

**ARTICLE 1
GENERAL ADMINISTRATION**

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ARTICLE 1

GENERAL ADMINISTRATION

1.1 GENERAL PROVISIONS

1.1.1 Title and Short Title. These regulations, and all future amendments, shall be known as the Chaffee County Land Use Code, and are also referred to herein as "Land Use Code," "Code" or "Regulations."

1.1.2 Authority. It is the intention of the Board of County Commissioners in adopting the Chaffee County Land Use Code to fully exercise all relevant powers conferred by the laws of the State of Colorado, including but not limited to:

A. Colorado Constitution. All of the powers reserved to the County by the Colorado Constitution.

B. State Enabling Legislation. All of the powers granted to the County by:

1. **Title 16, Article 13, Part 3, C.R.S.,** *Restraint and Abatement of Nuisances;*
2. **Title 18, Article 9, Part 1, Section 107, C.R.S.,** *Obstructing Highways;*
3. **Title 24, Article 65.1, C.R.S.,** *Areas and Activities of State Interest (1041 regulations);*
4. **Title 24, Article 67, C.R.S.,** *Planned Unit Development Act;*
5. **Title 24, Article 68, C.R.S.,** *Vested Property Rights Act;*
6. **Title 29, Article 20, C.R.S.,** *Local Government Land Use Control Enabling Act;*
7. **Title 30, Article 11, C.R.S.,** *County Powers and Functions;*
8. **Title 30, Article 15, C.R.S.,** *County Regulations Under Police Powers;*
9. **Title 30, Article 28, C.R.S.,** *County Planning Act;*
10. **Title 34, Article 1 Part 3, C.R.S.,** *Preservation of Commercial Mineral Deposits;*
11. **Title 35, Article 3.5, C.R.S.,** *Nuisance Liability of Agricultural Operations;*
12. **Title 38, Article 30.5, C.R.S.,** *Conservation Easements;*
13. **Title 42, Article 4, C.R.S.,** *Regulation of Vehicles and Traffic; and*
14. **Title 43, Article 2, C.R.S.,** *State, County, Municipal and Public Roads.*

1.1.3 Purpose and Intent. The general purposes of this Land Use Code are:

1. To protect and promote the health, safety and general welfare of the present and future residents of Chaffee County.

2. To ensure the use of land does not materially degrade or threaten the quality of the environment and environmental resources.
3. To regulate the use of land based on impacts to the surrounding areas and the community and to eliminate, minimize or mitigate conflicts between different land uses.
4. To simplify, expedite and provide uniform application of the land use planning and regulatory review process.
5. To encourage innovations in residential, commercial and industrial development to meet the growing demands of the population through a greater variety in type, design and layout of development.
6. To encourage economic diversity in the County and to protect and enhance the County's economic strength and well-being.
7. To manage development in a manner that provides for balanced and orderly growth patterns and to provide efficient, phased government services to accommodate existing and future residents.
8. To preserve and promote the value of property, to protect the tax base of the County and to respect the property rights of citizens.
9. To protect and enhance agricultural uses, traditional agricultural practices, and the rural characteristics of the County.

1.1.4 Jurisdiction and Applicability. The provisions set forth in this Land Use Code apply to any proposed change in land use, including divisions of land, for all land and property located within the unincorporated areas of Chaffee County.

A. Zoning Compliance Required for Land Use Change. Any person seeking a change in land use shall obtain a Land Use Change Permit and a Certificate of Zoning Compliance before commencing the use or activity associated with the land use change. No building permit will be issued unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all applicable provisions of this Land Use Code. Failure to obtain a Certificate of Zoning Compliance shall be a violation of the Chaffee County Land Use Code and subject to the enforcement provisions in **Section 1.4**. Final approval of a proposed land use change in compliance with these Regulations constitutes a Certificate of Zoning Compliance.

1.1.5 Permit Runs with the Land. Any Land Use Change Permit or Certificate of Zoning Compliance for land use approved in compliance with this Code shall be binding upon and run with the land. Failure to comply with any conditions of a Certificate of Zoning Compliance shall be a violation of the Chaffee County Land Use Code and subject to the enforcement provisions in **Section 1.4**.

