SUPPLEMENT NO. 1
June 2026

LAND USE CODE

YUMA COUNTY, COLORADO

This Supplement contains all ordinances deemed advisable to be included at this time through:

The Land Use Code is current through:

Ordinance No. 2026-01, enacted February 13, 2026.

See the Code Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
ix	ix
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
	SH:1 (following Checklist of up-to-date pages)
LUC1:5, LUC1:6	LUC1:5, LUC1:6
LUC2:7—LUC2:11	LUC2:7—LUC2:11
LUC4:5—LUC4:18	LUC4:5—LUC4:16
CCT:1	CCT:1

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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P.O. Box 2235 Tallahassee, FL 32316

OC, REVISION
December 2025

LAND USE CODE

YUMA COUNTY, COLORADO

This OC, Revision, is printed to revise pages appearing in OC, and should be inserted as directed below.

The Land Use Code is current through:

Ordinance No. 2025-02, enacted August 14, 2025.

See the Code Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
ix	ix
	Checklist of up-to-date pages (following Table of Contents)
LUC5:1	LUC5:1
LUC5:15—LUC5:41	
CCT:1	CCT:1

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REPUBLICATION
October 2025

LAND USE CODE

YUMA COUNTY, COLORADO

This copy of the Land Use Code is issued as a "replacement" copy and contains all ordinances deemed advisable to be included at this time through June 2025.

See the Code Comparative Table for further information.

This copy replaces all existing copies of the Code as published. Future supplements will commence with "Supplement No. 1."

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P.O. Box 2235 Tallahassee, FL 32316

LAND USE CODE

YUMA COUNTY, COLORADO

Published in 2025 by Order of
The Board of County Commissioners of Yuma County
Revision 2025 — Effective Sept. 14, 2025

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info@municode.com | 800.262.2633 | www.municode.com
P.O. Box 2235 Tallahassee, FL 32316

CURRENT OFFICIALS

of

YUMA COUNTY, COLORADO

Brandi Ritchey
County Administrator

Adam Gates, District 1

Scott Weaver, District 2

Mike Leerar, District 3
County Commissioners

Jodi Brady
Land Use Administrator

Beverly Wenger
County Clerk and Recorder

OFFICIALS

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YUMA COUNTY, COLORADO

AT THE TIME OF THIS REPUBLICATION

Brandi Ritchey
County Administrator

Adam Gates, District 1

Scott Weaver, District 2

Mike Leerar, District 3
County Commissioners

Jodi Brady
Land Use Administrator

Beverly Wenger
County Clerk and Recorder

PREFACE TO THE REPUBLICATION

This Land Use Code constitutes a republication of the general and permanent ordinances of Yuma County, Colorado, pertaining to land use.

Source materials used in the preparation of the republication were the County Land Use Code, as updated through June 2025, and subsequent ordinances. The source of each new section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is part of the 2022 Revised Code. By use of the comparative tables appearing in the back of this republication, the reader can locate any section of the Code, as updated.

Acknowledgments

This republication was under the direct supervision of Patience R. Gaia, Editor, of CivicPlus. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Jodi Brady, Land Use Administrator, for her cooperation and assistance during the progress of the work on this republication. It is hoped that their efforts and those of the publisher have resulted in a Land Use Code which will make the active land use regulations of the County readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the County's applicable regulations.

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TABLE OF CONTENTS

	Page
Current Officials	iii
Officials at the Time of This Republication	v
Preface	vii
Checklist of Up-to-Date Pages	[1]
Supplement History Table	SH:1

LAND USE CODE

Article	
1. General Provisions	LUC1:1
2. Land Use Permits	LUC2:1
3. Review and Consideration of Divisions of Land	LUC3:1
4. Application Process for Land Use Permits	LUC4:1
5. Standards and Criteria	LUC5:1
6. Utility Solar Energy System	LUC6:1
7. Wind Energy Facility	LUC7:1
8. Battery Energy Storage System	LUC8:1
9. Community Overlay District	LUC9:1
10. Nonconformities	LUC10:1
11. Variances and Appeals of Administrative Interpretations	LUC11:1
12. Nonconforming Use	LUC12:1
13. Enforcement	LUC13:1
14. Human Burial Ordinance	LUC14:1
Apx. A. Setbacks	APA:1
Apx. B. Definitions	APB:1
Apx. C. Record of Changes and Modifications	APC:1
Code Comparative Table	CCT:1

Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

Page No.	Supp. No.	Page No.	Supp. No.
INS:1	OC	LUC4:7, LUC4:8	1
Title Page	OC	LUC4:9, LUC4:10	1
iii	OC	LUC4:11, LUC4:12	1
v	OC	LUC4:13, LUC4:14	1
vii	OC	LUC4:15, LUC4:16	1
ix	1	LUC4:19, LUC4:20	OC
SH:1	1	LUC4:21, LUC4:22	OC
LUC1:1	OC	LUC4:23, LUC4:24	OC
LUC1:3, LUC1:4	OC	LUC4:25, LUC4:26	OC
LUC1:5, LUC1:6	1	LUC4:27, LUC4:28	OC
LUC2:1	OC	LUC4:29, LUC4:30	OC
LUC2:3, LUC2:4	OC	LUC4:31, LUC4:32	OC
LUC2:5, LUC2:6	OC	LUC5:1	OC, Rev.
LUC2:7, LUC2:8	1	LUC5:3, LUC5:4	OC
LUC2:9, LUC2:10	1	LUC5:5, LUC5:6	OC
LUC2:11	1	LUC5:7, LUC5:8	OC
LUC3:1	OC	LUC5:9, LUC5:10	OC
LUC3:3, LUC3:4	OC	LUC5:11, LUC5:12	OC
LUC4:1	OC	LUC5:13	OC
LUC4:3, LUC4:4	OC	LUC6:1	OC
LUC4:5, LUC4:6	1	LUC6:3, LUC6:4	OC

Page No.	Supp. No.	Page No.	Supp. No.
LUC6:5, LUC6:6	OC	APC:1, APC:2	OC
LUC6:7, LUC6:8	OC	CCT:1	1
LUC6:9, LUC6:10	OC		
LUC7:1	OC		
LUC7:3, LUC7:4	OC		
LUC7:5, LUC7:6	OC		
LUC7:7, LUC7:8	OC		
LUC7:9, LUC7:10	OC		
LUC7:11, LUC7:12	OC		
LUC8:1	OC		
LUC8:3, LUC8:4	OC		
LUC8:5, LUC8:6	OC		
LUC9:1	OC		
LUC9:3	OC		
LUC10:1	OC		
LUC10:3, LUC10:4	OC		
LUC11:1	OC		
LUC11:3, LUC11:4	OC		
LUC11:5, LUC11:6	OC		
LUC11:7	OC		
LUC12:1	OC		
LUC12:3, LUC12:4	OC		
LUC13:1	OC		
LUC13:3, LUC13:4	OC		
LUC13:5, LUC13:6	OC		
LUC13:7	OC		
LUC14:1	OC		
LUC14:3, LUC14:4	OC		
APA:1, APA:2	OC		
APA:3, APA:4	OC		
APB:1, APB:2	OC		
APB:3, APB:4	OC		
APB:5, APB:6	OC		
APB:7, APB:8	OC		
APB:9, APB:10	OC		
APB:11, APB:12	OC		
APB:13, APB:14	OC		
APB:15	OC		

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

Ord. No.	Date	Included/Omitted
Supplement 1		
2026-01	2-13-2026	Included

ARTICLE 1:

GENERAL PROVISIONS

Section 1-101: Title.
Section 1-102: Authority.
Section 1-103: Purposes.
Section 1-104: Right to Farm.
Section 1-105: Applicability of Land Use Code.
Section 1-106: Amendments to the Land Use Code.
Section 1-107: Severability.
Section 1-108: Statutory Vested Property Rights.

SECTION 1-101: TITLE.

These Regulations shall be known as the Yuma County Land Use Code.

SECTION 1-102: AUTHORITY.

Yuma County is authorized to regulate zoning, planning and the subdivision of land by *inter alia.*

A. **C.R.S. § 30-28-101 et seq., as amended.**

B. **C.R.S. § 30-28-201 et seq., as amended.**

C. **C.R.S. § 29-20-101 et seq., as amended.**

D. **C.R.S. § 24-67-104 et seq., as amended.**

E. **C.R.S. § 25-10-101 et seq., as amended.**

SECTION 1-103: PURPOSES.

The general purposes of this Land Use Code include:

A. **Protect Quality of Life.** To provide for protection of the public health, safety, and welfare of the residents Yuma County and to protect the environment.

B. **Provide for Orderly Development of the County.** To provide for balanced, orderly growth patterns and to provide efficient, phased government services to accommodate existing and future residents.

C. **Preserve Property Values.** To preserve and promote the value of property, to protect the tax base of the County, and to respect the property rights of citizens.

D. **Protect and Enhance Agriculture.** To protect and enhance agricultural uses and the rural characteristics of the County.

SECTION 1-104: RIGHT TO FARM.

It is the policy of the BoCC that ranching, farming, and all manner of agricultural activities and operations throughout Yuma County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, lifestyle and culture. Given their importance to the County and the state, agricultural lands and operations are worthy of recognition and protection.

A. **Agricultural Activities and Operations are Not Nuisances.** Colorado is a "Right to Farm State" pursuant to C.R.S. § 35-3.5-101 et seq., as amended. Landowners, residents, and visitors must be prepared to accept the activities, sights, sounds and smells of Yuma County's agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. Those with an urban sensitivity may perceive such activities, sights, sounds and smells as inconveniences, eyesores, noises, and odors: however, state law and County policy provides that ranching, farming or other agricultural activities and operations within the County shall not be considered to be nuisances, so long as they are operated in conformance with the law and in a non-negligent manner. Therefore, all landowners, residents, and visitors must be prepared to encounter:

noises, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of legal and non-negligent agricultural operations.

B. **Rights and Responsibilities of All Landowners.** All owners of land, regardless of use, have obligations under state law and County regulations with regards to maintenance of fences. Irrigators have the right to maintain irrigation ditches through established easements that transport water for their use and said irrigation ditches are not to be used for the dumping of refuse. Landowners are responsible for controlling weeds, keeping pets under control, and other aspects of using and maintaining property in accordance with County regulations. Residents and landowners are encouraged to learn about these rights and responsibilities and to act as good neighbors and citizens of the County.

SECTION 1-105: APPLICABILITY OF LAND USE CODE.

A. **Unincorporated Yuma County.** This Land Use Code shall apply to all land within the unincorporated areas of Yuma County.

B. **Compliance with Code Required.** No person may engage in any Land Use Change without first complying with this Code.

C. **Existing Uses to Continue.** Land uses in effect at the time of enactment of this Land Use Code may continue as a "Nonconforming Use," pursuant to Article 12 of this Land Use Code.

SECTION 1-106: AMENDMENTS TO THE LAND USE CODE.

A. **Initiation.** Text amendments to this Land Use Code shall be initiated by the BoCC, the Planning Commission, or the Administrator.

B. **Proposed Amendment.** A proposal for text amendment shall state the precise wording of the proposed text amendment, and the reason for the proposed amendment.

C. **Review by Legal.** Before the amendments to the Land Use Code are given to the Planning Commission, it will be submitted to the Yuma County attorney for review and comments.

D. **Review and Recommendation of Planning Commission.** Following the publication of notice of the proposed text amendment published at least fourteen (14) days prior to the public hearing, the Planning Commission shall conduct a public hearing. The Planning Commission may make modifications to the proposed amendment and transmit its recommendations on the proposed text to the BoCC.

E. **Public Review.** Copies of the proposed text amendment shall be available at the County offices for review by the public.

F. **Action by BoCC.** After receipt of the recommendation from the Planning Commission and following publication of a notice of the proposed text amendment published at least ten (10) days prior to the public hearing, the BoCC shall hold a public hearing and determine whether the text should be amended. Following the close of the hearing, the BoCC may direct the administrator to make any such amendments to the official Land Use Code.

SECTION 1-107: SEVERABILITY.

If any section, clause, or portion of this Code is found to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected and shall remain in full force and effect.

SECTION 1-108: STATUTORY VESTED PROPERTY RIGHTS.

A. **General.** Pursuant to C.R.S. § 24-68-101 et seq., as amended, a vested property right shall be deemed established for a period of three (3) years with the approval of a Site-Specific Development Plan. When a Site-Specific Development Plan is approved with a Land Use Permit, the Permit shall confer upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the Site-Specific Development Plan. If the term of approval for the Site-Specific Development Plan is extended pursuant to these regulations, the term of vested property rights is extended to conform to the extended term of approval.

B. **Site-Specific Development Plan.** For the purposes of this Section, the following documents shall constitute a Site-Specific Development Plan establishing a vested property right: a survey approved with a Minor Land Use Permit or a site plan approved with a Major Land Use Permit; a Subdivision Final Plat; or an Exemption Plat. The document that triggers a vested property right shall be identified at the time of its approval.

C. **Development Agreement and Extension of Vested Property Rights.** The BoCC may enter into a development agreement with the landowner for the extension of vested property rights beyond the three-year statutory period where, in the discretion of the Board, an extension is warranted due to project size and/or phasing of the development. The Board may also consider an extension of vested property rights for economic cycles and/or market conditions.

D. **Approval and Publication of Notice.**

1. **Approval.** A Site-Specific Development Plan shall be deemed approved upon the effective date of the BoCC's approval action, following a public hearing conducted in accordance with these regulations. The BoCC's approval of a Site-Specific Development Plan may include such terms and conditions as may be reasonably necessary to protect the public health, safety and general welfare. The approval shall result in a vested property right, although failure to abide by such terms and conditions will result in forfeiture of the vested property right.

2. **Publication of Notice.** Within fourteen (14) days of approval of the Site-Specific Development Plan by the BoCC, the County shall publish a notice of Site-Specific Development Plan approval and creation of a vested property right in a newspaper of general circulation. The period of time for exercise of vested property rights shall not begin to run until the date of publication of the notice.

E. **Exceptions to Vesting of Property Rights.** Once established pursuant to these regulations, a vested property right precludes land use action by the County during the period of time that the property right is established to be vested that would: alter, impair, prevent, diminish, or otherwise delay the development or use of the land subject to the Site-Specific Development Plan consistent with the terms and conditions of the Site-Specific Development Plan, except under one or more of the following conditions.

1. **Landowner's Consent.** With the consent of the affected landowner.
2. **Just Compensation Paid to Landowner.** The affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner; including but not limited to, all fees paid in consideration for financing and all architectural, planning, marketing, legal and other consultants' fees incurred after approval of the Site-Specific Development Plan by the County, together with interest at the current market rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.
3. **Hazards.** Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the approval of the Site-Specific Development Plan, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare.

(Ord. No. 2026-01, § 1, 2-13-2026)

ARTICLE 2:

LAND USE PERMITS

Section 2-101: Land Use Permits Are Required.
Section 2-102: Classes of Land Use Permits.
Section 2-103: Review and Approval of Land Use Permits.

SECTION 2-101: LAND USE PERMITS ARE REQUIRED.

A. **Land Use Permits.** Unless otherwise exempt pursuant to Section 2-102 of this Code, any Land Use change shall require a Land Use Permit. A Land Use change is defined as any development, grading, construction, activity or operation that changes the basic character, configuration, or use of land or structures after the enactment of this Land Use Code.

B. **Permit Application.** An application for a Land Use Permit shall be filed with the County.

C. **No Development Prior to Permit Issuance.** No development or Land Use change for which a Land Use Permit is required may begin until a Land Use Permit has been approved and issued by Yuma County.

D. **Permits Run with the Land.** Any Land Use Permit issued under this Code shall run with the land.

E. **Commencement and Completion of Construction.** The BoCC, at its discretion, may establish a schedule for commencing and completing construction of the project. Unless otherwise established by the BoCC, any Land Use Permit issued under this Code shall expire after one (1) year from the date of issuance if construction has not commenced, and within three (3) years from the date of issuance if construction has not been completed.

1. **Extension of Time.** The applicant may request one (1) extension of time to begin or complete construction.

2. **Written Request.** The applicant shall file a written request with the County and show good cause for extension of time, no less than thirty (30) calendar days prior to the original expiration date.

3. **BoCC Approval of Request for Extension of Time.** The BoCC may approve the request for extension of time based upon information provided by the permittee.

F. **Permit Amendment.** Any change to the project from that set forth in the Permit approved by the County shall require a permit amendment. The permittee shall meet with the Administrator to discuss the proposed permit amendment and initiate the review process.

1. **Submittal Requirements for Review of Permit Amendment.** The permittee shall submit an application for permit amendment to the Administrator that contains the following material.

a. A copy of the current permit and a written statement of the reasons for amending the permit.

b. A written report of how the proposed permit amendment satisfies the applicable approval criteria, and any additional or changed mitigation plans proposed to satisfy those criteria.

c. Additional materials that the County determines necessary to properly review the request for permit amendment.

G. **Procedure for Review of Administrative Permit Amendment.**

1. **Amendment of the Land Use Permit.** The Administrator shall consider the proposed amendment of a Land Use Permit.

a. **Review by Referral Agencies.** The administrator will send copies of the application to any referral agencies and consultants deemed necessary by the County for review of the proposed permit amendment.

b. **Notice to Adjacent Property Owners.** Not less than fourteen (14) days prior to the date of the BoCC hearing, the County shall notify property owners within five hundred (500) feet of the exterior boundary of the site by sending a written notice by certified mail, return receipt requested. The written notice will describe the proposed permit amendment and setting forth the time, date and place of the hearing. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

c. **Notice to Mineral Estate Owners.** Not less than thirty (30) days prior to the date of the BoCC hearing, the County shall notify mineral estate owners with mineral interest in the parcels in where surface development is occurring on-site by sending a written notice by certified mail, return receipt requested. For parcels in which no surface development is occurring, notice to mineral estate owners shall be required in a matter defined by the BoCC at the recommendation of the Administrator or Planning Commission. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

d. **Decision by Administrator.** The Administrator may approve, approve with conditions, or deny the application for amendment of Administrative Land Use Permit based upon compliance of the modified project with the applicable standards and criteria in Article 5 of these regulations.

(1) **Approval.** The permit amendment may be approved if the modified project satisfies all of the applicable standards and criteria without additional conditions.

(2) **Conditional Approval.** The permit amendment may be approved with conditions if conditions are necessary to ensure compliance with this Code.

(3) **Denial.** The permit amendment shall be denied and the modified project shall require a new Land Use Permit if the modified project does not satisfy all of the applicable standards and criteria.

(4) **Notice of Administrator's Decision.** The Administrator shall inform the permittee and the BoCC of the approval or basis for denial in writing within five (5) working days of the decision.

e. **Request for Review of Administrator's Decision.** Within five (5) working days of the written notice of decision by the Administrator, the permittee or adjacent property owner(s) may request review of the Administrator's decision by the BoCC.

f. **Review of Administrator's Decision by the BoCC.** Within fourteen (14) calendar days after receipt of notice of decision by the Administrator, the BoCC may, at its discretion, decide to reconsider the Administrator's decision at the next regularly scheduled meeting of the BoCC for which proper notice can be accomplished.

g. **Consideration of Amendment of Administrative Land Use Permit by the BoCC.** Upon receiving the request for review of the Administrator's decision on the application for amendment of an Administrative Land Use Permit, or after call-up, the BoCC shall consider the application at a regular meeting of the BoCC for which proper notice can be accomplished. The BoCC shall uphold the Administrator's decision, modify the decision, or reverse the decision based on the applicable standards and criteria in Article 5 of these regulations.

H. **Amendment of Minor Land Use Permit and Major Land Use Permit.** The BoCC shall consider the proposed amendment of a Minor Land Use Permit or a Major Land Use Permit.

1. **Public Hearing by BoCC.** The BoCC shall hold a public hearing to consider the application for amendment of a Minor Land Use Permit or Major Land Use Permit and shall hear evidence regarding compliance with the applicable standards and criteria before taking an action on the application.

2. **Notice of BoCC Public Hearing.**

a. **Publication of Notice.** The County shall arrange for notice of the BoCC's public hearing on the application for permit amendment to be published at least ten (10) days prior to the date of the public hearing in a newspaper of general circulation setting forth the time, date and place of the hearing.

b. **Notice to Adjacent Property Owners.** Not less than fourteen (14) days prior to the date of the BoCC hearing, the County shall notify property owners within five hundred (500) feet of the exterior boundary of the site by sending a written notice by certified mail, return receipt requested. The written notice will describe the proposed permit amendment and setting forth the time, date and place of the hearing. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

c. **Notice to Mineral Estate Owners.** Not less than thirty (30) days prior to the date of the BoCC hearing, the County shall notify mineral estate owners with mineral interest in the parcels in where surface development is occurring on-site by sending a written notice by certified mail, return receipt requested. For parcels in which no surface development is occurring, notice to mineral estate owners shall be required in a matter defined by the BoCC at the recommendation of the Administrator or Planning Commission. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

d. **Posting on the Site.** Posting on the wall outside of the BoCC offices at discretion of the BoCC following recommendation from the Land Use Administrator or Planning Commission.

I. **Decision by BoCC.** The BoCC may approve, approve with conditions, or deny permit based upon compliance of the modified project with the applicable standards and criteria in Article 5 of these regulations.

1. **Approval.** The permit amendment may be approved if the modified project satisfies all of the standards and criteria without additional conditions.

2. **Conditional Approval.** The permit amendment may be approved with conditions if conditions are necessary to ensure compliance with this Code.

3. **Denial.** The permit amendment shall be denied and the modified project shall require a new Land Use Permit if the modified project does not satisfy all of the applicable standards and criteria in Article 5 of these regulations.

SECTION 2-102: CLASSES OF LAND USE PERMITS.

Yuma County has adopted four (4) classes of permits: Activity Notice Permit, Administrative Land Use Permit, Minor Land Use Permit and Major Land Use Permit. The determination of the notices or class of permits that will be required for a Land Use Change shall be made at the time of the preapplication interview that takes place with the Administrator.

A. **Activity Notice Permit.** The primary purpose of the Activity Notice Permit is to track growth impact to the County, such as impact to roads, to existing residents and the impact of growth to the school systems. The Activity Notice Permit is not required to be approved by the Planning Commission, but will be approved by the Administrator, and submitted to the Assessor when finalized. Permits may be issued by the Administrator under Section 4-102 of this Code for any of the following Land Use examples:

1. **Residential Changes Including Agriculture.**

   a. **Single Family Dwelling.** The construction of one (1) single family dwelling and accessory uses that are incidental and secondary to the single-family dwelling on a single lot shall require an Activity Notice,

   b. Addition to single family dwelling,

   c. Add a garage, storage, or shop building,

   d. Add a residential Wind Energy System,

   e. Add a residential Solar Energy System,

   f. Add a residential Battery Energy Storage System.

2. **Commercial Changes.**

   a. Adding grain bins,

   b. Adding an antenna tower,

   c. Adding additional equipment to the antennae tower.

B. **Administrative Land Use Permit.** An Administrative Land Use Permit refers to a minor land use change that is reviewed and approved by the administrator. The permit is typically for relatively small-scale projects or changes in land use that are considered to have minimal impact on the surrounding area, without requiring a full public hearing or Planning Commission review. Administrative Land Use Permits are not required to be approved by the Planning Commission, but they will be shared with the County Assessor. This permit will be presented to the BoCC for approval of resolution. Permits may be issued by the Administrator under Section 4-103 of this Code for any of the following Land Use examples:

1. Construction of a second or third dwelling unit on a single parcel of land thirty-five (35) acres in size or larger.

2. **Lot Line Adjustments.** An Administrative Land Use Permit shall be required for the adjustment of lot lines between lots. The purpose of making a lot line adjustment is to correct boundary errors, align boundaries with topographic features, or straighten boundaries. This applies only to contiguous lots, neither of which lies within a subdivision approved pursuant to these Land Use Regulations, and which are not subject to merger with each other pursuant to Section.

3. **Extension or Enlargement of a Non-Residential Structure.** An Administrative Land Use Permit shall be required for extension or enlargement of a non-residential structure allowed under the provisions of this Code, that adds less than five hundred (500) square feet of usable floor space to the square footage in compliance with the provisions of this Code.

4. **Lot Mergers.** An Administrative Land Use Permit shall be required to eliminate the lot lines separating adjacent lots that are commonly owned.

5. **Correction of Plat.** An Administrative Land Use Permit shall be required to correct a technical error in a subdivision plat that has been approved and recorded.

6. **Distributed Solar Energy System (DSES).** A Minor Land Use Permit shall be required for the installation of a DSES.

7. **Distributed Wind Energy System (DWES).** A Minor Land Use Permit shall be required for the installation of a DWES. See Article 7, Wind Energy System.

8. **Distributed Battery Energy Storage System (DBESS).** A Minor Land Use Permit shall be required for the installation of a DBESS. See Article 8, Battery Energy Storage System.

C. **Minor Land Use Permit.** Minor Land Use Permit may be issued by the BoCC under Section 4-104 of this Code for any of the following Land Use Changes.

1. **Exempt Divisions of Land into Four (4) Parcels or Less.** A Minor Land Use Permit shall be required for divisions of land resulting in the creation of four (4) parcels or less for purposes of obtaining exempt small capacity well permits from the State Engineer.

