



**TOWN OF WELLINGTON
PLANNING COMMISSION**

January 8, 2024

5:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington CO

WORK SESSION

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:

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US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799

1. WORK SESSION ITEMS

A. Planning Commission 101

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3381 at least 24 hours in advance.



Planning Commission Meeting

Date: January 8, 2024
Submitted By: Patty Lundy, Planning Analyst
Subject: Planning Commission 101

EXECUTIVE SUMMARY

Attached are work session materials intended to give an overview of information related to the role and purpose of the Planning Commission. Handouts include materials that are excerpted from Colorado Revised Statutes, Wellington Municipal Code, and the Town's Land Use Code. The work session overview will discuss how the Planning Commission is created and the purpose for its creation as well as an overview of the primary functions and operations of the Planning Commission and planning staff. An overview of general development application procedures is also included and additional work sessions on more specific development application types is anticipated for future dates.

Work sessions are for information and discussion purposes. No action may be taken during a work session.

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

ATTACHMENTS

1. Presentation Slides
2. Handout #1
3. Handout #2
4. Handout #3
5. Handout #4

Work Session

Planning Commission 101

January 8, 2024





Colorado Revised Statutes

- Wellington is a Statutory Town and is subject to rules and regulations defined in the Colorado Revised Statutes.
- Statutory Towns are granted power from the State to adopt and enforce local laws and regulations that are in conformance with the authority granted by the State.



Municipal Code

- Chapter 2 – Administration
 - Article 10 – Planning Commission
 - Creation (Sec. 2-10-10)
 - Purpose (Sec. 2-10-20)
 - Membership; terms; qualifications; vacancies (Sec. 2-10-30)
 - Duties and powers (Sec. 2-10-40)
 - Officers (Sec. 2-10-50)
 - Meetings (Sec. 2-10-60)



Municipal Code

- Chapter 15 – Land Use Code

- Article 1 – General Provisions

- Purpose and organization (Sec. 15-1-10)
 - Authority (Sec. 15-1-20)
 - Effective date (Sec. 15-1-30)
 - Applicability (Sec. 15-1-40)
 - Relationship to other ordinances (Sec. 15-1-50)
 - Relationship to Comprehensive Plan (Sec 15-1-60)
 - Interpretation and conflicting provisions (Sec. 15-1-70)
 - Transition from prior regulations (Sec. 15-1-80)
 - Application fees (Sec. 15-1-90)
 - Review and decision-making bodies (Sec. 15-1-100)



Municipal Code

- Chapter 15 – Land Use Code
 - Article 2 – Application Procedures
 - Purpose and organization (Sec. 15-2-10)
 - Public notice and public hearing (Sec. 15-2-20)
 - Procedures table (Sec. 15-2-30)
 - General application procedures (Sec. 15-2-40)
 - Land Use Code amendments (Sec. 15-2-50)

Sec. 15-2-30. - Procedures table.

- (a) Overview. The following table summarizes the major review procedures for land use applications and development activity in the Town of Wellington. Not all procedures addressed in this article are summarized in this table (see subsequent sections of this article for additional details on each procedure).

Application Type	Pre-application Conference Required	Authority			
		Staff Review	Planning Commission	Town Board of Trustees	Board of Adjustment
	Y = Yes O = Optional	R= Recommendation D = Decision			
Entitlements					
Amendment	O	R	R	D	—
Rezone	Y	R	R	D	—
PUD	Y	R	R	D	—
Conditional Use	Y	R	R	D	—
Annexation	Y	R	R	D	—
Variance	Y	R	—	—	D
Special Review	Y	D	—	—	

Plans					
Site Plan	Y	R	D	—	—
Plot Plan	O	D	—	—	—
Administrative					
Administrative Adjustment	Y	D	—	—	—
Lot Line Adjustment	Y	D	—	—	—
Easement Adjustment	Y	D	—	—	—
Minor Deviation	Y	D	—	—	—
Plats					
Major Subdivision					
<i>Preliminary Plat</i>	Y	R	R	D	—
<i>Final Plat</i>	O	R	R	D	—
Minor Subdivision	Y	R	R	D	—
Revised Final Plat	Y	D	—	—	—
Condominium/Townhome Plat	Y	D	—	—	—



Public Hearing Procedures

Conflicts of Interest

Disclosure of *Ex Parte* Communications

Staff Introduction

Applicant Presentation (If any)

General Questions from Board/Commission

Open Public Hearing

Three Minutes per Person (additional time may be granted upon request)

Close Public Hearing

Applicant Rebuttal (if any)

Staff Closing Comments

Deliberation by the Board/Commission

Motion and Vote

(Information in Planning Commissioner binder)



