

## **Part II**

### **Section 17**

#### **Uses Permitted by Special Review**

PART II, SECTION 17: USES PERMITTED BY SPECIAL REVIEW

A. INTENT

The following uses may be permitted in the designated districts upon approval by the Board of County Commissioners, following a public notice and hearing as described in this Section and subject to such conditions and safeguards as may be imposed by the Board of County Commissioners in order for the uses to be in harmony with the character of the surrounding neighborhood and to comply with the general purpose of this Regulation. Uses by Special Review shall be permitted for a duration of time specified by the Board of County Commissioners or until the land use changes or is terminated, whichever occurs first. Each use will be reviewed annually, for verification of use and compliance with permit stipulations, if any. The review date will be the anniversary of the issue date or a date set by the Board of County Commissioners.

1. Agriculture recreational uses: Such facilities are to be designed and primarily used for equestrian and other activities of agriculture, education, entertainment and sporting purposes and may allow gate admission to be charged.
2. Aircraft related recreational facilities: Provided that such facilities are located so as not to present any conflict with surrounding residents, schools, churches, places of public assembly, power or transmission lines or any preexisting airport influence area.
3. Airports and heliports: Both must comply with all FAA restrictions and requirements. Airports must be located at least one thousand (1,000) feet from all property lines, measured from the ends and center point of the runway. Runways shall be so oriented that aircraft landing and taking off do not pass directly over dwellings, schools, churches or other places of public assembly. Heliports are to be located at least 1,000 feet from all property lines, measured from the center of the helipad, and at least 1,000 feet from existing residential uses.
4. Animal Shelters: All recommendations of the Colorado Department of Health, Department of Agriculture, Planning Commission or other appropriate agencies shall be complied with regarding feed, water, shelter, confinement, exercise and health care unless specifically waived by the Planning Commission and Board of County Commissioners of Elbert County.
5. Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communication system uses.





General Considerations:

- a. All antenna support structures shall meet all Elbert County setback requirements and the base of the structure shall be no closer to the property boundary than the height of the structure. All guy wires shall be placed on the applicant's property and must be protected from livestock, vehicles and pedestrians.
- b. Based on Federal Communications Memorandum, Opinion and Order PRB-1, local governments are allowed to promulgate and enforce restrictions that are needed only for safety or historic preservation, not for aesthetic conditions. Federal Communications Commission Memorandum, Opinion and Order PRB-1 are incorporated herein by reference.
- c. Subdivision Codes, Covenants and Restrictions shall not be abrogated by Elbert County Zoning Regulations.
- d. FOR ANTENNA SUPPORT STRUCTURES FROM 20 TO 75 FEET ABOVE GROUND LEVEL:

Antenna support structures are permitted as an accessory use "by right" of the zoning district.

Prior to erection of any antenna support structure from 20 to 75 feet, a building permit shall be obtained. To obtain a building permit the applicant shall:

1. Present a site plan, which shows the proposed location of the antenna support structure and its relationship to existing or proposed buildings, driveways, public roadways and overhead electric or telephone utility lines. The site plan must be drawn to an indicated scale, but need not be prepared by an architect or engineer.
  2. Drawing(s) of the proposed antenna support structure showing details of the base foundation, guy wire details (if applicable), anchor and base grounding details and safety features such as "anti-climb" and "danger - watch for wires" signs. Manufacturer supplied drawings containing the above information are acceptable.
- e. FOR ANTENNA SUPPORT STRUCTURES FROM 75.01 TO 120 FEET ABOVE GROUND-LEVEL:

Applications for antenna support structures in the height category of 75.01 to 120 feet shall be subject to an "Administrative Special Use Review".

The Administrative Special Use Review process shall be as follows:

1. The applicant shall meet with the Community and Development Services informally to discuss the request and determine the requirements.
2. A formal application shall be submitted to Community and Development Services and shall consist of the following:
  - a) A completed application form.



- b) Proof of ownership of the land on which the application is requested.
- c) Application fee - see current fee schedule.
- d) A Narrative addressing the following issues:
  - 1) Certification by a Registered Professional Engineer that the proposed installation meets the requirements of the Uniform Building Code and the National Electric Code with respect to grounding.
  - 2) Name and address of the owner(s) if different than the applicant, along with an Elbert County "Disclosure Form".
- e) Site Plan Exhibit
  - 1) Present a site plan, which shows the proposed location of the antenna support structure and its relationship to existing or proposed buildings, driveways, public roadways and overhead electric or telephone utility lines. The site plan must be drawn to an indicated scale showing north arrow and prepared on an 8-½" X 11" minimum sheet, name of person preparing plan and a vicinity map showing the surrounding area within a 2-mile radius but need not be prepared by an architect or engineer.
  - 2) Drawing(s) of the proposed antenna support structure showing details of the base foundation, guy wire details (if applicable), anchor and base grounding details and safety features such as "anti-climb" and "danger - watch for wires" signs. Manufacturer supplied drawings containing the above information are acceptable.
  - 3) Community and Development Services shall review the application within ten (10) working days.
  - 4) Upon receiving notification from Community and Development Services that the application is complete, the applicant shall mail the following notice by certified return receipt mail to owners of property adjacent to, and within thirteen hundred twenty feet (1320'), of the property as shown in the records of the office of the Elbert County Assessor. The notice shall be mailed at least fifteen (15) days prior to the action date.



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### NOTICE OF ACTION

“Special Use Review for \_\_\_\_\_.”

“Notice is hereby given that on \_\_\_\_\_ (day of week) \_\_\_\_\_ (date/month), 20\_\_ at \_\_\_\_\_ (time - AM/PM) the Community and Development Services Director will act upon the Special Use Review application on file with the Elbert County Community and Development Services, Kiowa, CO, 303-621-3136 by \_\_\_\_\_ (name of applicant) pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately \_\_\_\_\_ (distance and direction from nearest major intersection). Any comments must be submitted in writing to the Elbert County Community and Development Services, P.O. Box 7, Kiowa, CO 80117, by \_\_\_\_\_ (date).”