2. **Roads and Excavations.**

a. The design and construction of a road or excavation, other than a road or excavation that is part of a normal agricultural operation, shall require a Minor Land Use Permit, except that:

(1) The design and construction of a road or excavation associated with development shall be reviewed and considered as part of the Land Use Permit process for that development.

D. **Major Land Use Permit.** Any Land Use Changes that are not listed under Administrative Land Use Permits or Minor Land Use Permits require a Major Land Use Permit and may be issued by the BoCC under Section 4-105 of this Code. A Commercial Activity Notice Permit is required for any building or significant change of use on any or industrial property in rural Yuma County.

1. **Cluster Subdivisions.** A Minor Land Use Permit shall be required for development of Cluster Subdivisions under Section 4-104 to implement the requirements of C.R.S. § 37-92-602, as amended.

2. **Subdivision Plat Vacation.** A Minor Land Use Permit shall be required for vacation of a recorded subdivision plat.

3. **Subdivision Final Plat.** A Minor Land Use Permit shall be required for approval of a subdivision final plat in compliance with an approved preliminary plan.

4. **Utility Solar Energy System (USES).** A Major Land Use Permit shall be required for the installation of a Utility Solar Energy System. See Article 6, Solar Energy System.

5. **Utility Wind Energy System (UWES).** A Major Land Use Permit shall be required for the installation of a Utility Wind Energy System. See Article 7, Wind Energy System.

6. **Utility Battery Energy Storage System (UBESS).** A Major Land Use Permit shall be required for the installation of a Utility Battery Storage. In most cases, Battery Energy Storage will be connected to a Wind Energy Implementation or a Solar Energy Implementation. See Article 8, Battery Energy Storage System.

E. **Exemption from the Definition of Subdivision.** Under state statute, the term "subdivision" and "subdivided land" shall not apply to any division of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for multiple ownership.

1. **Other Statutory Exemptions.** Other divisions of interests in land to which the term "subdivision" and "subdivided land" do not apply.

2. Exempt divisions for small capacity well eligibility.

3. Exempt divisions to create four (4) lots.

4. Exempt divisions into five (5) to twenty (20) lots.

5. No determination of water availability.

F. **Exemption from Land Use Permit—Home Occupations.**

1. **Home Occupations.** The conduct of a home occupation shall not require a Land Use Permit so long as the home occupation complies with the following minimum standards. Failure to conduct the home occupation in compliance with the minimum standards shall be a violation of this Code and will be subject to enforcement proceedings. Should the BoCC receive a complaint on a home occupation, exempt status may be reconsidered or nullified.

   The following minimum standards shall apply to exempt home occupations:

   a. Such use is incidental and secondary to residential use of the principal dwelling or accessory structure or addition and does not change the residential character thereof.

   b. Such use will be conducted by the resident(s) of the principal dwelling and only within the principal dwelling or accessory structure or addition.

   c. Such use does not generate traffic that significantly affects the residential character of the area.

   d. Such use does not create excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the property boundaries.

   e. Such use shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

G. **Exemption from Land Use Permit Requirement.**

1. **Agricultural Structures and Activities.** The construction of agricultural structures and the conduct of activities associated with normal agricultural operations and any minor expansion of a concentrated animal feeding operation or livestock confinement facility that does not increase the capacity of the facility by more than thirty-three percent (33%) or five thousand (5,000) head, whichever is less, over the existing capacity as of the date of approval of this document, shall not require any Land Use document.

2. **Existing Uses and Structures.** Continuation of uses in existence as of the effective date of this Code shall not require a Land Use Permit. Uses and structures existing as of the effective date of this Code which are not in conformance with the provisions of this Code shall be treated as a nonconforming use subject to the requirements of Article 12 of this Code.

3. **Division of Land into Parcels Thirty-Five Acres or Larger.** The division of land into parcels thirty-five (35) acres in size or larger shall not require a Land Use Permit.

a. **Land Use Changes on Parcels Greater than Thirty-Five Acres Not Exempt from Permit Requirements.** Even though the division of land into parcels thirty-five (35) acres or larger in size does not require a Land Use Permit, other Land Use Changes on or to serve these parcels shall require a Land Use Permit including, without limitation, the construction of roads and utilities to serve those parcels, commercial or industrial uses, livestock containment facilities, confined animal feeding operations and other activities not exempt from the permit requirements of this Code.

(Ord. No. 2026-01, § 1, 2-13-2026)

SECTION 2-103: REVIEW AND APPROVAL OF LAND USE PERMITS.

A. **Activity Notice Permit.** The Activity Notice Permit gets reviewed and approved by the Administrator.

B. **Administrative Land Use Permit.** The Administrative Land Use Permit is reviewed and approved by the Administrator.

C. **Minor and Major Land Use Permit.**

1. **Introducing Permit to Planning Commission.**

a. **Schedule of Planning Commission Public Hearing.** The Administrator shall schedule the Minor Land Use Permit or Major Land Use Permit application for review by the Planning Commission at a public hearing to be held not more than forty-five (45) days from the date that the application is deemed complete.

b. **Publication of Notice of Planning Commission Public Hearing.** The Administrator shall arrange for notice of the Planning Commission public hearing in the application for the Minor Land Use Permit be published at least fourteen (14) days prior to the date of the public hearing in a newspaper of general circulation setting forth the time, date, place and agenda of the hearing.

c. **Notice to Adjacent Property Owners.** Not less than fourteen (14) days prior to the date of the Planning Commission hearing, the County shall notify property owners within five hundred (500) feet of the exterior boundary of the site by sending a written notice by certified mail, return receipt requested. The written notice will describe the proposed permit amendment and setting forth the time, date and place of the hearing. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

d. **Notice to Mineral Estate Owners.** Not less than thirty (30) days prior to the date of the Planning Commission hearing, the County shall notify mineral estate owners with mineral interest in the parcels in where surface development is occurring on-site by sending a written notice by certified mail, return receipt requested. For parcels in which no surface development is occurring, notice to mineral estate owners shall be required in a matter defined by the BoCC at the

recommendation of the Administrator or Planning Commission. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to send notices.

e. **Posting of Agenda for Public Hearing.** Posting of the agenda will be on the board in front of the Commissioner's office, and on the board in front of the Land Use office.

f. Following the public hearing with the Planning Commission if the application is approved, then it will be presented to the BoCC at their end of month meeting for resolution approval.

ARTICLE 3:

REVIEW AND CONSIDERATION OF DIVISIONS OF LAND

Section 3-101: Subdivisions.
Section 3-102: Exemptions from Definition of Subdivision.

SECTION 3-101: SUBDIVISIONS.

Colorado State Statutes empower counties to adopt regulations that govern certain divisions of land. Subdivision is defined by statute to include "any parcel of land … which is divided into two (2) or more parcels, separate interests or interests in common, unless exempt …"

A. **Compliance with Code Required.** No subdivision shall be approved under this Code unless it meets all of the County requirements contained in this Code.

B. **Sale of Lots in Unapproved Subdivisions Prohibited.** No land within a subdivision shall be sold unless a final plat for the subdivision has been approved and recorded in compliance with this Code.

C. **Preliminary Plan.** An applicant for subdivision must gain approval of a preliminary plan prior to consideration of a request for final plat approval. A preliminary plan requires a Major Land Use Permit under Section 4-106.

D. **Final Plat.** An applicant for subdivision must gain approval of a final plat following the approval of the preliminary plan. A final plat requires a Minor Land Use Permit under Section 4-104.

SECTION 3-102: EXEMPTIONS FROM DEFINITION OF SUBDIVISION.

A. **Statutory Exemptions.**

1. **Thirty-Five Acre.** Under state statute, the term "subdivision" and "subdivided land" shall not apply to any division of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for multiple ownership. These divisions do not require the approval of a subdivision plat, but land use changes that occur on parcels of land larger than thirty-five (35) acres require a Land Use Permit and are not exempt from compliance with the Code.

2. **Other Statutory Exemptions.** C.R.S. § 30-28-101(10)(c) lists other divisions of interests in land to which the term "subdivision" and "subdivided land" do not apply.

B. **Yuma County Exemptions.** Yuma County exempts from the definition of the term "subdivision" and "subdivided land" the following divisions of land but these divisions require a Land Use Permit and are not exempt from compliance with the Code.

1. **Exempt Divisions for Small Capacity Well Eligibility.** Yuma County finds that divisions of land that create twenty (20) or fewer lots even though the lots are smaller than thirty-five (35) acres in size are exempt from the definition of subdivision and therefore eligible to apply for an exempt small capacity well permit with the Office of the State Engineer. These divisions are not required to comply with Yuma County subdivision regulations, but a Land Use Permit shall be required as follows:

a. **Exempt Divisions to Create Four Lots.** The platting of exempt divisions of land that creates four (4) lots or less shall require a Minor Land Use Permit under Section 4-104.

b. **Exempt Divisions into Five to Twenty Lots.** The platting of exempt divisions of land that creates five (5) to twenty (20) lots shall require a Major Land Use Permit under Section 4-106.

c. **No Determination of Water Availability.** Issuance of a Land Use Permit for an Exempt Division for small capacity well eligibility does not constitute any finding by the County regarding whether a well permit will be issued by the State Engineer or whether water is actually available.

2. **Cluster Developments.** Yuma County finds that the creation of a cluster development as that term is defined by state statute at C.R.S. §§ 30-28-401, 30-28-402 and 30-28-403 is exempt from the definition of subdivision.

a. **Minor Land Use Permit Required.** A Minor Land Use Permit under Section 4-104 is required for platting of a cluster subdivision.

ARTICLE 4:

APPLICATION PROCESS FOR LAND USE PERMITS

Section 4-101: Common Application Procedures.
Section 4-102: Activity Notice Permit.
Section 4-103: Administrative Land Use Permit.
Section 4-103-1: Administrative Land Use Permit Requirements for Distributed Solar Energy Systems.
Section 4-103-2: Administrative Land Use Permit Requirements for Distributed Wind Energy Facility.
Section 4-104: Minor Land Use Permit Procedures.
Section 4-105: Minor Land Use Permit Reapplication Review.
Section 4-106: Major Land Use Permit Procedures.
Section 4-107: Financial Security Requirements for Major Land Use Permit.

SECTION 4-101: COMMON APPLICATION PROCEDURES.

These procedures shall apply to any applicant for a Land Use Permit under this Code.

A. **Preapplication Meeting.** Any person contemplating a Land Use Change shall first schedule a preapplication meeting with the Administrator to discuss the proposed Land Use Change.

B. **Determination of Class of Land Use Permit.** Within five (5) working days of the meeting with the Applicant, the Administrator shall determine if the Land Use Change requires an Activity Notice Permit, an Administrative Permit, a Minor Land Use Permit or Major Land Use Permit.

1. **Notice of Determination of Class of Land Use Permit.** Within five (5) working days of the Determination of Class of Land Use Permit, the Administrator shall notify the applicant by email, in person or phone whether the Land Use Change is subject to the Activity Notice Permit, Administrative Land Use Permit, Minor Land Use Permit or Major Land Use Permit.

2. **Reconsideration of Administrator's Determination of Class of Land Use Permit by Board.** The BoCC or the Planning Commission may, at its discretion, review the Administrator's determination of the class of Land Use Permit and decide that a different class of Land Use Permit is more appropriate, based upon the nature and scope of the impacts of the proposed Land Use Change. Such review and amendment of the Determination shall be made at the next regularly scheduled meeting of the Board or Planning Commission following receipt of notice of the Determination.

C. **Application Fee.**

1. **Fee Established.** All applications must be accompanied by an application fee in accordance with the Yuma County Fee Schedule. The Yuma County Fee Schedule is a living document that is adopted by a Resolution of the Planning Commission and the BoCC. The Yuma County Fee Schedule shall reflect the minimum cost of reviewing and processing the application package, including costs of copying, mailings, publications, recordings and labor.

a. The Administrator shall add to the application fee the estimated costs of outside consultants, experts, and attorneys as the County deems necessary to advise it on the review and consideration of the application package.

2. **Accounting of Fee.** The County will deposit that portion of the application fee that is not necessary to cover immediate costs and expenses in an account. The County will obligate, encumber or use such funds, from time to time, at its discretion, when necessary to cover the cost of review and consideration of the application. If costs associated with review and consideration of the application package exceed the funds available in the account, the Administrator shall notify the applicant of the additional fee required to proceed with review and consideration of the application package.

D. **Submission of Permit Application.** Following the determination of class of Land Use Permit and the application fee, the application shall be submitted to the Administrator, together with the appropriate application fee.

E. **Completeness Determination.** Within fifteen (15) days following receipt of the permit application, the Administrator shall determine whether the application is complete. An application shall be deemed complete if it includes all information required.

1. **Notification of Incompleteness.** If the application is not complete, the Administrator shall notify the applicant in writing of any materials that must be submitted before the application can be deemed complete. The time to review the application shall not begin to run until the completeness determination has been made.

2. **Completeness Date.** Once the application is complete, the Administrator shall update the application with the date that it was determined to be complete and all-time frames within this Code pertaining to review of the application shall be based on the completeness date.

3. **Review and Approval.** Every application may be approved, approved with conditions or denied by the County and will be reviewed according to the procedures in this Code for the particular class of permit.

SECTION 4-102: ACTIVITY NOTICE PERMIT.

A. **Applicability.** The Activity Notice Permit process may apply only to those Land Use Changes that have been determined to fall within the Activity Notice Land Use Notice Permit Class. See Section 2-102.

B. **Complete Application.** The application shall be submitted to the Administrator, together with the appropriate application fee. An applicant for an Activity Notice Land Use Permit shall submit the application with the following information unless the Administrator decides that the information should be waived.

1. a. **Applicant** — the name, address, and phone number of the applicant.

b. **Contractor** — If a contractor exists, please list the name and phone number of the contractor.

c. **Location/Township/Range/Section** — legal description of property.

d. **Intended Use of Structure** — What is the intended use of structure?

e. **Class of Improvements** — What type of improvement is being done?

f. **Type of Materials** — i.e., metal building, wood building.

g. **Type of Floor** — concrete, wood, dirt?

h. **Dimensions** — of building or addition.

i. **Septic System required?** Yes or no.

j. **Water Well required?** Yes or no.

k. **Setbacks Required?** See Appendix A, Setbacks.

l. **Will construction occur within a special flood hazard area?**

C. **Submittal of Application and Fee.** Following the determination of class of Land Use Notice it and the application fee, the application shall be submitted to the Administrator, together with the appropriate application fee.

D. **Completeness Determination.** Within fifteen (15) days following receipt of the permit application and fee, the Administrator shall determine whether the application is complete. An application shall be deemed complete if it includes all information required.

1. **Notification of Incompleteness.** If the application is not complete, the Administrator shall notify the applicant in writing of any materials that must be submitted before the application can be deemed complete. The time to review the application shall not begin to run until the completeness determination has been made.

2. **Completeness Date.** Once the application is complete, the Administrator shall stamp the application with the date that it was determined to be complete and all-time frames within this Code pertaining to review of the application shall be based on the completeness date.

E. **Review and Approval.** Every application may be approved, approved with conditions or denied by the County and will be reviewed according to the procedures in this Code for the particular class of notice. Activity Notice Permits are reviewed and approved by the Administrator.

SECTION 4-103: ADMINISTRATIVE LAND USE PERMIT.

A. **Applicability.** The Administrative Land Use Permit process may apply only to those Land Use Changes that have been determined to fall within the Administrative Land Use Permit Class. See Section 2-102.

B. **Complete Permit Application.** Following the determination of class of Land Use Permit and the application fee, the application shall be submitted to the Administrator, together with the appropriate application fee.

The application will include the following information:

1. **Total acres of land involved in the project.**

2. **Legal Description.** Please provide location, township, range, and section.

3. **Applicant.** Please provide Name, Address, Phone and Email.

4. **If this is a Lot Line adjustment, please provide Landowner #2 Name, Address, Phone and Email.**

5. **Include a Vicinity Map.**

6. **Include a Survey.**

7. **Description of the Proposed Land Use Change.** A brief written description of the proposed Land Use Change shall be submitted to the Administrator. The written

description shall include the type of Land Use Change, and the total number of acres of the site where the change will occur and how the Land Use Change complies with the applicable standards.

a. **Applicant Is Not the Owner.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.

b. **Applicant Is Not the Sole Owner.** If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners or an association representing the owners consenting to or joining in the application for Land Use Permit.

8. **Lot Line Adjustment.** Owner of each property. State the current owner of all properties as on the Assessor's records.

9. **Owner Number 1 and 2, along with contact information and email.**

10. **Wastewater System.** Description of any proposed wastewater treatment system, including location and size of each leach field, that will serve proposed uses.

11. **Water Supply System.** Description of the source and capacity of any water supply, including location and size of well(s) and/or water lines to serve the proposed use.

12. **Impact Analysis.** Description of the impacts that the proposed Land Use may cause, based upon the relevant standards and criteria of Article 5, Standards and Criteria, and a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied. The impact analysis shall include, but is not limited to, the information that is listed on the sheet.

13. **Pertinent Information.** Relevant to the land change you are proposing.

(Ord. No. 2026-01, § 1, 2-13-2026)

SECTION 4-103-1: ADMINISTRATIVE LAND USE PERMIT REQUIREMENTS FOR DISTRIBUTED SOLAR ENERGY SYSTEMS.

Application Materials Required for Distributed Solar Energy System. The application for an Administrative Land Use Permit for a DSES shall include the following information. The Administrator may request additional information that may be necessary to evaluate the application. The Administrator may waive any part of the application material requirements when the information would not be determined as necessary.

A. **Detailed Drawing or Photograph.** Detailed drawing of the DSES to be installed. The drawing shall include dimensions for DSES.

B. **Setbacks for DSES.**

1. **Minimum Setback.** DSES and equipment shall comply with the Industrial/Commercial Setbacks in Appendix A, Setbacks.

2. **Scenic Resource Setback.** DSES and equipment shall comply with the Scenic Resource Setbacks in Appendix A, Setbacks.

    a. A scenic resource protection setback requirement may be reduced if the BoCC determines that the characteristics of the surrounding property eliminate or substantially reduce considerations of scenic value.

3. **Waiver or Reduction of Setback.** The Applicant may request a waiver from the setback requirements at the time of the Land Use Permit application. The Board at its discretion may consider an applicant's proposal for waiver or reduction of setback in a regular meeting for which the request appears on the agenda. If the Land Use Permit application is approved with a setback waiver or reduction, the approved setback shall be specified in the Land Use Permit approval. The burden is upon the applicant to demonstrate with clear and convincing evidence that:

    a. The proposed waiver or reduction of setback is necessary to accommodate the DSES.

    b. The public health, safety, welfare and the environment will not be harmed by the proposed waiver or reduction of setback.

    c. The proposed DSES otherwise complies with the relevant standards.

C. **Maximum System Height.** Roof-mounted systems shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by up to five (5) feet.

D. **Visual Impacts.** The Distributed Solar Energy System shall not have an adverse visual impact on the natural features or character of the surrounding area and shall be located to minimize glare on adjacent properties and roadway.

E. **Location Restrictions.**

1. Ground-mounted solar energy collectors may not be located within utility easements or ditch easements unless authorized in writing by the easement holder.

2. DSES shall not be located in areas of critical wildlife habitat.

3. DSES are encouraged to locate on predominately (more than sixty percent (60%)) non-prime farmland.

F. **Certification.**

1. All equipment and pertinent facilities shall be certified by a registered structural engineer to be compliant with the applicable industry, state, federal and local regulations.

2. The electrical system shall be certified by a registered electrical engineer to be compliant with the applicable industry, state, federal and local regulations.

3. Prior to operation, the applicant shall provide the County with the required certifications.

SECTION 4-103-2: ADMINISTRATIVE LAND USE PERMIT REQUIREMENTS FOR DISTRIBUTED WIND ENERGY FACILITY.

A. **Application Materials Required for Distributed Wind System.** The application for an Administrative Land Use Permit for a Distributed Wind Energy Facility shall include the following information. The Administrator may request additional information that may be necessary to evaluate the application. The Administrator may waive any part of the application material requirements when the information would not be as determined by the Administrator.

1. **Written Description.** A written description of the proposed Distributed Wind Energy System including the manufacturer and model, rated kW capacity, overall height of the turbine (grade level to highest tip extension), total blade diameter, and rated maximum rotor RPM. A written description of the proposed Distributed Solar Energy System including the manufacturer and model of the system to be installed.

2. **Detailed Drawing or Photograph.** Detailed drawing of the Distributed Wind Energy Facility to be installed. The drawing shall include dimensions for wind tower footprint, tower height, hub height and blade tip height.

3. **Notice to FAA.** If the DWEF is located within twenty thousand (20,000) feet of the runway of an airport, the application shall be accompanied by a copy of the written notification to the FAA.

4. **Notice to Operation of Communication Link.** If the DWEF is located within two (2) miles of any microwave communications link and/or remote telemetry, the application shall be accompanied by a copy of the written notification to the operator of the communication link.

B. **Additional Standards for DWEF Land Use Permits.**

1. **Industry Standards, and State and Federal Requirements.** Wind turbines, their components and appurtenant facilities shall conform to applicable industry standards, including those of the American National Standards Institute and National Electrical Commission, and shall comply with all relevant state and federal requirements.

2. **Artificial Lighting.** Wind turbines and appurtenant structures shall not be artificially lit except to the extent required by the FAA or other applicable authority.

3. **Setbacks for Distributed Wind Energy Systems.**

   a. **Minimum Setbacks.** See Appendix A, Setbacks, under DWEF.

   b. **Scenic Resource Setback.** See Appendix A, Setbacks, under DWEF.

      - A scenic resource protection setback requirement may be reduced if the BoCC determines that the characteristics of the surrounding property eliminate or substantially reduce considerations of scenic value.

   c. **Waiver or Reduction of Setback.** The Applicant may request a waiver from the setback requirements at the time of the Land Use Permit application. The BoCC at its discretion may consider an applicant's proposal for waiver or reduction of

setback in a regular meeting for which the request appears on the agenda. If the Land Use Permit application is approved with a setback waiver or reduction, the approved setback shall be specified in the Land Use Permit approval. The burden is upon the applicant to demonstrate with clear and convincing evidence that:

- The proposed waiver or reduction of setback is necessary to accommodate the Distributed Wind Energy Facility; and
- The public health, safety, welfare and the environment will not be harmed by the proposed waiver or reduction of setback; and
- The proposed Distributed Wind Energy Facility otherwise complies with the relevant standards.

4. **Safety and Security.**

   a. Fencing, or other barriers acceptable to the County, shall be installed to prevent unauthorized access to the Distributed Wind Energy Facility electrical interconnection facilities.

   b. All wiring between Wind Turbines and the Distributed Wind Energy Facility substation shall be underground.

   c. Guy wires shall be distinctly marked and fenced on all permanent towers.

   d. All access doors to Wind Turbine towers and electrical equipment shall be lockable and remain locked when unattended.

   e. Signs warning of the electrical hazard and other hazards associated with the Wind Energy Facility shall be posted at the base of each Wind Turbine tower, electrical equipment, and at the entrance of the Wind Energy Facility.

   f. A security patrol or other security measure may be required if it is determined to be necessary and appropriate to ensure public safety.

5. **Fire Protection.** The Wind Energy Facility shall have adequate fire control and prevention measures.

6. **Underground Location of Power Lines.** Unless geologic conditions prevent underground installation, electrical collection system wiring, and power lines shall be installed underground except where the Wind Energy Facility collector wiring is brought together for connection to the transmission or distribution network. All underground installations located within the public road easement or right-of-way shall comply with the applicable permit and design requirements of Yuma County Road and Bridge and should include the following elements:

   a. **Restoration.** Any disturbed portion of the right-of-way shall be restored as nearly as possible to its condition immediately prior to construction, improvements, location or relocation, and to the satisfaction of Yuma County Road and Bridge. Backfilling shall be made in six-inch lifts, mechanically tamped and packed, and the last twelve (12) inches shall be crushed rock or gravel.

b. **Safety.** Safety measures shall be implemented to the satisfaction of Yuma County Road and Bridge and in accordance with state and federal requirements to protect the public from harm during construction, improvements, location or relocation.

c. **Roadway Crossing.** When the installation crosses a roadway, it shall be located as perpendicular to the roadway as physically practical and installed in compliance with the requirements of Yuma County Road and Bridge.

d. **As-Built Drawings.** Certified as-built drawings shall be provided to the County once the construction, improvements, location or relocation has been completed.

e. **Permit and Notice to Proceed.** No work associated with construction, improvements, location or relocation shall commence until the required permit(s) and notice to proceed have been issued by the County.

7. **Interconnection and Electrical Distribution Facilities.**

a. All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the American National Standard Institute (ANSI), National Electrical Code (NEC), Institute of Electrical and Electronic Engineers (IEEE), and National Utility Standards.

b. Interconnection shall conform to the requirements of the electric utility company, and applicable state and federal regulatory requirements.

