and its improvements, and acreage of areas to be temporarily and/or permanently disturbed.
2. Information about the operator, applicant, designer, engineer, surveyor, and any other consultants or contractors.
3. A description of the project's conformance with the Weld County Code, including, specifically, this Chapter 21 and the Weld County Comprehensive Plan, as well as other applicable regulations, plans, and policies of federal, state, regional, or other affected local governmental agencies.
4. A description of temporary (during construction) and permanent mitigation measures.
5. A description of the need for the proposed project shall be included with the following information, as applicable:
 - a. A description of the relationship of the project to other existing and planned facilities of a similar nature, including those of other entities (local governments, special districts, corporations, etc.).
 - b. A description of the site analysis performed, alternative locations considered, and why the proposed location was selected.
 - c. A description of the cost-benefit analysis of constructing the project as compared to other possible structural (for example, other locations) and nonstructural (for example, conservation) alternatives.
 - d. A description of the relationship of the project to surrounding and nearby land uses, including an analysis of the impact of the project on future development of the area.
 - e. A description of the anticipated economic impact of the development on the area and the County and any efforts to enhance or mitigate those impacts.
6. Environmental impact analysis:
 - a. Describe any anticipated or potential environmental pollution, damage, and/or contamination due to materials used at or activities taking place at the proposed facility, including but not limited to effects on air quality, soils, aquifers, and surface water, and any monitoring proposed.
 - b. Describe procedures to be used in the event of contamination.
 - c. Describe any other pollution control measures to be constructed or implemented.
 - d. Detail the agricultural production capacity of the proposed location and the anticipated impacts from the development.
 - e. Describe the visual impacts of the project on surrounding areas and proposed landscaping or screening and provide photographs showing a simulation of the proposed development.
 - f. Describe any environmental impacts of transportation to and from the project and any proposed road or intersection improvements.
 - g. Describe the anticipated water and energy needs of and sources for the project, including any mitigation efforts such as conservation measures to be implemented on- or off-site. Describe potential impacts of anticipated water use on aquifers or vested water rights.

Continued on the next page.

1041 Areas and Activities of State Interest Project Narrative (cont.)

- h. Identify any sensitive environmental or at-risk areas within or near (within one mile of) the project, including but not limited to:
 - 1) Floodplains, waterways, wetlands, and riparian areas.
 - 2) Woodlands, grasslands, and other wildlife habitat or migratory areas.
 - 3) Known areas of unique geological, historical, ecological, or archeological importance.
 - 4) Public outdoor recreational areas, elder care facilities, and schools.
 - i. Environmental impact analysis of alternative locations may be required.
7. Hazards and emergency procedures:
- a. Describe hazards, if any, of fire, explosion, leak, or other dangers to the health, safety, and welfare of employees and the general public.
 - b. Describe emergency procedures to be used in the event of fire, explosion, leak, or other event that may endanger the public health, safety, and welfare.
 - c. Describe any flood or geologic hazards within or near the project.
 - d. Describe any prevalent natural hazards that will affect or be affected by the development and describe mitigating measures to be taken to reduce danger due to such natural hazards.
8. Projected development schedule:
- a. Estimate maximum number of employees, number of shifts and employees per shift during the construction, operation, and maintenance phases of the project.
 - b. Specify any future phases or extensions of the facility and relationship of the facility (if currently foreseen) to larger programs and plans.
 - c. Specify timetable for planning (e.g., federal permits, other state permits, etc.).
 - d. Estimate beginning and completion of construction and beginning of operation of facility.
9. A description of similar facilities in the area and the region.
10. Transmission Lines Section 21-3-330:
- 1. Provide details on the power source and capacity, heights of proposed facilities, widths of existing or necessary easements, and any other relevant elements of the project.
 - 2. Regional Map. A map (separate from the 1041 Permit Map) of the region showing the nearest power plants, substations, and transmission lines 115 kV or greater.
11. SEF Section 21-7-330:
- 1. Description of similar facilities in the area and the region.
 - 2. Detailed information about the generating capacity of the proposed facility, maximum height of proposed structures, and any proposed battery storage (BESS), overhead electrical lines, or substations associated with the project.
 - 3. Description of weed management measures.
 - 4. Description of grazing or agricultural uses.
 - 5. Description of landscaping and revegetation.
 - 6. Description of any other visual mitigation.