1.1.6 Repealer, Enactment and Effective Date.

A. Enactment. This Land Use Code shall be enacted upon its approval by the Board of County Commissioners, after review and recommendation by the Chaffee County Planning Commission, following public hearings.

B. Effective Date. This Land Use Code, including any future amendments, shall take effect thirty (30) days following the date of its adoption by the Board of County Commissioners unless otherwise set forth in the Board's motion of approval.

C. Repeal of County's Prior Land Use Regulations. The Chaffee County Land Use Code and Zoning Resolution, and amendments thereto, are hereby repealed as of the effective date of the County's adoption of this Land Use Code.

1.1.7 Saving Provisions.

A. Permit Applications Pending Review. The enactment or amendment of this Land Use Code shall not apply to any permits that the County has approved under prior land use regulations or pending applications that the County has determined to be complete under prior land use regulations.

B. Penalties Accruing or About to Accrue. The enactment or amendment of this Land Use Code shall not be construed as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue.

C. Vacation or Annulment of Rights Obtained by Individual. The enactment or amendment of this Land Use Code shall not be construed as vacating or annulling any rights obtained by any person by lawful action of the County.

D. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1.1.8 Relationship of this Code to Other Adopted Plans.

A. Chaffee County Comprehensive Plan. Enactment and amendment of this Land Use Code serves to implement goals and objectives of the Chaffee County Comprehensive Plan.

B. Intergovernmental Agreements. Cooperation with local municipalities for the purposes of planning and regulating the development of land will better promote the efficient provision of public services and better protect open lands and agricultural lands. Further, cooperation will help ensure that land use decisions are made in a coordinated and responsible manner. Any intergovernmental agreement (IGA) governing the use and development of land of mutual concern to the County and another governmental entity shall control development in the area subject to such IGA, to the extent such an IGA has been adopted as an amendment to this Land Use Code.

- 1. Salida IGA.** The County has entered into an IGA with the City of Salida dated March 2, 2010, as may be amended from time to time (the "Salida IGA"). The Salida IGA identifies a Municipal Service Area (MSA) and Municipal Planning Area (MPA). All land use development applications, as defined in the Salida IGA, involving property in the MSA or MPA shall comply with the terms of the Salida IGA.

- 2. Buena Vista IGA.** The County has entered into an IGA with the Town of Buena Vista dated July 28, 2020, as may be amended from time to time (the "Buena Vista IGA"). The Buena Vista IGA identifies a Municipal Service Area (MSA) and an Area of Desired Growth (ADG). All land use development applications, as defined in the Buena Vista IGA, involving property in the MSA or ADG shall comply with the terms of the Buena Vista IGA.

C. Other Adopted Plans. Enactment, amendment and administration of this Land Use Code shall consider the goals and objectives of any plan adopted by the Board of County Commissioners, including without limitation the Chaffee County Area Heritage Area Management Plan, the Salida Regional Transportation Plan, Chaffee County Trails Plan, new and emerging water supply documents, and other documents as may be adopted by the Board of County Commissioners.

1.1.9 Interpretation, Language, and Computation of Time.

A. Interpretation of the Provisions of This Land Use Code.

- 1. Liberal Construction.** This Land Use Code shall be liberally construed to further its underlying purposes.
- 2. Conflict.** If a conflict occurs between provisions of this Land Use Code, or between provisions of this Land Use Code and a state statute or other applicable codes and regulations, the more restrictive provision controls unless otherwise specified in these Regulations.

B. Rules of Construction of Language.

- 1.** Words and phrases shall be read in context and construed according to common usage. Words and phrases that have acquired a technical or particular meaning, by legislative definition or otherwise, shall be construed accordingly.
- 2.** The particular controls the general.
- 3.** The word "shall" is always mandatory. The words "may" and "should" are permissive.
- 4.** Unless the context clearly indicates otherwise, words used in the singular number include the plural and words used in the plural number include the singular.
- 5.** If there is a conflict between pictures or figures and words expressing a number, the words govern.
- 6.** The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

C. Computation of Time. In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday or legal holiday, in which case the last day shall be the next working day. Unless otherwise specified in these Regulations, the term "days" shall refer to calendar days.