8. **Interference with Navigational Systems.** The Applicant shall minimize or mitigate any interference with electromagnetic communications caused by the Wind Energy Facility, including radio, telephone or television signals.

a. Every Wind Turbine shall comply with Federal Aviation Administration regulations for sighting structures near an airport or VORTAC installation.

9. **Certification of Equipment and Appurtenant Facilities.**

a. All equipment and appurtenant facilities shall be certified by a registered structural engineer to be compliant with the applicable state, federal and local regulations and to conform with good engineering practices.

b. The electrical system shall be certified by a registered electrical engineer to be compliant with the applicable state, federal and local regulations, and to conform with good engineering practices.

10. **Signs.** Wind Turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Utility Wind Energy Facility.

11. **Color and Finish.**

a. All Wind Turbines shall be painted a non-reflective, non-obtrusive color.

b. Design of accessory buildings and related structures shall, to the extent practicable, use materials, colors, textures, screening and landscaping that will blend the Wind Energy Facility to the natural setting and existing environment.

12. **Preservation of Land Use Under Decommissioning Plan.** Decommissioning of the Wind Energy Facility shall not interfere with surrounding land use.

13. **Dimension and Location of Each Wind Turbine.** Applicant has submitted a site plan that designates the location and dimensions of each Wind Turbine to be authorized by the final Land Use Permit.

C. **Submittal of Application and Fee.** The appropriate Land Use application and application fee shall be submitted to the Administrator.

D. **Completeness Determination.** Within fifteen (15) days following receipt of the permit application, the Administrator shall determine whether the application is complete. An application shall be deemed complete if it includes all information required.

1. **Notification of Incompleteness.** If the application is not complete, the Administrator shall notify the applicant in writing of any materials that must be submitted before the application can be deemed complete. The time to review the application shall not begin to run until the completeness determination has been made.

2. **Completeness Date.** Once the application is complete, the Administrator shall stamp the application with the date that it was determined to be complete and all-time frames within this Code pertaining to review of the application shall be based on the completeness date.

E. **Review and Approval.** Every application may be approved, approved with conditions or denied by the County and will be reviewed according to the procedures in this Code for the particular class of permit. Administrative Land Use Permits are approved by the Administrator.

(Ord. No. 2026-01, § 1, 2-13-2026)

SECTION 4-104: MINOR LAND USE PERMIT PROCEDURES.

A. **Applicability.** The Minor Land Use Permit process may apply only to those Land Use Changes that have been determined to fall within the Minor Land Use Permit Class. See Section 2-102.

B. **Complete Permit Application.** Following the determination of class of Land Use Permit and the application fee, the application shall be submitted to the Administrator, together with the appropriate application fee. The Administrator may request additional information that may be necessary to evaluate the application. The Administrator may waive any part of the application material requirements when the information would not be relevant.

1. **Contact Information.** Name address and phone number.

2. **Legal Description.** Please provide location, township, range, and section.

3. **Total acres of land involved in the project.**

4. **Acres being divided into parcels?**
5. **Written Description of the Proposed Land Use Change.** A brief written description of the proposed Land Use Change shall be submitted to the Administrator. The written description shall include the type of Land Use Change, and the total number of acres of the site where the change will occur and how the Land Use Change complies with the applicable standards.
6. **Include a Vicinity Map.** An 8½ × 11-inch vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the site, and the ownership and use of adjacent properties.
7. **Include a Survey.** A survey is a scaled drawing that shows how a piece of land is divided into lots, streets, and blocks. It's a legal document that establishes the boundaries of a property. It can be a preliminary survey that is either recorded or not.
8. **Drainage and Erosion Control Plan (not applicable to vacations or final plats).** For Land Use Changes that will require any excavation, grading or other surface disturbance, a plan showing existing and proposed grading for the site and practices to prevent erosion and run-off during and after construction.
9. **Noxious Weed Control Plan.**
10. **Wastewater System (not applicable to vacations or final plats).** For Land Use Changes that must be served by wastewater, a description of any proposed wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities and certification by a professional engineer that the system is in compliance with state standards and adequate to serve the proposed development.
11. **Water System (not applicable to vacations or final plats).** For Land Use Changes that must be served by water, a description of the source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use. The applicant shall provide proof of adequate physical and legal supply to serve the proposed Land Use Change, including a letter of approval from the State Engineer documenting that the proposed water supply is adequate to serve the proposed use.
12. **Impact Analysis (not applicable to vacations or final plats).** Description of the impacts that the proposed Land Use Change may cause, based upon the relevant standards and criteria in Article 5 and a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied.

C. **Submittal of Application and Fee.** Following the determination of class of Land Use Permit and the application fee, the application shall be submitted to the Administrator, together with the appropriate application fee.

D. **Completeness Determination.** Within fifteen (15) days following receipt of the permit application, the Administrator shall determine whether the application is complete. An application shall be deemed complete if it includes all information required.

1. **Notification of Incompleteness.** If the application is not complete, the Administrator shall notify the applicant in writing of any materials that must be submitted

before the application can be deemed complete. The time to review the application shall not begin to run until the completeness determination has been made.

2. **Completeness Date.** Once the application is complete, the Administrator shall stamp the application with the date that it was determined to be complete and all-time frames within this Code pertaining to review of the application shall be based on the completeness date.

E. **Review and Approval.** Every application may be approved, approved with conditions or denied by the County and will be reviewed according to the procedures in this Code for the particular class of permit.

F. **Review of Minor Land Use Permit by Administrator.**

1. Following the preapplication conference described in Section 4-101(A), and the determination that the application is complete under Section 4-101(E) the following process will apply to review a Minor Land Use Permit. In addition to the application fee that reflects the minimum costs to process the application, the applicant is responsible for paying the direct costs of review of the application, including but not limited to costs of referral agencies and outside consultants.

2. **Evaluation of Application by Administrator.** The Administrator shall review the application for compliance with the relevant standards and criteria set forth in Article 5. Within thirty (30) days of the date that the application was determined to be complete, the Administrator shall prepare a report that recommends approval, approval with conditions or denial of the application for a Minor Land Use Permit. The report shall be forwarded to the applicant and to the Planning Commission prior to the Planning Commission meeting when the application will be reviewed.

3. **Review by Referral Agencies.** The Administrator may send copies of the application to any referral agencies and consultants deemed necessary by the County.

4. **Schedule of Planning Commission Meeting.** Upon determination of completeness, the Administrator shall schedule the application for review by the Planning Commission at a regular meeting to be held not more than forty-five (45) days from the date that the application is deemed complete.

G. **Review and Recommendation by Planning Commission.**

1. The Minor Land Use Permit Application shall be considered by the Planning Commission at a regular meeting scheduled not more than forty-five (45) days from the date that the application is deemed complete by the Administrator. No public hearing by the Planning Commission is required for a Minor Land Use Permit.

a. **Notice to Adjacent Property Owners.** Not less than fifteen (15) days prior to the date of the BoCC hearing, the County shall notify property owners within five hundred (500) feet of the exterior boundary of the site by sending a written notice by certified mail, return receipt requested. The written notice will describe the

proposed permit amendment and setting forth the time, date and place of the hearing. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

b. **Notice to Mineral Estate Owners.** Not less than thirty (30) days prior to the date of the BoCC hearing, the County shall notify mineral estate owners with mineral interest in the parcels in where surface development is occurring on-site by sending a written notice by certified mail, return receipt requested. For parcels in which no surface development is occurring, notice to mineral estate owners shall be required in a matter defined by the BoCC at the recommendation of the Administrator or Planning Commission. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

c. **Recommendation by Planning Commission.** Following the meeting, the Planning Commission shall recommend approval, approval with conditions or denial of the application for a Minor Land Use Permit based on the applicable standards and criteria in Article 5.

H. **Public Hearing by BoCC.**

1. **Schedule and Notice of BoCC Public Hearing.**

a. **Schedule of Board of County Commissioner Public Hearing.** The Administrator shall schedule the Minor Land Use permit application for review by the Board at a public hearing to be held not more than thirty (30) days from the date of the Planning Commission recommendation on the application.

b. **Publication of Notice of Board of County Commissioner Public Hearing.** The County shall arrange for notice of the BoCC public hearing to be published at least fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation setting forth the time, date and place of the hearing.

c. **Notice to Adjacent Property Owners.** Not less than fourteen (14) days prior to the date of the BoCC hearing, the County shall notify property owners within five hundred (500) feet of the exterior boundary of the site by sending a written notice by certified mail, return receipt requested. The written notice will describe the proposed permit amendment and setting forth the time, date and place of the hearing. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

d. **Notice to Mineral Estate Owners.** Not less than thirty (30) days prior to date of the BoCC hearing, the County shall notify mineral estate owners with mineral interest in the parcels in where surface development is occurring on-site by sending a written notice by certified mail, return receipt requested. For parcels in which no surface development is occurring, notice to mineral estate owners shall be required in a matter defined by the BoCC at the recommendation of the

Administrator or Planning Commission. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

e. **Posting on the Site.** Posting on the site will be on the wall outside the BoCC office at the discretion of the BoCC following recommendation from the Administrator or Planning Commission.

2. **Public Hearing and Action by BoCC.** The BoCC shall hold a public hearing to consider the application for a Minor Land Use Permit and shall hear evidence regarding compliance with the standards and criteria before taking an action on the application.

a. **Approval.** The application for a Minor Land Use Permit may be approved if the application satisfies all of the relevant standards and criteria contained in Article 5.

b. **Conditional Approval.** The application for a Minor Land Use Permit may be approved with conditions if conditions are necessary to ensure compliance with this Code.

c. **Denial.** The application shall be denied if the application does not satisfy all of the relevant standards and criteria contained in Article 5.

(Ord. No. 2026-01, § 1, 2-13-2026)

SECTION 4-105: MINOR LAND USE PERMIT PREAPPLICATION REVIEW.

Following the preapplication meeting described in Section 4-101(A) and the determination that the application is complete under Section 4-101(E), the following process will apply to review a Minor Land Use Permit. In addition to the application fee that reflects the minimum costs to process the application, the applicant is responsible for paying the direct costs of review of the application, including but not limited to costs of referral agencies and outside consultants.

SECTION 4-106: MAJOR LAND USE PERMIT PROCEDURES.

A. **Applicability.** The Major Land Use Permit process shall apply to those Land Use Changes that do not fall within the Administrative or Minor Land Use Permit Class as described in Section 2-102.

B. **Submittal of Permit Application.** The applicant for a Major Land Use Permit shall submit an application that contains the following information. The Administrator may request additional information that may be necessary to evaluate the application. The Administrator may waive any part of the application material requirements when the information would not be relevant to determining whether the proposed land use change complies with the relevant standards in Article 5.

1. **Written Description.** A brief written description of the proposed Land Use Change shall be submitted to the Administrator. The written description shall include the type of Land Use Change, and the total number of acres of the site where the change will occur.

a. **Applicant Is Not the Owner.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.

b. **Applicant Is Not the Sole Owner.** If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners consenting to or joining in the application for Land Use Permit.

c. **Corporate Ownership.** In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.

2. **Vicinity Map.** An 8½ × 11-inch vicinity map locating the site in the County. The Vicinity map shall clearly show the boundaries of the site, and the ownership and use of adjacent properties.

3. **Site Plan.** A site plan prepared at a scale acceptable to the Administrator, which best conveys the conceptual aspects of the plan and for effective public presentation. The site plan shall have the following elements:

a. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north).

b. The name and address of the property owner (s) and of the applicant(s) if other than the owner or owners, and the person or persons preparing the submittal materials.

c. A list from the County Assessor's office of current property owners of record, including their complete mailing address, for property both onsite and located within five hundred (500) feet of the exterior boundary of the site. This distance provision may be expanded up to two thousand five hundred (2,500) feet by majority vote of the Planning Commission in the case of special circumstances that so warrant.

d. A list of the mineral estate owners and their complete mailing address, both onsite within the boundary of the site. The list shall comprise mineral estate owners pursuant to C.R.S. § 24-65.5-103(1)(a)(I), as amended.

e. Clearly identified boundary lines, corner pins to the extent they exist, dimensions of the site, and distance of proposed structures and facilities from the boundaries of the site.

f. Location of lot lines.

g. Size of the parcel, in acres or square feet.

h. Description of the current land use, both onsite and located within five hundred (500) feet of the exterior boundary of the site, including agricultural use, dwelling units, microwave communication links and airports.

i. Location and dimension of all structures and facilities, existing and proposed, both onsite and located within five hundred (500) feet of the exterior boundary of the site.

j. Existing and proposed grading.

k. Existing and proposed roads, railroad tracks, irrigation ditches, fences, utility lines and facilities, transmission lines and facilities, oil and gas wells, oil and gas facilities, pipelines, flowlines, and easements and rights-of-way of record on the site.

(1) Description of the ownership and purpose of easements and rights-of-way.

l. Description of proposed access route to and from the Wind Energy Facility including road surface material, proposed measures for dust control, and proposed road maintenance schedule or program.

m. Significant features on the site such as contours, natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with flooding limits based on information available through the County), and aquatic habitat, geologic features and hazards, soil types; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that might influence the development.

4. **Materials Required for Subdivision Preliminary Plan.** Instead of a site plan and in addition to the other information required for a Major Land Use Permit, an applicant for a Major Land Use Permit for a Subdivision Preliminary Plan shall submit the following information:

a. The name and address of the property owner (s) and of the applicant(s) if other than the owner or owners, and the person or persons preparing the Preliminary Plan submittal materials.

b. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.

c. A list from the County Assessor's office of current property owners of record and their complete mailing address for property within five hundred (500) feet of the boundaries of the proposed subdivision. This distance provision may be expanded up to two thousand five hundred (2,500) feet by majority vote of the Planning Commission in the case of large subdivisions and other special circumstances that so warrant.

d. A list of the mineral estate owners and their complete mailing address, both onsite within the boundary of the site. The list shall comprise mineral estate owners pursuant to C.R.S. § 24-65.5-103(1)(a)(I), as amended.

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

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

g. A Preliminary Plan map prepared by a professional engineer including the following:

(1) The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown.

(2) Boundary lines with bearings and distances, and a legal description of the parcel to be subdivided certified by a registered land surveyor.

(3) The lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.

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

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

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

(7) The topography of the proposed subdivision at five-foot contours. Upon request of and at the discretion of the Administrator, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea-level data.

(8) The delineation of any known, identified or designated 100-year flood plains and localized areas subject to periodic flooding. Mitigation measures, if any, proposed to overcome the consequences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high-water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.

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

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

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

5. **Drainage and Erosion Control Plan.** For Land Use Changes that will require any excavation, grading or other surface disturbance, a plan showing existing and proposed grading for the site and description of practices that will be utilized to prevent wind erosion, water erosion, sedimentation, flooding and run-off during both construction and operation of the proposed Land Use Change.

6. **Noxious Weed Control Plan.** A description of the measures for controlling noxious weeds existing on the site or that may become established as a result of the development.

7. **Wastewater System.** For Land Use Changes that must be served by a wastewater treatment system, a description of the proposed wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities. The applicant shall provide proof that the system is in compliance with state standards and adequate to serve the proposed Land Use Change including:

a. Certification of compliance with state standards, prepared by a professional engineer.

b. Letter of approval from Northeast Colorado Health Department documenting that the wastewater system is adequate to serve the proposed use.

8. **Water Supply System.** For Land Use Changes that must be served by water, a description of the source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use. The applicant shall provide proof of adequate physical and legal supply to serve the proposed Land Use Change, including a letter of approval from the State Engineer documenting that the proposed water supply is adequate to serve the proposed use.

9. **Road Maintenance and Improvement Agreement.** A long-term Road Maintenance and Improvements Agreement that includes provisions to address the applicable standards and a mitigation plan to address impacts to public roads caused by construction and operation of the proposed use. See the Land Use Administrator for information on this agreement.

10. **Impact Analysis.** Description of the impacts that the proposed Land Use Change may cause, based upon the relevant standards and criteria of Article 5, and a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied. The impact analysis shall include, but is not limited to, the following information:

    a. **Surface Water.**

        (1) Description and map of surface water bodies in the area affected by the proposed use including existing water quality, and uses of those water bodies.

        (2) Description of impacts of the proposed use on surface water quality or quantity.

        (3) Description of mitigation techniques that will be used to prevent significant degradation of the quality and quantity of surface water resources.

    b. **Groundwater.**

        (1) Description and map of groundwater affected by the proposed use including affected water wells, aquifers, designated uses of groundwater and groundwater quality.

        (2) Description of impacts of the proposed use on groundwater quantity or quality.

        (3) Description of mitigation techniques that will be used to prevent significant degradation of the quality and quantity of groundwater resources.

    c. **Air Quality.**

        (1) Description of air quality affected by the proposed use.

        (2) Description of impacts to air quality.

        (3) Description of mitigation techniques that will be used to prevent significant degradation of air quality.

    d. **Wildlife and Wildlife Habitat.**

        (1) Description of wildlife and wildlife habitat affected by the proposed use, including terrestrial and aquatic game and non-game species and livestock, and migration routes.

        (2) Description of impacts to wildlife and wildlife habitat.

        (3) Description of mitigation techniques that will be used to prevent significant degradation of wildlife and wildlife habitat.

e. **Glare, Dust and Noise.**

(1) Description of existing levels of glare, dust and noise in the area affected by the proposed use.

(2) Description of increase in levels of glare, dust and noise associated with the proposed use.

(3) Description of mitigation techniques that will be used to prevent objectionable levels of glare, dust and noise.

f. **Agricultural Lands.**

(1) Description of agricultural lands affected by the proposed use including a description of agricultural operations and levels of production.

(2) Description of impacts to agricultural lands.

(3) Description of mitigation techniques that will be used to prevent significant adverse impacts to agricultural lands and agricultural operations.

g. **Important Areas.**

(1) Description of areas of paleontological, historic or archaeological importance affected by the proposed use.

(2) Description of the impacts to areas of paleontological, historic or archaeological importance affected by the proposed use.

(3) Description of mitigation techniques that will be used to prevent significant degradation of areas of paleontological, historic or archaeological importance affected by the proposed use.

h. **Recreational Resources.**

(1) Description of recreational opportunities and experiences affected by the proposed use including fishing, hunting, hiking or other resources, the number of recreational user days and the revenue generated by a particular recreational use.

(2) Description of the impacts to recreational opportunities and experiences affected by the proposed use.

(3) Description of mitigation techniques that will be used to prevent significant adverse effects on the quality and quantity of recreational resources.

i. **Local Government Facilities and Services.**

(1) Description of government services and capital facilities that will be affected by the construction and operation of the proposed use such as law enforcement, emergency response, water supply, roads and other facilities and services necessary to respond to or serve the proposed use.

(2) Description of the impact of the proposed use on government services and capital facilities, the capability of local governments to provide the necessary facilities and services.

(3) Description of planned mitigation to eliminate or minimize significant adverse effects on the capability of local government to provide services. If

impacts cannot be fully mitigated, the applicant may be required to pay a mutually agreed upon impact fee. Tashe owner or operator shall provide all necessary training to ensure provision of emergency services during construction and operation of the proposed use.

11. The Administrator may request additional information consistent with the requirements of the Yuma County Land Use Code that may be required to evaluate the proposed Land Use Change. The Administrator may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

12. **Materials Required for Concentrated Animal Feeding Operations Subject to Federal and State Confined Animal Feeding Operations Control Regulations.** Concentrated animal feeding operations subject Animal Feeding Operations Control Regulation 5 CCR 1002-81, and 5 CCR 102-61 must obtain the applicable state permits after receiving approval of an application for Major Land Use Permit from the County. Any changes in the original plan submitted to the County, needs to be brought back to the County for approval. The County may accept the state permit application and supporting materials in lieu of the permit application requirements for Major Land Use Permit set forth under this Section 4-106.

13. **Additional Materials Required for a Utility Solar Energy System.** Along with the main requirements of Major Land Use Permit, additional requirements for USES are defined in Article 6, Utility Solar Energy System.

14. **Additional Materials Required for a Utility Wind Energy Facility System.** Along with the main requirements of Major Land Use Permit, additional requirements for UWEF are defined in Article 7, Utility Wind Energy Facility.

C. **Review of Major Land Use Permit Application Materials by Administrator.**

1. Following the preapplication conference described in Section 4-101(A), and the determination that the application is complete under Section 4-101(E) the following process will apply to review of a Major Land Use Permit:

   a. **Evaluation of Application by Administrator.** Within thirty (30) days of the date that the application was determined to be complete, the Administrator shall prepare a report that recommends approval, approval with conditions or denial of the application for a Major Land Use Permit. The report shall be forwarded to the applicant and to the Planning Commission prior to the Planning Commission public hearing where the application will be reviewed.

   b. **Review by Referral Agencies.** The Administrator shall request the professional analysis and recommendations of referral agencies, organizations, or technical consultants deemed appropriate and necessary to complete the review.

      (1) Upon determination of completeness, the Administrator shall cause the application materials or any portion thereof to be submitted for referral review and comment. The period for comment by the review agencies shall be forty-five (45) days from the date the application is deemed complete by

the Administrator, unless an extension has been requested by the agency. The Administrator may grant an extension if it is determined that good cause for the delay has been shown. The failure of any agency to respond within the 45-day review period or within the period of extension shall not be deemed an approval of such plan by the referral agency.

(2) Applicant shall be responsible for direct payment of review fees charged by consultants and referral agencies.

(3) The applicant shall have the right to review the comments and recommendations received from the review agencies. The applicant may submit additional information and make changes in the application to respond to the comments of the review agencies, under the following conditions:

i. If the changes are substantial or significantly alter the nature, character or extent of the application, the Administrator may refer the information and revised application back to some or all review agencies for further comment; and

ii. The Administrator may extend the period for comment as appropriate for the review, however; the period of time for review and final action by the Board shall not to exceed six (6) months from the date the application was determined to be complete.

D. **Public Hearing and Recommendation by Planning Commission.**

1. **Schedule and Notice of Planning Commission Public Hearing.**

a. **Schedule of Planning Commission Public Hearing.** The Administrator shall schedule the Major Land Use Permit application for review by the Planning Commission at a public hearing to be held not more than forty-five (45) days from the date that the application is deemed complete.

b. **Notice to Adjacent Property Owners.** Not less than fourteen (14) days prior to the date of the BoCC hearing, the County shall notify property owners within five hundred (500) feet of the exterior boundary of the site by sending a written notice by certified mail, return receipt requested. The written notice will describe the proposed permit amendment and setting forth the time, date and place of the hearing. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

c. **Notice to Mineral Estate Owners.** Not less than thirty (30) days prior to the date of the BoCC hearing, the County shall notify mineral estate owners with mineral interest in the parcels in where surface development is occurring on-site by sending a written notice by certified mail, return receipt requested. For parcels in which no surface development is occurring, notice to mineral estate owners shall be required in a matter defined by the BoCC at the recommendation of the Administrator or Planning Commission. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

d. **Publication of Notice of Planning Commission Public Hearing.** The County shall arrange for notice of the Planning Commission public hearing on the application for the Major Land Use Permit be published at least fourteen (14) days prior to the date of the public hearing in a newspaper of general circulation setting forth the time, date and place of the hearing.

i. **Posting on the Site.** Posting on the site will be at the discretion of the BoCC following recommendation from the Land Use Administrator or Planning Commission.

e. **Public Hearing by Planning Commission.** The Major Land Use Permit Application shall be considered by the Planning Commission at a public hearing to be held not more than fourteen (14) days from the date that the application is deemed complete by the Administrator. Following the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the application for a Major Land Use Permit based on the applicable standards and criteria in Article 5.

E. **Public Hearing and Action by BoCC.**

1. **Schedule and Notice of BoCC Public Hearing.**

a. **Schedule of Board of County Commissioner Public Hearing.** The Administrator shall schedule the Major Land Use permit application for review by the Board at a public hearing to be held not more than ten (10) days from the date of the Planning Commission recommendation on the application.

b. **Notice to Adjacent Property Owners.** Not less than fourteen (14) days prior to the date of the BoCC hearing, the County shall notify property owners within five hundred (500) feet of the exterior boundary of the site by sending a written notice by certified mail, return receipt requested. The written notice will describe the proposed permit amendment and setting forth the time, date and place of the hearing. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

c. **Notice to Mineral Estate Owners.** Not less than thirty (30) days prior to the date of the BoCC hearing, the County shall notify mineral estate owners with mineral interest in the parcels in where surface development is occurring on-site by sending a written notice by certified mail, return receipt requested. For parcels in which no surface development is occurring, notice to mineral estate owners shall be required in a matter defined by the BoCC at the recommendation of the Administrator or Planning Commission. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

d. **Publication of Notice of Board of County Commissioner Public Hearing.** The County shall arrange for notice of the BoCC public hearing on the application

for a Major Land Use Permit to be published at least ten (10) days prior to the date of the public hearing in a newspaper of general circulation setting forth the time, date and place of the hearing.

e. **Posting on the Site.** Posting on the site will be outside the BoCC office at the discretion of the BoCC following recommendation from the Land Use Administrator or Planning Commission.

f. **BoCC Public Hearing.** The BoCC shall hold a public hearing to consider the application for a Major Land Use Permit and shall hear evidence regarding compliance with the relevant standards and criteria in Article 5, before taking an action on the application.

g. **Approval.** The application for a Major Land Use Permit may be approved if the application satisfies all of the relevant standards and criteria contained in Article 5, Standards and Criteria.

h. **Conditional Approval.** The application for a Major Land Use Permit may be approved with conditions if conditions are necessary to ensure compliance with this Code.

i. **Denial.** The application for a Major Land Use Permit shall be denied if the application does not satisfy all of the relevant standards and criteria contained in Article 5.