Typical Plan Review Process

1. Applicant contacts Town staff with questions
2. Applicant submits application
 - a. Application
 - b. Check List
 - c. Plan drawings
3. Plans checked to ensure completeness
 - a. Plans will be returned if incomplete
 - b. Town staff will note items which are not compliant with requirements
4. Complete plans distributed to Town staff and referral agencies for review and comment
 - a. Town Planner
 - b. Town Engineer(s)
 - c. Wellington Fire Protection District
 - d. Others, as appropriate
5. Staff report prepared (includes all staff comments)
6. Agenda distributed
7. Planning Commission meeting / approve plans subject to requirements
8. Applicant submits revised site plans
9. Revised plans reviewed to ensure all requirements have been met
10. Applicant submits building plans
11. Building plans reviewed & approved (SAFEbuilt)
12. Construction (including inspections by SAFEbuilt)
13. Town inspects site to ensure site improvements were installed as approved
14. Letter issued advising of corrections needed, if any
15. Contractor makes corrections as needed
16. Town issues certificate of occupancy



Role of the Planning Staff and Planning Commissioner

Together, the planning staff and the Planning Commission manage the local planning effort. The planning commission and planning staff are two halves of the same whole. One cannot function without the other and both function as well as the lowest common denominator.

The role of the planning staff is to:

- Serve the public interest.
- Provide guidance to the commission to accomplish the goals and strategies in the Comprehensive Plan through complete, clear and accurate information.
- Give citizens a meaningful opportunity to participate.
- Manage the day-to-day tasks related to planning.
- Provide technical and objective professional reviews of items on the Planning Commission agenda.
- Provide continuity between different Planning Commissioners as they join and leave the board, constantly keeping in the foreground the purpose and role of the Planning Commission in the planning and development processes.
- Provide technical assistance to the Planning Commission, Board of Trustees and the general public.

(Information in Planning Commissioner binder)



The role of the Planning Commission is to:

- Form recommendations based on the promotion of the community's health, safety, and welfare in the future.
- Consider all research and information when forming a recommendation or making a decision.
- Respect all views and treat everyone equally.
- Give citizens a meaningful opportunity to participate.
- Focus on the bigger picture.
- Goal setting for the Commission [long-term accomplishments to achieve].

(Information in Planning Commissioner binder)

Colorado Revised Statutes (excerpts)

31-23-202. Grant of power to municipality.

Any municipality is authorized to make, adopt, amend, extend, add to, or carry out a plan as provided in this part 2 and to create by ordinance or resolution a planning commission with the powers and duties set forth in this part 2.

31-23-206. Master plan.

(1) It is the duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, that in the commission's judgment bear relation to the planning of the municipality. The master plan of a municipality is an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the municipality's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate. When a commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the municipality in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan.

31-23-211. Zoning.

Where a commission is established in accordance with the provisions of this part 2, it has and shall exercise all of the powers and rights granted to the zoning commission by part 3 of this article. When there is a zoning commission in existence at the time that a commission is created, the zoning commission shall deliver to the commission all of its records and shall thereafter cease to exercise the powers and prerogatives previously exercised by it; except that, if the existing zoning commission is nearing completion of a zoning plan, the governing body of the municipality may postpone, by resolution, the transfer of the zoning commission's powers until completion of the zoning plan; but in no event shall the period of such postponement exceed six months from the date of the creation of the commission. Nothing in this section shall invalidate or otherwise affect any zoning law or regulation or any action of the zoning commission adopted or taken prior to the creation of a commission.

31-23-214. Subdivision regulations.

(1) Before any commission exercises the powers set forth in section 31-23-213, it shall adopt regulations governing the subdivision of land within its jurisdiction and shall publish the same in pamphlet form, which shall be available for public distribution, or, at the election of the commission, the regulations may be published once each week for three consecutive weeks in the official paper of the municipality or county in which such subdivisions, or any part thereof, are located. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light, and air, and for the avoidance of congestion of population, including minimum area and width of lots. The regulations may also provide for waivers from subdivision requirements and may establish different requirements applicable to subdivisions of different sizes, densities, or types of dwelling units. In the territory subject to subdivision jurisdiction beyond the municipal limits, the regulations shall provide only for conformance with the major street plan.

ARTICLE 10 - Planning Commission

Footnotes:

--- (2) ---

Editor's note— Ord. No. 04-2022, § 1, adopted February 8, 2022, effective April 19, 2022, repealed the former Art. 10, §§ 2-10-10—2-10-90, and enacted a new Art. 10 as set out herein. The former Art. 10 pertained to similar subject matter and derived from Ord. 11-2007 § 1; Ord. No. 9-2019, July 9, 2019; Ord. No. 09-2020, § 1(c), July 18, 2020, eff. August 1, 2020.

Sec. 2-10-10. - Creation.

Pursuant to state law, there is hereby created a Planning Commission for the Town.

(Ord. No. 04-2022, § 1, 2-8-22, eff. 4-19-22)

Sec. 2-10-20. - Purpose.

The Planning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To implement the provisions of Chapters 16 and 17 of this Code, and to perform all functions and powers referred to it in said chapters where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.
- (6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning Commission to make amendments or changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees.

(Ord. No. 04-2022, § 1, 2-8-22, eff. 4-19-22)

Sec. 2-10-30. - Membership; terms; qualifications; vacancies.

- (a) The Planning Commission shall consist of seven (7) members who shall be residents of the Town and who shall serve without pay.
- (b)

The members of the Planning Commission shall be appointed as members at large by the Mayor and confirmed by a majority vote of the Board of Trustees. Members shall be appointed to serve staggered terms of four (4) years.