Project name and number:

Legal description of property:

Reason:

Date of application:

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- 5) At least five (5) days prior to the action date the applicant shall submit to Community and Development Services:
  - a) The white postal receipts from the notices mailed.
  - b) A copy of the notice mailed.
  - c) An alphabetical list and a map illustrating the location and proximity of owners of property adjacent to, and within thirteen hundred twenty feet (1320'), of the property under consideration.
- 6) By the action date the applicant must submit, to Community and Development Services, the green postal receipts.
- 7) Any party wishing to object to the decision made by Community and Development Services shall file their objection(s) within fifteen (15) days from the action date. The letter of appeal will be submitted to Community and Development Services. Community and Development Services will forward the appeal to the Board of County Commissioners.

f. FOR ANTENNA SUPPORT STRUCTURES HIGHER THAN 120.1 FEET:

Applications for antenna support structures whose height exceeds 120 feet shall be subject to the regular applicable “Special Use Review” procedures.

If applicable, evidence must be presented indicating that the proposed structure meets the requirements of the Federal Communications Commission and the Federal Aviation Administration.



6. Automobile service stations with gasoline pumps.
7. Banks with drive-in facilities.
8. Bird Foundation and Rescue.
9. Caretaker residence.
10. Cellular Communications Facilities Special Use Review Approval Standards

- a. Intent - To provide Special Use Review approval standards for cellular communication facilities to ensure compatibility with surrounding development and environment and compliance with the Elbert County Master Plan. Appropriate siting of cellular communication facilities will positively influence community property values while ensuring compatibility with surrounding uses and help protect the environment. The unique and diverse landscapes of Elbert County are among its most valuable assets. Protecting these assets will require that location and design of cellular communication facilities be sensitive to, and in scale and harmony with, the character of the landscape of Elbert County.

A cellular communication facility is defined as a low-power, unmanned facility providing wireless telecommunication including, but not limited to, paging, enhanced specialized mobile radio (ESMR), personal communications service, (PCS), commercial radio service (CMRS), cellular telephone and similar technologies within a network of interconnected sites.

- b. General policies - Facilities should be located in the following order of preference:
  - 1) Existing structures, e.g. buildings, communication towers, water towers, smokestacks, windmills, silos, sign structures and light standards.
  - 2) In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening or backdrop.
  - 3) On more visible sites where screening or buffering is difficult at best.

No more than three (3) antenna support structures should be located in proximity to each other in any part of Elbert County, so as to have the least visual impact on the surrounding area, while still allowing the facility to function consistent with its purpose. Exceptions will be granted only under extraordinary circumstances.

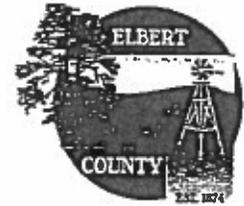
- c. General Approval Standards - The Special Use Review will be approved upon the finding that:
  - 1) The facility is architecturally and visually (color, bulk, size, etc.) compatible with surrounding land uses, buildings, structures and vegetation in the area or those likely to exist under the terms of the underlying zone district.
  - 2) The highway corridor viewshed, defined as the area ½ mile on either side of State Highway 86, State Highway 24 or Interstate 70 or surrounding residential view corridors or special landforms have been preserved.



- 3) The facility is designed to be compatible with the surrounding areas and does not dominate the landscape.
  - 4) The facility is not a dominant silhouette on a ridge line.
  - 5) Existing vegetation has been preserved or improved and disturbance of the site has been minimized unless such disturbance to vegetation and topography results in less visual impact to the surrounding area.
  - 6) The applicant has demonstrated that the proposed site fits into the overall network of service that is provided by the applicant.
  - 7) The facility meets the definition of utility service facility-cell site and other applicable standards of the zone district of which it is located.
  - 8) A landscaping plan and/or solid wood fence may be required to screen or buffer a structural tower.
- d. Abandonment - The facility owner shall notify Elbert County Community and Development Services with a letter of confirmation every 180 days that the facilities are in use. The facility owner will remove cellular communication facilities that are not in use for 180 days for cellular communication purposes. This removal shall be restored to blend in with the existing surrounding landscape and vegetation. Failure to comply with this portion of the Regulations will subject the facility owner to the then current zoning violation fee.
- e. Special Use Review Requirements - All of the special use review requirements and procedures contained in Part II, Section 18 will be followed, except for antennas and whip antennas.



# COUNTY OF ELBERT



## COMMUNITY & DEVELOPMENT SERVICES

P.O. BOX 7  
215 COMANCHE STREET  
KIOWA, COLORADO 80117  
303-621-3136 FAX: 303-621-3165  
cds@elbertcounty-co.gov

A Co-Locate Permit is primarily to allow Co-Locating of antennas on existing tower structures, swap outs of equipment, and upgrades 30 Jul 2011

A Co-Locate Permit may be issued under the following circumstances:

1. No zoning changes are to take place.
2. No site changes may be undertaken except that associated equipment shelters may be provided. A building permit would be required for the shelters if they were greater than 120 square feet in area. Equipment repair or update is permissible.
3. Only antenna equipment to be mounted on an existing tower structure may be permitted with this process.
4. Applicant agrees to provide Community & Development Services with
  - a. GPS coordinates,
  - b. A Structural Report, verifying that the tower structure can safely support the additional antenna / antenna replacement and stamped by a Certified Engineer licensed in Colorado.
  - c. Fee = \$1000.00 -- See current Fee schedule
  - d. Penalty for not following permit process = \$2000.00.
  - e. Annual Report about condition of the tower, any changes in equipment or ownership and a current photo.
5. Applicant agrees to attach, on the fence securing the tower, a 3" x 8" metal sign marked with
 

a. GIS "coordinates,"	b. "call letters,"
c. Emergency contact number and	d. Address of the tower.

The Signature of the Applicant certifies compliance with items 1, 2, and 3 and having provided item 4, and agreed to item 5.

"Printed" Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

"Signed" by Applicant \_\_\_\_\_

The Signature of a representative of Community & Development Services certifies compliance with of Item 4 and agreement by the Applicant to 5.

"Printed" Name of CDS representative \_\_\_\_\_ Date \_\_\_\_\_

"Signed" by CDS representative \_\_\_\_\_



f. Approval Standards in the A, A-1, A-2 and AR Zone Districts - The following standards shall apply to facilities located in the Agriculture (A), Agricultural-One (A-1), Agricultural-Two (A-2) and the Agricultural Residential zone districts.