2. **Activity Notice Required for Construction of Any Wind Energy Facility.** An Activity Notice shall be obtained for all new buildings and structures comprising the Wind Energy Facility, including each Wind Turbine, prior to beginning construction. The Activity Notice will be processed only if the Administrator determines that the proposed activity is not a material change from the project approved under the Land Use Permit.

F. **Major Electrical or Natural Gas Facility Special Requirements.** The following special requirements are imposed by state law, and shall apply to applications for a Land Use Permit for a Major Electrical or Natural Gas Facility subject to Public Utilities Commission jurisdiction, as that term is defined by C.R.S. § 29-20-108, as amended, and in Appendix B, Definitions of this Code.

1. **Notice.** A public utility or power authority shall notify the County of its plans to site a Major Electrical or Natural Gas Facility prior to submitting the permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to C.R.S. § 40-5-101, as amended, or the filing of any annual filing with the public utilities commission that proposes or recognizes the need for construction of a new facility or the extension of an existing facility. If a public utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to C.R.S. § 40-5-101, as amended, or file annually with the public utilities commission to notify the public utilities commission of proposed construction of a new facility or the extension of an existing facility, then the public utility or power authority shall notify the County of its intention to site a Major Electrical or Natural Gas Facility when such utility or authority determines that it intends to proceed to permit and construct the facility.

During the pre-application meeting, the public utility or power authority shall consult with the Administrator to identify the specific routes or geographic locations under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.

2. **Alternatives Analysis.** In addition to the alternatives described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives to the local government or explain why no reasonable alternatives are available.

3. **Certificate of Public Convenience and Necessity from PUC.** Applicant shall provide documentation that the public utility or power authority has applied for or obtained a certificate of public convenience and necessity from the Public Utilities Commission, pursuant to C.R.S. § 29-20-108, as amended.

4. **Statutory Timeframe for Approval of Major Electrical Facility.** Within one hundred twenty (120) days after submission of a completed application for a Major Electrical Facility, the County shall decide whether to approve, approve with conditions or deny the application. If the County does not take final action within such time, the application shall be deemed approved. Nothing in these provisions shall be construed to supersede any timeline set by agreement between the County and a public utility or power authority applying for approval of a Major Electrical Facility.

5. **Appeal of Denial of Application for Major Electrical or Natural Gas Facility.** If the County denies a permit or application of a public utility or power authority that relates to the location, construction, or improvement of Major Electrical or Natural Gas Facilities, or if the County imposes requirements or conditions upon such permit or application that will unreasonably impair the ability of the public utility or power authority to provide safe, reliable, and economical service to the public, the public utility or power authority may appeal the County action to the public utilities commission for a determination under C.R.S. § 40-4-102, as amended, so long as one or more of the following conditions exist:

   a. The public utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the public utilities commission pursuant to C.R.S. § 40-5-101, as amended, to construct the Major Electrical or Natural Gas Facility that is the subject of the local government action;

   b. A certificate of public convenience and necessity is not required for the public utility or power authority to construct the Major Electrical or Natural Gas Facility that is the subject of the local government action; or

   c. The public utilities commission has previously entered an order pursuant C.R.S. § 40-4-102, as amended, that conflicts with the local government action.

6. **Notice of Approval by the County.** The County shall provide written notice of approval to the Public Utilities Commission and to the concerned electric utility and/or electric transmission entity.

SECTION 4-107: FINANCIAL SECURITY REQUIREMENTS FOR MAJOR LAND USE PERMIT.

The applicant may be required to provide financial security as the BoCC determines necessary to guarantee completion of public improvements, compliance with permit conditions, or completion of decommissioning of a SES, WEF or BESS system.

A. **Form of Financial Security.**

1. The applicant shall provide financial security in any form and combination acceptable to the BoCC. Evidence of the selected form(s) of financial security shall be included with the application materials.

2. The Board may reject the proposed forms of financial security if the evidence submitted does not adequately ensure that the required funds will be available. The applicant shall be notified in writing within sixty (60) days of receipt of the evidence of financial security of the decision to accept or reject the proposed form(s) of financial security.

B. **Public Improvements.** Where public improvements will be required to serve a Major Land Use Change, no Major Land Use Permit shall be issued until the applicant has submitted adequate financial security to guaranty completion of the public improvements. However, if a Major Land Use Permit holder must obtain an Activity Notice Permit before commencing construction related activities, the posting of adequate financial security is not required until the Activity Notice Permit is issued.

1. **Improvements Agreement and Financial Security.** The applicant shall provide an improvements agreement, agreeing to construct any Public Improvements required by the land use, together with financial security in an amount not less than one hundred twenty-five percent (125%) of the estimated cost of the required Public Improvements. The financial security shall be sufficient, in the judgment of the Board, to make reasonable provisions for completion of the Public Improvements in compliance with the plans and specifications and with the terms of the improvement's agreement.

2. **Request for Inspection.**

a. The BoCC shall inspect completed Public Improvements following receipt of the permittee's request for inspection pursuant to terms of the improvement agreement.

b. If the BoCC determines that any of the Public Improvements are not constructed in compliance with the plans and specifications or with terms of the improvement agreement, the County shall provide the permittee with a written explanation of the noncompliance and a deadline for coming into compliance. Failure to comply with the plans and specifications or with the terms of the improvement agreement shall be a violation of this Land Use Code and may be subject to the enforcement provisions of Article 13 of this Code.

3. **Release of Financial Security for Public Improvements.** The permittee may apply to the BoCC for release of the financial security following inspection of completed Public Improvements.

   a. The request for release of the financial security must be submitted in writing to the Board a minimum of ten (10) working days before the next regularly scheduled meeting at which the Board may consider the request.

   b. The BoCC shall release the financial security once the Public Improvements have been accepted by the County.

   c. If the Board determines that any of the Public Improvements are not constructed in substantial compliance with plans and specifications or with terms of the improvement agreement, it shall withhold financial security to guarantee substantial compliance.

C. **Permit Conditions.** Where permit conditions have been imposed to ensure compliance with this Code, the BoCC at its discretion may require the applicant to provide financial security to guaranty performance of the permit condition(s), and no Permit shall be issued until the applicant has submitted the required guaranty.

1. **Financial Security.** The amount of the financial security shall be sufficient, in the judgment of the BoCC, to ensure performance of the permit condition(s).

2. **Request for Inspection.**

   a. At any time, the permittee believes that a permit condition(s) has been satisfied, the permittee may request that the BoCC perform an inspection. The County shall conduct an inspection following receipt of the permittee's written request for inspection.

   b. If the BoCC determines that the permit condition(s) has not been satisfied, the County shall provide the permittee with a written explanation of the noncompliance and a deadline for coming into compliance with the permit condition(s). Failure to comply with the permit condition(s) shall be a violation of this Land Use Code and may be subject to the enforcement provisions of Article 13 of this Code.

3. **Release of Financial Security for Permit Condition(s).** The permittee may apply to the Board for release of the financial security for the permit condition(s) as the permit condition(s) is satisfied.

   a. The request for release of the financial security must be submitted in writing to the BoCC a minimum of ten (10) working days before the next regularly scheduled meeting at which the BoCC may consider the request.

   b. Upon inspection and determination that the permit condition(s) has been satisfied the BoCC may release the financial security for the permit condition(s).

   c. If the BoCC determines that the permit condition(s) has not been satisfied, it shall withhold financial security to guaranty the permit condition(s) is satisfied.

D. **Decommissioning of a Utility Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Storage System.** The applicant shall provide adequate financial security to guaranty decommissioning of a Utility Scale Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Solar System in compliance with the Decommissioning Plan and these regulations. Unless otherwise established by the Board as a condition of the Permit, no Permit shall be issued until the applicant has submitted the required financial security.

1. **Financial Security.**

   a. Financial security shall be in an amount equal to the decommissioning costs, based upon an estimate of the decommissioning costs certified by a professional Engineer and updated every five (5) years.

   b. The BoCC, at its discretion, may waive its requirement for financial security if the applicant demonstrates to the Board's satisfaction that:

      (1) The landowner agreement(s) includes provisions that ensure decommissioning of the Utility Scale Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Storage System in compliance with the Decommissioning Plan; and

      (2) The landowner has consented to a waiver of the financial security that would be required by the BoCC.

2. **Request Inspection.**

   a. Following written request of the Owner or Operator, or at the BoCC's discretion the County shall review final decommissioning of a Utility Scale Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Storage System to confirm compliance with the Decommissioning Plan and these regulations.

   b. If the BoCC determines that the decommissioning is not in compliance, the BoCC shall furnish the Owner or Operator with a written explanation of the noncompliance and a deadline for coming into compliance.

      (1) Failure to decommission the Utility Scale Wind Energy Facility, Utility Solar Energy System, or Utility Battery Energy Storage System in compliance with the Decommissioning Plan and these regulations shall be a violation of this Land Use Code and may be subject to the enforcement provisions of Article 13 of this Code.

      (2) If decommissioning does not proceed in accordance with the Decommissioning Plan and these regulations, the BoCC shall have the right to enter the property at the BoCC's discretion and cause the appropriate abandonment and decommissioning measures to be completed.

3. **Release of Financial Security for Decommissioning Utility Scale Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Storage System.**

The Owner or Operator may apply to the BoCC for release of financial security once the decommissioning of the Utility Scale Wind or Solar Energy System has been completed.

a. The request for release of the financial security must be submitted in writing to the BoCC a minimum of ten (10) working days before the next regularly scheduled meeting at which the Board may consider the request.

b. Financial security for decommissioning of a Utility Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Storage system may be released under any of the following conditions.

(1) Decommissioning of the Utility Scale Wind Energy Facility, Utility Solar Energy System, or Utility Battery Energy Storage System has been satisfactorily completed and accepted; or

(2) The permit has been surrendered to the BoCC before commencement of any physical activity on the site of the Utility Scale Wind, Utility Solar Energy System or Utility Battery Energy Storage System; or

(3) The land use has been abandoned and the site returned to its original condition or to a condition acceptable to the County.

E. **Cancellation of Bond After BoCC Consent.** Any bond or other form of financial security may be canceled by a surety upon consent of the BoCC, after ninety (90) days written notice to the BoCC, when such cancellation will not detract from or otherwise diminish the purpose of the financial security.

ARTICLE 5:

STANDARDS AND CRITERIA

Section 5-101: General Standards.
Section 5-102: Resource and Environmental Protection Standards.
Section 5-103: Site Development Standards.
Section 5-104: Additional Standards for Certain Uses.

The applicant for a Land Use Permit must demonstrate to the satisfaction of the County that the Land Use Change will comply with the relevant standards and criteria in this Article 5.

SECTION 5-101: GENERAL STANDARDS.

The following General Standards shall apply to all Land Use Permits.

A. **Compatibility.** The nature, scale, and intensity of the proposed use are compatible with adjacent land uses and will not result in an adverse impact to adjacent land.

B. **Roadways and Access.**

1. All lots and parcels shall have access to a public right-of-way or approved access agreement.

2. Access to and from the use shall be safe and in conformance with access standards set forth in the County Road and Bridge Standards as adopted, and as amended from time to time ("Road and Bridge Standards").

3. Roads serving the proposed use shall have the capacity to accept the additional traffic generated by the use safely and efficiently.

4. All new roads shall be constructed in conformance with the Road and Bridge Standards.

5. The use shall not cause traffic congestion or unsafe traffic conditions.

6. The construction and operation of the use shall not cause damage to County roads or cause an increase in cost to the County to maintain the roads. The applicant shall work with the County to ensure the proper maintenance and repair of all County roads utilized by the proposed use.

7. Adequate turning radii shall be installed at all entrances to accommodate large truck movement.

8. Off-street parking and loading zones shall be surfaced with gravel or the equivalent and shall be graded to prevent drainage problems.

9. Staging activities and parking equipment and vehicles shall occur on-site and on private rights-of-way and shall be prohibited on maintained County roads.

C. **Water and Wastewater Service.** The proposed use shall be served by adequate water and wastewater service. The applicant must provide a letter of approval from the State Engineer documenting that the proposed water supply is adequate to serve the proposed use. The applicant must provide a letter of approval from the Northeast Colorado Health Department documenting that the wastewater system is adequate to serve the proposed use.

1. **Service Delivery System Capacity.** The use shall not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

2. **Land Dedication.** If the application shows that the use will cause a need for parks or schools, the County may require the developer to dedicate to the County either land or a fee in lieu of land in an amount necessary to satisfy the need caused by the use.

D. **Impact Fees.** If the application shows that there will be unmitigated impacts to County roads or other County capital facilities caused by the use, the County may assess an impact fee in the amount necessary to offset the impact to roads or other capital facilities. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause, as described in Section 5-101; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on County services and capital facilities. In the event that impacts to County services or County capital facilities from construction are identified, the Applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the Applicant may be required to pay the County a mutually agreed upon impact fee to allow the County to maintain existing County services and capital facilities.

E. **Erosion.** Erosion and sedimentation control measures that ensure that disturbed areas and soil stockpiles are stabilized during construction shall be implemented. Disturbed areas shall be controlled within one (1) growing season, pursuant to an approved vegetation plan by Natural Resource Conservation Service (NRCS).

F. **Removal of Discontinued Residential Wind Energy System.** If the Residential Wind Energy System ceases to perform its originally intended function for more than eighteen (18) consecutive months, the owner shall remove the Residential Wind Energy System and complete adequate site restoration no later than ninety (90) days after the end of the 18-month period. Adequate site restoration shall include removal of foundations and electrical equipment to below grade.

G. **Removal of Discontinued Residential Solar Energy System.** If the Residential Solar Energy System ceases to perform its originally intended function for more than eighteen (18) consecutive months, the owner shall remove the Small Solar Energy System and complete adequate site restoration no later than ninety (90) days after the end of the 18-month period. Adequate site restoration shall include removal of foundations and electrical equipment to below grade.

SECTION 5-102: RESOURCE AND ENVIRONMENTAL PROTECTION STANDARDS.

The following standards shall apply only to Minor Land Use Permits and Major Land Use Permits.

A. **Water Quality Protection.** The use shall not cause significant degradation of the quality of surface or groundwater resources. Groundwater pollution control measurers shall be implemented that prevent the discharge of pollutants from the activity into groundwater. If the applicable State or Federal Regulations governing the proposed use do not address the protection of groundwater, the County may require a water quality monitoring plan and reporting plan designed for the early detection of an impact to water quality associated with the project.

B. **Visual Impacts.** The use shall preserve views and vistas, and the design of the use shall be compatible with the surrounding natural environment.

C. **Air Quality.** The use shall not cause air quality to be reduced below levels established by the Colorado Air Pollution Control Division.

D. **Wildlife.** The proposed use shall not significantly degrade the wildlife or wildlife habitat.

E. **Glare, Dust, Odor or Noise.** The use shall not cause objectionable glare, dust, odor, or noise to surrounding properties. This Section is not intended to alter C.R.S. § 35-3.5-102, as amended, which states an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

1. The proposed use shall comply with the statutory provisions for maximum permissible noise levels in C.R.S. 25-12-103, as amended.
2. Fugitive dust and particulate emissions shall be controlled on the site.
3. Waste materials shall be handled, stored, and disposed of in a manner that controls fugitive dust, fugitive particulate conditions, blowing debris and other potential nuisance conditions.

F. **Important Areas.** The use shall not significantly degrade areas of paleontological, historic, or archaeological importance. If the site of the proposed use includes or potentially affects known areas of historic, paleontological or archaeological resources, applicant shall coordinate with the State Historic Preservation Office to minimize or avoid impacts during construction.

G. **Recreation Impacts.** The use shall not have a significant adverse effect on the quality or quantity of recreational opportunities and experience within the County, including but not limited to hunting, fishing, hiking, and similar recreational activities.

H. **Drainage and Stormwater Run-Off.** Run-off shall be managed in accordance with all applicable County, State, and Federal regulations. Run-off shall be kept on the site in a stormwater detention system approved by the County, and waters in excess of historic run-off shall be prevented from leaving the site during construction and after site development.

I. **Protection of Agricultural Lands.** The use will not have a significant adverse impact on agricultural lands and agricultural operations.

SECTION 5-103: SITE DEVELOPMENT STANDARDS.

The following Site Development Standards shall apply to Minor and Major Land Use Permits.

A. **General Site Planning Standards.**

1. A proposed site plan or preliminary plan shall design and locate roads, driveways, lot lines, building sites and utility corridors to preserve to the maximum extent feasible the natural features of the site, avoid areas of environmental sensitivity, and minimize adverse visual impacts.

2. The site shall be adequate in size and shape to accommodate the proposed use and all appurtenant facilities.

B. **Structural Location Standards.** The location of structures shall complement the natural topography and use natural topography and existing vegetation.

C. **Lot Size.** No Land Use Change shall be approved on a lot smaller than two and one-half (2.5) acres in size unless the lot will be served by a public wastewater treatment system or the applicant demonstrates to the satisfaction of the County, and Northeast Department of Health, that a smaller lot size will not cause wastewater treatment and/or environmental health concerns, taking into consideration the proposed technology, soil conditions and topography, the proximity of drinking water wells, and related factors.

D. **Height Restrictions.** Heights of structures shall comply with State and Federal Regulations, FAA and FCC Regulations. There shall be no interference with established airport flight paths or structural height restrictions within airport influence zones.

E. **Setbacks from Site Boundaries.** Unless otherwise provided in these regulations, the following minimum setbacks from boundaries of the site shall be required for any structure regulated by this Code.

1. **Measurement.** Front setbacks shall be measured as the distance between the road right-of-way and the foundation of a structure, along a line at right angles to the right-of-way. Rear and side setbacks shall be measured as the distance between the nearest lot line and the foundation of a structure, along a line at right angles to the lot line. Where no minimum front, side or rear yards are specified for large parcels, a setback line shall parallel the corresponding lot line.

2. **Setbacks.** See Appendix A, Setbacks.

3. **Industrial/Commercial Setbacks.**

a. See Appendix A, Setbacks.

b. When a property fronts on more than one (1) road, the front setback is required from all roads.

4. **Excavation Setbacks.** See Appendix A, Setbacks.

F. **Confined Animal Feeding Regulations.** Confined Animal Feeding Operation design criteria must meet federal standards and meet or exceed Colorado's Confined Animal Feeding Regulations.

1. Setback for any CAFO or industrial operation shall be one (1) mile from the nearest regularly occupied structure unless a variance by all associated parties has been signed and filed with the County Clerk and Recorder.

G. **Effluent Lagoons.** Effluent pits or lagoons shall be set back from all property lines by a minimum of fifty (50) feet. Setback requirement shall be measured from the high point of the nearest berm to the property line.

SECTION 5-104: ADDITIONAL STANDARDS FOR CERTAIN USES.

A. **Commercial and Industrial Uses.** In addition to the other applicable standards and criteria in this Article 5, the following standards shall apply to any commercial and industrial development.

1. **Outdoor Storage and Disposal.** Storage areas shall be screened from view by fencing or landscaping and all flammable or explosive materials shall be stored in accordance with state and federal laws.

2. **Smoke and Particles.** Smoke and particulate emissions shall not exceed applicable air quality standards.

3. **Vibration.** Every use shall be operated so that the ground vibration generated is not perceptible, without instruments, at the boundaries of the site.

4. **Lighting.** Exterior lighting shall be designed so that rays are emitted downward onto the site.

5. **Hours of Operation.** Hours of operation shall be established to minimize impacts to adjacent land uses.

6. **Roadway System.** Impacts to the County roadway system associated with hauling, truck traffic and equipment use shall be mitigated through roadway improvements or fees, or both.

B. **Animal Feeding Operations and Facilities Regulations.**

1. **Compliance with State and Federal Laws, Permits and Requirements.** Concentrated animal feeding operations subject to the state Confined Animal Feeding Operations Control Regulation No. 81, 5 CCR 1002-81, and 5 CCR 1002-61 must obtain the applicable state and federal permits and must be constructed and operated in compliance with the state and federal laws, permits and requirements, which shall be made a condition of approval of the permit application. Noncompliance with state or federal laws, permits and requirements shall be a violation of this Land Use Code and subject to the enforcement provisions.

2. **Water Quality Monitoring.** The applicant may be required to submit a plan to the County for water quality monitoring for the life of the facility designed for early detection of an impact to water quality associated with the project if the County can show a higher risk for the facility than Federal and/or State regulations has taken into account. The use shall not cause significant degradation of the quality of surface or groundwater resources. Groundwater pollution control measurers shall be implemented that prevent the discharge of pollutants from the activity into groundwater. Should the associated State or Federal Regulations governing an activity not address the protection of groundwater, the County may require a water quality monitoring plan for the life of the facility, designed for the early detection of an impact to water quality associated with the project.

3. **Location Restrictions.** Concentrated animal feeding operations shall be located at least one (1) mile from any public place of assembly, from any existing residence or

occupied commercial building, any county or municipal residential zone, or from any residential building site for which a building permit has been issued, as measured from the permitted building footprint; unless a variance has been signed by all affected parties and filed with the County Recorder.

4. **Additional Requirements for Facility Construction and Operation.** In addition to state and federal regulation and permit requirements for construction and operation of concentrated animal feeding operations, the County, after showing there is more risk than the Federal and/or State regulations has taken into account, may impose conditions that it deems necessary to protect the County's natural resources and prevent conditions which constitute a health and safety risk to neighboring land owners.

C. **All Mining Operations.** In addition to the other standards and criteria in this Article, the following standards shall apply to mining operations unless the standard has been waived pursuant to Section 5-104(C)(7), Technical Infeasibility Waiver.

1. **Compliance with State and Federal Requirements.** All mining activities shall be conducted in accordance with applicable state and federal standards, conditions and permits, which shall be made a condition of approval of any mining operation.

2. **Roads.**

a. **Impact Mitigation.** The mining operator or owner shall bear the proportionate cost of all road and bridge improvements, repairs, and maintenance necessitated by the proposed mining operation.

b. **Vehicle Weight.** The weight of trucks shall not exceed federal, state or local government-imposed road or bridge weight capacity on approved haulage routes.

c. **Seasonal Traffic Limitation.** As a condition of approval, the County may impose limits on the number of trucks that may access the mine to avoid damage to roads caused by heavy vehicle use, weather conditions or water saturation.

3. **Routing.** Designation of construction and haul routes for a specific mining operation application shall comply with the following:

a. **Avoidance of Developed Areas.** Truck haulage and traffic routes shall be designed to the maximum extent feasible to avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities and already congested locations. Alternative routes shall be identified.

b. **Timing of Hauling.** Timing of truck traffic may be controlled to prevent congestion or adverse noise impacts or safety risks.

c. **Load Control.** Applicant shall prevent loss of loads and fugitive dust emissions during transit, and shall be responsible to ensure that haul routes are maintained in accordance with dust-suppressant methods required by applicable state or federal agency.

4. **Water Quality.** The quality of surface or groundwater discharged from the mine or mining operation shall meet the standards set by the U.S. Environmental Protection Agency and the Colorado Department of Health and Environment, Water Quality Control Commission. Water quality monitoring results shall be submitted to the County at the same time results are submitted to state or federal agencies.

5. **Air Quality.** All mining operations shall comply with the Colorado Department of Health Air Quality Control Commission's *Regulation 2* and all other state and federal air quality regulations. Air quality monitoring results shall be submitted to the County at the same time results are submitted to state or federal agencies.

6. **Wildlife.** Mining operations shall not be located in significant wildlife habitat areas as defined by the Colorado Division of Wildlife.

7. **Technical Infeasibility Waiver.** One or more of the Standards for Mining Operations may be waived by the Administrator if the applicant demonstrates to the satisfaction of the County that it is technically impracticable to comply with the standard(s). To be granted a waiver from a standard for technical impracticability, the burden is on the applicant to demonstrate the following with clear and convincing evidence:

   a. **No Technology Available.** There is no technology generally available to conduct the mining operation in compliance with the County standard, and the applicant will implement the best available technology to conduct the mining operation in compliance with the County standards to the maximum extent feasible; or

   b. **Conflict with State or Federal Regulation.** Conduct of the mining operation in compliance with the County standard would result in an irreconcilable conflict with a mandatory state or federal mining regulation, condition or other requirement, and:

      (1) The state or federal requirement cannot be waived; and

      (2) Compliance with both the state or federal requirement and the County standard is not technically possible; and

      (3) The applicant will design, construct and operate the mining operation in compliance with County standards to the maximum extent feasible.

   c. **Additional Conditions Necessary to Obtain a Technical Infeasibility Waiver.** No Technical Infeasibility Waiver shall be granted unless:

      (1) The waiver will not cause substantial injury to the owner or occupant of adjacent land(s).

      (2) The waiver will not cause substantial injury to the environment.

D. **Utilities.** In addition to the other standards and criteria in this Article, the following standards shall apply to utilities that are not Major Electrical or Natural Gas Facilities.