- (c) Members of the Planning Commission may be removed from office for inefficiency, neglect of duty or malfeasance, upon written notice and after public hearing held during a regular or special Board of Trustees meeting. The removal of any Planning Commission member shall require the affirmative vote of a majority of the Board of Trustees members participating in the public hearing.
- (d) No voting member of the Planning Commission shall be eligible to serve on any other board or commission of the Town during that member's tenure on the Planning Commission, except members of the Planning Commission may serve on the Board of Adjustments.
- (e) The Mayor, with confirmation by majority vote of the Board of Trustees, shall make such appointments as necessary to fill the unexpired terms of vacancies which may occur on the Planning Commission.

(Ord. No. 04-2022, § 1, 2-8-22, eff. 4-19-22)

Sec. 2-10-40. - Duties and powers.

- (a) The Planning Commission shall prepare plans and conduct hearings and shall be governed by and have the responsibilities as provided for in Sections 31-23-201 et seq., C.R.S., 31-23-301 et seq., C.R.S., and other applicable statutes and ordinances.
- (b) Members of the Planning Commission shall have the power to vote on matters brought before the Planning Commission.

(Ord. No. 04-2022, § 1, 2-8-22, eff. 4-19-22)

Sec. 2-10-50. - Officers.

At the first regular meeting of the Planning Commission each calendar year, the Planning Commission shall select a Chair and a Vice Chair for the year. The Chair shall preside at all meetings. The Vice-Chair shall preside in the absence of the Chair.

(Ord. No. 04-2022, § 1, 2-8-22, eff. 4-19-22)

Sec. 2-10-60. - Meetings.

- (a) The Planning Commission shall hold a minimum of one (1) regular meeting each month, unless cancelled at the request of the Planning Commission Chair
- (b)

Special meetings of the Planning Commission may be called by the mayor, or the chairperson of the Planning Commission with proper notice posted and given to all Planning Commission members.

- (c) The Planning Commission shall adopt bylaws and rules for transaction of business, and the Town Clerk shall keep a public record of its resolutions, transactions, findings and determinations.

(Ord. No. 04-2022, § 1, 2-8-22, eff. 4-19-22)

ARTICLE 1 - General Provisions

Sec. 15-1-10. - Purpose and organization.

- (a) *Purpose.* The purpose of this Land Use Code is to create a vital, cohesive, well-designed community in order to enhance the Town's small-town character and further the residents' goals as identified in the Comprehensive Plan. These zoning regulations are designed to:
- (1) Promote the health, safety, values, and general welfare of Town residents.
 - (2) Establish a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone.
 - (3) Ensure adequate provision of transportation, water supply, sewage disposal, schools, parks, and other public improvements.
 - (4) Regulate and restrict the location, use, and appearance of buildings, structures and land for residence, business, trade, industry, or other purposes, including federal requirements pertaining to floodplains.
 - (5) Regulate and restrict the height, number of stories and size of buildings and structures including their distance from any street or highway; the percentage of each lot that may be occupied by buildings and other structures; and size of yards, courts, and other open spaces.
 - (6) Promote good design and arrangement of buildings or clusters of buildings and uses in residential, business, and industrial development.
 - (7) Encourage innovative and quality site planning, circulation on sites and transportation to sites, architecture and landscaping that reflect land development best practices.
 - (8) Prevent the overcrowding of land; poor quality development; waste and inefficiency in land use; danger and congestion in travel and transportation, and any other use or development that might be detrimental to the stability and livability of the Town.
 - (9) Encourage the redevelopment, infill, and renewal of developed spaces in a manner that protects the Town's existing development context.
 - (10) Establish streets and availability of active transportation routes that promote walking, bicycling, and other active transportation forms that create safe and viable options for all.
 - (11) Establish regulations that promotes adequate light and air, maintains acceptable noise levels, and conserves energy and natural resources.
- (b) *Organization.* The Wellington Land Use Code is organized into nine (9) articles as follows:
- (1)

Article 1. General Provisions—The General Provisions address the Land Use Code's organization, its purpose and authority, rules for interpretation, and legal provisions.

- (2) *Article 2. Application Procedures*—The Application Procedures guides the reader through the procedural and decision-making process by providing divisions pertaining to general procedural requirements and a common development review process, as well as providing a separate division for each type of development application and other land use requests.
- (3) *Article 3. Zoning Districts*—All zone districts within the Town of Wellington and their respective list of permitted uses, prohibited uses and particular development standards are located in Article 4 Use Regulations and Article 5 Development Standards.
- (4) *Article 4. Use Regulations*—The Use Regulations identify permitted and prohibited use allowances for their respective zoning districts, while also providing use-specific standards that meet certain development needs.
- (5) *Article 5. Development Standards*—The Development Standards establish standards which apply to all types of development applications unless otherwise indicated. This article is divided into sections addressing standards for site planning and design, engineering, environmental and cultural resource protection, buildings, and transportation.
- (6) *Article 6. Subdivision Regulations*—The Subdivisions Regulations establish the Town's land division requirements.
- (7) *Article 7. Nonconforming Uses*—The Nonconforming Uses protects and regulates nonconforming uses, structures, lots, site improvements, and applications (referred to collectively as "nonconformities") and specifies the circumstances and conditions under which those nonconformities may continue.
- (8) *Article 8. Floodplain Regulations*—The Floodplain Regulations address the Town's development and planning measures to mitigate for potential flood hazards.
- (9) *Article 9. Definitions*—The Definitions encompass the terms used throughout the Land Use Code.
- (c) *Organizational Method*. This method of organization provides a user-friendly and easily accessible Land Use Code by consolidating most town regulations addressing land use and development, standardizing the regulatory format, providing common development review procedures, separating and clarifying standards, and maintaining definitions.