1) Support Structures (A, A-1, A-2 & AR) - Support structures will be allowed when:

- a) Located outside the Highway Corridor Viewshed, defined as 1/2 - mile on either side of State Highway 86, State Highway 24 or Interstate 70.
- b) The facility is designed to be compatible with the surrounding uses and does not dominate the landscape. Landscaping and/or a solid wood fence may be required.
- c) The structure is not a dominant silhouette on a ridgeline
- d) Surrounding residential view corridors or special landforms have been preserved.
- e) The existing topography and vegetation provide the greatest amount of screening/backdrop possible on the site.
- f) The existing vegetation has been preserved or improved and disturbance of the site has been minimized unless such disturbance to vegetation and topography results in less visual impact to the surrounding area.
- g) The structure is located at least fifty feet (50') from the property line, or the base of the structure is no closer to the property boundary than the height of the structure, whichever is greater.

2) Antennas - Panels, Arrays, Dishes (A, A-1, A-2, AR)

Antennas are allowed as follows:

- a) In the Highway Corridor Viewshed provided they are:
  - 1) Disguised in an architecturally appropriate manner consistent with the surrounding rural structures, e.g., windmills, artificial trees, etc.
  - 2) Placed on or within a structure, e.g., barn, silo, etc.
  - 3) Mounted on an existing telecommunication tower or cell site or mounted on an existing public utility structure. (However, on single-pole structures less than 24-inches (24") in diameter, the antenna must be mounted directly to the pole without sectorized platforms.)
- b) Outside the Corridor Viewshed provided they are:
  - 1) Placed on or within a structure, e.g., barn, silo, etc.
  - 2) Mounted on an existing telecommunication tower or cell site.
  - 3) Mounted on an existing public utility structure. (However, on single-pole structures less than twenty-four (24") inches in diameter, the antenna must be mounted directly to the pole without sectorized platforms.)
  - 4) Mounted below the tree line as viewed from the roads/residences or mounted on a support structure in accordance with Item f: Support Structures.

3) Antennas - Whip (A, A-1, A-2, AR)



Whip antennas are:

- a) Allowed on structures, existing telecommunication towers, cell sites or utility facilities.
  - b) Allowed to project above the roofline of structures.
  - c) May exceed the height limitation of the district but be no more than ten percent (10%) of the support structure height.
- 4) Accessory Equipment - All accessory equipment shall be concealed within a structure or screened by vegetation, fencing or another manner approved by Community and Development Services. Setbacks and height limitations of the zone district shall apply.
- g. Approval Standards (RA-1, RA-2, R-1, R-2, MF, , PUD) - The following standards shall apply to the facilities located in the Residential Agricultural-One (RA-1), Residential Agricultural-Two (RA-2), Residential-One (R-1), Residential-Two (R-2), Multi-Family (MF), and Planned Unit Development (PUD) zoning districts.
- 1) Support Structures: Support structures (towers) are not permitted
  - 2) Antennas - Panels, Arrays, Dishes (RA-1, RA-2, R-1, R-2, MF, , PUD) Antennas are allowed as follows:
    - a) Placed on/within a structure except on pitched roofs (e.g., house, church, day care facility, fire station, hospital, recreational center, school, etc.). Antennas shall not project above the parapet unless mounted on a penthouse or are totally screened by materials that are compatible with the existing building or structure.
    - b) Mounted on an existing telecommunication tower or cell site or mounted on an existing public utility structure. (However, on single-pole structures less than twenty-four inches [24"] in diameter the antenna must be mounted directly to the pole without sectorized platforms).
  - 3) Antennas - Whip (RA-1, RA-2, R-1, R-2, MF, PUD) - Whip type antennas are allowed:
    - a) On structures, existing telecommunications towers, cell sites or utility facilities.
    - b) Above the roofline of structures except on pitched roofs, unless on the ridge and may exceed the height limitation of the district but by no more that 10% of the height of the structure that the whip antenna is mounted on.
  - 4) Accessory equipment - All accessory equipment shall be concealed within a structure or screened by vegetation, fencing or another manner approved by Community and Development Services. Setbacks and height limitations of the zone district shall apply.
- h. Approval Standards: Business (B)/Commercial (C) Zone Districts - The following standards shall apply to facilities located in the Business and Commercial zone districts:
- 1) Support Structures (B, C)
  - 2) Support structures (towers) are not permitted.
  - 3) Antennas - Panels, Arrays, Dishes (B, C) - Antennas are allowed as follows:



- a) Placed on or within a structure, except on pitched roofs (e.g., clock tower, parapet, penthouse or cupola, etc.). Antennas shall not project above the parapet unless mounted on a penthouse or are totally screened by materials that are compatible with the existing building or structure.
  - b) Mounted on a light standard (must be mounted directly to the pole without sectorized-type platform)
  - c) Mounted on an existing telecommunication tower or cell site or mounted on an existing public utility structure (however, on single-pole structures less than twenty-four inches [24"] in diameter, the antenna must be mounted directly to the pole without sectorized platforms.
- 4) Antennas - Whip (B, C) - Whip antennas are:
- a) Allowed on structures, existing telecommunication towers, cell sites or utility facilities.
  - b) Allowed to project above the roofline of structures, except pitched roofs unless on a ridge and may exceed the height limitation of the district, but, by no more than ten percent (10%) of the height of the structure that the whip antenna is mounted on.
- 5) Accessory equipment - all accessory equipment shall be concealed within a structure or screened by vegetation, fencing or another manner approved by Community and Development Services. Setbacks and height limitations of the zone district shall apply.
- i. Design Standards - LI/GI Zone Districts - The following standards shall apply to facilities located in the Light Industrial and General Industrial zone districts:
- 1) Support Structures (LI, GI)  
Support structures (towers) shall be allowed when:
    - a) Located outside the Highway Corridor Viewshed as defined previously in Item f, 1.
    - b) The facility is designed to be compatible with the surrounding uses and does not dominate the landscape.
    - c) The structure is not a dominant silhouette in a ridgeline.
    - d) The existing topography and vegetation provide the greatest amount of screening/backdrop possible on the site.
    - e) The existing vegetation has been preserved or improved and disturbance of the existing topography of the site has been minimized unless such disturbance results in less visual impact to the surrounding area.
    - f) The structure does not exceed fifty feet (50') in height and engineered support structures are in compliance with the zone district setbacks (towers shall be placed no closer to the property line than the height of the tower).
  - 2) Antennas- Panels, Arrays, Dishes (LI/GI) - Antennas are allowed as follows:
    - a) Placed on or within a structure, except on pitched roofs (e.g. clock

tower, parapet, penthouse, cupola, batch plant, silo, etc.). Antennas shall not project above the parapet unless mounted on a penthouse or are totally screened by materials that are compatible with the existing building or structure