1. **Disruption of Services Avoided.** Areas around facilities of a public utility shall be administered so as to minimize disruption of the service provided by the public utility.

2. **Community Patterns.** Utilities shall be located so as to preserve desirable existing community patterns.

3. **Underground Location.** Utilities shall be located underground unless geologic conditions prevent underground installation. Where utilities are installed underground, and if located in the right-of-way they shall be at a depth of at least twenty-four (24) inches, or as required by the County.

4. **Restoration.** Any disturbed portion of the right-of-way shall be restored as nearly as possible to its condition immediately prior to utility construction, improvements, location or relocation, and to the satisfaction of the County. Back filling shall be made in six-inch lifts, mechanically tamped and packed, and the last twelve (12) inches shall be crushed rock or gravel.

5. **Safety.** Safety measures shall be implemented to the satisfaction of the County, and in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location or relocation.

6. **Roadway Crossing.** When the installation crosses a roadway, it shall be located as perpendicular to the roadway as physically practical and installed by boring or jacking beneath the road surface, or as required by the County.

   a. **Cuts.** Open cuts across a roadway will be allowed, subject to conditions imposed by the County only if, in the opinion of the County, boring is not possible. Where a cut is allowed, it shall be filled with gravel compacted in five-inch lifts to a density of ninety-five (95) percent of surrounding soils. Any compaction tests shall be conducted by the County at the expense of the applicant.

   b. **As-Built Drawings.** Certified as-build drawings shall be provided to the County once the utility construction, improvements, location or relocation has been completed.

   c. **Notice to Proceed.** No work associated with the utility construction, improvements, location or relocation shall commence until a permit and notice to proceed have been granted by the County.

E. **Solid Waste Disposal Sites.** In addition to the other standards in this Article 5, the following additional standards shall apply to solid waste disposal sites:

1. **Recycling and Conservation.** Solid waste disposal sites shall be developed in accordance with sound conservation practices and shall emphasize, where feasible, the recycling of waste materials.

2. **Certificate of Designation.** Solid waste disposal sites shall comply with state laws and regulations applicable to Solid Waste Disposal Sites and shall receive a Certificate of Designation from the County in accordance with state requirements.

F. **Telecommunications Facilities.**

1. **Telecommunications Act.** All telecommunications facilities shall comply with the standards of this Code, all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the FAA.

2. **Setbacks.**
   a. **Setback from Residential Structures.** See Appendix A, Setbacks.
   b. **Setback from Nonresidential Property Line.** See Appendix A, Setbacks.
3. **New Towers and Facilities.** No new transmission tower or facility County that no existing tower, structure or utility facility can be used by the applicant. To gain approval to construct a new transmission tower or facility, the applicant must demonstrate that:
   a. (1) No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements; or
      (2) No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment.
      (3) Existing facilities would interfere with the applicant's uses such that co-location is not possible.
      (4) No owner of existing towers, structures or utility structures within a distance that meets the applicant's engineering requirements will allow the applicant to place its telecommunication facility thereon.
4. **Structural and Engineering Standards.** The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.
5. **Interference.** Every transmission tower and telecommunication facility shall meet the regulations of the FCC regarding physical and electromagnetic interference.
6. **Health Standards.** Transmission towers and telecommunication facilities shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.
7. **Public Utility Structures.** Transmission towers or telecommunication facilities mounted on existing structures of public utilities that have a franchise or other written permission from the County and use concealed transmission towers and telecommunication facilities are permitted in all non-residential areas, unless otherwise specified by this Code. The County may approve the placement, extension or replacement of a transmission tower or telecommunication facility on an existing public utility structure up to fifty (50) feet above the highest point on the same; the County may waive public notice and other submittal requirement if the Administrator believes that the public interest will not be harmed by such a waiver.
8. **Lighting and Signage.** The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way.
9. **Modification or Demolition.** Any transmission tower or telecommunications facility being modified, demolished or rebuilt shall be brought into compliance with the standards adopted in this Code.

10. **Maintenance.** Every owner of a transmission tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.

11. **Abandonment.** The wireless telecommunication facility owner shall remove all wireless telecommunications facilities which are not in use for any six-month period, within three (3) months of the end of such six-month abandonment. As a part of such removal, the owner shall re-vegetate the site so that it is compatible with the neighborhood. The BoCC shall only determine abandonment after the owner has had notice and an opportunity to be heard.

12. **FAA Form.** The applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, except that such form shall not be required for the following:

    a. An amateur radio antenna if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae.

    b. Any existing tower and antennae, provided a building permit was issued for a tower or antennae prior to the adoption of this Code.

    c. Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities.

    d. Any antennae used FCC licensees engaged in AM, FM or television broadcasting.

G. **Cluster Development.** In addition to the other standards in this Article 5, the following additional standards shall apply to cluster development:

1. **Protection of Agricultural Land and Rural Character.** Proposed division and development of the land minimizes the impacts of residential development on agricultural lands and agricultural operations, and maintains the rural character of lands.

2. **Preservation of Productive Land.** Proposed division and development of the land maintains the opportunity for agricultural production on the most productive and viable parcels of land.

3. **Clustered Lots.** Buildable lots shall be clustered.

4. **Restoration of Topsoil and Landscape.** Topsoil shall be replaced and the landscape revegetated with native plant materials of adequate quantity and quality within one (1) growing season after disturbance of the area.

5. **Roads, Water and Wastewater Services.** Where well water is used, the annual withdrawal rate shall not exceed the rate of one-acre-foot for each thirty-five (35) acres

within the cluster development unless a water augmentation plan is approved. One (1) well shall be allowed per residential lot in accordance with C.R.S. § 30-28-404, as amended.

6. **Use and Density.** The proposed division of land is for single family purpose only, and residential density does not exceed two (2) residential units for every thirty-five (35) acres or one (1) residential unit per seventeen and one-half (17½) acres.

H. **Mobile Homes.**

1. **Mobile Homes Manufactured Prior to 1976.** If mobile homes manufactured prior to 1976 are brought into Yuma County the owner must place in escrow with the Yuma County Treasurer Office one thousand dollars ($1,000.00) for possible removal costs if abandoned by the owner. Escrow shall be refunded if mobile home is moved from the County or properly disposed of.
2. **Approved Land Use.** The mobile home is located in compliance with the provisions of this Code.
3. **Installation of Mobile Home Unit Complies with Tie Down and Skirting Standards.** The proposed blocking and tie down will be adequate and safe.
   a. All double-wide mobile homes shall be installed and secured in accordance with applicable state and County regulations and manufacturer requirements.
   b. All single-wide mobile homes shall be installed and secured in accordance with applicable state and County regulations and manufacturer requirements.
   c. Single-wide and double-wide mobile homes shall be equipped with skirting of a rigid material, which shall be installed within forty-five (45) days after the mobile home has been moved to its site.
4. **Utility Connections.** The proposed connections for water supply, sewage disposal, electricity and gas will be adequate and safe.
5. **Address.** The street address, or space numbers or letters, will be visible from the access street both during the day and at night.
6. **Steps.** There will be safe and approved steps, landings, handrails and guardrails.

ARTICLE 6:

UTILITY SOLAR ENERGY SYSTEM

Section 6-101: Utility Solar Energy System Regulations.
Section 6-102: Solar Energy System Standards.
Section 6-103: Solar Review Criteria and Process.
Section 6-104: Decommissioning Requirements for Uses.
Section 6-105: Ownership Changes.
Section 6-106: Approval Time Frame and Abandonment.

SECTION 6-101: UTILITY SOLAR ENERGY SYSTEM REGULATIONS.

A. **Applicability.** These Utility Solar Energy System (USES) regulations apply to those activities that are not a major facility of a public utility. To the extent the proposed activity is a major electrical facility of a public utility or power authority subject to these Solar Facility such application shall be processed in accordance with C.R.S. § 29-20-108, as amended. These regulations shall not apply to transmission lines built, owned, and operated by a public utility.

B. **Submittal Requirements.** In addition to the submittal requirements of the applicable Major Land Use permit, an application for a USES shall include the following:

1. **Site Plan/Map.** The required map shall include the following:
    a. Location and description of current land use, including agricultural use, dwelling units, microwave communication links and airports.
    b. Clearly identified boundary lines and dimensions of the site where the proposed SES will be located.
    c. Project area boundary and approximate size of the site where the proposed SES will be located, in acres or square feet.
    d. Location of all proposed structures ad facilities, including the location for each solar panel in the proposed SES, including:
        (1) Setbacks for each solar panel from property lines; and
        (2) Setback for all accessory buildings and structures. See Appendix A, Setbacks for information.
    e. Description of utility interconnection and crossing.
2. **Drawing.** A schematic drawing showing the solar panels.
3. **Narrative and Impact Analysis.** A narrative, in addition to the requirements of the application permit, including:
    a. Project description and proposed phasing of development.
    b. A description of the project and each phase of development, including the approximate number of solar panels, and the accessory structures, power output (in WM), and infrastructure and interconnection requirements for each phase.
    c. Description of potential access route(s), including road surface material, proposed measures for dust control, and proposed road maintenance schedule or program.
    d. **Impact Analysis.** The applicant will provide a description of the impacts that the proposed solar collector may cause, based upon the standards in these USES regulations. This analysis shall include: a description of baseline conditions and the impacts that the proposed use may cause; a description of how the applicant will mitigate impacts; and documentation that applicable standards will be satisfied. The applicant shall also assess the potential effects of the proposed project on County services and capital facilities. In the event that impacts to

County services or County capital facilities from construction and operation of a solar collector are identified, the applicant shall develop a plan to maintain County services and County capital facilities. If impacts cannot be fully mitigated, the applicant may be required to pay the County a mutually agreed upon impact fee to allow the County to maintain existing County services and capital facilities.

C. **Utility Interconnection or Crossing.** The applicant will provide certification of intent to enter into an interconnection agreement and crossing agreement(s) to/with applicable utilities.

D. **Decommissioning Plan.** The applicant shall provide a decommissioning plan:

1. **Removal of Discontinued Utility Scale Solar Energy System.** If the Utility Scale Solar Energy System ceases to perform its originally intended function for more than eighteen (18) consecutive months, the system shall be removed and adequate site restoration performed no later than ninety (90) days after the end of the 18-month period. See the steps to decommissioning a Utility Scale Solar Energy System in Section 6-104.

E. **Reserved.**

F. **Notification to Mineral Rights Holders.** Applicant shall notify the individual mineral right holders within the project site in accordance with County and statutory notification requirements.

G. **Septic System.** If the proposed SES includes uses that must be served by a septic system, the applicant shall comply with applicable County requirements. The applicant shall provide a statement certifying that the septic system for the solar collector will comply with applicable County, State, and Federal requirements.

H. **Water System.** If the proposed SES includes uses that must be served by water, the application shall describe the water source and sufficiency of the water supply for the SES, including decreed or conditional water rights. If a well is required, the applicant shall obtain the necessary permit from the State of Colorado Office of the State Engineer.

I. **Water and Wind Erosion Control Plan.** The applicant will provide a plan showing existing and proposed grading for the solar collector site. The drainage and erosion control plan shall be accompanied by a description of practices that will be utilized to prevent erosion and run-off during construction. If there are any modifications to this plan, the applicant will provide a final drainage and erosion control plan prior to commencement of construction.

J. **Geotechnical Report.** The applicant shall provide written certification that prior to construction, a professional engineer licensed in Colorado will complete a geotechnical study that includes the following:

1. Soils engineering and engineering geologic characteristics of the site based upon on-site sampling and testing.

2. Foundation and tower systems design criteria for all proposed structures.

3. Slope stability analysis.

4. Grading criteria for ground preparation, cuts and fills, and soil compaction.

K. **Road Agreement.** If any County roads will be used during construction of a SES for the purpose of transporting parts, materials and/or equipment, the applicant shall enter into a road agreement with the County. The roads agreement shall comply with County Road and Bridge Department and shall also include the following:

1. A map showing which County roads will be used during construction.
2. A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey.
3. A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.
4. A legally binding agreement between the applicant and the County that requires the applicant to return any County roads to their pre-construction baseline condition.

L. **Liability Insurance.** The applicant shall provide evidence of liability insurance to cover loss or damage to persons and structures during construction and operation of the USES.

M. **Maintenance of Solar Panels.** The applicant shall provide a statement certifying that the solar panels will be maintained and operated in accordance with manufacturer specifications, Owner Environmental Health and Safety Plans, applicable OSHA requirements to ensure the safety of site personnel and the public, and in a manner that reduces fire risks caused by vegetation.

N. **Additional Information and Waivers.** The County may request additional information that may be required to evaluate the proposed SES. The County may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfied applicable standards.

SECTION 6-102: SOLAR ENERGY SYSTEM STANDARDS.

A. **General Standards for All SES.**

1. All exterior electrical lines shall be buried below the surface of the ground when possible.
2. All systems shall comply with all applicable state building and state electrical codes.
3. The property owner shall notify and receive written approval from the public utility it intends to interconnect with as a part of any SES application.

B. **Accessory Ground-Mounted Solar Collectors.** Accessory ground-mounted solar collectors shall:

1. Be located in a side or rear yard only;
2. Be set back at least six (6) feet from the side and rear property line;
3. Not be located within any third-party easement on the property without written approval from such third-party easement holder;

4. Be located so as to minimize glare visible from abutting properties;

5. Not exceed fifteen (15) feet in height with panels oriented in a vertical position; and

6. Be included in determining the maximum coverage of structures on the lot.

C. **Accessory Building-Mounted Solar Collectors.** Accessory building-mounted solar collectors shall:

1. Not extend more than eighteen (18) inches above the maximum height permitted in the area in which it is located;

2. The setback requirement from inhabited structures may be reduced if appropriate screening through landscape or an opaque fence is installed, or upon submittal to the County of a waiver or informed consent signed by the owner of the inhabited structure agreeing to the lesser setback. If landscaping or opaque fencing is substituted for setback, a landscaping plan or fencing plan shall first be submitted to and approved by the County.

3. **The Setback from the Section Lines.** The County has established ROWS that are located thirty (30) feet on each side of section lines. The purpose of this ROW is to allow for maintenance of existing County roads and construction of new County roads. Placement of solar panels within this ROW will be reviewed by the County on a case-by-case basis to confirm that they will not conflict with the County's existing road plans and future road plans. In the event of a potential conflict, solar panels may need to be relocated outside of this established ROW to allow for future construction of County roads. In the event that there is no conflict, the County may issue a waiver that will allow for placement of the solar panel within the existing County ROW. It is the responsibility of the applicant to apply for a waiver in these situations, and to provide exact location of proposed placement of solar panels and the distance from section lines. In the event a survey is required, the applicant will be responsible obtaining and for paying the costs of survey.

4. The setback requirement from inhabited structures may be reduced if appropriate screening through landscape or an opaque fence is installed, or upon submittal to the County of a waiver or informed consent signed by the owner of the inhabited structure agreeing to the lesser setback. If landscaping or opaque fencing is substituted for setback, a landscaping plan or fencing plan shall first be submitted to and approved by the County.

5. **Scenic Resources Setback.** Solar panels comprising the SES shall be set back a minimum one-quarter (¼) mile from any highway, designated to be a scenic highway or roadway by the Yuma County Comprehensive Plan or by the state. A scenic resource protection setback requirement may be reduced if the Board determines that the characteristics of the surrounding property eliminate or substantially reduce concerns related to scenic value.

6. Substations, facility buildings, and other accessory structures that are part of the SES shall comply with the required primary building setbacks for the zone district in which the project is located.

7. **Maximum Height.** The maximum height of the solar panels shall not exceed thirty (30) feet in height or thirty-five (35) feet in height for agrivoltaics when oriented at maximum tilt.

8. **Maximum Lot Coverage.** The panels shall be considered in determining the maximum coverage of structures on the lot.

9. **Septic System.** If applicable, the proposed SES complies with applicable County requirements.

10. **Water Supply System.** If applicable, the SES has demonstrated access to a water supply.

11. **Roadways and Access.**

    a. Legal access to public right-of-way to and from the SES shall be safe and in conformance with access permit requirements of the County.

    b. All reasonable efforts must be made to reduce traffic congestion during operations and unsafe traffic conditions during the construction phase or operations.

    c. Adequate turning radii shall be installed at all entrances to accommodate large truck movement.

    d. Off-street parking and loading zones shall be surfaced with gravel or the equivalent and shall be graded to prevent drainage problems.

    e. Staging activities and parking of equipment and vehicles shall occur on-site and on private rights-of-way and shall be prohibited on maintained County roads.

    f. The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. The applicant will prepare a road agreement that includes a mitigation plan addressing the potential impacts to County roads to be used during construction. As part of the road agreement, the applicant at their expense will be required to return any County roads that are impacted by construction to their pre-construction baseline condition.

12. **Erosion and Sedimentation Control.** Erosion and sedimentation control measures that ensure that disturbed areas and soil stockpiles are stabilized during construction shall be implemented. Disturbed areas shall be revegetated in accordance with landowner agreements.

13. **Drainage or Storm-Water Run-Off.** Run-off shall be managed in accordance with applicable County, State and Federal regulations. If applicable, the applicant shall obtain a Construction Stormwater Discharge Permit from the Colorado Department of Public Health and the Environment, Water Quality Control Division.

14. **Protection of Agricultural Lands.** The SES shall not have a significant adverse impact on agricultural lands and agricultural operations above what is allowed for under landowner lease agreements.
15. **Fire Protection.** The SES shall have adequate fire control and prevention measures.
16. **Glare, Dust or Noise.** Construction and operation of the SES shall not significantly increase existing glare, dust, or noise at surrounding properties.
    a. The proposed SES shall comply with the statutory provisions for maximum permissible noise levels for industrial zoning in C.R.S. § 25-12-103, as amended.
    b. Fugitive dust and particulate emissions shall be controlled on the site.
    c. Waste materials shall be handled, stored, and disposed of in a manner that controls fugitive dust, fugitive particulate conditions, blowing debris and other potential nuisance conditions.
    d. The panels shall be located so as to minimize glare visible from an abutting property.
17. **Underground Location of Electrical Collection System Wiring.** Unless geologic conditions or other technical engineering considerations prevent underground installation such as wiring between systems, electrical collection system wiring and powerlines for the SES shall be installed underground except where the SES wiring is brought together from the project substation to the point of electrical interconnection. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.
18. **Interconnection and Electrical Distribution Facilities.**
    a. Transmission from the project substation to the point of electrical interconnection shall comply with the most recent version of the National Electrical Safety Code.
    b. Interconnection shall conform to the requirements of the electric utility company, and applicable state and federal regulatory codes.
19. **Certification of Equipment and Appurtenant Facilities.**
    a. All solar collector facilities shall be reviewed by a registered structural engineer, licensed in Colorado, to confirm their compliance with the applicable State, Federal and local regulations and to conform with good engineering practices.
    b. The electrical system shall be certified by a registered electrical engineer, licensed in Colorado, to be compliant with the applicable State, Federal and local regulations, and to conform with good engineering practices.

SECTION 6-103: SOLAR REVIEW CRITERIA AND PROCESS.

A. In addition to any review criteria imposed for the applicable permit, the County shall consider whether the application complies with the requirements of these USES regulations.

B. All applications under these USES Regulations shall be processed pursuant to the procedures applicable to the type of permit required.

SECTION 6-104: DECOMMISSIONING REQUIREMENTS FOR USES.

A. **General Requirements.**

1. If a USES ceases to perform its originally intended function for more than twelve (12) consecutive months unless for the purpose of repowering the facility with replacement solar panels or as explicitly agreed to in writing by the County Planning Department, the permit holder and/or property owner shall remove the facility, mount and associated equipment and facilities by no later than two hundred seventy (270) days after the end of the 12-month period.

2. If permit holder or property owner notifies the County of the termination of operations, decommissioning shall be completed no less than one hundred eighty (180) days from the date of the notice.

3. Upon removal of a USES, the property shall be restored to the condition prior to development of the facility or as explicitly agreed to in writing by the County Land Use Department and the landowner.

B. **Decommissioning Plan.**

1. Contact information for all parties involved (e.g., landowner, developer, utilities, etc.);

2. A detailed plan for the removal of all facilities and equipment from the site, including provisions for the removal of structures, debris and cabling including those below the soil surface to depths agreed to in landowner agreements or down twenty-four (24) inches;

3. A cost estimate for the decommissioning prepared by a professional engineer or contractor with expertise in related decommissioning projects; and

4. Roles and responsibilities of each party involved in the decommissioning.

C. **Decommissioning Bond or Letter of Credit.**

1. The decommissioning cost, minus the salvage value of the facility equipment, shall be made by cash, surety bond or irrevocable letter of credit at fifty percent (50%) before construction commences and the remaining fifty percent (50%) prior to the twelfth anniversary of the commencement of construction of the facility.

2. If decommissioning does not proceed in accordance with the decommissioning plan, the County shall have the right, but not the requirement, to enter the property and cause the appropriate abandonment and decommissioning measures as determined by the approved decommissioning plan.

SECTION 6-105: OWNERSHIP CHANGES.

If the ownership of a principal SES changes or the owner of the property changes, the Major Land Use Permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the Major Land Use Permit and decommissioning plan. A new owner or operator of the principal SES shall notify the County Land Use Department and the BoCC in writing of such change in ownership or operator within thirty (30) days of the ownership change. The Major Land Use Permit and all other local approvals for the principal SES will be voided if a new owner or operator fails to provide written notification as provided herein in the required timeframe. Reinstatement of a void use permit will be subject to the same review and approval processes for new applications.

SECTION 6-106: APPROVAL TIME FRAME AND ABANDONMENT.

The Major Land Use Permit for a principal ground-mounted USES shall be valid for a period of twenty-four (24) months, provided that a building permit is issued for construction and construction is commenced. In the event construction is not completed in accordance with the final plans, as may have been amended and approved within twenty-four (24) months after approval, the County Planning Department may extend the time to complete construction for six (6) months. If construction is still not complete after the first extension, the owner or operator may seek one (1) additional six-month extension. If the owner and/or operator fails to achieve substantial construction after thirty-six (36) months, the approval shall expire. The applicant shall be responsible to apply for and obtain any necessary extensions for any building permit issued for the facility.

ARTICLE 7:

WIND ENERGY FACILITY

Section 7-101: Wind Energy Facility Permit Applicability.
Section 7-102: Major Land Use Permit Requirements for WEF.
Section 7-103: Land Use Permit Review and Approval Processes for WEF.
Section 7-104: Standards Applicable to Wind Energy Facility.

SECTION 7-101: WIND ENERGY FACILITY PERMIT APPLICABILITY.

A. **Applicability.** The review process set forth in this Article 7 shall apply to all Wind Energy Facilities (WEF) including those that do not fall within the statutory definition of Major Electrical Facilities, as that term is defined by C.R.S. § 29-20-108, as amended.

1. **Major Electrical Facilities.** Applications proposing development of a Wind Energy Facility that falls within the statutory definition of a Major Electrical Facility shall be subject to the application and review procedures of this Article 7, and also the statutory requirements of C.R.S. § 29-20-108 which are set forth in the Code under Article 5, Section 5-106(F), Major Electric or Natural Gas Facility Special Requirements.

SECTION 7-102: MAJOR LAND USE PERMIT REQUIREMENTS FOR WEF.

A. **Application Materials.** The applicant shall submit an application for Major Land Use Permit to the Administrator that contains the following material.

1. Location/Legal description of main project.

2. Total Acres of land involved in the Project.

3. Landowner/Project owner and contact information:

a. **Applicant Is Not the Owner.** If the applicant is not the owner of the land where the proposed WEF will be located, the applicant shall submit a letter signed by the owner, including easement holders, consenting to the submission of the application for Major Land Use Permit.

b. **Applicant Is Not the Sole Owner.** If the applicant is not the sole owner of the land where the proposed WEF will be located, the applicant shall submit a letter signed by all owners, including easement holders, consenting to or joining in the application for Major Land Use Permit.

4. Site Plan, Vicinity map, Survey Plan or Special Use mapping (may depend on project). The site plan, prepared at a scale acceptable to the Administrator, shall include the following elements:

a. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north).

b. Identify boundary lines, corner pins to the extent they exist and dimensions of the site where the proposed WEF will be located.

c. Size of the site where the proposed WEF will be located, in acres or square feet.

d. Location and dimension of all existing structures and facilities on the site where the proposed WEF will be located, and on properties within five hundred (500) feet to the site. Location and description of current land use, including agricultural use, dwelling units, microwave communication links and airports.

e. Location and dimension of all proposed structures and facilities, including the location and dimensions for each Wind Turbine in the proposed WEF.
   (1) Setbacks of the Wind Turbines from property lines and the distance between each Wind Turbine.
   (2) Setbacks of all accessory buildings and structures.
   (3) The site plan shall be accompanied by a detailed drawing or a photograph of each model of Wind Turbine under consideration to be installed as part of the WEF.

f. Existing and proposed roads, railroad tracks, utility lines and facilities, transmission lines and facilities, oil and gas wells, oil and gas facilities, pipelines, flow lines, irrigation ditches, and easements and ROW on and within five hundred (500) feet of the exterior boundary of the site where the proposed WEF will be located, shown by location and dimension.
   (1) Applicant shall provide a description of the ownership and purpose of the easements and rights-of-way identified on or within five hundred (500) feet of the exterior boundary of the site.

g. Significant on-site features such as contours, natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with flooding limits based on information available through the County), aquatic habitat, geologic features and hazards, and soil types; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that might influence the development.

h. Proposed phasing of development. An application proposing to phase development shall provide a description of each phase of development including the number of Wind Turbines and the accessory structures, infrastructure and interconnection requirements for each phase.