(Ord. No. 07-2022, § 1(1.01), 3-22-22)

Sec. 15-1-20. - Authority.

- (a) This Land Use Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.). Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, et seq. and Title 31, Article

23, et seq. of the C.R.S., as amended. Additional statutory authority may also exist for specific types of development regulation.

- (b) Whenever a section of the Colorado Revised Statutes cited in this Land Use Code is later amended or superseded, this Land Use Code shall be deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

(Ord. No. 07-2022, § 1(1.02), 3-22-22)

Sec. 15-1-30. - Effective date.

This Land Use Code is effective upon approval of the Board of Trustees and 30 days following publication of Ordinance No. 07-2022.

(Ord. No. 07-2022, § 1(1.03), 3-22-22)

Sec. 15-1-40. - Applicability.

- (a) *Generally.* Unless otherwise provided, this Land Use Code applies to any:
- (1) Development or redevelopment of land;
 - (2) New building or use;
 - (3) Addition or enlargement of an existing building or use;
 - (4) Change in occupancy of any building; or
 - (5) Change of use.
- (b) *Applications.* Unless otherwise provided, this Land Use Code applies to any of the following development applications:
- (1) Any subdivision plat;
 - (2) Any site plan;
 - (3) Any plot plan;
 - (4) Any land entitlement process plan;
 - (5) Any special use authorization;
 - (6) Any conditional use review;
 - (7) Any building permit for a use other than a single-family detached dwelling; or
 - (8) Any certificate of occupancy.

(Ord. No. 07-2022, § 1(1.04), 3-22-22)

Sec. 15-1-50. - Relationship to other ordinances.

The standards of this Land Use Code are in addition to all other standards, guidelines, policies, and Municipal Code requirements otherwise applicable to land use and development. To the extent that there is a conflict between a requirement of this Land Use Code and another Town standard, guideline, policy or requirement, refer to Section 15-1-70 Interpretation and Conflicting Provisions.

(Ord. No. 07-2022, § 1(1.05), 3-22-22)

Sec. 15-1-60. - Relationship to Comprehensive Plan.

- (a) The Wellington Comprehensive Plan, adopted pursuant to C.R.S. § 31-23-206, is the official master plan of the Town of Wellington and the official advisory document to guide Town land development decisions. This provides a consistent statement of the Town's plan and policies for future development to bring about the Town's vision for the future. This Land Use Code implements the Comprehensive Plan.

(Ord. No. 07-2022, § 1(1.06), 3-22-22)

Sec. 15-1-70. - Interpretation and conflicting provisions.

- (a) *Interpretation.* In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, values, convenience, comfort, prosperity, and general welfare.

- (b) *Conflicting Provisions.*

- (1) Conflict with Other Provisions of Law. Whenever the requirements of this Land Use Code are at a variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive or the higher standards shall govern.
- (2) Conflict with Private Covenants or Deeds. In case of a conflict between this Land Use Code and any private restrictions imposed by covenant or deed, the responsibility of the Town shall be limited to the enforcement of this Land Use Code. When provisions within this Land Use Code are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Land Use Code, the provisions of this Code shall rule.

(Ord. No. 07-2022, § 1(1.07), 3-22-22)

Sec. 15-1-80. - Transition from prior regulations.

A development application for approval, including the approval, conditional approval, or denial of approval of that plan, shall be governed only by the duly adopted laws and regulations in effect at the time the complete application is submitted.

(Ord. No. 07-2022, § 1(1.08), 3-22-22)

Sec. 15-1-90. - Application fees.

(a) *Generally.*

- (1) All fees assessed pursuant to this Land Use Code are non-refundable.
- (2) Any property owner submitting a development application is responsible for paying all costs and fees incurred by the Town in reviewing and processing that application, including, but not limited to: attorney fees; engineering fees; surveying fees; consulting fees; recording fees; and legal publications and notice expenses.
- (3) Final approval of any application submitted pursuant to this Land Use Code shall be contingent upon payment of all fees and expenses to the Town. The Town is not obligated to record documents, issue building permits or process any applicant submittals until all outstanding costs and fees have been paid.
- (4) If the Town must pursue collection of an applicant's outstanding fees or costs, it is the applicant's responsibility for the payment of all attorney fees and costs incurred by the Town in such collection efforts. The Town reserves the right to suspend an application, withhold approval or postpone public hearings if an applicant fails to pay any fee due under this Land Use Code. In addition to any other remedy available, any delinquent charges due under this Land Use Code may be certified to Larimer County and collected in the same manner as municipal taxes.