- b) Mounted on a light standard (must be mounted directly to the pole without sectorized-type platform).
  - c) Mounted on an existing telecommunication tower or cell site.
  - d) Mounted on an existing public utility structure (however, on single-pole structures less than twenty-four inches [24"] in diameter the antennas must be mounted directly to the pole without sectorized platforms) or mounted on a support structure in accordance with Item i.
- 3) Antennas - Whip (LI/GI)
- a) Allowed on structures, existing telecommunication towers, cell sites or utility facilities.
  - b) Allowed to project above the roofline of structures, except on pitched roofs or on a ridge and may exceed the height limitation of the district by no more than ten percent (10%) of the support structure height.
- 4) Accessory Equipment - all accessory equipment shall be concealed within a structure or screened by vegetation, fencing or another manner approved by Community and Development Services. Setback and height limitations of the zone district shall apply.

- 11. Cemeteries.
- 12. Chemical storage, transfer and disposal facilities. Provided such use complies with all State and Federal Regulations and is located at least five hundred (500) feet from all property lines.
- 13. Churches, church schools and rectories. Provided that such uses are located at least fifty (50) feet from all property lines and adequate off-street parking is made available.
- 14. Commercial feed yards: Provided that such uses are located at least five hundred (500) feet from all property lines and comply with State Regulations as to runoff and stream pollution.
- 15. Commercial poultry farms, fur farms: Provided that all uses are located at least one hundred (100) feet from all property lines.
- 16. Commercial storage area: Must be concealed by a solid fence at least six (6) feet in height.
- 17. Concrete, asphalt and mortar batching plants.
- 18. Convenience stores with gasoline pumps.
- 19. Fast food establishments with drive-in facilities.



20. Firing ranges: Provided that use is located at least one hundred feet (100') from all property lines with sound abatement and projectile safeguards.
21. Group homes: The following administrative process will be used for a Group Home for eight (8) or less persons:
  - a. The Board of County Commissioners will delegate the review and approval of Group Homes covered under State or Federal Statutes for eight or less persons to an administrative process to be conducted within Community and Development Services.
  - b. The applicant will be responsible for the following documentation and fees:
    - 1) Completed land use application for applicable sections
    - 2) Narrative which contains:
      - Type of group home
      - Proposed number of residents
      - Description of the home, number of bedrooms, bathrooms and any other special features
      - Zoning of the property
      - Proof of ownership
    - 3) A letter from the appropriate Fire District indicating compliance with applicable fire codes.
    - 4) Application fee - see current fee schedule.
  - c. Elbert County Community and Development Services will be responsible for the referral to the Elbert County Assessor.
  - d. Elbert County will grant an Administrative Special Use Review permit after review of submitted documentation and a determination of completeness. The applicant will provide Elbert County Community and Development Services with a copy of the license or certificate for a group home from the appropriate State agency within thirty (30) days of approval of said license.
  - e. The permit is subject to the normal annual review by Elbert County and may be terminated if approval conditions change or are violated and/or if the State does not renew the appropriate license or certificate.
  - f. Any group home with more than eight residents will be subject to the regular Special Use Review.
22. Greenhouses and wholesale plant nurseries.
23. Horse breeding and boarding stables in excess of ten (10) animal units: Provided that all related structures are located at least one hundred (100) feet from all property lines.
24. Hospitals, nursing and convalescent homes, and extended care facilities.
25. Kennels (commercial and private): Provided that all uses are located at least one hundred (100) feet from all property lines.

26. Major facilities of a public utility: Provided such uses comply with the following:

a. Transmission Lines

- 1) Transmission Lines may not be constructed within 1/4 mile of an existing residential subdivision, town or agricultural development or within a treed area.
- 2) Locations on hilltops or ridgelines are discouraged.
- 3) At all stream crossings designated on the Elbert County Flood-plain maps as a one hundred (100) year flood-plain area, the line must be constructed in such a manner that the transmission line cannot be severed by the impact of flood waters on the support structures in the flood-plain areas. A 404 permit from the U.S. Army Corps of Engineers may be required when appropriate.
- 4) The application must include results of an on-site survey of the proposed location to determine if any wetlands, as shown on the National Wetlands Inventory Maps, will be negatively impacted and a proposed program of mitigation of the impact made available.
- 5) The applicant shall submit a complete analysis of the proposed facilities which shall include the advantages and disadvantages of any alternative routes or sites considered. The applicant must include in the analysis the projected costs of the alternative routes or sites, including the comparative costs of operation over a twenty (20) to thirty (30) year period of operation, and the comparative effect of such costs of required facilities on County residents and utility consumers.
- 6) Exceptions may be granted when deemed appropriate by the Elbert County Planning Commission and the Board of County Commissioners.

b. Substations

- 1) May not be located within one (1) mile of an existing subdivision, town or agricultural development.
- 2) Circumstances may exist when substations may be located within the one (1) mile limitation from an existing subdivision when deemed appropriate by the Elbert County Planning Commission and the Board of County Commissioners but more stringent requirements may be stipulated.
- 3) Locations on hilltops or ridgelines are discouraged.
- 4) In flood-plain areas, substation location must maintain a setback of two hundred fifty feet (250') or ten (10) vertical feet above the maximum one hundred (100) year flood water elevation, whichever is greater.
- 5) All substation components must meet any National Electric Safety Code Regulations.
- 6) Landscaping and berming will be required and must achieve a significant amount of screening within a reasonable amount of time. This will be considered on a case-by-case basis.

c. A Special Use Review will be required in the following zones if an overhead distribution line is proposed: All residential zones, MF, B, C, LL, GL, PUD.