1041 Areas and Activities of State Interest Map Requirements

Submit the draft map for preliminary approval in electronic (.pdf) format. At the time of application, the draft map need not be signed. Upon approval, a 24" x 36" map will be required along with the recording fee.

_____ The map shall include a case number for the title in the format provided by the Department of Planning Services.

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

Delineate all of the following within ½ mile of the area proposed to be disturbed by the project:

_____ Section, township and range.

_____ Scale and north arrow.

_____ Outline of the perimeter of the subject parcel. (For linear facilities, the proposed centerline and width of any corridor to be considered.)

_____ 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 hydrographic features including irrigation ditches/canals, streams, rivers, ponds, and reservoirs, and of all public roads.

_____ Any other relevant information.

_____ Plot Plan. 1" = 100' or another suitable scale if approved by Planning Services. (The exact scale should be determined at the preapplication conference, taking into consideration the type and size of the proposed project, as well as the type and complexity of the information to be mapped.)

_____ Boundaries of the area to be disturbed by the project and the limits of existing or anticipated temporary construction easements or permanent easements relating to the project. If the 1041 Permit will not encumber an entire lot or lots, the dimensions of the boundaries of the project area shall be labeled.

_____ All recorded easements on the subject property shall also be shown and referenced with the date, reception number, and purpose of the easement.

_____ Property lines and respective owners' names (may be shown on vicinity map instead). Land within 200 feet of the project shall be shown.

_____ All existing and proposed structures, excluding signs but including fences and all other proposed improvements. For proposed buildings, provide dimensions and approximate distances to the nearest property line. Elevation drawings may be required.

_____ All adjacent public road rights-of-way of record (including road names and reception numbers or other information on the creation of the right-of-way). Limits of the existing gravel or pavement shall be shown.

_____ Existing and proposed access(es) including use classification, radii, and width.

_____ All hydrographic features including irrigation ditches/canals, streams, rivers, ponds, and reservoirs (including names).

_____ Location and design of proposed stormwater management improvements.

_____ Location of any special flood hazard area, geologic hazard area, airport overlay district.

_____ Proposed lighting including locations and a dimensioned elevation drawing of any light poles and the cutsheet of any light fixture including the shield design.

1041 Areas and Activities of State Interest Map Requirements (cont.)

- _____ Parking and circulation, showing surface material and locations and sizes of parking spaces. The total number of parking spaces and maximum number of employees on-site at any given time shall be provided.
- _____ Any other relevant information as may be reasonably required by the Department of Planning Services to meet the intent and purpose of Chapter 21.
- _____ Landscaping and screening plan. Show the location and indicate the size and material of any existing and proposed landscape material, including, but not limited to, plants, groundcover, revegetation, and any fencing, walls, berms, or other screening. Elevations with height information may be required for screening. Provide total numbers.
- _____ 1041 SEFs only: Indicate the location of all residences within 1,320 feet (¼-mile) of the boundary of the Improved Area and the approximate distance between each residence and the boundary. The map shall also show any existing and proposed landscaping, fences, or other screening between the residences and the Improved Area.
- _____ Name, address, and telephone number of the applicant, designer, engineer, surveyor, and any other consultants of the applicant.
- _____ Date of preparation, revision box, written scale, graphic scale and north arrow for each map.
- _____ Certification blocks. (See next page).