(Ord. No. 07-2022, § 1(1.10), 3-22-22)

Sec. 15-1-100. - Review and decision-making bodies.

This Land Use Code uses the review and decision-making bodies established in Article 2 Administration of the Wellington Municipal Code to make development application decisions.

(Ord. No. 07-2022, § 1(1.11), 3-22-22)

Sec. 15-2-10. - Purpose and organization.

- (a) *Purpose.* This article describes the review procedures for land use applications and development activity in the Town of Wellington (the Town). This article ensures consistency and efficiency in the administration of the Town's land use regulations.
- (b) *Organization.* This article is organized into the following sections:
 - (1) 15-2-20—Public Notice.
 - (2) 15-2-30—Procedures Table.
 - (3) 15-2-40—General Application Procedures.
 - (4) 15-2-50—Land Use Code Amendment.
 - (5) 15-2-60—Comprehensive Plan Amendment.
 - (6) 15-2-70—Rezone.
 - (7) 15-2-80—Administrative Adjustment.
 - (8) 15-2-90—Lot Line Adjustment.
 - (9) 15-2-100—Easement Adjustment.
 - (10) 15-2-110—Minor Deviation.
 - (11) 15-2-120—Site Plan.
 - (12) 15-2-130—Plot Plan.
 - (13) 15-2-140—Sign Permit.
 - (14) 15-2-150—Conditional Use Application.
 - (15) 15-2-160—Minor Subdivisions.
 - (16) 15-2-170—Major Subdivisions.
 - (17) 15-2-180—Planned Unit Development.
 - (18) 15-2-190—Condominium/Townhome Plat.
 - (19) 15-2-200—Revised Final Plat.
 - (20) 15-2-210—Annexation
 - (21) 15-2-220—Variance.
 - (22) 15-2-230—Appeals.
 - (23) 15-2-240—Special Review.

(Ord. No. 07-2022, § 1(2.01), 3-22-22)

Sec. 15-2-20. - Public notice and public hearing.

Public Notice

- (a) *Generally.* For every public hearing required by the Land Use Code, the Town shall notify the public of the date, time, and place of that hearing; the address and legal description of the property involved; the purpose of the hearings; the right of interested persons to appear and be heard; the name of the applicant; and where additional information may be obtained by:
- (1) *Published Notice.* Notice shall be published once in a newspaper published with general circulation in the Town at least fifteen (15) days prior to all hearings, except for annexation hearings. Noticing requirements apply to each subsequent hearing.
 - (2) *Written Notice.* Written notice shall be mailed at least fifteen (15) days prior to the hearing to owners of real property located within five hundred (500) feet of the subject property. The applicant is responsible for providing the list of names and addresses of owners ascertained according to the records of the Larimer County Assessor's Office, unless more current information is made available in writing to the Director prior to the mailing of the notices. The Town will verify the list of names and addresses prior to noticing.
 - a. Written notice shall be mailed first-class postage, except subdivision review which shall be by certified mail.
 - b. The applicant is responsible for obtaining the list of owners and providing it to the Planning Director or designee with the application submittal.
 - (3) *Posted Notice.*
 - a. Notice shall be posted at the Town's designated official posting locations at least five (5) days prior to the hearing.
 - b. Posting notice on the subject property on a sign approved by the Town of Wellington at least fifteen (15) days prior to the hearing. Location approval is required prior to sign placement.
- (b) *Computation.* In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Public Hearing

- (c) *Generally.*
- (1) All required public hearings shall comply with the procedures adopted by the Town.
 - (2) The decision-maker conducting the public hearing shall record the public hearing by any appropriate means. A copy of the public hearing may be acquired by any person upon application to the Planning Director or designee and payment of a fee to cover the cost of

duplication.

- (d) *Hearing Continuations.* The Town Board of Trustees, Planning Commission, or Board of Adjustment may continue the hearing to a subsequent meeting at a certain date and time or may close the hearing and continue the meeting to deliberate the issues until a final decision is made. If a hearing is continued to a certain date and time, no further notice of a continued hearing or meeting need be published.

(Ord. No. 07-2022, § 1(2.02), 3-22-22)

Sec. 15-2-30. - Procedures table.

- (a) Overview. The following table summarizes the major review procedures for land use applications and development activity in the Town of Wellington. Not all procedures addressed in this article are summarized in this table (see subsequent sections of this article for additional details on each procedure).

Application Type	Pre-application Conference Required	Authority			
		Staff Review	Planning Commission	Town Board of Trustees	Board of Adjustment
	Y = Yes O = Optional	R= Recommendation D = Decision			
Entitlements					
Amendment	O	R	R	D	—
Rezone	Y	R	R	D	—
PUD	Y	R	R	D	—
Conditional Use	Y	R	R	D	—
Annexation	Y	R	R	D	—
Variance	Y	R	—	—	D
Special Review	Y	D	—	—	

Plans

Site Plan	Y	R	D	—	—
Plot Plan	O	D	—	—	—

Administrative

Administrative Adjustment	Y	D	—	—	—
Lot Line Adjustment	Y	D	—	—	—
Easement Adjustment	Y	D	—	—	—
Minor Deviation	Y	D	—	—	—

Plats

Major Subdivision

<i>Preliminary Plat</i>	Y	R	R	D	—
<i>Final Plat</i>	O	R	R	D	—
Minor Subdivision	Y	R	R	D	—
Revised Final Plat	Y	D	—	—	—
Condominium/Townhome Plat	Y	D	—	—	—

Sec. 15-2-40. - General application procedures.

