

## ARTICLE I - General Provisions

### Division 1 - Preface

#### Sec. 22-1-10. - Introduction.

The Comprehensive Plan includes all unincorporated geographic areas of the County and establishes policy guidelines for land use decisions. The Plan serves as the foundation of all land use and development regulations. The Comprehensive Plan is adopted by the Board of County Commissioners as an ordinance and codified under Chapter 22 of the Weld County Code, which makes it regulatory rather than just advisory. The Comprehensive Plan should be an actively used document to assist in reaching our goals. The Comprehensive Plan was originally created in 1973 and has since been updated in 1987, 1995, 2002, and 2008.

#### Sec. 22-1-20. - Overview of Weld County.

Weld County is located in the northern Front Range of Colorado between the Rocky Mountains and the Great Plains, approximately 40 miles east of the Continental Divide. Spanning an area from northern metropolitan Denver to the Wyoming state line, the County is approximately 4,000 square miles in size – over twice the size of Delaware. Weld County is the most productive county in the state, and one of the most productive counties in the nation, for both agriculture and oil and gas. The County seat is located in the City of Greeley. Thirty-two incorporated municipalities lie within the County's borders.

Additional background information about Weld County is contained in the Weld County Population and Development Report, which is updated annually by the Weld County Department of Planning Services and is made available to the public on the Planning Services webpage. Also available on the County's website are maps, including zoning, uses by special review, subdivisions and exemptions, geologic and floodplain hazard areas, and other geographic information. Weld County history and other information are also available on the Weld County website.

The Population and Development Report is an administrative supplement to the Comprehensive Plan that describes the physical characteristics of the County along with most recent demographic data available from the U.S. Census Bureau and the Colorado Demography Office. In addition, it contains data from the most recent USDA Census of Agriculture and economic indicators from the U.S. Bureau of Economic Analysis and the Colorado Department of Labor and Employment. Other data presented include statistics on housing, real estate, and foreclosures, land use cases processed, and lots created, building permits issued, and various other information. Refer also to the Weld County Transportation Plan adopted by reference in Chapter 8 of the Weld County Code for more information on the existing conditions in Weld County.

### Division 2 - General Provisions

#### Sec. 22-1-100. - Definition and purpose of Comprehensive Plan.

The Comprehensive Plan, contained in this Chapter, is the document intended to fulfill the master plan requirement pursuant to state law (Section 30-28-106(1), C.R.S.) and the mineral extraction master plan requirement pursuant to state law (Section 34-1-304, C.R.S.) and, in part, to set land use policy pursuant to the Home Rule Charter. The Comprehensive Plan is intended to be used for the general purpose of guiding development of the unincorporated County.

#### Sec. 22-1-110. - Relationship to planning documents.

- A. The Comprehensive Plan identifies guiding principles, goals, and objectives to provide direction for land use decisions. The documents used by the County to carry out the Goals and Objectives of the Comprehensive Plan are contained in Chapters 19, 21, 23, 24, and 27 of this Code. Article III of Chapter 2, Administration, contains regulations relating to planning and zoning as well. In the event of any conflict between the Comprehensive Plan and any land use regulations set forth in this Code, the land use regulations, including, but not limited to those for zoning and subdivision, take priority.
- B. Chapter 19 contains Coordinated Planning Agreements between the County and various municipalities.
- C. Chapter 21 regulates areas and activities of state interest in unincorporated Weld County.
- D. Chapter 23 contains the Zoning Ordinance, which defines land use application procedures and responsibilities, standards, and regulations pertaining to zone districts and overlay districts, nonconforming uses, enforcement, vesting of rights, and the Board of Adjustment.
- E. Chapter 24 contains the Subdivision Ordinance used to regulate subdivision development and contains the procedures for subdividing a parcel of land and design standards for facilities, utilities, and other improvements.
- F. Chapter 27 provides a site-specific subdivision mechanism, Planned Unit Development, used to provide for creativity and which can be used to allow uses from multiple zone districts.
- G. The Weld County Transportation Plan is adopted in Chapter 8 of the Weld County Code.

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Sec. 22-1-120. - Reserved.

Sec. 22-1-130. - Plan components.

Article II contains the Principles, Goals, and Objectives of the Comprehensive Plan. The Goals are desired ambitions and results to be pursued diligently by the County. Each Goal contains one or more Objectives, which are more specific than the Goals and help clarify the Goal's intent.

Sec. 22-1-140. - Planning process.

The official kickoff for the 2020 Comprehensive Plan update was the Annual Farm Show at Island Grove in Greeley on January 28, 29, and 30. Not long after that, the novel coronavirus outbreak reached the United States and public meetings were postponed.