1041 Areas and Activities of State Interest Decommissioning / Reclamation Plan

Planning Questions: Planner on Call (970) 400-6100

Per Section 21-2-200.L. Provide a signed and notarized Decommissioning / Reclamation Plan. Include the following:

1. Signed and notarized Decommissioning/Reclamation Plan. The developer is responsible for the decommissioning and reclamation if the proposed use is discontinued.
2. Include a description of the projected useful life of the project, anticipated maintenance requirements, funding source for maintenance, potential for future upgrading of equipment, etc.
 - a. Include an estimate of costs associated with dismantling, recycling, and safe disposal of facility components and site reclamation of decommissioning and reclamation, including the following elements:
 - b. Removal of all structures, including, but not limited to, fencing, equipment, conduits, foundations, roads, etc., unless any such items (specify which) will be owned by the property owner, and the property owner agrees in writing that they may remain on the property after decommissioning.
 - c. All labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site.
 - d. All costs associated with full reclamation of the facility site, including removal of non-native soils and weeds and establishment of native grasses. Soils of each area of direct impact shall be materially similar to or better than the condition they were before construction. Noxious weeds, as defined in Chapter 15 of the Weld County Code, shall be eliminated.
 - e. Costs of all decommissioning/reclamation activity management, site supervision, site safety.
 - f. Any other costs, including but not limited to administrative costs, associated with the decommissioning and reclamation of the facility site.
3. The Department of Planning Services may require the Decommissioning/Reclamation Plan to be updated if the plan on file is more than five years old.
 - a. Security to implement the Decommissioning/Reclamation Plan may be required as a condition of approval, particularly for any development or activity with a projected useful life of less than 50 years.
 - b. Such security shall conform to the requirements of Section 8-2-40, Acceptable Types of Collateral, of the Weld County Code, and shall amount to 100 percent of the total cost of decommissioning and reclamation.
 - c. The Board of County Commissioners of Weld County shall be named as the sole beneficiary of the security.
 - d. The security shall contain an automatic extension provision or "evergreen clause" and shall be "bankruptcy remote", meaning the security will be unaffected by the bankruptcy of the applicant or operator.
 - e. Decommissioning/reclamation shall commence within 12 months of the facility permanently ceasing operation. The Director of Planning Services may issue a six-month extension upon written request, after which the Board of County Commissioners may issue an extension upon written request. Work shall begin promptly upon notice by the Board of County Commissioners and shall be completed within 12 months of such notice. Weld County shall have the right to draw upon the security after 90 days following such notice from the Board for failure to commence, maintain progress, or complete the decommissioning/reclamation.
 - f. Upon completion of Decommissioning/Reclamation Plan, written request for release of any security held by the County may be submitted to the Department of Planning Services, which shall inspect the site for compliance. Upon satisfactory completion of the decommissioning and reclamation, staff shall schedule the request for consideration by the Board at a regularly scheduled public Board meeting and notify the applicant of the hearing date and time. The security shall be released after final written acceptance by the Board.

1041 Areas and Activities of State Interest Traffic

Traffic Narrative:

Include a traffic narrative with the information below. A traffic impact study may be required. Improvements to adjacent streets/roads may be necessary to provide adequate safe and efficient transportation to and from the site. An Improvements Agreement may be required.

- a. The projected number of vehicle trips (average per day, maximum per day, peak hour data) to and from the site and the type of vehicles (passenger, semi-truck, etc.).
- b. Describe how many roundtrips/day are expected for each vehicle type: Passenger Cars/Pickups, Tandem Trucks, Semi-Truck/Trailer/RV (Roundtrip = 1 trip in and 1 trip out of site)
- c. Describe the expected travel routes for site traffic.
- d. Describe the travel distribution along the routes (e.g. 50% of traffic will come from the north, 20% from the south, 30% from the east, etc.)
- e. Describe the time of day that you expect the highest traffic volumes to and from the site.

Development Review will review the Traffic Narrative and advise the applicant if more information or an engineered traffic impact study is required.

Traffic Impact Analysis

Purpose and Overview

A Traffic Impact Study (TIS) is required to analyze the effects of a proposed development or other land use action on the transportation system in order to determine if adequate public facilities exist to serve the proposed development, and to clearly identify any improvements required to mitigate the impacts on the transportation system.