5. **Written Description.** A written description of the proposed WEF.

6. **Wastewater System.** If the proposed WEF includes uses that must be served by a septic system, the applicant shall comply with applicable County requirements. The applicant shall provide a statement certifying that the septic system for the WEF will comply with applicable County, State, and Federal requirements.

7. **Water Supply System.** If the proposed WEF includes uses that must be served by water, the application shall include a description of the source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed WEF. The applicant shall provide proof of adequate physical and legal supply to serve the WEF, including:
   a. A letter of approval from the State Engineer documenting that the proposed water supply is adequate to serve the proposed use.

8. **Utility Interconnection or Crossing.** The applicant will provide certification of intent to enter into an interconnection agreement and crossing agreement(s) to/with applicable utilities.

9. **Water and/or Wind Erosion Control Plan.** The applicant will provide a plan showing existing and proposed grading for the WEF site. The drainage and erosion control plan shall be accompanied by a description of practices that will be utilized to prevent erosion and run-off during construction. If there are any modifications to this plan, the applicant will provide a final drainage and erosion control plan prior to commencement of construction.
10. **Analysis for Erosion, Sedimentation and Flooding.** If any Wind Turbine or accessory facility included in the proposed Wind Energy Facility is located within the 100-year flood plain, the application shall be accompanied by a report that addresses the potential for wind erosion, water erosion, sedimentation and flooding.
11. **Geotechnical Report.** A Geotechnical Report that includes:
    a. Soils engineering and engineering geologic characteristics of the site based upon on-site sampling and testing.
    b. Foundation design criteria for all proposed structures.
    c. Slope stability analysis.
    d. Grading criteria for ground preparation, cuts and fills, and soil compaction.
12. **Noxious Weed Control Plan.** A description of the measures for controlling noxious weeds existing on the property or that may become established as a result of the development.
13. **Impact Analysis.** The applicant will provide a description of the impacts that the proposed WEF may cause, as described in the approval standards in Section 7-104 of this Article. The impact analysis shall include a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied.
14. **Notice to FAA and Approval.** The application will provide written certification that the FAA forms have been submitted to the FAA in accordance with the FAA requirements, and the FAA has issued approval for the location of the WEF.
15. **Notice to Operator of Communication Link.** If any Wind Turbine included within the proposed WEF is located within two (2) miles of any wireless communications link, the applicant shall certify that they will notify the operator of the communication link in writing about the proposed project at least thirty (30) days prior to commencement of construction.
16. **Additional Information and Waivers.** The County may request additional information that may be required to evaluate the proposed WEF. The County may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfied applicable standards.

SECTION 7-103: LAND USE PERMIT REVIEW AND APPROVAL PROCESSES FOR WEF.

A. **Preapplication Meeting.** Applicant shall schedule a Pre-application Meeting with the Administrator to discuss the proposed Wind Energy Facility.
    1. The Pre-application Meeting is intended to provide information pertinent to the site and the proposal, to provide an understanding of the applicable review procedures and the standards to be met for approval of the application, and to explain the application materials required for submittal.

B. **Completeness Determination.** Within fifteen (15) calendar days following receipt of the land use permit application, the Administrator shall determine whether the application is complete. An application shall be deemed complete if it includes all information that is required.

1. **Application Is Not Complete.** If the application is not complete, the Administrator shall notify the applicant in writing of any materials that must be submitted for the application to be deemed complete. The time to review the application shall not begin to run until the application has been determined to be complete.

2. **Completeness Date.** Once the application has been determined to be complete, the Administrator shall stamp the application with the date that it was determined to be complete, and all time frames pertaining to review of the application shall be based on the completeness date.

C. **Review of Application Materials.**

1. **Review by Referral Agencies.** The Administrator shall request the professional analysis and recommendations of referral agencies, organizations, or technical consultants deemed appropriate and necessary to complete the review.

a. Upon determination of completeness, the Administrator shall cause the application materials or any portion thereof to be submitted for referral review and comment. The period for comment by the review agencies shall be sixty (60) calendar days from the date the application is deemed complete by the Administrator, unless an extension has been requested by the referral agency. The Administrator may grant an extension if it is determined that good cause for the delay has been shown. The failure of any agency to respond within the 60-day review period or within the period of extension shall not be deemed an approval of such plan by the referral agency.

b. Applicant shall be responsible for direct payment of review fees charged by consultants and referral agencies.

c. The applicant shall have the right to review the comments and recommendations received from the review agencies. The applicant may submit additional information and make changes in the application to respond to the comments of the review agencies, under the following conditions:

(1) If the changes are substantial or significantly alter the nature, character or extent of the application, the Administrator may refer the information and revised application back to some or all review agencies for further comment.

(2) The Administrator may extend the period for comment as appropriate for the review, however; the period of time for review and final action by the Board shall not to exceed six (6) months from the date the application was determined to be complete.

2. **Evaluation of Application by Administrator.** The Administrator shall review the application for compliance with the relevant approval standards in Section 7-104, and prepare a staff report that recommends approval, approval with conditions or denial of the application. The report shall be forwarded to the applicant and to the Planning Commission no less than six (6) calendar days prior to the Planning Commission public hearing on the application.

D. **Activity Notice Required.** An Activity Notice shall be obtained for all new buildings and structures comprising the WEF, including each Wind Turbine, prior to beginning construction.

E. **Life of Permits.**

1. The individual Activity Notice issued for each Wind Turbine in the WEF shall be valid for the useful life of the Wind Turbine. The time frame for construction to be initiated through the Activity Notice shall be determined at the time of issuance.

2. The Minor or Major Land Use Permit approval for a WEF shall be valid for the useful life of the WEF. The life of the Minor or Major Land Use Permit shall be determined at the time of approval.

F. **Monitoring.** Upon twenty-four (24) hour notice, the BoCC or its official representative may enter the property on which a WEF has been permitted, for the purpose of ensuring compliance with the terms of permit approval and applicable County regulations, and of monitoring noise, environmental impacts and other impacts which may arise.

1. **Unsafe and Inoperable Wind Turbines.**

a. Any unsafe structure or inoperable Wind Turbine and Wind Turbines for which the Land Use Permit has expired shall be removed by the owner. All safety hazards created by the implementation and operation of the Wind Turbine shall be eliminated and the site shall be restored to its natural condition to the extent feasible. A bond or other appropriate form of security may be required to cover the cost of removal and site restoration.

b. Any unsafe or inoperable Wind Turbine deemed an unsafe structure, as defined in Appendix B of the Yuma County Land Use Code shall be considered a public nuisance subject to abatement by repair, rehabilitation, demolition or removal. A Wind Turbine shall not be considered unsafe or abandoned if the owner can demonstrate to the Board's satisfaction that modernization, rebuilding or repairs are in progress or are planned and will be completed within six (6) months of the date of notice of violation issued by the County pursuant to Section 13-102 of the Land Use Code.

SECTION 7-104: STANDARDS APPLICABLE TO WIND ENERGY FACILITY.

A. **General Standards.**

1. **Public Health, Safety and Welfare.** The proposed WEF shall not be detrimental to the health, safety or general welfare of the community.

2. **Compatibility.** The WEF shall not result in an adverse impact to adjacent land.

   a. The WEF will not interfere with desirable existing community patterns.

3 **Compliance with Comprehensive Plan and Intergovernmental Agreements.** The proposed WEF is consistent with relevant provisions of the Yuma County Comprehensive Plan and any intergovernmental agreement between the County and a municipality that applies to the area where the use will occur.

4. **Compliance with Other Regulations.** The WEF shall comply with all applicable rules and regulatory requirements of state and federal agencies, and of Yuma County.

5 **Water and Wastewater Service.**

   a. The water and wastewater service shall be adequate to serve the WEF.

   b. The water and wastewater systems shall comply with state standards.

6. **Roadways and Access.** The applicant will enter into a Long-Term Road Maintenance and Improvements Agreement with the County to final approval being received. This agreement will not be limited to but should address the following.

   a. Legal access to a public right-of-way to and from the WEF shall be safe and in conformance with access standards set forth in the County standards.

   b. The WEF shall not cause traffic congestion or unsafe traffic conditions.

   c. Adequate turning radii shall be installed at all entrances to accommodate large truck movement.

   d. Off-street parking and loading zones shall be surfaced with gravel or the equivalent and shall be graded to prevent drainage problems.

   e. Staging activities and parking of equipment and vehicles shall occur on-site and on private rights-of-way, and shall be prohibited on maintained County roads.

   f. The applicant shall work with the County to ensure the proper maintenance and repair of all County roads utilized by the Wind Energy Project. All impacts to the roadway system shall be mitigated through roadway improvements or impact fees, or both.

7. **Service Delivery System Capacity.** The WEF shall not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

   a. **Impact Fees.** If the application shows that there will be unmitigated impacts to County roads or other County capital facilities caused by the WEF, the BoCC may assess an impact fee in the amount necessary to offset the impact to roads or other capital facilities.

B. **Resource and Environmental Protection Standards.**

1. **Water Quality Protection.** The WEF shall not cause significant degradation of the quality of surface or groundwater resources. Groundwater pollution control measures shall be implemented that prevent the discharge of pollutants from the activity into groundwater. If the applicable state or federal regulations governing the WEF do not address the protection of groundwater, the County may require a water quality monitoring plan and reporting plan designed for the early detection of an impact to water quality associated with the WEF.

2. **Air Quality.** The proposed WEF shall not cause air quality to be reduced below levels established by the Colorado Air Pollution Control Division.

3. **Wildlife.** The proposed WEF will consult with the State and Federal as to requirements relating to wildlife habitat areas unless the applicant demonstrates that there is no viable alternative location. Where the activity must be located in significant wildlife habitat areas, the applicant shall contact the Division of Wildlife for recommendations.

4. **Glare, Dust, or Noise.** Construction and operation of the WEF shall not cause objectionable glare, dust, or noise to surrounding properties.

   a. The proposed WEF shall comply with the statutory provisions for maximum permissible noise levels in C.R.S. § 25-12-103, as amended.

   b. Fugitive dust and particulate emissions shall be controlled on the site.

   c. Waste materials shall be handled, stored, and disposed of in a manner that controls fugitive dust, fugitive particulate conditions, blowing debris and other potential nuisance conditions.

   d. The WEF shall not be artificially lighted except to the extent required by the FAA or other applicable authority.

5. **Erosion and Sedimentation Control.** Erosion and sedimentation control measures that ensure that disturbed areas and soil stockpiles are stabilized during construction shall be implemented. Disturbed areas shall be controlled within one (1) growing season, pursuant to an approved vegetation plan by Natural Resource Conservation Service (NRCS).

6. **Drainage and Stormwater Run-Off.** Run-off shall be kept on the site in a stormwater detention system approved by the County, and waters in excess of historic run-off shall be prevented from leaving the site during construction and after site development.

   a. If applicable, the applicant shall obtain a Stormwater Discharge Permit from the Colorado Department of Public Health and the Environment, Water Quality Control Division.

7. **Protection of Agricultural Lands.** The Wind Energy Facility shall not have a significant adverse impact on agricultural lands and agricultural operations.

8. **Protection of Important Areas.** The WEF shall not significantly degrade areas of paleontological, historic, or archaeological importance. If the site of the WEF includes

or potentially affects known areas of historic, paleontological or archaeological resources, applicant shall coordinate with the State Historic Preservation Office to minimize and or avoid impacts during construction.

9. **Recreation Impacts.** The WEF shall not have a significant adverse effect on the quality or quantity of recreational opportunities and experience within the County, including but not limited to hunting, fishing, hiking, and similar recreational activities.

10. **Protection of Mineral Rights Holders.** The WEF shall not have a significant adverse impact on the mineral interests, drilling activities or mineral production of the mineral rights holders on the land where the WEF is located.

C. **Site and Facility Development Standards.**

1. **General Site Plan Standards.**

a. The site is adequate in size and shape to accommodate the WEF and all appurtenant facilities.

b. To the extent practicable, the site shall be developed in a manner that preserves the natural features of the site, avoids areas of environmental sensitivity, and minimizes adverse visual impacts.

2. **Setbacks.** Unless otherwise required by federal or state regulations applicable to the Wind Energy Facility, the following minimum setbacks shall apply. See Appendix A, Setbacks for information.

a. **Measurement.** Front, rear and side setbacks shall be measured as the distance between the nearest lot line and the foundation of a structure, along a line at right angles to the lot line.

3. **Minimum Ground Clearance.** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

4. **Safety and Security.**

a. Fencing, or other barriers acceptable to the County, shall be installed to prevent unauthorized access to the WEF electrical interconnection facilities.

b. All wiring between Wind Turbines and the WEF substation shall be underground.

c. Guy wires shall be distinctly marked and fenced on all permanent towers.

d. All access doors to Wind Turbine towers and electrical equipment shall be lockable.

e. Signs warning of the electrical hazard and other hazards associated with the WEF shall be posted at the base of each Wind Turbine tower, electrical equipment, and at the entrance of the WEF.

f. A security patrol or other security measure may be required if it is determined to be necessary and appropriate to ensure public safety.

5. **Fire Protection.** The WEF shall have adequate fire control and prevention measures.

6. **Underground Location of Powerlines.** Unless geologic conditions prevent underground installation, and control wiring and power-lines or installed underground except where the Facility collector wiring is brought together for connection to the transmission or distribution network. All underground installations located within the public road easement or right-of-way shall comply with the applicable permit and design requirements of Yuma County. See the Land Use Administrator for information on rights-of-way.
   a. **Restoration.** Any disturbed portion of the right-of-way shall be restored as nearly as possible to the condition as existing immediately prior to installation.
   b. **Safety.** Safety measures shall be implemented in accordance with County, state and federal requirements to protect the public.
   c. **Roadway Crossing.** If the installation crosses a roadway, it shall be located as perpendicular to the roadway as physically possible and installed in compliance with Yuma County requirements. See the Land Use Administrator for information on roadway crossings.
   d. **As-Built Drawings.** As-built drawings shall be provided to Yuma County once the installation has been completed.
   e. **Permit and Notice to Proceed.** Work shall not commence until the required permit(s) and notice to proceed with the installation(s) have been issued by Yuma County. See the Land Use Administrator for information on permits.
7. **Interconnection and Electrical Distribution Facilities.**
   a. All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the American National Standard Institute (ANSI), National Electrical Code (NEC), Institute of Electrical and Electronic Engineers (IEEE), and National Utility Standards.
   b. Interconnection shall conform to the requirements of the electric utility company, and applicable state and federal regulatory requirements.
8. **Interference with Navigational Systems.** The applicant shall minimize or mitigate any interference with electromagnetic communications caused by the Wind Energy Facility, including radio, telephone or television signals.
   a. Every Wind Turbine shall comply with FAA regulations for sighting structures near an airport or VORTAC installation.
9. **Certification of Equipment and Appurtenant Facilities.**
   a. All equipment and appurtenant facilities shall be certified by a registered structural engineer to be compliant with the applicable state, federal and local regulations and to conform with good engineering practices.
   b. The electrical system shall be certified by a registered electrical engineer to be compliant with the applicable state, federal and local regulations, and to conform with good engineering practices.
10. Reserved.

11. **Signs.** Wind Turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the WEF.

12. **Color and Finish.**

    a. All Wind Turbines shall be painted a non-reflective, non-obtrusive color.

    b. Design of accessory buildings and related structures shall, to the extent practicable, use materials, colors, textures, screening and landscaping that will blend the WEF to the natural setting and existing environment.

ARTICLE 8:

BATTERY ENERGY STORAGE SYSTEM

Section 8-101: Battery Energy Storage System (BESS).
Section 8-102: Battery Energy Storage System Standards.
Section 8-103: Review Criteria and Process.
Section 8-104: Submittal Requirements.
Section 8-105: Decommissioning Requirements for BESS.
Section 8-106: Ownership Changes.
Section 8-107: Approval Time Frame and Abandonment.

SECTION 8-101: BATTERY ENERGY STORAGE SYSTEM (BESS).

A. **Battery Energy Storage System (BESS).** A rechargeable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power to a building or to provide electrical grid-related services. Battery energy storage systems designed and operated for a single residential household shall not be included in the definition.

SECTION 8-102: BATTERY ENERGY STORAGE SYSTEM STANDARDS.

A. **Fencing.** All BESS, including all mechanical equipment, shall be enclosed by a minimum of a six-foot tall fence with a self-locking gate to prevent unauthorized access, unless housed in a building dedicated to the BESS. No fencing may interfere with any ventilation or exhaust ports.

B. **Placement.** All BESS, their components, and associated ancillary equipment shall be placed with required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with applicable electric code, as adopted by the State of Colorado.

C. **Location.** All BESS, their components, and associated ancillary equipment shall be located a minimum of one thousand (1,000) feet from any occupied structure or water well, unless the owner of the property waives, in writing, such setback requirement.

SECTION 8-103: REVIEW CRITERIA AND PROCESS.

A. The County shall consider whether the application complies with the requirements of these BESS Regulations.

B. All applications under these BESS Regulations shall be processed pursuant to the procedures applicable to the type of permit required.

SECTION 8-104: SUBMITTAL REQUIREMENTS.

A. **Submittal Requirements.** An application for a BESS shall contain the following items:

1. **Change Conditions Narrative.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

2. **Electrical Diagram.** A one- or three-line electrical diagram detailing the BESS layout, associated components, and electrical interconnection methods, with all National Electrical Safety Code compliant disconnects and overcurrent devices.

3. **Specification Sheet.** A preliminary equipment specification sheet that documents the proposed BESS components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

4. **Contact Information.** Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the BESS. Such information of the final system installer shall be submitted prior to the issuance of building permit.

5. **Narrative.** A narrative providing an explanation of the project, the above grade and below grade infrastructure, the type of battery, temperature control (if applicable) for the BESS system, identified environmental impacts and mitigation.

6. **Maintenance Plant.** A system and property maintenance plan describing continuing BESS maintenance and property upkeep during the operation of the BESS.

7. **Fire Mitigation Plan.** A fire mitigation plan including identification of the nearest water source for fire suppression or written confirmation from the local Fire Marshal with jurisdiction over the property stating that the site has been evaluated for fire risks and sufficiently mitigated any such risk.

8. **Drainage Plan.** A drainage plan, regardless of the square footage of the BESS.

9. **Decommissioning Plan.** A decommissioning plan in accordance with Section 8-105.

10. **Emergency Operation Plan.** An emergency operation plan including the following:

    a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

    b. Procedures for inspection and testing of associated alarms, interlocks, and controls.

    c. Procedures to be followed in response to notifications from the BESS management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

    d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department or district, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

    e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

    f. Procedures for dealing with BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged BESS equipment from the facility.

B. Application for a BESS that are part of a SES and submitted concurrently with an application for the SES may be processed concurrently.

SECTION 8-105: DECOMMISSIONING REQUIREMENTS FOR BESS.

A. **General Requirements.**

1. If a BESS ceases to perform its originally intended function for more than twelve (12) consecutive months, the permit holder and/or property owner shall remove the system, foundation and associated equipment and facilities by no later than one hundred eighty (180) days after the end of the 12-month period.
2. If permit holder and/or property owner notifies the County of the termination of operations, decommissioning shall be completed no less than one hundred eighty (180) days from the date of the notice.
3. Upon removal of a BESS, the property shall be restored to the condition prior to development of the system.

B. **Decommissioning Plan.**

1. Contact information for all parties involved (e.g., landowner, developer, utilities, etc.).
2. A detailed plan for the removal of all systems and equipment from the site, including provisions for the removal of structures, debris and cabling including those below the soil surface to depths agreed to in landowner agreements or down twenty-four (24) inches.
3. A cost estimate for the decommissioning prepared by a professional engineer or contractor with expertise in related decommissioning projects.
4. Roles and responsibilities of each party involved in the decommissioning.

C. **Decommissioning Bond or Letter of Credit.** The decommissioning cost shall be made by cash, surety bond or irrevocable letter of credit at fifty percent (50%) before construction commences and the remaining fifty percent (50%) prior to the fifth anniversary of the commencement of construction of the BESS.

D. **Decommissioning Not Proceeding.** If decommissioning does not proceed in accordance with the decommissioning plan, the County shall have the right, but not the requirement, to enter the property and cause the appropriate abandonment and decommissioning measures as determined by the approved decommissioning plan.

SECTION 8-106: OWNERSHIP CHANGES.

If the ownership of a BESS changes or the owner of the property changes, the use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the use permit and decommissioning plan. A new owner or operator of the BESS shall notify the County Planning Department and the BoCC in writing of such change in ownership or operator within thirty (30) days of the ownership change. The use permit and all other local approvals for the BESS will be voided if a new owner or operator fails to provide written notification as provided herein in the required timeframe. Reinstatement of a void use permit will be subject to the same review and approval processes for new applications.

SECTION 8-107: APPROVAL TIME FRAME AND ABANDONMENT.

The use permit for a BESS shall be valid for a period of twenty-four (24) months, provided that a building permit is issued for construction and construction is commenced. In the event construction is not completed in accordance with the final plans, as may have been amended and approved within twenty-four (24) months after approval, the County Planning Department may extend the time to complete construction for six (6) months. If construction is still not complete after the first extension, the owner or operator may seek one (1) additional six-month extension. If the owner and/or operator fails to achieve substantial construction after thirty-six (36) months, the approval shall expire. The applicant shall be responsible to apply for and obtain any necessary extensions for any building permit issued for the facility.

ARTICLE 9:

COMMUNITY OVERLAY DISTRICT

Section 9-101: Applicability.
Section 9-102: Designation of Community Overlay District by BoCC.
Section 9-103: Standards and Nonconformities.
Section 9-104: Review Procedures for Community Overlay Districts.

SECTION 9-101: APPLICABILITY.

The provisions for Community Overlay District set forth in this Article 9 shall apply to Community Overlay Districts within unincorporated areas of Yuma County established by the BoCC under Section 9-102.

SECTION 9-102: DESIGNATION OF COMMUNITY OVERLAY DISTRICT BY BOCC.

The BoCC by Resolution may designate an area to be a Community Overlay District. Each such Resolution shall include a description of the characteristics of the district that justify its designation, provide a review process and standards for development located in such district, and shall identify the location and boundaries of the district.

SECTION 9-103: STANDARDS AND NONCONFORMITIES.

Lot size, setback requirements and height limitations applicable to a Community Overlay District may be varied at the discretion of the BoCC, taking into consideration the purpose and review standards of the Community Overlay District.

A. **General Standards.**

1. **Lot Size.** Lots existing at the time a Community Overlay District becomes effective shall not be reduced in dimension or area below the minimum requirements set forth in this Code.

2. **Water and Sewer.** All uses constructed or expanded in a Community Overlay District must be properly served by water, sewer, utilities and access.

B. **Nonconformities in Community Overlay Districts.** Uses, structures and lots that were lawfully established pursuant to the regulations in effect at the time of their development which do not conform with provisions of the Community Overlay District established by the Board shall be governed by the provisions of Article 10, Nonconformities.

SECTION 9-104: REVIEW PROCEDURES FOR COMMUNITY OVERLAY DISTRICTS.

Uses in Community Overlay Districts shall be reviewed and approved as Minor Land Use Permits pursuant to Section 4-105.

ARTICLE 10:

NONCONFORMITIES

Section 10-101: General.
Section 10-102: Enlargement or Alteration of a Nonconforming Use.

SECTION 10-101: GENERAL.

A nonconforming use is any use existing as of the effective date of this Code that does not conform to this Code. Except as otherwise provided in this Section, a nonconforming use may be continued or "grandfathered" and normal or routine maintenance of a structure containing a nonconforming use shall be permitted.

SECTION 10-102: ENLARGEMENT OR ALTERATION OF A NONCONFORMING USE.

A. **No Enlargement or Alteration of Nonconforming Use.** The right to continue a nonconforming use terminates immediately when the nonconforming use is enlarged, expanded, extended, or altered in any of the following ways, and the property owner does not successfully pursue any of the options specified in these regulations within thirty (30) calendar days after the Administrator provides written notification of an alleged illegal enlargement or alteration to the owner:

1. **New Structure.** The addition of a new structure containing, or accessory to, the nonconforming use.

2. **Enlargement or Alteration of Structure or Use.** Enlargement or alteration of a structure containing, or accessory to, the nonconforming use including but not necessarily limited to an increase in floor area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the structure.

3. **Enlargement or Alteration in the Land Area.** Enlargement or alteration in the land area occupied by the nonconforming use, unless the basic nature of the use, at the time it became nonconforming, clearly indicated or contemplated such an increase or alteration.