General Review Procedures

- (a) *Purpose.* This section outlines the general application procedures and review process for all land use applications.
- (b) *Applicability.* This section applies to all land use applications unless an exception to the general procedures is expressly identified in subsequent sections of this article.
- (c) *Procedure.*

(1) *Pre-application Meeting.*

- a. Intent. The pre-application conference provides an opportunity for an informal review of an application, and discusses the submittal requirements, development standards, schedule, and approval criteria. The pre-application meeting is not a formal review of the application. The guidance and feedback provided during the pre-application meetings are not considered binding upon the application, applicant, or the Town.
- b. Standards.
 - 1. The applicant shall request in writing, on the official form provided by the Town, a pre-application meeting with the Planning Director or designee. The applicant shall provide the required information as deemed necessary by the Planning Director or designee to conduct an informal review of the proposed development at least ten (10) business days in advance of a pre-application meeting.
 - 2. A pre-application conference shall be held within thirty (30) days of receipt of all necessary information unless a later date is agreed to by the applicant and the Planning Director or designee.
 - 3. The Planning Director or designee may waive the pre-application meeting requirement if determined that the request does not warrant review prior to application.

(2) *Land Use Application Submittal.*

- a. Intent. The intent of the land use application is to formally review an application.
- b. Standards. Application submittals shall be made on a form provided by the Town and accompanied by all required submittal documents and supporting information identified on the application, checklist and as discussed in the pre-application conference.
 - 1. The applicable land use application fees shall be paid at the time of submittal of any land use application.
 - 2. Unless otherwise specified in this Land Use Code, applications for review and approval may be initiated by:
 - i. The owner of the property that is subject to the application;

- ii. The property owner's authorized agent, representative, or contract purchaser; or
 - iii. Any review or decision-making body for the Town.
 - 3. If an authorized agent or representative files an application under this Land Use Code on behalf of the property owner, the representative shall provide the Town with written, notarized documentation that the owner has authorized the filing of said application.
 - 4. If a review or decision-making body initiates action under this Land Use Code, it shall do so without prejudice toward the outcome.
 - c. **Filing Fees.** Application filing fees are set by the Town Board and may be reviewed and updated from time-to-time. Applications will not be processed until fees are paid in full. The fees paid are not refundable in whole or in part for applications withdrawn by an applicant unless recommended by the Planning Director and approved by the Town Administrator. All or a portion of the fees may be refunded depending on the amount of review and processing time already incurred by the Town.
 - d. **Additional Fees.** If the Town Administrator determines that additional funds are needed to complete the application review, including retention of outside professional services, the Town Administrator may impose additional application fees, to recover the Town's actual costs in completing review.
 - 1. The applicant shall be billed by the Town for all additional costs and any other fees incurred by the Town on a as needed basis per the Town's D-5 form;
 - 2. Costs shall be a lien upon the property, and the Town reserves the right to stop work on a project and/or withhold approvals and permits if costs are not paid within thirty (30) days after written notice. For withdrawn applications, any unused deposit shall be returned to the applicant within sixty (60) days less any incurred "pass through" costs, as of the date of the formal withdrawal request.
- (3) *Determination of Completeness.*
- a. Following receipt of a development application, the Planning Director or designee shall certify that the development application submittal is complete.
 - b. If the application is determined to be incomplete, the Planning Director or designee shall return the application to the applicant and provide a statement in writing specifying the additional information required. No further review activities will proceed until a completed application is accepted. Returned applications that are not resubmitted and accepted within sixty (60) days shall be determined to be abandoned and of no further effect. A new application may be submitted, including applicable fees.
- (4) *Application Review and Preparation of a Staff Report.*
- a.

Following a determination of completeness, the Planning Director or designee circulates the application to staff and appropriate referral entities for review.