Traffic Impact Study Area

Traffic impacts shall be analyzed within the traffic impact area. The determination of a traffic impact area is done on a case-by-case basis; however, at a minimum the limits of the study should include:

1. Internal roads.
2. Adjacent roads.
3. Access locations and/or new intersections.
4. Off-site roads to the nearest paved County collector or arterial road or state highway.
5. Off-site roads where traffic from the proposed development or land use action will account for at least 20% of the average daily traffic upon build-out.
6. Off-site intersections where traffic from the proposed development or land use action:
 - a. Contributes a 10% impact of the peak hour traffic on any approach leg of an intersection where the intersection is operating at a level of service (LOS) C or better upon build-out.
 - b. Contributes a 5% impact of the peak hour traffic on any approach leg of an intersection where the intersection is operating at a LOS D or worse upon build-out.
 - c. Impacts a specific turning movement that currently does not have an auxiliary turn lane by at least 50% of the peak hour volume warrant for an auxiliary turn.

1041 Areas and Activities of State Interest Traffic (cont.)

Traffic Impact Study (TIS):

A full TIS is required for any proposed development or land use zoned Commercial or Industrial, any residential subdivision greater than nine (9) lots, or when determined necessary by the Engineer. The TIS should address impacts to on-site and off-site roadways and highways within the County and shall be prepared, stamped, and signed by a professional engineer licensed in the State of Colorado. The TIS shall include, at a minimum, the following information:

1. Describe the traffic impact area, including at a minimum those elements described in the traffic impact study area section of this document.
2. A location map showing the development site, the boundaries of the traffic impact area, and all roads, intersections, bridges or other roadway structures in the traffic impact area.
3. Define the following study horizons for the Full Traffic Impact Study: the existing (current), short range, and long-range horizons.
 - a. Existing Horizon: The intent is to establish a baseline traffic condition.
 - b. Short Range Horizon: The intent is to evaluate the immediate impacts of the project on the transportation system. The short-term horizon year is defined as the point of full buildout of the proposed development or land use action. If the project is proposed to occur over multiple phases, the impacts shall be analyzed at the point of full buildout of each phase. In no case shall the short-range horizon exceed five (5) years.
 - c. Long Range Horizon: The intent is to evaluate the impacts of the fully developed project in the context of regional transportation planning efforts. The long-term impacts are analyzed as of the end of the current Regional Transportation Plan 20-year planning horizon.
4. Identify the existing, approved, and proposed land uses within the traffic impact area.
5. Describe existing traffic conditions within the traffic impact area, including average daily traffic volumes for roadways and a.m. and p.m. peak hour levels of service for intersections.
6. For short-range traffic projections, provide references, calculations and data sources for all trip generation estimates. The trip generation results shall be shown in a table with the following information:
 - a. Land Use.
 - b. Unit of Measurement (for example, per dwelling unit, per 1000 s.f., etc.).
 - c. Total number of units.
 - d. Trip generation rates per unit for average daily traffic and peak hour volumes.
 - e. Total number of trips generated for average daily traffic and a.m. and p.m. peak hours.
7. Short-range and long-range traffic projections must also include forecasts for the growth in background traffic.
8. Provide trip distribution estimates for the roads and intersections in the traffic impact area.
9. Present the volumes for short-range and long-range traffic including the projected traffic for the proposed development or land use action for the a.m. and p.m. peak hour and average daily conditions. These volumes must include turn movements at intersection as well as volumes for roads in the traffic impact area.

1041 Areas and Activities of State Interest Traffic (cont.)

10. Analyze the adequacy of the transportation system to handle the projected traffic for short- range and long-range planning years. Key elements in this analysis should include:
 - a. Generalized daily traffic volume level of service for roadways.
 - b. Intersection levels of service for a.m. and p.m. peak hours.
 - c. The appropriateness of access locations and if necessary, a traffic signal warrant analysis.
 - d. The need for auxiliary lanes (turn lanes, deceleration and acceleration lanes), including explanations of how acceleration/deceleration lengths, storage lengths, and taper lengths were determined.
 - e. Sight distances.
11. Provide a summary of conclusions and recommendations from the Full Traffic Impact Study, including at least the following items:
 - a. A summary listing of traffic impacts from the proposed development on existing and proposed roads and intersections within the traffic impact area.
 - b. A summary listing of the improvements needed to assure adequate service and safety levels on the roadway system affected by the proposed development. Identify and describe each proposed improvement, how and when it will be funded, and expected completion dates.
12. Any reasonable additional information deemed necessary for review – special considerations.