The Board of County Commissioners met with staff every two weeks to review the old Comprehensive Plan and draft a new Comprehensive Plan. One goal of this update was to reduce the length of the Comprehensive Plan to make it more readable and usable. For this reason, the strategies were eliminated from the body of the Comprehensive Plan. Instead the Planning Department will maintain a separate Strategic Plan for implementing the Comprehensive Plan that will be updated at least annually.

The Guiding Principles were consolidated to four and moved from the middle of Article I to the beginning of Article II. The Goals were simplified to 10 overarching aims further clarified by 37 objectives.

Sec. 22-1-150. - Comprehensive Plan amendment procedure.

- A. Adoption of the Comprehensive Plan as contained in this Chapter 22 of the Weld County Code is a legislative process of the Board of County Commissioners. Any member of the Board may propose an ordinance to update, amend, or revise this Chapter in accordance with Section 3-14 of the Home Rule Charter.
- B. Prior to adopting an ordinance on final reading to revise or amend this Chapter, the proposed change shall be considered by the Planning Commission following a public hearing on the matter. The Planning Commission shall vote on a resolution adopting the amendment and the secretary to the Planning Commission shall forward the resolution, if adopted, to the Board on County Commissioners.
- C. The Department of Planning Services shall notify any municipality with a cooperative planning agreement in Chapter 19 of the Weld County Code at least ten (10) days prior to the Planning Commission hearing. Notice of the proposed ordinance shall also be posted on the County website and in accordance with notice requirements for ordinances. The Board may direct the Director of Planning Services to issue a press release regarding the proposed change(s).
- D. The Board of County Commissioners shall consider the resolution of the Planning Commission, the recommendations of the Department of Planning Services, and any comments received from municipalities and the public prior to adopting an ordinance to amend this chapter. The Board shall take public testimony prior to each of the second and third readings of the ordinance.
- E. The Board of County Commissioners and Planning Commission shall review the entire Comprehensive Plan annually or as changing demographics, conditions, and policies warrant. The Board may direct the Planning Commission, an ad hoc appointed committee, and/or the Department of Planning Services to conduct the review and report its findings to the Board.

## ARTICLE II - Principles, Goals, and Objectives

Sec. 22-2-10. - Guiding Principles.

The following Guiding Principles are the foundation for land use policy in the County. All of the Goals and Objectives within the Weld County Comprehensive Plan are adopted with the intent that they are consistent with the Guiding Principles.

- A. Respecting Our Agricultural Heritage. Weld County has an agricultural heritage built upon the hard work of pioneers and farmers on traditional family farms. Weld County is now one of the most economically productive agricultural counties in the nation. The Weld County Right to Farm Statement and the goals and objectives in this Plan support the importance of agriculture in the County.
- B. Respecting Private Property Rights. One of the basic principles upon which the United States was founded is the right of citizens to own and utilize property so long as that use complies with local regulations and does not interfere with or infringe upon the rights of others.
- C. Promoting Economic Growth and Stability. Land use policies have a significant impact on economic conditions in the County and should be structured to encourage economic prosperity. To ensure the continued strength of Weld County's economy, land use processes and decisions based on this plan shall be consistent and promote fiscally responsible growth.

- D. Protecting Health, Safety, and General Welfare. Land use regulations and policies will protect and enhance the health, safety, and general welfare of the citizens of Weld County.

Sec. 22-2-20. - Goals and Objectives.

The goals of this Comprehensive Plan should be continuously pursued and implemented in County regulations and procedure. They are directions for elected and appointed officials and staff to consider when making land use decisions. The goals are divided into categories of Land Use Goals, Economic Development Goals, Environmental Goals, and Natural Resource Goals. Each goal is followed by objectives that help define and clarify the intent of the goal.

Sec. 22-2-30. - Land Use Goals and Objectives.

A. Commit to the economic future of agriculture.

1. Land use changes should not inhibit agricultural production nor operations.
2. Limit the density and intensity of development to maintain agricultural areas.
3. Respect agricultural practices regarding water resources.
4. Farming or ranching operations are not considered a nuisance as long as they employ common or reasonable agricultural practices.
  - a. Weld County Right-to-Farm Statement:

Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest, and gravel roads; odor from animal confinement, silage, and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that 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.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved “out of the way” of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes, or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance, and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high-speed traffic, sand burs, puncture vines, territorial farm dogs and livestock, and open burning present real threats. Controlling children’s activities is important, not only for their safety, but also for the protection of the farmer’s livelihood.

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### B. Locate urban development in urban areas.