- b. The Planning Director or designee may also refer applications to other boards, commissions, government agencies, and non-governmental agencies not referenced in this article.
 - c. The Planning Director or designee may request a meeting with the applicant to discuss the application and any written comments. Based on the written comments, the applicant may request an opportunity to revise the application prior to further processing. Additional submittals and review may be subject to additional fees, as determined by the Planning Director or designee.
 - d. If the application requires review and approval by the Planning Commission or Town Board, the Planning Director or designee shall prepare a staff report once written comments have been adequately addressed. The staff report shall be made available to the applicant and the public, prior to the scheduled hearing on the application. The staff report shall indicate if the application complies with all applicable standards of this Land Use Code.
- (5) *Public Notice.* Public noticing requirements, when required, must meet the requirements established in Section 15-2-20.
- (6) *Public Hearings.* Public hearing requirements, when required, must meet the requirements established in Section 15-2-20(c).
- (7) *Final Approvals.*
- a. Decision. After consideration of the application, the staff report, comments received by the public and other reviewers, and the public hearing, the decision-making body shall either approve, approve with conditions, or deny the application based on the applicable approval criteria. Written notification of the decision shall be provided by the Planning Director or designee to the applicant within ten (10) business days following the decision and shall become part of the public record. All decisions shall include:
 - 1. A clear written statement of approval, approval with conditions, or denial (whichever is appropriate); and
 - 2. A clear statement of the basis upon which the decision was made, including specific findings of fact with reference to the relevant standards.
 - b. Approval Criteria. The decision-making body shall find that the application complies with all applicable standards of the Land Use Code and applicable approval criteria.
 - c. Conditions of Approval. The decision-making body may approve the application with conditions as necessary to bring the proposed development into compliance with this Land Use Code or other regulations, or to mitigate the impacts of that development to the

surrounding properties and streets.

1. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed development or use or shall be based upon standards duly adopted by the Town.
2. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
3. Unless otherwise provided in this Land Use Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

(8) *Post Decision Actions.*

- a. Modification or Amendment of Approval. Unless otherwise permitted in this Land Use Code, any modification of approved plans, permits, or conditions of approval shall require a new application to be submitted and reviewed in accordance with the full procedure and fee requirements applicable to the application type.
- b. Recording of Decisions. Once approved, the resolution, ordinance, or notice of decision shall be filed with the Town Clerk and recorded in the Office of the Larimer County Clerk and Recorder at the expense of the applicant.
 1. For applications approved by the Planning Director or designee or Planning Commission, a notice of land use decision shall be issued by the Planning Director or designee or Town Clerk.
 2. For applications approved by the Town Board, an ordinance or resolution shall be issued as determined by application type.
- c. Lapse of Approval. Application approval shall be valid for a period of one (1) year from the date of approval. Unless otherwise noted, authority to grant extensions shall reside with the decision-making body that granted the original approval. Extensions to the approval time frames may be granted only when all the following conditions have been met:
 1. The provisions of this Land Use Code expressly allow the extension;
 2. An extension request must be filed thirty (30) days prior to the lapse-of-approval deadline with adequate justification; and
 3. Any applicable conditions of approval have been met.
- d.

Revocation. Application approval may be revoked or suspended upon finding that the use, building, or site for which the permit was issued is substantially different than what was represented in the application or that one or more of the conditions or requirements contained in the application approval has been violated.

e. Denial and Reapplication. No application that is substantially similar shall be submitted within a period of one year.

(9) *Effect of Inaction.* If a review or decision-making body fails to take action on an application within the specified timeframe, such inaction shall be deemed a denial of the application unless the decision-making body grants an extension. Continuation of a public hearing or continuation of a meeting is not automatically deemed an extension. An extension may be granted by separate motion, or if desired, included in a motion to continue.

Administrative Review Procedures.

(d) *Purpose.* This section outlines the review process for all administrative land use applications which do not require a public hearing.

(e) *Applicability.* This section applies to all administrative land use applications not requiring a public hearing unless an exception is expressly identified in subsequent sections of this article.

(f) *Procedure.*

(1) *Pre-application Meeting.* Same as referenced in Section 15-2-40(c).

(2) *Land Use Application Submittal.* Same as referenced in Section 15-2-40(c).

(3) *Application Fees.* Same as referenced in Section 15-2-40(c).

(4) *Completeness Determination.* Same as referenced in Section 15-2-40(c).

(5) *Application Review.* Same as referenced in Section 15-2-40(c).

(6) *Final Approvals.*

a. Decision. After consideration of the application, the Planning Director or designee shall either approve, approve with conditions, or deny the application based on the applicable approval criteria. Written notification of the decision shall be provided by the Planning Director or designee to the applicant following the decision.

1. All decisions shall include a clear written statement of approval, approval with conditions, or denial (whichever is appropriate).

2. A clear statement of the basis upon which the decision was made, including specific findings of fact with reference to the relevant standards shall be provided to the applicant and included in the public record.

b. Approval Criteria. The Planning Director or designee shall find that the application complies with all applicable standards of the Land Use Code and applicable approval

criteria.

- c. Conditions of Approval. The Planning Director or designee may approve the application with conditions as necessary to bring the proposed development into compliance with this Land Use Code or other regulations, or to mitigate the impacts of that development to the surrounding properties and streets.
 1. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed development or use or shall be based upon standards duly adopted by the Town.
 2. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
 3. Unless otherwise provided in this Land Use Code, any representations of the applicant in submittal materials shall be binding as conditions of approval.

(7) *Post Decision Actions.* Same as referenced in Section 15-2-40(c).

(8) *Effect of Inaction.* If the Planning Director or designee fails to take action on an application within the specified timeframe of thirty (30) days, such inaction shall be deemed a denial of the application unless the applicant and the Planning Director agree to an extension.

Review and Decision-Making Bodies.

(g) *Purpose.* This section outlines the review and decision-making bodies and their roles. Full duties and responsibilities for each decision-making body can be found in Sections 15-2-40(f)–(i) of this Land Use Code.

