

Weld County Code Ordinance 2025-05

In the Matter of Repealing and Reenacting, with Amendments, Chapter 8 Public Works of the Weld County Code

Be it ordained by the Board of County Commissioners of the County of Weld, State of Colorado:

Whereas, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

Whereas, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

Whereas, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

Now, therefore, be it ordained by the Board of County Commissioners of the County of Weld, State of Colorado, that Chapter 8 of the Weld County Code be, and hereby is, repealed and re-enacted, with amendments, to read as follows.

Chapter 8 Public Works

Add as follows: Article X - Ag Land Leveling and Ag Reservoir Dredging Permit Policy

Sec. 8-10-10. Purpose and intent.

Agricultural lands in Weld County periodically need to be leveled to enhance efficiencies in cultivation and irrigation. Land leveling may result in the export of soil and other materials.

Agricultural reservoirs utilized for water storage for irrigation periodically need to be dredged to remove sediment and to restore storage capacity. Dredged sediment may need to be collected and stockpiled on adjacent properties to dry before removal.

Prior to April 21, 2025, materials or sediment removed after agricultural land leveling and/or agricultural reservoir dredging was subject to investigation by the Colorado Division of Reclamation, Mining and Safety ("DRMS") to determine if such activity required the issuance of a "110 Permit" or a "112 Permit" (collectively, "Mining Permit") prior to commencement. The investigation process often resulted in delays and unnecessary expense to the owners/operators.



On April 21, 2025, the Board of County Commissioners of Weld County entered into an intergovernmental agreement with DRMS wherein DRMS agreed that no Mining Permit would be necessary "for operations where Weld County issues a permit when the primary purpose of the activity is for the removal of Materials during reservoir cleaning or agricultural land leveling operations to enhance crop production during the agricultural year." See Section 2 of Intergovernmental Agreement between Weld County and the State of Colorado Division of Reclamation, Mining and Safety ("the IGA"), approved by and through the Board's Resolution #2025-1076, dated April 21, 2025.

The Ag Land Leveling and Ag Reservoir Dredging Permit is intended to comply with the terms of the IGA and to thereby provide agricultural operators in Weld County exemption from Mining Permit requirements when performing ag land leveling and/or ag reservoir dredging on unincorporated properties during the agricultural year. Ag land leveling and/or ag reservoir dredging performed the following agricultural year on the same properties requires the issuance of a new permit.

Sec. 8-10-20. Definitions.

- A. *Ag Land* – Land located in the A (Agricultural) Zone District and used primarily for the purpose of farming.
- B. *Ag Reservoir* – A water storage facility used primarily for the purpose of storing water applied through irrigation canals, ditches, laterals, and/or pipes to irrigated farmland.
- C. *Agricultural Year* – From end of harvest in one calendar year to beginning of harvest the immediately succeeding year.

Sec. 8-10-30. Ag Land Leveling and Ag Reservoir Dredging Permit.

- A. **Issuance of Permit.** An Ag Land Leveling and Ag Reservoir Dredging Permit shall be issued only upon submission of an application and fee, including the notarized signature of the authorized operator, affirming upon oath that the activity for which the permit is requested is within the purpose and intent of this Article X. Dredged sediment stockpiled for drying on adjacent properties may require assurances that best practices will be utilized to minimize sediment transport and dust emanating therefrom. The applicant may be required to implement tracking control measures onto public roadways. Other best management practices may be required of the applicant if Weld County receives complaints about noise, dust, or traffic generated by the operations.
- B. **No Exemption Without Permit.** To secure the exemption from Mining Permit requirements provided by the IGA, an Ag Land Leveling and Ag Reservoir Dredging Permit must be obtained by the operator prior to commencement of the activity.



Sec. 8-10-40. Ag Land Leveling and Ag Reservoir Dredging Permit application and permit limitations.

- A. Complete Application Required. Applicants shall file a complete application for an Ag Land Leveling and Ag Reservoir Dredging Permit. Based upon the information provided in the application, additional submittals may be required by Weld County if sufficient information was not provided for review of the application. An application shall be considered complete if it is submitted in the required form, includes all mandatory information, including all supporting materials specified by application, and is accompanied by the applicable fee. If an application is determined to be incomplete, Weld County shall provide notice to the applicant, along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected in a future resubmittal.
- B. Permit Limitations. A Weld County Ag Land Leveling and Ag Reservoir Dredging Permit shall be valid only for the agricultural year in which it is issued. The issuance of the Permit does not exempt the operator from compliance with any other applicable Federal, State or County regulations, such as air quality and/or water quality regulations.
- C. Hold Harmless. The application and every Weld County Ag Land Leveling and Ag Reservoir Dredging Permit issued shall include the following language: "Applicant/Permit Holder, its agents, employees, subcontractors, contractors and assigns hereby agree to hold Weld County, Colorado, the agencies thereof and their officers and employees harmless from any and all loss and damage or any claims which may arise out of, or be connected with, the construction within the area covered by this permit; excluding any such loss and damage or any claims (including consequential damages) which may be caused solely by the negligence of Weld County, the agencies thereof, or its officers and employees."

Sec. 8-10-50. Administrative fee.

All required fees shall be paid, in full, at the time of the Ag Land Leveling and Ag Reservoir Dredging Permit application. The required fee amount is indicated in Appendix 5-J of this Code.

Sec. 8-10-60. Appeal of denial of Ag Land Leveling and Ag Reservoir Dredging Permit.

If an application for an Ag Land Leveling and Ag Reservoir Dredging Permit is denied by the County, or if the applicant objects to any of the terms or conditions of a permit thereby placed by the County, the applicant has the right to appeal the decision to the Board of County Commissioners, in writing, utilizing the appeal procedures set forth in Section 2-4-10 of this Code.

Amend Sec. 8-12-30. Grading Permit, as follows:

A. through C. – No change

- D. Exemptions. The following land disturbance activities are permissible without obtaining a Grading Permit, unless otherwise located within a designated Municipal Separate Storm Sewer Systems (MS4) area. The Department shall determine if the exemption is in accordance with the County's MS4 permit. Other permits, such as right-of-way, flood hazard or OWTS, may still be required.

1.a and 1.b – No change.

2. Tillage of agricultural land, permitted agricultural land leveling, and permitted agricultural reservoir dredging is exempt from Grading Permit requirements.

Remainder of Section – No change.

Be it further ordained by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

Be it further ordained by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

First Reading: May 19, 2025
Publication: May 23, 2025, in the Greeley Tribune

Second Reading: June 2, 2025
Publication: June 6, 2025, in the Greeley Tribune

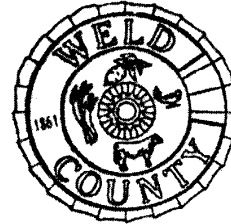
Final Reading: June 16, 2025
Publication: June 20, 2025, in the Greeley Tribune

Effective: June 25, 2025

Final Reading
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The Board of County Commissioners of Weld County, Colorado, adopted the above and foregoing Ordinance, on motion duly made and seconded, by the following vote on the 16th day of June, A.D., 2025:

Perry L. Buck, Chair: Aye
Scott K. James, Pro-Tem: Aye
Jason S. Maxey: Aye
Lynette Peppler: Aye
Kevin D. Ross: Aye



Approved as to Form:

Bruce Barker, County Attorney

Attest:

Esther E. Gesick, Clerk to the Board