1. Encourage annexation of urban-scale development. Zone changes and subdivisions within one-quarter mile of municipal limits are strongly discouraged. Property owners who want to rezone or subdivide their property are encouraged to contact the municipality about annexation.
2. Urban-scale development shall only be placed where urban services, including public water, are available.
3. Urban-scale residential development belongs in municipalities, therefore the County shall discourage residential developments with more than nine lots or an overall density of more than one unit per acre in unincorporated areas.
4. Pursue Coordinated Planning Agreements with all municipalities within the County.

### C. Harmonize development with surrounding land uses.

1. Transition between land use types and intensities with buffers. Uses that are incompatible with existing uses must be able to mitigate conflicts.
2. Establish residential development options based on compatibility, proximity to municipalities, and availability of services that reflect the desired density and character of that location.
3. Encourage development that preserves land for agriculture, rangeland, wetlands, and critical habitats.
4. Require access easements and privately maintained rights-of-way to have recorded maintenance agreements to ensure adequate access.
5. Encourage consolidation of nonconforming lots.
6. Encourage the preservation, restoration, and reuse of historical structures and landmarks.
7. Encourage subarea planning and collaboration to enhance certain areas of the County.

### D. Collaborate on County-wide transportation and land use plans.

1. When the comprehensive plan is updated, the transportation plan should be updated as well.
2. Ensure that land use change proposals comply with applicable transportation plans, functional classifications, and access control plans adopted by the County.

## Sec. 22-2-40. - Economic Development Goals and Objectives.

### A. Support compatible economic development opportunities.

1. Identify target areas where the County is able to encourage shovel-ready commercial and industrial development.
2. Foster partnerships that increase the predictability or certainty of economic development and limit jurisdictional competition.
3. Plan and invest in a robust transportation system that connects markets and population centers.
4. Innovate, develop, and capitalize on the necessary tools and funding mechanisms to incentivize economic development.
5. Encourage agglomeration economies of synergistic businesses.
6. Promote small business incentive programs to encourage small business owners.

## Sec. 22-2-50. - Environmental Goals and Objectives.

### A. Encourage responsible and sustainable water usage.

1. Connection to public water and sewer services shall be taken into consideration for development approval.
2. Promote alternative conservation strategies and tools to minimize water usage, such as recycling and reuse.

### B. Protect water quality within the County.

1. Support the reduction of stormwater erosion and runoff.
2. Encourage development of master drainage plans and regional detention facilities.
3. Prevent surface and groundwater contamination.

### C. Minimize flood losses.

1. Identify flood-prone areas of the County that are not already designated on a Flood Insurance Rate Map (FIRM).
2. Encourage development to locate outside of flood-prone areas to reduce the loss of life and property.

Sec. 22-2-60. - Natural Resource Goals and Objectives.

- A. Preserve wetlands and critical habitats.
  - 1. Wetlands and critical or unique habitat areas, such as habitats of endangered or unique species, and migration, breeding, and spawning areas should be identified in application materials as potential limiting site factors.
  - 2. Protect native plants by enforcing noxious weed removal.
- B. Support responsible energy and mineral development.
  - 1. Ensure that surface development reasonably accommodates mineral extraction.
  - 2. Ensure that infrastructure, such as adequate roads and utilities, exists or can be made available prior to development of energy and mineral resource production facilities.
  - 3. Require that energy and mineral resource development conserve the land and minimize the impact on surrounding land and the existing surrounding land uses.
  - 4. Energy development should be coordinated with seasonal production schedules associated with agricultural activities.
  - 5. Energy development facilities should preserve agricultural areas and enhance the rural landscape.

ARTICLE III - Recreation and Tourism Element

Sec. 22-3-10. - Recreation and Tourism Element.

This section is intended to address the recreation and tourism requirement pursuant to state law (Section 30-28-106(5), C.R.S.). Weld County is home to the Pawnee National Grasslands, the Pawnee Buttes, and Crow Valley Recreation Area, as well as state wildlife areas, lakes, rivers, and streams, and commercial facilities that support recreation and tourism uses. The Pawnee Buttes and other areas offer hiking and bird-watching without the crowds of people found in Rocky Mountain National Park. Other recreational activities in Weld County include horseback-riding, hunting, shooting, biking, cross-country skiing, boating, and fishing. Private facilities offer opportunities for water skiing, shooting, hunting, motocross, and other sports. Additionally, agritourism and agritainment have been growing in popularity over the years. These seasonal events offer fun and education for visitors centered around harvest time and Halloween.

Many more opportunities for recreation and tourism can be found within the cities and towns of Weld County, including numerous parks, museums, and historic sites, as well as festivals, parades, and other events. Please visit [www.DiscoverWeld.com](http://www.DiscoverWeld.com) for more information.