1.1.10 Incorporation and Interpretation of Maps.

A. Official Zone District Maps. The location and boundaries of the zone districts established by this Land Use Code are shown on the Chaffee County Zoning Map and incorporated into this Land Use Code. The Chaffee County Zoning Map shall be maintained by the Director and shall be located in the Chaffee County Planning and Zoning Department. It is the expressed intent of the Board of County Commissioners that all unincorporated areas within Chaffee County be located within a zone district.

B. Overlay District Maps. The location and boundaries of each Overlay District established by this Land Use Code are shown on an Overlay District Map and incorporated into this Land Use Code.

1. The Floodplain Overlay District Maps. The following reports and maps designate the location and boundaries of the Floodplain Overlay District. The Floodplain Overlay District Map shall be maintained by and be located in the Planning and Zoning Department:

- a. County-specific flood insurance studies and reports.
- b. Flood Insurance Rate Maps (FIRM) prepared for the County by FEMA.
- c. U.S. Geological Survey Flood-prone Area Maps.
- d. Any further floodplain studies that have been approved by the Board of County Commissioners with the prior concurrence of the Colorado Water Conservation Board.

2. Airport Overlay District Map. Airport Overlay Maps are developed by the airport boards for each Airport; however are not regulatory until adopted by the Board of County Commissioners. Upon adoption, Airport Overlay District Maps shall be maintained by and located in the Planning and Zoning Department.

3. Intergovernmental Agreement (IGA) Overlay Maps. IGA Overlay Maps which have been adopted as part of this Code designate specific areas which are subject to the terms and conditions of IGAs which may be entered into with the municipalities, or other governmental agencies. IGA Maps shall be maintained by and located in the Planning and Zoning Department and include:

- a. Salida IGA. Adopted March, 2, 2010, as amended from time to time.

C. County Road Map. The Chaffee County Road Maps are maintained by the Road and Bridge Department, and are located in the Road and Bridge Administration Office.

D. Interpretation of Zone District Boundaries. If for any reason the location of a zone district boundary line is not readily determinable from the Zoning Map, the location of the zone district boundary line shall be determined by the Director in accordance with the following provisions. Where more than one of the following provisions is applicable in any given situation, the first stated and applicable provision shall prevail over all other provisions:

1. Where a zone district boundary line is given a position within or abutting a

highway, road, street or alley right-of-way which does not appear to be located within any zone district (other than an overlay zone district), the zone district boundary line shall be deemed to be in the center of such right-of-way.

2. Where a zone district boundary line is shown as closely and approximately following subdivision plat lot lines, municipal boundary or County boundary lines, the zone district boundary line shall be deemed to coincide with such known lot lines or boundaries.
3. Where a parcel within a zone district has a boundary line shown by a specific dimension, that dimension shall control.
4. Where a zone district boundary line is located with reference to a fixture, monument, or natural feature, the location of the boundary with respect to the attribute shall control. The location of a zone district boundary line located with reference to a natural feature shall be at the outer edge or boundary of the natural feature, except that the centerline of a perennial river or stream shall be used.

E. Interpretation of Floodplain Overlay District Boundaries. If interpretation is needed as to the exact location of the boundaries of the Floodplain Overlay, or there appears to be a conflict between a mapped boundary and actual field conditions based upon an engineering study by the applicant, the Director shall make the necessary interpretation, referring to the following sources:

1. The engineering study upon which the maps and elevations are based.
2. The professional engineers who prepared the study.
3. The Colorado Water Conservation Board, and/or the Federal Emergency Management Agency. The base flood elevations, as shown on the flood profiles and in the floodway tables of the Flood Insurance Study prepared by the Federal Emergency Management Agency, shall be the governing factor in determining accurate boundaries.

F. Public Inspection of Maps. Copies of the maps and reports incorporated by this Section shall be kept on file and available for public inspection at the locations specified.

1.1.11 Amendment to Map or Text of This Land Use Code. The process for amendments to the Zoning Map is set forth in **Section 4.4.1**. The process for amendments to the text of this Land Use Code is set forth in **Section 4.4.2**.