27. Mining, quarries, sand and gravel operations, oil drilling operations and similar extractive and exploratory land uses: Provided such uses comply with:
  - a. A minimum five hundred (500) foot setback from any exterior property lines.
  - b. All requirements by the State of Colorado, including, but not limited to, air quality permits, plans for phasing and reclamation.
  - c. All requirements by the State of Colorado and Elbert County protecting water quality.
  - d. All requirements by the Elbert County Road and Bridge Department.
  - e. Any additional requirements and special considerations made by the Board of County Commissioners and/or Planning Commission.
28. Mobile homes for the occupancy of owners, lessees or operators of an operating agricultural unit. Provided that no more than one mobile home shall be allowed per tract of land under one ownership. The owner of the mobile home shall be either the owner or lessee of the entire tract of land upon which the mobile home is located.
29. Motels and hotels, including conference and convention centers and other incidental accessory uses located within the principal building.
30. Non-domestic, exotic animals: Provided that a security fence surrounds the enclosures to prevent the animals from leaving the premises. The applicant should contact the Denver Zoo Curator and State Division of Wildlife to determine the enclosure size needed and any special conditions for species on the site. Each enclosure should have adequate water and drainage.
31. Nursery schools and day-care centers: Provided that such uses shall be situated on a lot of not less than ten thousand (10,000) square feet and that a solid fence or wall six (6) feet in height shall completely enclose the yard used for playground purposes.
32. Oil and gas drilling operations: Such uses comply with requirements established by the Board of County Commissioners in review of the application.
33. Overhead or above ground construction or installation of any utility distribution and/or service line in platted subdivisions.
34. Pet cemetery, Commercial
35. Police training facilities.
36. Portable saw mills: Such uses must be located at least one hundred (100) feet from all property lines.
37. Private riding academies operated for the benefit of members only and not for monetary gain.
38. Public and private schools, colleges and universities, related facilities, private recreational



uses, country clubs, and other private clubs operated for the benefit of members only and not for monetary gain, golf courses and public and private campgrounds: All structures within these districts to be located at least fifty (50) feet from all property lines.

39. Public, private and multiple use wastewater treatment and water storage for domestic use in excess of five thousand (5,000) gallons: Provided that such uses are located at least one hundred (100) feet from the property lines (not including septic tanks serving single residential dwelling units). A special task force consisting of the Elbert County Soil Conservation Service, the Community and Development Services Director, Elbert County Health Department and the Colorado Department of Health shall review all applications for location and ability to serve as per local and State standards.
40. Raceways: Provided that such uses do not conflict with existing residential areas and adequate off-street parking is available.
41. Radio, television and telephone transmitting stations. Provided the height of any tower or structure is at least equal to the distance of all property lines.
42. Religious retreat.
43. Resort lodges and guest ranches, including resort cabins: Provided such uses are connected to one (1) water and sanitation system.
44. Restaurants and other eating establishments with drive-in facilities.
45. Second Residence: A second residence, either a part of or separate from the primary residence, may be approved. Parcels less than 10 acres must provide central water. Parcels less than 5 acres must provide central sewer and water to the site.
46. Solid waste disposal sites and facilities.
  - a. Phase I and Phase II will follow the procedure outlined in C. of this chapter.

Phase I shall include, but not be limited to, information on impacts on the surrounding land uses, access and traffic impact, conformance with requirements of the Elbert County Zoning and Subdivision Regulations and conformance with policies of the Elbert County Master Plan.

After approval by Board of County Commissioners, application is forwarded to State Health Department. After approval is received from the State Health Department, applicant progresses to Phase II.



Phase II shall include, but not be limited to, information on:

- 1) Soils and Geology
  - a) Type, class, composition and thickness of soils on the site.
  - b) Representative horizontal and vertical permeabilities of the soils present at the site.
  - c) Type of bedrock.
  - d) Geologic structures.
  - e) Geologic and topographic hazards.
- 2) Hydrography and Hydrology
  - a) Lakes, streams, springs or wetlands on or near site.
  - b) Depth to top of uppermost aquifer; existing on-site water quality based on quarterly groundwater monitoring of the uppermost aquifer one (1) year prior to date of operation. Data should include at a minimum: specific conductance, pH, total organic carbon, calcium, iron, chloride, sulfate and nitrate.
  - c) Hydrologic properties of uppermost aquifer, including flow directions, potentiometric surfaces and flow rates.
  - d) Depth, water level and water quality of domestic wells within one (1) mile of property boundary, or as may be otherwise specified.
- 3) Operating Plan
  - a) Names, qualifications and communication contact data of persons responsible for the facility who will be available at all times to ensure safe operations and have the authority to take corrective action in the event of noncompliance.
  - b) Hours of operations.
  - c) Types and daily volumes of waste expected.
  - d) Projected life of the facility.
  - e) Number, classification and job descriptions of personnel to be employed at facility.
  - f) List and description of equipment to be used at facility, including haul vehicles.
  - g) System of records to be maintained, including provisions for State and County waste disposal fees.
  - h) Frequency of application, type and quantity of cover.
  - i) Provisions to minimize nuisance conditions on site.
  - j) Provision and procedures for retrieval of windblown waste on and off site.
  - k) Plans which can be put into effect should water contamination occur or when nuisance conditions are confirmed off site.
  - l) Signage plan to clearly mark entrance to site, provide name and phone number of operator, list types of material accepted, schedule of charges and any other necessary information.
  - m) List of wastes that will not be accepted at the site.
  - n) Designation of haul routes to and from the site.
  - o) Provisions for monitoring incoming waste stream.
  - p) Schedule of charges.



- q) Frequency of groundwater monitoring and parameters which will be tested.
  - r) Frequency of flammable gas monitoring.
  - s) Itemized cost estimates for weekly site operation in compliance with all operating conditions.
  - t) Itemized cost estimates for remedial actions to correct environmental damages.
- 4) Closure Plan
- a) Plan for final closure of the facility, including type and thickness of final cover material, landscaping, proposed post-closure use for the site, maintenance plan for the post-closure period and ultimate long-term responsibility for the property, including mitigation of any environmental damage.
  - b) Itemized cost estimate for facility closure in accordance with the closure plan.