4. **Enlargement or Alteration Creating Hazard or Nuisance.** Any other enlargement or alteration of the nonconforming use which has the effect or threatened effect of creating a hazard or nuisance on-site or off-site, of adversely affecting the character of the neighborhood, or of intensifying the use of the land or its need for services.

5. **Removal or Replacement of Any Structural Member.** Removal or replacement of any structural member in a use for which the County is precluded from enforcing this Code specific to use on the basis of estoppel, laches, or waiver.

B. **Allowed Enlargement or Alteration.** The following shall not be considered prohibited enlargement or alteration:

1. A change of ownership of the property.

2. An alteration or expansion which the Administrator determines is necessary to rectify a hazardous health or safety situation or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure.

3. An extension of the nonconforming use within the structure containing the use, provided that such extension is not accompanied by an alteration of the structure falling within category (b), above.
4. The addition of a solar energy device to a structure containing a nonconforming use.
5. Any replacement or upgrading of outmoded or worn equipment or supplies.
6. Any minor expansion of a State-permitted concentrated animal feeding operation or livestock confinement facility.

Cross reference—Animal feeding operation and facilities regulations, Section 5-104(B).

ARTICLE 11:

VARIANCES AND APPEALS OF ADMINISTRATIVE INTERPRETATIONS

Section 11-101: Board of Adjustment.
Section 11-102: Variances.
Section 11-103: Appeal Process for Administrative Interpretation of These Regulations.

SECTION 11-101: BOARD OF ADJUSTMENT.

A. **Establishment.** There is hereby established a Board of Adjustment (BoA).

B. **Powers and Duties.** The BoA shall have the following powers and duties under the provisions of this Code.

1. **Variance.** To hear, review and approve, approve with conditions or deny applications for variance to standards and criteria for a Land Use Permit set forth in this Code.

2. **Appeal Interpretation of Administrator.** To hear, review, consider and affirm, modify, or reverse appeals of interpretations of these regulations made by Administrator.

3. **Make Additional Studies.** To make studies as requested and authorized by the BoCC, and to report the findings and recommendations.

C. **Board of Adjustment Membership.**

1. **Qualifications.** Members of the BoA shall be residents of the County prior to appointment, and registered voters. No member of the BoCC shall serve on the BoA. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.

2. **Appointment.** The BoA shall be composed of three (3) members, to be appointed by a majority vote of the BoCC by Resolution.

D. **Terms of Office.** All members serving on the BoA on the effective date of these Regulations shall complete their terms according to their prior appointments. The term of at least one (1) member shall expire each year. The term of office of each member appointed under these Regulations shall be for two (2) years. There shall be no limit on the number of terms a person may serve on the BoA. When a person is appointed to fill out the term of a departing member that person's term shall end at the time the departing member's term would have ended.

E. **Removal from Office.** Any member of the BoA may be removed for cause by the BoCC upon written charge.

F. **Vacancy.** Whenever a vacancy occurs on the BoA, the member's position shall remain vacant until a new member can be appointed by the BoCC.

G. **Compensation.** The members of the BoA shall serve without compensation, but may be reimbursed for such travel, mileage and continuing education expenses as may be authorized by the BoCC.

H. **Officers; Quorum; Rules of Procedure.**

1. **Chairman and Vice Chairman.** At the first meeting of each calendar year, the members of the BoA shall elect a Chairman and Vice-Chairman from among its members. The Chairman's and Vice-Chairman's term shall be for one (1) year. No member shall serve as Chairman for more than two (2) consecutive terms. The Chairman shall administer oaths and shall be in charge of all proceedings before the BoA.

2. **Secretary.** The Secretary shall keep full and complete minutes of all proceedings, which minutes shall be a summary of all proceedings before the BoA, which shall include the vote of all members upon every question, its examination and other official actions, and be attested to by the Secretary. The minutes shall be approved by a majority of the BoA members voting. In addition, the Secretary shall maintain all other records of the BoA meetings, hearings, proceedings, and the correspondence of the BoA, which shall be immediately filed and kept in the offices of the BoA as public records.

3. **Staff.** The Administrator shall designate the professional staff of the BoA.

4. **Quorum and Voting.** The presence of two (2) or more members shall constitute a quorum of the BoA necessary to take action and transact business. All actions shall require a vote of two (2) concurring members of the BoA.

5. **Rules of Procedure.** The BoA shall, by a majority vote of the entire membership, adopt rules of procedure for the transaction of business, and shall keep a record of resolutions, findings and determinations, and a record of meetings.

I. **Meetings Open to Public.** All meetings and public hearings of the BoA shall be open to the public in a place accessible to the public, except that meetings held in executive session pursuant to Colorado law shall not be open to the public.

J. **Notice.** Public hearings shall be properly noticed in compliance with Section 11-102(B)(4).

SECTION 11-102: VARIANCES.

Variances are deviations from the terms of this Code that would not be contrary to the public interest when, owing to special circumstances or conditions like exceptional topographic conditions, narrowness, shallowness or the shape of a specific piece of property, the literal enforcement of the provisions of this Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property.

A. **Initiation.** Applications for a variance may be submitted by the owner or the owner's authorized agent.

B. **Application Submittal and Review Procedures.**

1. **Pre-Application Conference.** A pre-application conference shall be held in accordance with Section 4-101(A).

2. **Application.** The applicant for a variance shall submit to the Administrator an application that includes the following materials. Additional materials may be required by the Administrator.
    a. **Site Plan.** A site plan for the property at which the variance is being requested.
    b. **Written Narrative.** A written narrative explaining the standards from which a variance is being sought, and the reasons why a variance is necessary.
3. **Review of Application Materials by Administrator.**
    a. **Review.** The Administrator shall review the application for completeness, in accordance with the provisions of Section 4-101(E). Upon a determination of completeness, the Administrator shall schedule the application for review and approval by the BoA.
    b. **Staff Report.** The Administrator shall prepare and submit a report to the BoAs regarding the proposed variance.
4. **Schedule and Notice of BoA Public Hearing.**
    a. **Schedule of BoA Public Hearing.** Public hearing by the BoA shall be scheduled within forty-five (45) calendar days of the date of completeness determination.
    b. **Publication of Notice of BoA Public Hearing.** The County shall arrange for notice of the BoA public hearing on the application for variance to be published at least thirty (30) days prior to the date of the public hearing in a newspaper of general circulation setting forth the time, date and place of the BoA public hearing.
    c. **Notice to Adjacent Property Owners.** Not less than fifteen (15) days prior to the date of the BoCC hearing, the County shall notify property owners within five hundred (500) feet of the exterior boundary of the site by sending a written notice by certified mail, return receipt requested. The written notice will describe the proposed permit amendment and setting forth the time, date and place of the hearing. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.
    d. **Posting on the Site.** Posting on the site will be at the discretion of the BoCC following recommendation from the Land Use Administrator or Planning Commission.
5. **Review and Action by BoA.** The application for variance shall be considered by the BoA at a public hearing, after proper notice, in accordance with the provisions of Article 11. The BoA shall approve, approve with conditions or deny the application for variance based on the approval standards set forth in Article 11.

C. **Standards for Approval of a Request for Variance.** The BoA must find that all of the following standards are met before a variance can be granted.
1. **Special Circumstances Exist.** One (1) of the following circumstances or conditions exists with respect to the property:
    a. Exceptional narrowness, shallowness or shape of the property at the time of the enactment of the regulation in question.

b. Exceptional topographic conditions of the property.

c. Other extraordinary and exceptional situation or condition of the property.

2. **Not a Result of the Actions of Applicant.** The special circumstances and conditions have not resulted from any act of the applicant.

3. **Strict Application Consequence.** Because of the special circumstances and conditions found pursuant to Section 11-102(C)(1), the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship on, the owner of the property.

4. **Variance Is Necessary for Relief.** The granting of the variance from the strict application of the provisions set forth in this Code is necessary to relieve the owner of the peculiar and exceptional practical difficulties or exceptional and undue hardship.

5. **Not Detrimental to the Public Good.** Granting the variance will not cause substantial detriment to the public good.

6. Granting the variance will not substantially impair the intent and purpose of the County's adopted Land Use Codes.

SECTION 11-103: APPEAL PROCESS FOR ADMINISTRATIVE INTERPRETATION OF THESE REGULATIONS.

An appeal may be taken to the BoA by any person aggrieved by a final interpretation by the Administrator of terms or requirements of this Land Use Code.

A. **Initiation.** The appeal shall be filed with the Administrator within thirty (30) calendar days of the date of the interpretation of the Administrator.

B. **Statement of Appeal and Review Procedures.**

1. **Statement of Appeal.** The appellant shall submit a written statement of the Administrator's interpretation to be appealed, the date of that interpretation and the reasons why the appellant believes that the interpretation of the Administrator is incorrect, including any materials or evidence to support the appeal.

2. **Public Hearing.** Public hearing by the BoA shall be scheduled within forty-five (45) calendar days of the date the appeal was filed with the Administrator. The County shall arrange for notice of the BoA public hearing to be published at least thirty (30) days prior to the date of the public hearing in a newspaper of general circulation setting forth the time, date and place of the BoA public hearing. It is not necessary to post a notice of the hearing on the property or to mail notice of the hearing to adjacent property owners, and public notice shall be the responsibility of the County.

3. **Review and Action by the BoA.** The BoA shall review the Statement of Appeal and testimony by the Administrator at the Public Hearing. The BoA shall determine the proper interpretation of the provision of the Code being appealed.

4. **Review Criteria for Appeal of Administrative Interpretation.** The BoA shall consider the following criteria in hearing an appeal of an administrative interpretation.
   a. The technical meaning of the provision being appealed.
   b. Evidence as to the past interpretation of the provision.
   c. The effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan.

ARTICLE 12:

NONCONFORMING USE

Section 12-101: Change of Nonconforming Use.
Section 12-102: Destruction of a Structure Containing a Nonconforming Use.
Section 12-103: Abandonment of a Nonconforming Use.
Section 12-104: Notice of Termination.

SECTION 12-101: CHANGE OF NONCONFORMING USE.

A. **Change to Nonconforming Use.** A nonconforming use may be changed only to a use which is conforming under the provisions of these Regulations.

B. **Termination of Nonconforming Use.** Any change of nonconforming use to any other use shall immediately terminate the right to continue the nonconforming use. Thereafter, the property shall be used only in conformity with the use provisions of these Regulations.

SECTION 12-102: DESTRUCTION OF A STRUCTURE CONTAINING A NONCONFORMING USE.

A. **Structure Deemed Destroyed.** A structure containing a nonconforming use shall be deemed destroyed when either greater than fifty percent (50%) of its floor area, or greater than fifty percent (50%) of its actual value (as determined by the Yuma County Assessor) is destroyed.

B. **Termination of Nonconforming Use.** The right to continue a nonconforming use terminates immediately when the structure containing that use is destroyed by an intentional act of the property or structure owner or their agent.

C. **Restoration of Structure.** In all other cases, when a structure containing a nonconforming use is destroyed, the structure may be restored, and the nonconforming use may be reestablished.

1. **Timeframe for Restoration.** Restoration of the structure must be commenced within six (6) months after the date on which the nonconforming structure was destroyed and completed within one (1) year after the date on which the restoration was commenced.

2. **Extensions.** These times may be extended for a reasonable period, if approved by the County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.

SECTION 12-103: ABANDONMENT OF A NONCONFORMING USE.

A. **Termination of Nonconforming Use.** The right to continue a nonconforming use terminates as soon as the use is abandoned through the discontinuance of the use for an uninterrupted period of six (6) months or more, as a result of causes within the control of the property owner or their agent.

B. **Termination of Seasonal Nonconforming Use.** If the nonconforming use is a seasonal use, the use shall be terminated if it is discontinued for an entire single season based upon the history and nature of the use.

C. **Abandonment of Seasonal Nonconforming Use.** Any seasonal nonconforming use may be abandoned in less than six (6) months or a season, as applicable, if the property owner expressly states an intent to abandon the use, or engages in action which unambiguously expresses an intent to abandon.

SECTION 12-104: NOTICE OF TERMINATION.

A. **Written Notification.** In the event that the Administrator receives information that the right to continue a nonconforming use has been or may have been terminated, the Administrator shall provide a written notification of this determination by first class mail to the property owner and to the parcel address, all as shown on the records of the County Assessor. The property owner shall have thirty (30) calendar days after the date of the notification within which to provide evidence satisfactory to the Administrator to show that the determination is in error, to abate the illegal enlargement or alteration, or to file an appeal of the Administrator's determination to the BoCC. In any appeal, the property owner shall have the burden to show that the right to continue the nonconforming use was not terminated according to the applicable provisions of this Article, when judged in light of the history and nature of the use and the circumstances of the alleged termination.

B. **Right to Bring Enforcement Action.** Nothing in these regulations shall alter or diminish the County's right to take enforcement action against the unlawful continuation of a nonconforming use. Except in the case of an illegal enlargement or alteration for which the owner shall be provided with a 30-day opportunity to abate, any failure by the Administrator to provide a notification of a determination of termination as provided for in this regulation shall in no way entitle the property owner to continue or resume a nonconforming use terminated under provisions of these regulations.

ARTICLE 13:

ENFORCEMENT

Section 13-101: Authority to Inspect and Administrative Action Against Violations.
Section 13-102: Enforcement Procedures.
Section 13-103: Administrative Remedies.
Section 13-104: Judicial Remedies.
Section 13-105: Additional Enforcement Regulations Applicable to Subdivision.
Section 13-106: Additional Enforcement Regulations Applicable to Wind Energy Facilities.
Section 13-107: Implementation of Mitigation.

SECTION 13-101: AUTHORITY TO INSPECT AND ADMINISTRATIVE ACTION AGAINST VIOLATIONS.

A. **Administrator Authorized to Inspect.** The Administrator is empowered to inspect and examine any building, other structure, or parcel or other area of land where there is reasonable cause to believe that a use exists or construction or alteration work is being performed, or has been performed, in violation of this Code.

B. **Notification of Violation.** If a violation exists, the Administrator shall send a notification to the violator in compliance with the Section 13-102, Enforcement Procedures.

SECTION 13-102: ENFORCEMENT PROCEDURES.

These procedures apply unless the particular provision, context and violation call for something different according to this Code or state law.

A. **Notification to Violators.**

1. **Requirement of Notice.** The County shall send notice of a violation of the Code to the occupant, developer, and owner (if not the same) by first class mail to each person's last known address and/or by hand delivery and by posting on the site in a clearly visible location near the entrance road to the property.

   a. **Content of Notice.** The Notice shall contain the following information:

      (1) A list and description of all violations with references to the section or sections of the Code violated.

      (2) Notification of penalty. Violators of this Land Use Code are subject to fine as defined in Section 13-103 of this Code.

      (3) An order to the occupant, developer, and/or owner to cease all unpermitted or prohibited activities.

      (4) Fines begin to accumulate upon the delivery receipt of notice of violation.

      (5) An order to the occupant, developer and/or owner to attain compliance within thirty (30) days. After thirty (30) days a cease and desist may be ordered whiles fines will still be accumulated.

   b. **Response.** Any person who receives notice of a violation of the Code, shall within thirty (30) days:

      (1) Restore the site to compliance and request an inspection of the property by the County to demonstrate that compliance has been attained, or

      (2) File a written request with the County for an extension of time to attain compliance, showing good cause for each extension. The extension(s) of time shall not exceed a total of ninety (90) days for any notice of violation.

B. **Legal Action.** In the event of a violation, the County may seek penalties and remedies through legal action against the occupant, developer or owner who fails to attain compliance within the specified time, or to show on appeal that a violation has not occurred.

C. **Public Endangerment.** The enforcement procedure may be accelerated where the County finds the public health, safety, welfare, or the environment could be endangered by a continuing violation. In such cases, the County Attorney shall take immediate action to end the danger to the public health, safety, welfare and the environment through, but not limited to ex-parte restraining orders as authorized under the Colorado Rules of Civil Procedure and/or action by local law enforcement or public safety agencies as deemed appropriate and necessary.

SECTION 13-103: ADMINISTRATIVE REMEDIES.

A. **Fines and Penalties.**

1. Fines are equivalent to the permit fee for the original unfiled application. The landowner is also responsible for any costs accrued by the County in attempts to contact the land owner.
2. Every day (after the official notice is received) is considered a new offense until the Land Use Department receives a response from the landowner. Responses are considered as defined in Section 13-102(A)(1)(b) of this Code.
3. Finished projects under violation of this Code will be assessed a fine established by the BoCC.
4. Fines outstanding on November 1st of every year will be added to the tax roll.

B. **Abatement of Violations.** Violations of this Code may be abated under the procedures and standards of this Section at the election of the County Commissioners which may include consultation with the County Attorney, and/or Yuma County Planning Commission. However, this procedure shall not be the sole remedy available, and the County may enforce this Code in any manner provided by law.

C. **Withholding Land Use Permits.** The County may withhold or deny future Land Use Permits, or any other administrative actions on any land where a notice of violation has been issued, and the violation has not been timely corrected.

D. **Cease and Desist Orders.** After notice of a violation and an opportunity to correct the violation, the County may halt work on any land where there is an uncorrected violation. All work shall immediately halt upon issuance of such order. If work continues, the development shall be in violation of this Code.

E. **Injunction.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used in violation of the provisions of this Code, the Board, the district attorney or any owner of real property within Yuma County, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

F. **Specific Performance.** The County may seek specific performance of the terms or conditions of any agreement or permit issued under this Code.

G. **Cumulative Remedies.** All remedies provided for in this Section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law. To the extent that Colorado law may limit the availability of a particular remedy for a particular violation or a part of a violation, such remedy shall remain available for other violations of other parts of the same violation, and all other remedies shall remain available for the same violations or part of a violation.

SECTION 13-104: JUDICIAL REMEDIES.

A. **Judicial Action Against Violations.**

1. **Request for Civil or Criminal Action.** At the request of the Board, the County Attorney shall be empowered to bring either a civil or a criminal (or both) action against the owner of any premises or property on which a violation of this Code is alleged, and, following investigation, has been confirmed or is reasonably believed to exist.

2. **Criminal Remedy.** Criminal violations of this Code shall be punished by a fine in an amount not to exceed one hundred dollars ($100.00) for each violation or by imprisonment in the County jail for not more than ten (10) days, or by both such fine and imprisonment, or by such other remedy as may be specified by amendment to C.R.S. § 30-28-124, as amended. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

   a. The Administrator shall comply with the requirements of C.R.S. § 30-28-124(b)(II), as amended, by giving written notice to the alleged violator to correct the violation within thirty (30) days after the date of the notice.

   b. If the violation is not corrected within the thirty (30) days, the Administrator may request the County Attorney to pursue criminal remedies in County Court against the violation.

3. **Civil Remedy.** Civil remedies against violations of this Code may include injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate, or remove the violation; and the fine herein above provided for may be recovered in that same civil action wherein such injunction, mandamus and/or abatement is sought, or separate and district proceedings may be instituted seeking varying forms of relief, as C.R.S. § 30-28-124, as amended, or any other applicable provision of law may allow.

SECTION 13-105: ADDITIONAL ENFORCEMENT REGULATIONS APPLICABLE TO SUBDIVISION.

A. **Requirement for Subdivision Approval.**

1. **Approval in Compliance with Code Required for Recording.** No plans of streets or highways for public use, or plans, plats, plots, and replats of land laid out in subdivision or building lots or the streets, highways, alleys, or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be recorded in any public office unless the same is approved in compliance with this Code.

2. **Criminal Remedy, Transfer or Sale Prior to Final Plat Approval and Recording.** Any subdivider or agent of a subdivider who transfers or sells land before a Final Plat for the land has been approved pursuant to the requirements of this Code and recorded or filed in the Office of Clerk and Recorder shall be guilty of a misdemeanor and upon conviction thereof shall be fined shall be punished by a fine of not more than one thousand dollars ($1,000.00) nor less than five hundred dollars ($500.00) for each parcel or interest in subdivided land which is sold or offered for sale. All fines collected shall be credited to the General Fund of the County.

3. **Action to Enjoin.** The Board shall have the power to bring an action to enjoin any subdivider from selling proposed subdivided land before a Final Plat for such land has been approved by the Board and filed for recording in the Office of the County Clerk and Recorder. (C.R.S. § 30-28-110(4)(b), as amended.)

SECTION 13-106: ADDITIONAL ENFORCEMENT REGULATIONS APPLICABLE TO WIND ENERGY FACILITIES.

A. **Monitoring.** Upon twenty-four (24) hours' notice, the BoCC or its official representative may enter the property on which a Wind Energy Facility has been permitted, for the purpose of ensuring compliance with the terms of permit approval and applicable County regulations, and of monitoring noise, environmental impacts and other impacts which may arise.

B. **Removal of Unsafe and Inoperable Wind Turbines.**

1. Any unsafe structure or inoperable Wind Turbine and Wind Turbines for which the Land Use Permit has expired shall be removed by the owner. All safety hazards created by the installment and operation of the Wind Turbine shall be eliminated and the site shall be restored to its natural condition to the extent feasible. A bond or other appropriate form of security may be required to cover the cost of removal and site restoration.

2. Any unsafe or inoperable Wind Turbine deemed an unsafe structure, as defined in Appendix B of the Yuma County Land Use Code shall be considered a public nuisance subject to abatement by repair, rehabilitation, demolition or removal. A Wind Turbine shall not be considered unsafe or abandoned if the owner can demonstrate to the

Board's satisfaction that modernization, rebuilding or repairs are in progress or are planned and will be completed within six (6) months of the date of notice of violation issued by the County pursuant to Section 13-102 of the Land Use Code.

SECTION 13-107: IMPLEMENTATION OF MITIGATION.

Implementation of mitigation does not relieve permittee's responsibility to comply with all County standards and criteria. Failure to conduct the project in compliance with standards and criteria at any time shall be deemed a permit violation and may result in enforcement and/or require a permit amendment to address whether standards and criteria can be satisfied with different mitigation or change in project operations.

ARTICLE 14:

HUMAN BURIAL ORDINANCE

Section 14-101: General.
Section 14-102: Permit.
Section 14-103: Permit Requirements.
Section 14-104: Burial Requirements.

SECTION 14-101: GENERAL.

This Section is intended for personal, private burials and does not apply to the creation of a cemetery. The landowner shall not charge a fee for the burial. This Section does not apply to the disposal of cremated human remains.

SECTION 14-102: PERMIT.

Personal, private burial may take place in any zone district after issuance of a Burial Notification Permit. This permit will be issued by the Funeral Home attached to the death certificate. A Burial Notification Permit does not relieve a person from the requirements of any applicable Colorado law or local health department regulations regarding human remains and cemeteries.

SECTION 14-103: PERMIT REQUIREMENTS.

A. Landowners name, address and signature.

B. Name of deceased.

C. Legal description of burial parcel.

D. The family is responsible for notifying 811 before digging the hole and must present proof of line location clearance from 811 before digging at the grave location.

E. The family is responsible for filling out the grave location paperwork for the County. They are also responsible for contacting the acting coroner or the Sheriff's Office in order to do a GPS location of the grave.

F. GPS coordinates (degrees, minutes, seconds of latitude and longitude, UTM coordinates, or other generally accepted location coordinates) or a survey, within one (1) foot, of burial site. This must be prepared by a licensed, professional, surveyor or engineer and include the surveyor or engineer's stamp.

G. The family is responsible for securing the grave digger.

H. Within one (1) year, the family must provide proof that the grave has been permanently marked. Photographs may be used to prove that the grave is permanently marked. If proof is not provided by the first anniversary the burial, there will be a two hundred dollar ($200.00) penalty fee. Every year after the first anniversary of the burial, where proof is not provided the penalty will be increased.

At the applicant's expense, the completed permit will be recorded in the office of the Yuma County Clerk and Recorder by the Land Use Department.

SECTION 14-104: BURIAL REQUIREMENTS.

A. Burial with at least three (3) feet of cover.

B. There shall be at least four (4) feet of suitable soil separation, (not gravel), from the bottom of the burial site to the maximum seasonal groundwater table.

C. Maintain a 100-foot separation from streams, lakes, and/or any well.

D. The site shall be permanently identified with a marker on the ground. The marker needs to have a concrete base and use a granite like material. The Land Use Administrator will confirm the marker via photographs. The coroner will be consulted if the Land Use Administrator has questions on the marker.

