

PROPOSED LAND DEVELOPMENT CODE REVISIONS

REVISIONS TO LDC CHAPTER 1.15 DEFINITIONS

Development Application

Any application required by this Code or companion documents for a change in land use, for approval of plans, or for the issuance of a permit, including, but not limited to, the following: rezoning; use variances; special uses; variances; temporary use; approval of location; Finding of No Significant Impact ("FONSI") or Permit pursuant to Appendix B Guidelines and Regulations For Areas and Activities of State Interest of El Paso County ("Appendix B Guidelines and Regulations"); site plans; site development plans; preliminary plan; final plat; maintenance plans; landscape and parking plans; building permit review; certificate of designation; vacation; exemption plat; construction permit; builder's erosion and sediment control permit (BESQCP); erosion and sediment control permit (ESQCP); grading permit; development agreement; and subdivision improvement agreement (SIA).

Development Permit

An approval of a development application and associated documents including, but not limited to, the following: rezoning; variance in use; special use permit; approval of location; FONSI or Permit pursuant to Appendix B Guidelines and Regulations; variance; temporary use permit; site plan; site development plan; preliminary plan; final plat; maintenance plan; landscape and parking plan; building permit; certificate of designation; vacation, exemption plat, construction permit; builder's erosion and sediment control permit (BESQCP); erosion and sediment control permit (ESQCP); grading permit; development agreement; and subdivision improvements agreement (SIA).

~~Electric Substation, Private~~

~~An assemblage of equipment and appurtenant facilities, that are not regulated pursuant to C.R.S. § 40-1-103 and C.R.S. §30-28-110, that are designed for voltage transformation, switching, or control of electricity.~~

~~Electric Transmission Line, Private~~

~~An electric transmission line, that is not regulated pursuant to C.R.S. § 40-1-103 and C.R.S. §30-28-110, with a minimum capacity of 69 kV, located above or below ground, and intended to convey electricity generated by an electrical energy generation facility.~~

Energy Generation Facilities

An electrical energy generating facility with generating capacity of ~~more~~ less than 50 megawatts for commercial delivery and any appurtenant facilities.

~~Energy Generation Maintenance Facility, Private~~

~~A facility used for the ongoing maintenance and operations of an energy generation facility, typically including finished office and employee space, outside storage, and storage of vehicles and equipment associated with the maintenance and operation of the energy generation facility.~~

(b) Solar Energy Generation Facility

A large-scale electrical energy generation facility with a minimum energy generation capacity of 500 kilowatts typically consisting of photovoltaic panels, heliostats (mirrors), collection tower(s), turbine(s), collection lines, electrical substation(s), transmission line(s), and other appurtenant facilities.

(c) Private Electric Transmission Line

~~An electric transmission line, that is not regulated pursuant to C.R.S. § 40-1-103 and C.R.S. §30-28-110, with a minimum capacity of 69 kV, located above or below ground, and intended to convey electricity generated by an electrical energy generation facility.~~

(d) Private Electric Substation

~~An assemblage of equipment and appurtenant facilities, that are not regulated pursuant to C.R.S. § 40-1-103 and C.R.S. §30-28-110, that are designed for voltage transformation, switching, or control of electricity.~~

(e) Private Energy Generation Maintenance Facility

~~A facility used for the ongoing maintenance and operations of an energy generation facility, typically including finished office and employee space, outside storage, and storage of vehicles and equipment associated with the maintenance and operation of the energy generation facility.~~

REVISIONS TO LDC USE TABLE 5-1

Delete Wind Energy Generation Facility (Previously deleted by LDC 11-1)
Modify Energy Generation Facilities to read less than 50MW, and change from an allowed use in the M (Industrial) District to a special use.

REVISION TO LDC CHAPTER 5 USE SPECIFIC DEVELOPMENT STANDARDS

5.2.56. Wind Energy Generation Facilities (see Section 4.3.5 Wind and/or Solar Energy Generation Plan Overlay District and Appendix B. All Wind Energy Generation Facilities and appurtenant components ~~not regulated under Section 5.3.3, Approval Location, of this Code,~~ shall be regulated by Section 4.3.5, WSE-O Wind and/or Solar Energy Generation Plan Overlay District and Appendix B, Guidelines and Regulations for Areas and Activities of State Interest.

- Public building where the building, facility or use provides or fulfills a governmental function the governmental unit is legally authorized to provide including publicly-owned jail or prison facilities;
- ~~Utility substation including any electric transmission lines, substations for electrical utilities which control electricity in amounts of 115,000 volts or more, major gas regulator station, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives and their appurtenant facilities;~~
- ~~Electrical transmission line and upgrade which are 115,000 volts or greater;~~
- ~~Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives utilizing 12 inch or larger distribution or transmission lines including extensions to those facilities;~~
- ~~Treatment plant for the treatment of sanitary sewage that complies with the minimum standards specified in the Design Criteria Considered in the Review of Wastewater Treatment Facilities, Colorado Department of Public Health and Environment, Water Quality Control Commission (Site Approval) or a facility for the treatment of raw water to meet the water quality requirements contained in the Colorado Primary Drinking Water Regulations;~~
- ~~New wastewater treatment plants, extensions or expansions to existing plants (excluding line extensions which are separately covered below), or individual sewage disposal systems that have an average flow of more than 2,000 gallons a day;~~
- ~~Waste water lift stations that pumps wastewater from areas too low to drain into available sewers receiving an average flow of more than 2,000 gallons per day;~~
- ~~Waste water interceptor sewer with an internal pipe diameter of equal to or greater than 24 inches intercepting wastewater from a final point in a collection system and conveying the waste to directly to a treatment plant, or meeting other requirement of the CDPHE to be classified as an interceptor;~~
- Water storage facility including a reservoir, pond, lake, tank or basin, natural or man-made, used for the storage, regulation or control of water;
- ~~Water reservoir including construction of any new reservoir or expansion of any existing reservoir for a municipal or industrial or domestic treated water use. Major extensions of existing domestic water and sewage treatment systems which use 12 inch or larger distribution or transmission lines and which are not located entirely within an approved service area;~~
- ~~New water supply systems, new water treatment plants, or extensions of those systems or plants that serve more than 25-year-round residents or provide the equivalent amount of water service~~