Fees: See current Fee Schedule.

Phase I: See current Fee Schedule (additional fees may be required in paragraph C, 2, c of this chapter).

Phase II: See current Fee Schedule (additional fees may be required in paragraph A, a, 20 or A, b, 20 of this chapter.)

A per ton tipping fee as determined by the Board of County Commissioners.

- b. REGIONAL SOLID WASTE DISPOSAL SITES and facilities may be considered and permitted for Special Use provided that the following criteria are met by the applicant:
- 1) Phase I of the application and uses requested will be processed prior to the submittal of the application and uses to the Colorado Department of Health. Phase II, final approval, for the Special Use is conditional upon approval of the application and uses by the Colorado Department of Health.
  - 2) The application and uses requested must be in compliance with the Elbert County Master Plan.
  - 3) Any operation area of solid waste disposal site and facilities shall be located a minimum distance of five hundred feet (500') from any and all property lines of the site. The facility should be constructed in such a manner as to minimize visual impact during operation by using berms or natural plantings. Elevation of the site at closing should be consistent with the original reclamation plan.
  - 4) Transportation route from the service areas to the site area may only be by way of the following roads: Elbert County Road 194, State Highway 86 or 24, Interstate 70, or as designated by the Board of County Commissioners.



- 5) Road access from the transportation route to the site boundary must be by way of road constructed or improved to the specifications of a major collector, as defined in the Elbert County Road and Bridge specification standards.
- 6) No portion of the site boundary may be closer than three (3) miles to a subdivision or town and must be at least one-half (1/2) mile and/or not visible from any State road or highway as defined in (4) above.
- 7) The road access from the transportation route to the site area may not travel through residential subdivisions.
- 8) No treed area disturbance will be permitted.
- 9) All active working faces of the landfill must be enclosed with a perimeter fence no less than ten (10) feet in height and having no mesh opening larger than six (6) inches square. The entire site boundary must be enclosed with a fence no less than six (6) feet in height having a mesh opening no larger than sixteen (16) inches square.
- 10) Elbert County encourages the recycling of readily recyclable materials such as paper products, aluminum, ferrous materials, recoverable plastic containers, glass, tires and other materials. A recovery program outlining a process of recycling at least twenty-five percent (25%) of the above-mentioned items should be included in the application or submit proof that such a program is unfeasible.
- 11) Site location will be consistent with the Elbert County Master Plan, and reference Landfill Proposal Boundaries Map of 4/90.
- 12) Must comply with all Federal and State regulations, rules and policies.
- 13) Applicants shall encourage the use of biodegradable waste containers.
- 14) The applicant shall provide a complete landscape plan for all entrances, parking areas or structures to insure the attractiveness of the site and compatibility with the surrounding area. All improvements must be completed within thirty (30) days of the site opening.
- 15) Based upon the type and size of the operation, the County will participate in a revenue sharing proposal with the operator. The applicant should include a compensation plan, which identifies anticipated income to the County over the life of the facility. The plan should include provisions to meet requirements of the fire district or Fire Marshall, whichever services the site.
- 16) Submit a quarterly report to the County summarizing the operation, including:
  - a) tonnage of waste taken in
  - b) gross revenue
  - c) copies of monitoring tests
  - d) a list of the amount and type of materials recycled
- 17) The applicant, upon his showing of good and compelling cause(s), may receive an exemption to one (1) or more of the criteria set forth above upon the recommendation of the Planning Commission for the exemption and upon approval of the recommendation of the Planning Commission by the Board of County Commissioners.



- 18) Additional requirements may become necessary if a proposed development creates significant impacts above and beyond the norm. Such requirements shall have no defined standards, but will be evaluated on a case-by-case basis by affected agencies and the Board of County Commissioners. In no event shall the dedication fees exceed twenty (20%) percent of the gross acreage.
- 19) Prior to the referral of the recommendations of the Board of County Commissioners regarding Phase I to the State Health Department, all fees must be paid, in full, for Phase I.

c. LOCAL SOLID WASTE DISPOSAL SITES and facilities may be considered and permitted for Special Use provided that the following criteria are met by the applicant:

- 1) Phase I of the application and uses requested will be processed prior to the submittal of the application and uses to the Colorado Department of Health. Phase II, final approval, for the Special Use is conditional upon approval of the application and uses by the Colorado Department of Health.
- 2) The application and uses requested must be in compliance with the Elbert County Master Plan.
- 3) Any operation area of solid waste disposal site and facilities shall be located a minimum distance of two hundred fifty (250) feet from any and all property lines of the site. The facility should be constructed in such a manner as to minimize visual impact during operation by using berms or natural plantings. Elevation of the site at closing should be consistent with the original reclamation plan.
- 4) The transportation route from the service areas to the site area must be a major collector or greater as defined in the Elbert County Road and Bridge specifications standards.
- 5) Road access from the transportation route to the site boundary must be by way of a road constructed or improved to the specifications of a rural and residential collector as defined in the Elbert County Road and Bridge specification standards.
- 6) No portion of the site boundary may be closer than two (2) miles to a residential subdivision or town and must be at least one-half (1/2) mile and/or not visible from any nearby state road or highway.
- 7) The road access from the transportation route to the site area may not travel through residential subdivisions.
- 8) No treed area disturbance will be permitted.
- 9) All active working faces of the landfill must be enclosed with a perimeter fence no less than ten (10) feet in height and having no mesh opening larger than six (6) inch square. The entire site boundary must be enclosed with a fence no less than six (6) feet in height having a mesh opening no larger than sixteen (16) square inches.