(h) *Planning Director.*

- (1) The Planning Director or their duly authorized designee shall review and prepare a staff report for all applications requiring a public hearing. The Planning Director or designee shall also present the application and their recommendation of approval, approval with conditions, or denial at the public hearing for the application.
- (2) In the event of an administrative review, the Planning Director or designee shall make the final determination of an application. Applications undergoing administrative review shall follow the procedure for administrative review outlined in section 15-5-40(g).
- (3) Decisions made by the Planning Director or designee are appealable to the Board of Adjustments. See Section 15-2-230 for appeal standards and procedure.

(i) *Town Planning Commission.*

(1)

The Town Planning Commission (Planning Commission) shall review all applications at a public hearing held during a regular meeting, including the staff report, information from the applicant, and any public comment. This hearing will provide a recommendation of approval, approval with conditions, or denial to the Town Board for all applications requiring Town Board approval.

- (2) All applications requiring Planning Commission review or approval shall follow the general review procedures set forth in Section 15-2-20 and Section 15-2-40(c) and the specific review procedures for the application.
 - (3) Decisions made by the Town Planning Commission are appealable to the Town Board. See Section 15-2-230 for appeal standards and procedure.
- (j) *Town Board of Trustees.*
- (1) The Town Board of Trustees (Town Board) shall review an application at a public hearing held during a regular meeting including the recommendation of the Planning Commission, the staff report, information from the applicant, and any public comment. This hearing will provide a final decision of approval, approval with conditions, or denial of an application.
 - (2) Applications requiring Town Board approval shall follow the general review procedures set forth in Section 15-2-20 and Section 15-2-40(c) and the specific review procedures for the application.
 - (3) Decisions made by the Town Board are appealable to the District Court. See Section 15-2-230 for appeal standards and procedure.
- (k) *Board of Adjustment.*
- (1) Any application obtaining Town Board approval shall follow the general review procedures set forth in Section 15-2-20 and Section 15-2-40(c) and the specific review procedures for the application.
 - (2) Decisions made by the Town Board of Adjustment are appealable to the District Court. See Section 15-2-230 for appeal standards and procedure.

(Ord. No. 07-2022, § 1(2.04), 3-22-22)

Sec. 15-2-50. - Land Use Code amendment.

- (a) *Purpose.* The text of this Land Use Code may be amended pursuant to this section to respond to a change in conditions or public policy, or to advance the general health, safety, welfare, and morals of the Town.
- (b) *Applicability.* The Planning Commission or Town Board of Trustees may initiate an amendment to the text of this Land Use Code. Any person may suggest to the Planning Commission or Town Board of Trustees that an amendment be given consideration. The Planning Director or designee shall prepare the application upon motion and majority vote of the Planning Commission or Board of Trustees.
- (c) *Procedure.* All Land Use Code amendment applications shall comply with the following specific procedures in addition to the general procedures in Section 15-2-40(c).
 - (1) *Pre-application Conference.* A pre-application conference is not required for a Land Use Code amendment.
 - (2) *Land Use Application Submittal.* In addition to the requirements set forth in Section 15-2-40(c), a Land Use Code amendment application shall include:
 - a. A narrative of the proposed Land Use Code amendment;
 - b. The existing text in the Land Use Code;
 - c. An analysis of the proposed impact on residents, if applicable; and
 - d. Any other information identified by the Planning Director or designee.
 - (3) *Review and Approval.*
 - a. Planning Commission Recommendation.
 - 1. The Planning Commission shall hold a public hearing and review the application at a regular meeting. Public notice shall be given pursuant to Section 15-2-20. Staff shall present the staff report and recommendation.
 - 2. The Planning Commission shall either recommend approval, approval with conditions, or denial of the amendment to the Town Board, or continue the hearing pursuant to Section 15-2-20(d), with the requirement to submit additional information which they find necessary to determine whether the application complies with the Town's regulations, goals, and policies.
 - 3. A copy of the Planning Commission recommendation shall be sent to the Town Board to be reviewed during a public hearing by the Town Board at a regularly scheduled board meeting.
 - b. Town Board Approval.
 - 1.

The Town Board shall hold a public hearing and review the amendment at a regular meeting. Public notice shall be given pursuant to Section 15-2-20. Staff shall present the staff report and recommendation.

2. The Town Board shall either approve, approve with conditions, or deny the amendment, or continue the hearing pursuant to Section 15-2-20(d), with the requirement that the applicant submit changes or additional information which they find necessary to determine whether the amendment complies with the Town's regulations, goals, and policies.

(d) *Findings for Approval.*

- (1) The amendment is not likely to result in significant adverse impacts upon the natural environment (including air, water, noise, stormwater management, wildlife, and vegetation) or such impacts will be substantially mitigated;
- (2) The amendment is necessary for the protection of health, safety, welfare, and morals of the community;
- (3) The amendment is consistent with the Comprehensive Plan and the intent stated in this Land Use Code; and
- (4) The amendment is consistent with any other prior approvals and official plans and policies created under the guidance of that plan for these areas.

(Ord. No. 07-2022, § 1(2.05), 3-22-22)