1.1.12 Severability.

A. Provision Declared Invalid. If any provision of this Land Use Code is declared invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that provision which is expressly declared invalid and shall not affect any other provision of this Land Use Code.

B. Application to Tract of Land Declared Invalid. If the application of this Land Use Code to any tract of land is declared to be invalid by a decision of any court

of competent jurisdiction, then the effect of such decision shall be limited to the tract of land involved. Such decision shall not affect this Land Use Code or the application of any provision thereof to any other tract or land.

1.2 VESTED PROPERTY RIGHTS

1.2.1 Purpose. The purpose of this section is to establish a system of vested property rights for this Land Use Code as authorized by C.R.S. Title 24, Article 68, as amended.

1.2.2 Establishment of Vested Property Rights.

A. General. Pursuant to this Land Use Code, a vested property right shall be deemed established for a minimum period of three (3) years with the approval of a Site Specific Development Plan as defined in **Section 1.2.2 B**. When a Site Specific Development Plan is approved, the permit shall confer upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the Site Specific Development Plan. If the term of approval for the Site Specific Development Plan is extended pursuant to these Regulations, the term of vested property rights is extended to conform to the extended approval term.

B. Site Specific Development Plan. For the purposes of this Section, the following documents shall constitute a Site Specific Development Plan establishing a vested property right: A Final Plat for Subdivision; a Subdivision Exemption Plat; a Cluster Subdivision Exemption Plat; or a Final Planned Development (PD) Plan. The document that triggers a vested property right shall be so identified at the time of its approval.

C. Development Agreement and Extension of Vested Property Rights. The Board of County Commissioners may enter into a development agreement with the landowner for the extension of vested property rights where, in the discretion of the Board, an extension is warranted due to project size and/or phasing of the development. The Board may also consider an extension of vested property rights for economic cycles and/or market conditions, or other considerations.

D. Approval and Effective Date. A Site Specific Development Plan shall be deemed approved upon the effective date of the Board of County Commissioners' approval action, following a public hearing conducted in accordance with these Regulations. The Board's approval of a Site Specific Development Plan may include such terms and conditions as may be reasonably necessary to protect the public health, safety and general welfare. The approval shall result in a vested property right, although failure to abide by such terms and conditions will result in forfeiture of the vested property right. Within fourteen (14) days of approval of the Site Specific Development Plan by the Board of County Commissioners, the County shall publish a notice of Site Specific Development Plan approval and creation of a vested property right in a newspaper of general circulation in Chaffee County. The period of time for exercise of vested property rights shall not begin to run until the date of publication of the notice.

E. Exceptions to Vesting of Property Rights. Once established pursuant to

these Regulations, a vested property right precludes any zoning or land use action by the County during the period of time that the property right is established to be vested that would alter, impair, prevent, diminish, or otherwise delay the development or use of the land subject to the Site Specific Development Plan consistent with the terms and conditions of the Site Specific Development Plan, except under one or more of the following conditions.

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

1.3 DUTIES AND RESPONSIBILITIES OF DECISION-MAKING BODIES

1.3.1 Board of County Commissioners.

A. Membership and Term. Colorado state statutes at C.R.S. 1-4-205 describe the membership requirements and term of office for members of the Board of County Commissioners.

B. Powers and Duties.

1. **Powers and Duties Authorized by State Statute.** The authority granted to the Board of County Commissioners under state statute includes, but is not limited to:
 - a. Authority to **adopt and amend zoning and subdivision regulations**, including regulations for planned developments and areas and activities of state interest.
 - b. Authority to enact **regulations compelling the removal of weeds and rubbish**.
 - c. Authority to **adopt a building code**.
 - d. Authority to **review service plans** for proposed special districts.