ARTICLE IV - Comprehensive Plan Map

Sec. 22-4-10. - Comprehensive Plan Map.

- A. The Department of Planning Services shall maintain a map called the Comprehensive Plan Map based on the criteria in this section. The Comprehensive Plan Map is adopted as Appendix 22-D and shows the County's preference for areas for rezonings and subdivisions. The map has no bearing on uses allowed by right, by permit, or by special review. It is made up of two main components:
  - 1. Areas of opportunity for commercial and industrial development. These are potentially logical areas for rezoning land to C (Commercial), I (Industrial), and Planned Unit Development (PUD) containing C and I uses based on transportation infrastructure of roads and railroads. The map is intended to encourage rezoning in appropriate areas. Such a designation does not guarantee a zone change application will be approved. All applicable criteria in Chapters 23 or 27 of the Weld County Code must be satisfied in order for the Board of County Commissioners to approve a zone change application, including location-specific attributes such as surrounding land uses, topography, and availability of utilities.
  - 2. Areas of urban-scale development, nonurban-scale development, and rural-scale development. These layers are based on municipal boundaries and water district boundaries and will change as those boundaries change. See Section 24-1-40 for definitions of the different types of development.
- B. Weld County Opportunity Zones. If in compliance with the other provisions in this section, zone changes to C (Commercial), I (Industrial), and Planned Unit Development (PUD) containing C and I uses are preferred in the following locations:
  - 1. Within one mile of interstates,
  - 2. Within one-half mile of U.S. highways,
  - 3. Within one-half mile of the County Highway (Weld County Road 49 between I-76 and State Highway 392),

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4. Within one-quarter mile of railroads,
  5. Within one-half mile of the following types of intersections:
    - a. Collector/arterial,
    - b. Arterial/arterial,
    - c. Collector/highway, and
    - d. Arterial/highway.
- C. Development requiring rezoning is generally discouraged in the following locations:
1. Within one-quarter mile of any municipality.
  2. Beyond three miles from a municipality, unless all or a portion of the property is located in a Weld County Opportunity Zone on the Comprehensive Plan Map and the rezoning is to Commercial or Industrial.

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## APPENDICES

### APPENDIX 22-A - North Greeley Rail Corridor Subarea Plan for Greeley and Weld County

[NO CHANGE]

### APPENDIX 22-B - Subarea Planning Guide

- A. Subarea plans are intended to guide development in specifically defined areas. In order to analyze conditions in an area and solicit input from property owners and other planning partners, the County may conduct a subarea plan and further refine comprehensive planning for that area. Subarea plans shall be incorporated into the Comprehensive Plan and adopted as appendices to this Chapter 22; however, subarea plans that are conducted jointly with one or more municipalities with which the County has entered into a Coordinated Planning Agreement may be adopted as appendices in Chapter 19 instead.
- B. The reasons for conducting a subarea plan may include but are not limited to:
1. Advancing economic development opportunities and reducing hindrances to new development.
  2. Adopting specific design standards to promote compatibility in the area.
  3. Promoting renewal of existing communities that lack infrastructure or have other challenges.
  4. Facilitating commercial growth in areas where it is deemed to be desirable – typically at major transportation intersections that have public utilities available.
- C. Subarea plans should include the following elements:
1. Purpose of the subarea plan.
  2. Defined boundaries of the study area.
  3. Background information, which may include history, demographics, maps, land uses, existing infrastructure, and other information about the area.
  4. Identification of properties or areas with development/redevelopment potential and analysis of its constraints.
  5. Notification to and opportunities for input from:
    - a. Residents and owners of property within the study area,
    - b. School districts, fire districts, and other governmental and quasi-governmental agencies within the study area, including applicable state agencies,
    - c. Upstate Colorado, and
    - d. Municipalities within three miles of the study area.
  6. Goals and objectives for the study area, such as maintaining or improving property values.
  7. A vision for the desired future of the study area.
- D. The subarea plan may also contain a map of recommended general future land use categories that may be used to support, but not guarantee, future zone changes.

## APPENDIX 22-C - Right To Extract Mineral Resources Statement

Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under Title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the state's commercial mineral deposits are essential to the state's economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state.

Mineral resource locations are widespread throughout the County and people moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.

## APPENDIX 22-D - Comprehensive Plan Map

[\[https://www.weldgov.com/UserFiles/Servers/Server\\_6/File/Departments/Planning%20&%20Zoning/Long%20Range%20Planning/Comp%20Plan/Comp%20Plan%20Map.pdf\]](https://www.weldgov.com/UserFiles/Servers/Server_6/File/Departments/Planning%20&%20Zoning/Long%20Range%20Planning/Comp%20Plan/Comp%20Plan%20Map.pdf)