Development Review will review the TIS and advise the applicant if more information is needed or provide technical comments on the submittal.

1041 Areas and Activities of State Interest Access

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.
- 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 Development Review prior to laying out your site plan to ensure the approved accesses are compatible with your layout.

MS4 Information *(This section applies if the site is in an MS4 area.)*

Some Weld County parcels are located in Municipal Separate Storm Sewer System (MS4) areas that have special requirements. To learn more about MS4 and to find out if your parcel is in the MS4 go here:

<https://www.weld.gov/Government/Departments/Public-Works/Stormwater>

If the site is located within a Weld County Municipal Separate Storm Sewer System (MS4) area special requirements apply as specified in Chapter 8, Article IX, of the Weld County Code. A preliminary drainage report with water quality is required for application to be considered complete.

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.
- Tracking Control. Per Weld County Code, Section 8-14-50.D, your project may require permanent or temporary tracking control to prevent mud or debris from being tracked onto a county road. For information about tracking control go here:
https://library.municode.com/co/weld_county/codes/charter_and_county_code?nodeld=CH8PUWO_ARTXIVROACPO_S8-14-50PEHOGERE

- Improvements and Road Maintenance Agreement. Development Review 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>

- Grading Permit. Per Weld County Code, Section 8-12-30.B, a Weld County Grading Permit will be required if disturbing more than one (1) acre unless your project qualifies for a grading exemption. To learn more about grading permits or to see if your project qualifies for an exemption go here:
https://library.municode.com/co/weld_county/codes/charter_and_county_code?nodeId=CH8PUWO_ARTXIIIGRPEPO
- Construction Stormwater Permit. A Construction Stormwater Permit is also required with the State for disturbing more than one (1) acre. Contact: Colorado Department of Public Health and Environment, Water Quality Control Division, Permit Support Staff at: 303-692-3517.

1041 Areas and Activities of State Interest Drainage

Drainage Narrative and Exceptions

If the site does not qualify for an exception, the following applies:

1. A Drainage Report summarizing the detention pond design with construction drawings and maintenance plan shall be completed by a Colorado Licensed Professional Engineer and adhere to the drainage related sections of the Weld County Code.
2. The Drainage Report must include a certification of compliance, which can be found on the Development Review website, stamped and signed by the PE. (See the attached Drainage Report Review Checklist.)

Drainage Narrative Section 8-11-45.

A. Exception criteria. Exceptions to stormwater detention shall not jeopardize the public health, safety, and welfare of public and private property. No stormwater detention will be required for sites that meet any of the following conditions. Requirements of the Municipal Separate Storm Sewer System (MS4) areas remain applicable. Weld County will confirm if the development qualifies for an exception based upon the information provided by the applicant. Exception requests shall be supported with an approved drainage narrative, which must describe the following minimum criteria:

1. The exception being requested for consideration. (See exceptions list under B.)
2. Any existing and proposed improvements to the property.
3. Where the water originates if it flows onto the property from an off-site source.
4. Where the water flows as it leaves the property.
5. The direction of flow across the property.
6. Previous drainage problems with the property, if any.
7. The location of any irrigation facilities adjacent to or near the property.
8. Any additional information pertinent to the development.