- 10) Elbert County encourages the recycling of readily recyclable materials such as paper products, aluminum, ferrous materials, recoverable plastic containers, glass, ties and other materials. A recovery program of these items should be included in the application or submit proof that such a program is unfeasible.
  - 11) Site location will be consistent with the Elbert County Master Plan.
  - 12) Must comply with all Federal and State regulations, rules and policies.
  - 13) Applicants shall encourage the use of biodegradable waste containers.
  - 14) The applicant shall provide a complete landscape plan for all entrances, parking areas or structures to insure the attractiveness of the site and compatibility with the surrounding area. All improvements must be completed within thirty (30) days of the site opening.
  - 15) Based upon the type and size of the operation, the County will participate in a revenue sharing proposal with the operator. The applicant should include a compensation plan which identifies anticipated income to the County over the life of the facility. The plan should include provisions to meet requirements of the fire district or Fire Marshall, whichever services the site.
  - 16) Submit a quarterly report to the County summarizing the operation, including:
    - a) tonnage of waste taken in
    - b) gross revenue
    - c) copies of monitoring tests
    - d) a list of the amount and type of materials recycled
  - 17) The applicant, upon his showing of good and compelling cause(s) may receive an exemption to one (1) or more of the criteria set forth above upon the recommendation of the Planning Commission for the exemption and upon approval of the recommendation of the Planning Commission by the Board of County Commissioners.
  - 18) Additional requirements may become necessary if a proposed development creates significant impacts above and beyond the norm. Such requirements shall have no defined standards, but will be evaluated on a case-by-case basis by affected agencies and the Board of County Commissioners. In no event shall the dedication fees exceed twenty (20%) percent of the gross acreage.
  - 19) Prior to the referral of the recommendations of the Board of County Commissioners regarding Phase I, to the State Health Department, all fees must be paid in full for Phase I.
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46. Temporary construction offices – Administrative Special Use approval similar to Group Homes, bonding may be required.
  47. Temporary offices – Administrative Special Use approval similar to Group Homes, bonding may be required.
  48. Theaters - indoor.



49. Uses associated with State and County road construction projects, may be exempted from the Special Use Regulations by the Board of County Commissioners, within the contract process and only for the length of the project.
50. Veterinary clinics and hospitals: Provided that such uses are located one-hundred (100) feet from all property lines.
51. Wind generators.
52. Other uses that may be deemed necessary by Community and Development due to their unique situation and/or circumstances.

#### B. GENERAL REQUIREMENTS

1. All special use review permits will be reviewed annually or within a specified time as determined by the Board of County Commissioners. Community and Development Services will review the permit for verification of allowed use and compliance with stipulations, if any.

If a permit is found to be in violation of stipulations, or the use has changed or has been discontinued, Community and Development Services may request a public hearing with either or both the Planning Commission and the Board of County Commissioners, to determine the validity of the permit in regard to modification, continuation or termination.

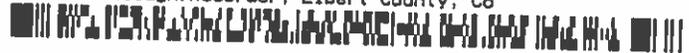
2. The commencement of the Special Use must occur within the first year or within a specific time period as determined by the Board of County Commissioners. Failure to initiate the allowed use may be cause for termination of the Special Use Permit.
3. The provisions and uses outlined in this section shall not apply to the Planned Unit Development (PUD) zone. Provisions for these uses shall be contained in an approved Development Guide as described in Part II, Section 16 of these Regulations.
4. If the yard requirements for the zone in which the proposal is located are greater than the yard requirements stated in this section the greatest distance shall govern.
5. Outdoor storage areas shall be concealed by a solid wall or chain link fence with slats at least six (6) feet in height unless otherwise provided for by this section.
6. Expansion or changes to an existing facility would constitute a new application.



7. The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Special Use Review applications:
  - a. Whether the proposed Special Use complies with the requirements of the Elbert County Master Plan, Elbert County Zoning Regulations and the Elbert County Subdivision Regulations.
  - b. Whether the proposed Special Use is in harmony and compatible with the surrounding area and neighborhood.
  - c. Whether the proposed Special Use will adversely impact the provision of public services.
  - d. Whether the proposed Special Use will adversely impact the environment.
  - e. Whether the proposed Special Use will increase traffic congestion or burden the existing road system.
  - f. Whether the proposed Special Use will be adequately landscaped, buffered and screened.
  - g. Whether the proposed Special Use will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

#### C. PROCEDURE

1. The applicant should meet with Community and Development Services, informally, to discuss the request to be submitted and determine the requirements for such application, dependent upon the size and nature of the proposal.
2. Once the applicant determines to proceed, the applicant shall submit to Community and Development Services the following information:
  - a. A completed application.
  - b. A narrative and site plan prepared by a qualified professional in accordance with the requirements of this section when determined by the Community and Development Services Staff to be applicable.
    - 1) Narrative Exhibit
      - a) General project concepts.
      - b) Zoning of property.
      - c) Proof of ownership, deed, current title policy or endorsement (thirty [30] to sixty [60] days old) and a disclosure letter from the owner recognizing the applicant as a representative.
      - d) Define overall impacts of the proposed special use on the adjoining properties.
      - e) Compliance with the Elbert County Master Plan.
      - f) Statement of compliance with appropriate agencies if applicable.
      - g) Proof of water availability if applicable.
      - h) Method of wastewater treatment if applicable.
      - i) Type or method of fire protection.
      - j) Impacts on existing flora and fauna, wildlife, drainage, air quality and visual resources.



- k) Impacts on County services.
- l) Legal description.
- m) Name and address of the owner, the developer, if different than the owner and the person(s) preparing the site plan.

2) Site Plan Exhibit

- a) Plans are to be prepared at a scale of 1"=50', 1"=100' or another scale approved by the Community and Development Services Director or his representative which allows for maximum clarity of the proposal.
- b) The name of the proposed development and submittal phase centered at the top of the sheet.
- c) A north arrow and scale which clearly defines the development.
- d) Sheet size of 24" x 36" with the long dimension horizontal. The title block located in the lower right-hand corner of the sheet with the date of preparation.
- e) Vicinity map showing the relationship of the site to the surrounding area within a two (2) mile radius prepared at a scale of 1:24,000 (1"-2,000')
- f) Dimension of all existing and proposed structures, size and square footage of the site. Note total building coverage percent (%) and square footage. Include setback dimensions from property lines. Structures to be removed should be indicated as such.
- g) Location and dimension of required off-street parking and loading areas. Note the total number of parking spaces provided.
- h) Delineate public and private roadways, right-of-way, street names and points of access on or adjacent to the proposed site. Dimension and note surface material.
- i) Indicate adjoining land uses and zoning.
- j) Major drainage ways affecting the site and designation of any one-hundred (100) year flood plain on, or adjacent to, the site and any existing flood control or water retaining structure.
- k) The following signature blocks will be provided on the Site Plan Exhibit in a legible manner:

**Planning Commission**

This Special Use Review was reviewed by and recommended for approval by the Elbert County Planning Commission on the day of \_\_\_\_\_ year \_\_\_\_\_, A.D.