Where the public facility is identified as an allowed or special use in the zoning district, and when it is not subject to Appendix B Guidelines and Regulations, the Approval of Location process shall be controlling for the authorization of the facility.

(G) Public Schools and Charter Schools

(1) Prior to Acquisition of Land for School Site

Prior to acquiring land or contracting for the purchase of land for a school site, the school district shall consult with and advise the Planning Commission in writing to ensure that the proposed site conforms to the adopted Master Plan as far as is feasible.

(2) Prior to Construction of a Structure

Prior to construction of any structure or building, the school district shall submit a site development plan for review and comment to the Planning Commission.

(3) Request by Planning Commission for Public Hearing

The Planning Commission may request a public hearing before the school district on the proposed site location or site development plan. If the Planning Commission requires a hearing, the school district shall promptly schedule the hearing, publish at least one notice in advance of the hearing and provide written notice of the hearing to the Planning Commission.

(4) Information to be Considered and Recommendation

The Planning Commission will consider all information presented at the hearing. If no hearing is requested, the Planning Commission will consider all information provided by the school district and provide to the school district its recommendations and conclusions.

(5) School District Responsible for Facility Locations

The authority to make final determinations as to the location of public schools and to erect buildings and structures is the school district's.

(H) Other Requirements and Clarifications

(1) Site Development Plan Required

A proposed site development plan shall be submitted to the Planning Commission for approval before construction or authorization of any public road, public park, trail or trail head, public way, ground or space, public building or structure or utility, whether public or privately owned.

(2) Disapproval of County-Funded Project

In case of disapproval of a County-funded project, the Planning Commission shall communicate its reasons to the BoCC. The BoCC is authorized to overrule the disapproval by a majority vote. Upon

shall be authorized to implement the use until the approval of location permit is issued.

(L) Conversion of Public Facility to Private Facility

A conversion of a public facility with an approval of location to a private facility shall be completed in conformance with the applicable zoning district standards.

(M) Post Approval Requirements

(1) Satisfaction of Conditions

Prior to beginning any construction or the commencement of the approved use, the applicant shall satisfy any required conditions.

(2) Site Development Plan Review or Site Plan Review

Site development plan review or site plan review is required before an application for a building permit can be authorized by the DSD. Site development plan or site plan review may be concurrent with the approval of location process; however, the final site development plan or site plan shall be modified by the applicant to reflect the conditions of approval..

(N) Abandonment

(1) Determination of Abandonment of Use

Unless otherwise specified by the Planning Commission, an approval of location shall be deemed abandoned, and the approval of location permit shall be of no further force and effect, if: (1) the primary intended use or activity has not been substantially implemented within 2 years of the Planning Commission approval; or (2) the primary intended use or activity has been discontinued for a period of 2 consecutive years. For purposes of this provision, an approval of location shall be deemed discontinued if the primary intended use has not been actively and regularly conducted on the approved site.

(2) Extension of Approval of Use Permit

Prior to the expiration of approval of use permit, a one year time extension may be granted by the DSD Director for good cause shown after receiving a written request for extension.

Energy Generation Facility
Proposed Change from allowed (A) in M District to Special Use (S)

Chapter 5 Use and Dimensional Standards
REVISION (2) 4/02/2007 thru 02/08/2013
Table S-1 Principal Uses

Use Type	Residential Zoning Districts										Industrial Zoning Districts				Subject to Specific Use Standards?				Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?									
	Agricultural Zoning Districts	RR-05	RR-25	RR-05	RS-20080	RS-6009	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHR	RVP	CC	CR	CS	I-1			I-2	I-3	C-1	C-2	M	R-4	Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?
Emergency Facility, Private	S	S	S	S	S	S	S	S	S	S	S	S			A	A	A	A	A	A	S	S	S	S		YES			
Emergency Facility, Public	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	A	A	A	A		YES			
Energy Generation Facilities																					S		S			YES			
Explosives Manufacturing																					S		S		YES				
Family Care Home	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴													YES		YES		
Farm	A ³	A ³	A ³	A ³																									
Fertilizer Manufacturing																					S		S			YES			
Financial Institution															A	A	A	A	A	A		A	A	A		YES			
Firewood Sales																												YES	
Fireworks Sales																												YES	
Flea Market																													
Food Processing																												YES	
Freight Terminal																												YES	
Fuel Sales and Storage																												YES	
Funeral Home																												YES	
Garbage Service Companies																												YES	
Gas Station																												YES	

Notes:

"A" = Allowed Use, "S" = Special Use, "T" = Temporary Use

¹Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status

²Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status

³Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status

⁴Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.

⁵A minimum of 1 acre is required for a private stable.