B. Exceptions. Uses that can be excepted from stormwater detention are limited to the following:

1. Use by Right or Accessory Use in the A (Agricultural) Zone District.
2. Zoning Permits for accessory storage, commercial vehicles, home occupations, or manufactured homes in the A (Agricultural) Zone District.
3. A second dwelling permit in the A (Agricultural) Zone District.
4. Towers including, but not limited to, wind and telecommunication towers.
5. Pipelines or transmission lines, excluding laydown yards, metering sites, substations, and any other above ground appurtenances.
6. Gravel pits if the stormwater drains into the gravel pit. Releases from the site shall comply with the Weld County Engineering and Construction Criteria, including dewatering. Topographical information shall be provided.
7. Residential developments with no historic flooding where all the following conditions exist. This exception shall be supported by calculations provided by the Applicant. Additional information may be requested and will be signed and stamped by a Colorado Licensed Professional Engineer:
 - a) Nine (9) lots or fewer.
 - b) The minimum lot size is equal to, or greater than, three (3) acres per lot.
 - c) The total post-development imperviousness for the rural residential development does not exceed ten percent (10%), assuming that all internal roads and driveways are paved.

1041 Areas and Activities of State Interest Drainage (cont.)

8. Development of sites where the change of use does not increase the imperviousness of the site. Note: This exception cannot be applied to sites where impervious surfaces were added for, or in conjunction with, a business that is/was operating in violation and/or without the required Weld County land use permit.
9. A parcel of land or project where the “total developed stormwater runoff” from the 100-year, 1-hour storm is less than, or equal to, five (5) cfs. The “total development stormwater runoff” includes cumulative runoff from the proposed project site plus runoff from any previously developed project site on the subject parcel. A project site is the area of land that lies within the project’s limits of disturbance during construction. This exception shall be supported by calculations signed and stamped by a Colorado Licensed Professional Engineer.
10. In-fill development parcels with total area less than, or equal to, one (1.0) gross acre.
11. An individual parcel with an unobstructed flow path and no other parcel(s) between the channel within a Federal Emergency Management Administration (FEMA) regulatory floodplain channel and the project.
12. A parcel greater than one (1) gross acre and less than, or equal to, five (5) gross acres in size is allowed a onetime exception for a new four thousand (4,000) sq. ft. of 100% impervious area or equivalent imperviousness. (See Appendix 8-Q in the Weld County Engineering and Construction Criteria Manual for impervious value percentages.)
13. A parcel greater than five (5) gross acres in size is allowed a onetime exception for a new nine thousand (9,000) sq. ft. of 100% impervious area or equivalent imperviousness. (See Appendix 8-Q in the Weld County Engineering and Construction Criteria Manual for impervious value percentages.)
14. Concentrated Animal Feeding Operation (CAFO), Animal Feeding Operations (AFO) and Housed Commercial Swine Feeding Operation (HCSFO) which are covered and approved by the Colorado Discharge Permit System (CDPS) regulations. Portions of the site not included or covered by the CDPS permit, shall comply with the Weld County Storm Drainage Criteria.

Drainage Report Requirements

A preliminary drainage report and detention pond design shall be submitted with your application materials. To have a complete application, the preliminary drainage report shall include detailed information for all highlighted items on the attached Drainage Report Checklist. (It is possible that your project qualifies for an exception to stormwater detention per Weld County Code, Section 8-11-40.I. If determined as such, a drainage narrative as described in the aforementioned Code shall be provided. All eight narrative items must be addressed for a complete application.)

If using the Rational Method to calculate your site’s historic and developed stormwater runoff, coefficients and spreadsheets located on the Weld County website shall be used. Links for downloads are provided below. Please note that Urban Drainage Full Spectrum Detention is **not** allowed.

Urban Drainage Rational Section:

https://www.weld.gov/files/sharedassets/public/departments/public-works/documents/urban-drainage_rational-section-2007.pdf

Rational Method Coefficients, C:

<https://www.weld.gov/files/sharedassets/public/departments/public-works/documents/pages-from-050-chapter-05-runoff-2008-04-rev.pdf>

Peak Runoff Prediction Workbook – Rational Method:

<https://www.weld.gov/files/sharedassets/public/departments/public-works/documents/ud-rational-v1.02a.xls>

Urban Drainage Storage (Modified FAA Method for Pond Sizing):

https://www.weld.gov/files/sharedassets/public/departments/public-works/documents/urban-drainage_storage-2011.pdf