\_\_\_\_\_  
Chairman, Planning Commission





- 4. At least thirty (30) days prior to a public hearing before the Planning Commission and the Board of County Commissioners, notice of hearing shall be published in at least one issue of a newspaper of general circulation in Elbert County, Colorado. Publication of said notices shall be the responsibility of the applicant and shall read as follows:

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**"NOTICE OF PUBLIC HEARING"**

**"Special Use Review for \_\_\_\_\_."**

"Notice is hereby given that on \_\_\_\_\_ (day of week), \_\_\_\_\_ (month), 20\_\_\_\_, at \_\_\_\_\_ (P.M.), or as soon as possible thereafter, a Planning Commission hearing will be conducted and on \_\_\_\_\_ (day of week), \_\_\_\_\_ (month), 20\_\_\_\_, at \_\_\_\_\_ (A.M./P.M.), or as soon as possible thereafter, a Board of County Commissioners hearing will be conducted. Hearings will be conducted in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as these hearings may be adjourned. Public hearings will be heard upon the application on file with the Elbert County Community and Development Services, Courthouse Annex, 221 Comanche Kiowa, Colorado, 303-621-3136, by \_\_\_\_\_ (name of applicant), for a Special Use Review pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately \_\_\_\_\_ (distance and direction from nearest major intersection)."

Reason: \_\_\_\_\_

Project Name and Number: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Published In: \_\_\_\_\_ (name of newspaper) on \_\_\_\_\_ (date of publication).

\*\*\*\*\*

**Publishers' affidavit verifying the above publication shall be submitted to Community and Development Services at least five (5) working days prior to the day of the public hearing.**

- 5. The applicant shall mail a written notice of said hearing by certified mail, return receipt requested, at least thirty (30) days prior to the hearing date before the Planning Commission, to the owners of property adjoining and within thirteen hundred twenty feet (1320') of the property for which the request for Use by Special Review has been requested. The names and addresses for those properties affected shall be obtained from the current records of the County Assessor's Office.
  - a. At least twenty-four (24) days prior to the date of the public hearing before the Planning Commission, the applicant shall submit to Community and Development Services the following:
    - 1) The white postal receipts for Certified Mail mailed to the adjacent property owners and the property owners within thirteen hundred twenty feet (1320') of the proposed site as required by these Special Use Procedures and Requirements;
    - 2) A copy of the notice mailed to said property owners;
    - 3) A list, in alphabetical order, of the adjacent property owners and property owners within thirteen hundred twenty feet (1320') of the proposed site;

4) A map illustrating the location and proximity of the adjacent property owners and property owners within thirteen hundred twenty feet (1320') of the proposed site. When a notice is mailed to a property owner at an address other than the property adjoining or adjacent to the Special Use, the applicant shall match notification with lot and block number, legal description or other manner which clearly locates the notified parties.

b. At least five (5) working days prior to the date of the Public Hearing before the Planning Commission, the applicant shall submit to Community and Development Services the green postal Domestic Return Receipts mailed to the adjacent property owners and property owners within thirteen hundred twenty feet (1320') of the proposed site as required by these Special Use Procedures and Requirements.

6. Community and Development Services may require additional public notice prior to any determination by the Planning Commission, in a manner consistent with the laws of the State of Colorado, which may include posting of the property. Such notice shall be posted thirty (30) days prior to the day of the public hearing before the Planning Commission. Such notice shall consist of at least one (1) sign facing parallel to each adjacent road right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' x 4'), size of letters shall be a minimum of three (3") inches high and such signs shall be erected no further than ten (10) feet beyond the edge of the adjacent right-of-way on posts which shall locate the bottom of the sign no less than three (3) feet above the ground. All signs shall be clearly legible to the persons on the adjacent right-of-way and shall be completed and installed in a neat professional manner. All signs shall be visible and legible throughout the entire period and shall read as follows:

\*\*\*\*\*

"NOTICE OF PUBLIC HEARING"

"Special Use Review for \_\_\_\_\_."

"Notice is hereby given that the property, upon which this sign is posted, shall be considered for a Special Use Review for \_\_\_\_\_ pursuant to the current Elbert County Zoning Regulations. Further information may be obtained by calling Community and Development Services at 621-3136. The Planning Commissioner hearing is to be held on (day of week) \_\_\_\_\_ (date), at \_\_\_ P.M. or as soon thereafter as possible, and the Board of County Commissioner's hearing is to be held on (day of week) \_\_\_\_\_ (date) at \_\_\_ A.M./P.M. or as soon thereafter as possible. Said hearings are to be held in the Commissioner's Hearing Room."

Name of Proposal: \_\_\_\_\_

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7. Following approval by the Board of County Commissioners, the applicant will submit the special use review exhibit to the Elbert County Clerk and Recorder for recordation.

Further requirements include:

- a. Notarized affidavit verifying the date of the sign posting required at least thirty (30) days prior to the hearing date.
- b. This affidavit must be submitted to Community and Development Services at least twenty-four (24) days prior to the Public Hearing date.
- c. Signs advertising the rezoning of property in Elbert County must be photographed and submitted for the applicant's file in Community and Development Services as per the following form:

\*\*\*\*\*

ATTACH PHOTO HERE

\*\*\*\*\*

The above sign was posted on \_\_\_\_\_, pursuant to the current Elbert County Zoning Regulation by \_\_\_\_\_.  
Project Name and Number: \_\_\_\_\_  
Signature of Applicant/Representative \_\_\_\_\_

Signed and sworn before me this date \_\_\_\_\_

NOTARIZED BY:

Project Review: \_\_\_\_\_