E. A burial container, coffin or vault, is not required.

F. Embalming is not required.

APPENDIX A:

SETBACKS

PROPERTY	LOCATION	ROAD TYPE	SETBACK
SETBACKS FROM SITE BOUNDARIES			
Residential	Front Yard	Arterial	20 feet
Residential	Front Yard	Major Collector	20 feet
Residential	Front Yard	Local	20 feet
Residential	Side Yard		10 feet
Residential	Rear Yard	Principal Uses	25 feet
Residential	Rear Yard	Accessory Uses	5 feet
Agricultural	Right-of-Way		10 feet
Agriculture	Adjoining Property		10 feet
Industrial/Commercial	Front Yard	ROW	30 feet
Industrial/Commercial	Side Yard	Adjacent to residential or agricultural property	25 feet
Industrial/Commercial	Side Yard	Adjacent to commercial or industrial property	10 feet
Industrial/Commercial	Rear Yard	Adjacent to residential or agricultural property	25 feet
Industrial/Commercial	Rear Yard	Adjacent to commercial or industrial property	10 feet
Distributed Wind Energy Facilities (DWEF)			
Property Boundary, public road, highway, railroad right-of-way			Minimum of 130% of the maximum height of system
Above ground public electric power lines or communication lines			Minimum of 130% of the maximum height of system
Inhabited structures located outside of the site boundary			Minimum of 130% of the maximum height of system
Scenic Resource	Any highway designated as a Scenic highway or roadway by the County or the State		¼ mile from any highway

PROPERTY	LOCATION	ROAD TYPE	SETBACK
Excavations			
	Gravel Pits or other mining operations		100 feet of the site, or the setback established by the Mined Land Reclamation Board, which ever is greater.
Telecommunications			
Residential Structure			Facilities and transmission towers shall be set back from all residential structures by a minimum of 100 feet, or 200% of the height of the proposed tower or facility; whichever is greater, but no closer than 50 feet to a property line.
Non-Residential Structure			Facilities and transmission towers shall be set back a minimum 110% of the height of the tower from a non-residential property line.
ACCESSORY BUILDING MOUNTED SOLAR COLLECTORS			
Building Mounted Solar Panel	Portion of the roof or front façade of the building		Shall be mounted so that the edge of the device is set back at least 1 foot from the edge of the roof closest to the front lot line.
Building Mounted Solar Panel	Mounted to the wall of a building		May extend into or over no more than 33% percent of the depth of a minimum yard or setback that is required along a side lot line but shall not extend closer than 4 feet to a side lot line.
Building Mounted Solar Panel	Above-ground public utility power lines or communication lines		70 feet
Building Mounted Solar Panel	From existing public road or highway or railroad		70 feet
Building Mounted Solar Panel	From inhabited buildings including: residence, school, hospital, church or public library		500 feet

PROPERTY	LOCATION	ROAD TYPE	SETBACK
Building Mounted Solar Panel	From all other property lines		70 feet
Building Mounted Solar Panel	Inhabited structures		
Accessory Building-Mounted Solar Panels	The Setback from the section lines. The County has established ROWS that are located 30 feet on each side of section lines. The purpose of this ROW is to allow for maintenance of existing County roads and construction of new County roads. Placement of solar panels within this ROW will be reviewed by the County on a case-by-case basis to confirm that they will not conflict with the County's existing road plans and future road plans. In the event of a potential conflict, solar panels may need to be relocated outside of this established ROW to allow for future construction of County roads. In the event that there is no conflict, the County may issue a waiver that will allow for placement of the solar panel within the existing County ROW. It is the responsibility of the applicant to apply for a waiver in these situations, and to provide exact location of proposed placement of solar panels and the distance from section lines. In the event a survey is required, the applicant will be responsible obtaining and for paying the costs of survey.		
Scenic Resources Setback	(5) **Scenic Resources Setback.** Solar panels comprising the SES shall be set back a minimum ¼ mile from any highway, designated to be a scenic highway or roadway by the Yuma County Comprehensive Plan or by the state. A scenic resource protection setback requirement may be reduced if the Board determines that the characteristics of the surrounding property eliminate or substantially reduce concerns related to scenic value.		
UTILITY WIND ENERGY FACILITY			
1. Measured from the outer boundary of the public utility right-of-way or easement [or from existing power line or telephone line] 2. Measured from the outer boundary of the public road/highway right-of-way or railroad right-of-way			
UWEF	Above-ground public electric power lines or communication lines		2 times system height
UWEF	Public road or highway or railroad		2 times system height
UWEF	Public road or highway with ADT of 7,000 or more		2 times system height or 400 feet, whichever is greater
UWEF	Property line of any lot containing inhabited structures, including but not limited to: residence, school, hospital, church or public library.		2 times system height, or 1,000 feet, whichever is greater
UWEF	All other property lines, unless appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Board.		2 times system height or 100 feet, whichever is greater

PROPERTY	LOCATION	ROAD TYPE	SETBACK
UWEF	Wind Access	No Wind Turbine shall be located in such a manner that the center of the tower is within a distance equal to two times the rotor diameters from any lot line that is downwind and perpendicular to the dominant wind direction.	
UWEF	Scenic Resource Setback.	Wind Turbines comprising the Wind Energy Facility shall be setback a minimum of ¼ mile from any highway eligible or designated to be a scenic highway or roadway by the Yuma County Comprehensive Plan or by the state.	

APPENDIX B:

DEFINITIONS

The following words, terms and phrases, when used in this LUC, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

100-Year Flood. A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1%-annual-chance flood). The terms "one-hundred-year flood" and "one percent-chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-Year Floodplain. The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-Year Flood. A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (2% annual-chance-flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-Year Floodplain. The area of land susceptible to being inundated as a result of the occurrence of a five hundred (500) year flood.

Accessory Use/Structure. A use or structure that is:

1. Clearly incidental to and customarily found in connection with the principal use.
2. Subordinate in area, extent and purpose to the principal building or use.

Addition. Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adjacent. Same as "abutting."

Adjacent Property Owner. An owner of record, as recorded in the most current records on file in the County Assessor's Office, of any estate, right, or interest in real property that immediately abuts, or is located immediately across a road or highway, waterway or other body of water from the site of a proposed Land Use Change.

Administrator. Yuma County Land Use Administrator, or designee.

Agriculture. The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that these uses shall not include uses that are Confined Animal Feeding Operations.

Agricultural Structure. A structure located on a farm or ranch and used in an agricultural operation for the storage, repair and maintenance of farm or ranch equipment and supplies, or for the raising and/or storage of crops and livestock. These include, but are not limited to, barns, corrals, silos, workshops, equipment sheds, greenhouses smaller than five hundred (500) square feet, storage

and shelter structures. An agricultural structure does not include greenhouses that are five hundred (500) square feet or larger, enclosed arenas or other enclosed areas when the activities that occur there provide services and/or goods to the general public on site.

Agrivoltaics. One or more solar energy generation facilities planned, designed and directly integrated with agricultural activities, including but not limited to crop production, grazing, animal husbandry, with agricultural activities conducted under ninety percent (90%) or more of the solar panels.

Agrivoltaics Systems. A system designed for the simultaneous use of areas of land for both ground mounted solar collectors and agriculture.

Alluvial Fan Flooding. A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Animal Feeding Operation. As defined by State and Federal Regulations.

Animal Unit. A unit of measure to determine a comparable number of animals as defined by State and Federal Regulations.

Applicant. The owner or duly designated representative of land for which a Land Use Permit has been requested.

Area of Shallow Flooding. A designated Zone AO or AH on a County's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Average Working Capacity. The average occupancy of the animal feeding operation on a year-round basis defined as the sum of the end-of-month occupancy rates divided by the number of months during a calendar year the facility conducts animal feeding operations.

Base Flood Elevation (BFE). The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

Basement. Any area of a building having its floor sub-grade (below ground level) on all sides.

Board, Board of County Commissioners, (BoCC). The Yuma County Board of County Commissioners.

Board of Adjustment (BoA). The Board of Adjustment of Yuma County.

Buffering. An area of land that has landscaping, berms, walls, fences or a combination thereof designed to mitigate visual impacts of solar energy systems from roads or development around a

proposed solar energy system. It is understood that buffering cannot and should not fully screen solar energy systems from a road or surrounding development and is intended to soften and buffer the visual impacts of energy development.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property, excluding fences.

Channel. The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization. The artificial creation, enlargement or realignment of a stream channel.

Cluster, Cluster Development. The concentration of development, including buildings, driveways, and water supply and wastewater treatment facilities on one or more compact areas of a development parcel, preserving the remainder as productive agricultural land or undeveloped open space, and avoiding impacting areas of identified value for wildlife habitat, scenic features of a rural landscape, historical agricultural uses, and significant environmental features. Clustering allows flexibility in layout and protection of identified valuable characteristics of a development parcel.

Code of Federal Regulations (CFR). The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into fifty (50) titles that represent broad areas subject to Federal regulation.

Commercial Use or Activity. Any use or activity primarily devoted to business purposes such as the purchase, sale, lease or exchange of goods and/or the provision of services.

Community. Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Comprehensive Plan. A plan, or any portion thereof, adopted by the Yuma County BoCC establishing the goals, objectives and policies of the County.

Concentrated Animal Feeding Operations. As defined by State and Federal Regulations.

Conditional Letter of Map Revision (CLOMR). FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

County. The County of Yuma, State of Colorado.

Critical Facility. A structure or related infrastructure, but not the land on which it is situated that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the County at any time before, during and after a flood.

Density. A unit of measurement; the number of dwelling units per acre of land.

Development. Any activity or construction, excluding normal agricultural activities, that changes the basic character or use of the land.

DFIRM Database. Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM). FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Distributed Solar Energy System (DSES). Solar electrical power generation that occurs close to where the power is consumed and is primarily used on site by the system owner. A private on-site solar energy conversion system consisting of many ground-mounted solar arrays in rows or roof panels, and associated control or conversion electronics, occupying more than two and one-half (2.5) acres and no more than thirty (30) acres of land, and that will be used to produce utility power to on-site uses.

Distributed Wind Energy System (DWES). Wind electrical power generation that occurs close to where the power is consumed and is primarily used on site by the system owner. A wind energy conversion system consisting of Wind Turbine(s) and associated control or conversion electronics, with a rated capacity of not more than one hundred (100) kW per unit, that will be used to produce utility power to on-site uses.

Dwelling Unit. One or more rooms designed to accommodate one (1) family and containing only one (1) kitchen plus living, sanitary and sleeping facilities.

Ecovoltaics. Solar energy systems that co-prioritize ecosystem services and energy production and apply ecological principles through the planning, design, and management of the array.

Elevated Building. A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement.

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a county.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Aviation Administration (FAA). The federal agency responsible for aircraft safety.

Federal Emergency Management Agency (FEMA). the agency responsible for administering the National Flood Insurance Program.

Federal Register. The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

Final Plat (Subdivision). A map of a land subdivision prepared according to applicable laws of the State of Colorado and these Regulations having the necessary affidavits for filing, and dedications.

Flood or **Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of water from channels and reservoir spillways;

The unusual and rapid accumulation or runoff of surface waters from any source; or

Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Control Structure. A physical structure designed and utilized expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying structures are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM). An official map of a county, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the county.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain. An area adjacent to the stream, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is adverse to the past, the current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. Mainstream floodplains;
2. Debris-fan floodplains; and
3. Dry wash channels and dry wash floodplains.

Floodplain or **Flood-Prone Area.** Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator. The County official designated by title to administer the floodplain management regulations.

Floodplain Development Notification. Notification is required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a county, the county shall require notification for all proposed construction or other development in the county including the placement of manufactured homes, so that it may determine whether such

construction or other development is proposed within flood-prone areas. Notification is required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway). The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (½) foot (six (6) inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard. The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Geologic Hazard. A geologic phenomenon which is adverse to the past, the current, or the foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
2. Seismic effects;
3. Radioactivity; and
4. Ground subsidence.

Grading of More than Five Hundred Cubic Yards. Movement of more than five hundred (500) cubic yards of material, except that the following are not considered to be grading of more than five hundred (500) cubic yards for purposes of this Land Use Code.

1. Normal grading activity associated with agriculture, allowed mining activity, or foundation construction.

2. Normal grading activity associated with trail or road construction by a governmental entity on publicly acquired open space land in accordance with an open space management plan approved by the BoCC.

Hazard. A significant source of risk, danger or peril resulting from natural phenomena or conditions including those precipitated or caused by activities of man.

Height (Building). The vertical distance from the "grade" to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average heights of the highest gable of a pitch or hip roof.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure. Any structure that is: Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: by an approved state program as determined by the Secretary of the Interior or; directly by the Secretary of the Interior in states without approved programs.

Home Occupation. An occupation carried on within a dwelling or accessory building by members of the family occupying the dwelling with no servant, employee or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Hub. The part of the wind turbine to which the blades are attached, together creating the rotor.

Hub Height. The distance measured from ground level to the center of the turbine hub.

Impact. The direct and indirect effect or consequence of the proposed project.

Industrial. Any manufacturing operation or industrial use.

Industrial Use or Activity. Manufacturing, fabrication storage, processing and shipping facilities; mineral extraction and production or processing; auto body repair and maintenance shops; truck stops; facilities of public utilities; solid and hazardous waste disposal sites; airports and similar activities or uses commonly known as industrial in nature.

ISDS System. An individual sewage disposal system as defined by the State of Colorado and the County ISDS regulations.

Land Use. The purpose for which any building, land or structure is designed, maintained, renovated, occupied or used.

Land Use Change. Any development, grading, construction, activity or operation that changes the basic character, configuration or use of the land or structures after the enactment of this Land Use Change.

Land Use Permit. A permit, issued by the County, required for any land use activity subject to this Code.

Letter of Map Revision (LOMR). FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F). FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee. A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lot. A parcel, plot or tract of land which is the subject of a Land Use Permit application, land use activity proposal, or which is occupied by a structure, together with the yards and other open spaces required by these regulations.

Lot Line. Lot Lines are for the purpose of making a lot line adjustment to correct boundary errors, align boundaries with topographic features, or straighten boundaries. This applies only to contiguous lots, neither of which lies within a subdivision approved pursuant to these Land Use Regulations, and which are not subject to merger with each other pursuant to a Section.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a

basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Major Electrical or Natural Gas Facilities. Major electrical or natural gas facilities as defined by C.R.S. § 29-20-108(3), as amended, that are subject to Public Utilities Commission jurisdiction.

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

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Material Safety Data Sheet (MSDS). A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a County's Flood Insurance Rate Map are referenced.

Meat Processing Facility. Any establishment where meat is slaughtered, dressed, processed, cut, trimmed, wrapped, or packaged for delivery to consumers.

MET Tower. A meteorological tower used for the measurement of wind speed.

Mine, Mining. Any area of land from which minerals are extracted in nonliquid form or are extracted in a liquid form while workers are underground; private ways and roads appurtenant to such area; and lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property, including impoundments, retention dams, and tailing ponds, on the surface or underground, used in, or to be used in, or resulting from the work of extracting such minerals from their natural deposits in nonliquid form or, if in liquid form, used by workers underground or used or to be used in the milling of such minerals or the work of preparing coal or other minerals. "Mine" includes sand and gravel pits. "Mine" does not include clay pits, or rock and stone quarries, including surface limestone and dolomite quarries.

Mineral Estate Owner. The owner or lessee of a mineral estate underneath a surface estate that is subject to an application for development.

Minor Expansion of Concentrated Animal Feeding Operations and Livestock Confinement Facilities. Expansion of facilities that does not increase the capacity of the facility by more than thirty-three percent (33%) or five hundred (500) head over the existing capacity, whichever is less, as of the date of approval of this document.

National Flood Insurance Program (NFIP). FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

Natural Hazards. Mudslides, subsidence areas, floodplains, seismic faults, rockslides, erosion and other naturally occurring phenomena that can pose hazards to life or property.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a County.

Nonconforming (Use/Structure). A land division or lot, building or structure, or use of land legally existing at the time of enactment of these Regulations and which does not conform to these Regulations. Such land divisions, buildings or structures, or use of the land are "grandfathered" and subject to the terms and provisions of these Regulations.

No-Rise Certification. A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the one hundred (100) year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Outside Storage. The outside placement of items, including but not limited to vehicles that are inoperable, and mobile homes not connected to utilities not on a permanent foundation, for a period of more than twenty-four (24) hours.

Parcel. See Lot.

Parking Canopy Solar System. Ground-mounted solar collectors installed above parking areas.

Physical Map Revision (PMR). FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Plat. A plot of land.

Preliminary Plan (Subdivision). A map of a proposed land subdivision, prepared in conformance, that shows the character and proposed layout in sufficient detail to clearly illustrate the proposal for development.

Principal Use. The primary use of the land.

Private Utility. A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequences and need, such as electricity, gas, transportation or communication.

Public Hearing. A meeting called by a public body for which public notice has been given and which is held in a place where the general public may attend to hear issues and express their opinions.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, or other facility which benefits the public.

Public Utility. An entity as defined by C.R.S. § 10-4-103, as amended.

Recreational Vehicle means a vehicle which is:

Built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projections;

Designed to be self-propelled or permanently towable by a light duty truck; and

Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regularly Occupied Structure. Schools, churches, businesses, and residences.

Residential Solar Energy System. A single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics with a rated capacity of less than five hundred (500) kW, occupying no more than two and one-half (2.5) acres of land, and that will be used to produce utility power to on-site uses.

Residential Wind Energy System. Wind electric power generation systems up to fifty (50) kW, used on site by the system owner to reduce or eliminate dependence on grid electricity.

Right-of-Way Easement. This agreement allows one (1) person to travel across someone else's property. Property rights-of-way can be either private or public.

Road. See Street.

Setbacks. A property setback is the minimum distance a structure must be from a property line. Setbacks are established by local governments through zoning regulations, ordinances, and building codes. They are typically put in place for public policy reasons such as safety, privacy, and environmental protection.

Significant. Deserving to be considered; important; notable and not trifling.

Single Family Dwelling. A detached building which is occupied or which is arranged, designed, and intended to be occupied, by one (1) family and containing only one (1) kitchen plus living, sanitary and sleeping facilities, but not including hotels, motels, tents, seasonal vacation cabins, camper trailers, or other structures designed or used primarily for temporary occupancy. A single-family

dwelling shall also include a mobile home that is installed and has received permits in accordance with the provisions of these regulations. A single-family dwelling must have indoor plumbing and be serviced by adequate water, sewer and public utility systems.

Site Plan. A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and conceptual aspects of the plan for development of the site, prepared in compliance with these Regulations.

Solar Collector. A photovoltaic (PV) panel, array of panels or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. Ground-mounted solar collector includes agrivoltaics systems and parking canopy solar systems when installed on surface parking lots. Building-mounted solar collector includes parking canopy solar systems when installed on the roof of a parking garage.

Solar Energy System. Any device or structural design feature whose primary purpose is to provide for the collection, storage, or distribution of solar energy.

Distributed Solar Energy System. Solar energy systems that encompass greater than ten (10) acres to thirty-five (35) acres of surface area.

Solar Energy System, Accessory. A roof-mounted or ground-mounted solar energy system on a lot that is designed to primarily provide power to the buildings and/or uses on the same lot. Excess power may be sold to the local electric company, association or cooperative in accordance with applicable policies and limitations.

Solar Energy System, Small Scale. Solar energy systems that encompass ten (10) acres or less of surface area.

Utility Solar Energy System. Solar energy systems that encompass greater than thirty-five (35) acres of surface area or are power tower systems concentrating solar power systems.

Solid Waste Disposal Site and Facility. The location and facility at which the collection, storage, treatment, utilization, processing, or final disposal of solid wastes occur.

Special Flood Hazard Area. The land in the floodplain within a County subject to a one percent (1%) or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of Construction. The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as

dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Street. A county road, state highway, public road, street or alley, or private thoroughfare which affords primary access to abutting property.

Structure. Anything constructed or erected which requires location on the ground or attachment of something having a location on the ground. "Structure" shall include immobilized mobile homes and swimming pools.

Structure. A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Subdivision. Subdivision shall have the meaning given in C.R.S. § 30-28-101, as amended.

Subdivision Final Plat. is a scaled drawing that shows the boundaries and locations of a subdivision's lots, streets, easements, and other parcels of land. It's the official record of the subdivision and is recorded with the County.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure just prior to when the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed. The term does not, however, include either: Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surface Easement Agreement. A surface easement agreement is a legal document that gives another party the right to use a landowner's property for a specific purpose. The agreement outlines the terms and conditions of the use, including the rights of each party, any restrictions, and relevant laws.

Survey map. also known as a property map or land survey plan, is a detailed map that shows the boundaries and features of a property. A licensed surveyor creates a survey map by measuring and examining the property, and it's a legal document that's essential for buying, selling, or developing land.

System Height. The combined height of the tower, the wind turbine and any blade extended at its highest point, measured from ground level.

Telecommunications Facilities. Includes but is not limited to facilities associated with the following types of telecommunications: cellular telecommunications, low power mobile radio service telecommunications facility.

Threshold Planning Quantity (TPQ). A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Transmission Lines. Electric lines and related substations designed and operating at voltage levels above the public utility's voltages for distribution and generation facilities, including but not limited to related substation facilities such as transformers, capacitator banks, or breakers that are integral to the circuitry of the public utility's transmission system.

Unsafe Structure. A structure, building or wind turbine which, in the determination of the Administrator is:

1. In a condition presenting a substantial danger or hazard to public health, safety, or welfare.
2. Is a dilapidated building which is unused by the owner or uninhabited because of deterioration or decay, and constitutes a fire hazard or subjects adjoining properties to a danger of damage by storm, soil erosion, or rodent infestation, or is a place frequented by trespassers and transients seeking a temporary shelter or hideout.

Use. The purpose for which any land, structure or building is designed, maintained or occupied.

Utility Scale Solar Energy System. A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than thirty (30) acres and that will be used to produce utility power to off-site customers.

Utility Scale Wind Energy System. An electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s).

Utility Solar Energy System (USES). A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than thirty (30) acres and that will be used to produce utility power to off-site customers.

Utility Wind Energy Facility (UWEF). An electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s).

Vested Property Right. The right to undertake and complete the development and use of property under the terms and conditions of a Site-Specific Development Plan.

Violation. The failure of a structure or other development to be fully compliant with the County's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wind Energy Facility (WEF). All necessary devices that together convert wind energy into electricity, including Septic System. If the proposed WEF includes uses that must be served by a septic system, the applicant shall comply with applicable County requirements. The applicant shall provide a statement certifying that the septic system for the WEF will comply with applicable County, State, and Federal requirements.

Wind Turbine. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator. The term "Wind Turbine" shall include the turbine, blade, tower, base and pad transformer.

Wind Variance. A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Yard. The space on the same lot as a building or structure that is unoccupied and open to the sky.

APPENDIX C:

RECORD OF CHANGES AND MODIFICATIONS

Change	Effective Date
Major Overhaul to document	2025
Adding Modification tracking table	
In Article 1 - Took out Section 1-106 Repealer, Re-enactment, Effective date 1041 code has been replaced by actual Solar, Wind, Battery and other updates Section 1-106 Repealer from the old code, the other Sections will get moved up in the count.	
In Article 2 - Modified this section where Section 2-101 was expanded, Section 2-102 was put into Section 2-101, and Section 2-103 Classes of Land Use Permits moved to 2-102, and a new 2-103 Review and Approval of land Use permits was added.	
Article 3 - Stayed the same	
Article 4 - was expanded in areas to include Activity Notice Permits. It also had items for Residential or Distributed Solar, and Wind added to it. Each type of Land use Permit had more details added to it to ensure it was understood what each application would look for.	
Article 5 - Some standards were moved into Article 4 in their specific application Setbacks were moved to Appendix A	
Old Article 6 - Community Overlay District is now Article 10 Community Overlay District. Article 6 - Utility Solar Energy System is new	
Old Article 7 Nonconformities is now Article 11 Nonconformities. Article 7 - Wind Energy Facility is new	
Old Article 8 - Variances and Appeals is now Article 12 Variances and Appeals. Article 8 - Battery Energy Storage System	
Article 9 - Enforcement is now Article 14 - Enforcement. Article 9 - is Floodplain Ordinance came from Article 5-104L	
Article 10 - Definitions is now APPENDIX B. All definitions have been moved out of the body of the document and moved into the Appendix B.	
Article 11 - Nonconformities - Numbering changed	
Article 12 - Variances and appeals of administrative interpretations numbering changed	
Article 13 - Nonconforming use numbering changed	

Change	Effective Date
Article 14 - Enforcement numbering changed	
Article 15 - Ordinance (Human Burial) came from Article 5-104M	
Article 16 - Marijuana Ordinance came from Article 5-104K	
2022 Revision	May 26, 2022
2020 Revision	February 1, 2020

CODE COMPARATIVE TABLE

This table gives the location within this Land Use Code of those ordinances and resolutions which are included herein. Ordinances and resolutions not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Legislation Number	Date	Section		Section this Code
Ord. No. 2025-02	8-14-2025	1	Rpld	Art. 1, 1-101—1-109, Art. 2, 2-101—2-103, Art. 3, 3-101, 3-102, Art. 4, 4-101—4-105, Art. 5, 5-101—5-104, Art. 6, 6-101—6-105, Art. 7, 7-101—7-106, Art. 8, 8-101—8-103, Art. 9, 9-101—9-107, Art. 10, 10-101
		2(Att.)	Added	Art. 1, 1-101—1-108, Art. 2, 2-101—2-103, Art. 3, 3-101, 3-102, Art. 4, 4-101—4-107, Art. 5, 5-101—5-104, Art. 6, 6-101—6-106, Art. 7, 7-101—7-104, Art. 8, 8-101—8-107, Art. 9, 9-101—9-104, Art. 10, 10-101, 10-102, Art. 11, 11-101—11-103, Art. 12, 12-101—12-104, Art. 13, 13-101—13-107, Art. 14, 14-101—14-104, Apps. A, B, C
Ord. No. 2026-01	2-13-2026	1		1-108.B 2-202.C, D 4-103.B 4-103-2.A 4-104.B