Detention Pond Basin Volume Estimating Spreadsheet for Modified FAA Method:

https://www.weld.gov/files/sharedassets/public/departments/public-works/documents/ud-detention_v2.35.xls

1041 Areas and Activities of State Interest Drainage (cont.)

Tips for Preparing a Successful Preliminary Drainage Report:

- The County requires detention as the default for ponds. Retention ponds are allowed only when the site topography does not allow for outfall location. Per Weld County Code, Section 8-11-40.C., a variance will need to be requested to the County Engineer for a retention pond design. The variance process requires additional time for review.
- Urban Drainage Full Spectrum Detention is NOT allowed.
- The County requires detention ponds be sized using the historic runoff value (5-year runoff for urbanizing; 10-year runoff non-urbanizing) as the pond release rate during the 100-year, 1-hour storm event. The County classifies a site as “Urbanizing” if it falls within ¼ mile of a municipal boundary.
- When calculating the weighted C value for the proposed site, please model the pond water surface area using a 100% impervious value.
- All historic basins should be modeled using 2% imperviousness.
- The Regional Tc ((total length/180)+10) should not be used in calculation of historic runoff.
- The WQCV can be included within the detention volume.
- Contact Weld County Development Review if you have questions.

Drainage Report Checklist



Project Name:

The purpose of this checklist is to assist the applicant's Engineer with developing a drainage report that supports the intent of the Weld County Code using commonly accepted engineering practices and methodologies.

Is the project in the **MS4**? Yes No If yes, the following requirements [in blue](#) apply. See Chapter 8, Article IX of the Weld County Code.

Report Content

- Weld County Case Number
- Certificate of Compliance signed and stamped by a Colorado Licensed PE
- Description/Scope of Work
- Location (County Roads, S-T-R)
- Nearby water features and ownership
- Total acres vs. developed acres
- Hydrological soil types/maps
- FEMA Flood Zones
- Urbanizing or non-urbanizing
- Methodologies used for report & analysis (full spectrum is not accepted)
- [Base Design Standard used for permanent control measure design in the MS4](#)
- Discussion of offsite drainage routing
- Conclusion statement indicating that the design will adequately protect public health, safety, and general welfare and have no adverse impacts on public rights-of-way or offsite properties

Hydrology and Hydraulic Analysis

- Design Storm / Rainfall Information (NOAA Atlas or Local Data)
- Release Rate calculations
- Post construction site imperviousness
- Hydrologic calculations (historic & developed basins)
- Hydraulic calculations for proposed drainage improvements (swales, culverts, riprap, pond, outlet, spillway, WQCV outlet, etc.)
- Detention/WQCV calculations

Comments:

Construction Drawings

- Stamped by PE
- Engineering scale & north arrow
- Property lines, rights-of-way, and easements
- 1' Contours & elevations (existing & proposed)
- Pre- and post-development drainage basins
- Arrows depicting flow direction
- Time of concentration critical path
- Drainage design points
- Improvements labeled
- Permanent control measure and associated drainage features labeled 'No Build/No Storage', include design volume
- Cross sections for open channels, profiles for pipes
- Elevations for inverts, flow lines, top of grates, orifice(s), etc.
- Pipe specs (size, material, length, slope)
- Outlet and spillway details

Maintenance Plan

- Frequency of onsite inspections
- Repairs, if needed
- Cleaning of sediment and debris
- Vegetation maintenance
- Manufacturer maintenance specifications, if applicable

Other Required Documents (If Applicable)

- Variance Request and documentation– explain hardship, applicable code section, and proposed mitigation. [Variances will not be granted for the Base Design Standard requirement in the MS4.](#)

**AFFIDAVIT OF INTEREST OWNERS – 1041 MAJOR FACILITY OF PUBLIC UTILITY
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...

(Check as applicable:)

_____ 1,320 feet of the subject property(ies)

_____ 500 feet of the centerline of the proposed alignment (for transmission lines).

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