- e. Authority to **enter into intergovernmental agreements** to plan for and control land uses and development.
2. **Powers and Duties Under Provisions of This Land Use Code.** In addition to authority granted to the Board of County Commissioners by general or special law, the Board has authority to take such **other action** not delegated to the Planning Commission, the Board of Adjustment or the Director, as the Board of County Commissioners may deem desirable and **necessary to implement the provisions of the Comprehensive Plan and this Land Use Code.**

1.3.2 Planning Commission.

A. Membership and Term.

1. **Appointment.** The Board of County Commissioners shall appoint the Planning Commission members. All members must be residents of the County. No member of the Board of County Commissioners shall serve on the Chaffee County Planning Commission.
2. **Term of Office.** The term of members shall be three (3) years, and until their respective successors have been appointed. The terms of office shall be staggered by making the appointments so that approximately one-third of the members' terms expire each year.
3. **Removal from Office.** Any member of the Chaffee County Planning Commission may be removed for cause (misconduct or nonperformance of duty) by the Board of County Commissioners upon written charges and after a public hearing.
4. **Vacancy.** Whenever a vacancy occurs on the Chaffee County Planning Commission, the member's position shall remain vacant until a new member can be appointed by the Board of County Commissioners. The vacancy shall be filled for the unexpired term in the same manner as the original appointment.
5. **Compensation.** The members of the Planning Commission shall serve without compensation, with the exception of a stipend for meeting attendance for any month in which a meeting is held, to cover expenses incurred for travel, mileage and continuing education related to service on the Planning Commission.

B. Powers and Duties.

1. **Development of Comprehensive Plan.** The Planning Commission is responsible for the development and adoption of the Comprehensive Plan and any amendments to that Plan.
2. **Advisory Body.** The Planning Commission is an advisory body on most matters including rezoning requests and certain Land Use Change applications.
3. **Approving Body.** The Planning Commission is authorized to be the approving body on certain land use change permits, with appeals considered by the Board of County Commissioners.

- 4. Public Meetings.**
 - a.** The Planning Commission shall hold regularly scheduled public meetings to take official action on the matters before the Commission. The meetings shall be noticed in compliance with the requirements for public notice set forth in this Code.
 - b.** A quorum of the Planning Commission, as defined by the Board of County Commissioners from time to time, shall constitute a quorum necessary for official action.
 - c.** The Planning Commission shall keep a record of its proceedings, and the record shall be open to inspection by the public during the normal business hours for County offices.
- 5. Rules of Conduct and Procedure.** The procedures followed by the Planning Commission shall be set forth in the official bylaws adopted by the Planning Commission, and pursuant to C.R.S. Title 30, Article 28, as amended.

1.3.3 Board of Adjustment

A. Membership and Term

- 1. Appointment.** The Board of County Commissioners shall appoint three (3) regular Board of Adjustment members. The Board of County Commissioners may appoint up to two (2) associate members for the purpose of filling a vacancy on the Board of Adjustment in the event that any regular member is temporarily unable to fulfill his or her responsibilities as a member of the Board of Adjustment.
- 2. Qualifications.** All members must be residents of the County and may serve no other elected office of Chaffee County, Colorado. Not more than one-half of the Board of Adjustment members may be members of the Planning Commission.
- 3. Term of Office.** The term of regular members shall be three (3) years, and until their respective successors have been appointed. The terms of office shall be staggered so that the term of at least one member will expire each year.
- 4. Removal from Office.** Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners, upon written charges and after a public hearing.
- 5. Vacancy.** Whenever a vacancy occurs on the Board of Adjustment, the member's or associate member's position shall remain vacant until a new member or associate member can be appointed by the Board of County Commissioners. The vacancy shall be filled for the unexpired term in the same manner as the original appointment.
- 6. Compensation.** The members of the Board of Adjustment shall serve without compensation, with the exception of a stipend for meeting attendance for any month in which a meeting is held, to cover expenses incurred for travel, mileage and continuing education related to service on the Board of Adjustment.

B. Powers and Duties.

1. **Variance.** The Board of Adjustment is the decision-making body for requests for variance from certain zoning dimensional requirements of this Land Use Code.
 - a. The Board of Adjustment shall consider a request for variance based on the procedure set forth in **Section 4.5.1**. In order for the Board of Adjustment to grant a variance, a majority of members in attendance must vote in favor of the applicant.
 - b. The Board of Adjustment does *not* have the authority to grant the following.
 - (1) Variance from uses allowed in a zone district.
 - (2) Variance from any definition.
 - (3) Variance from the minimum or maximum density allowed in a zone district.
2. **Appeal of Administrative Interpretation.** The Board of Adjustment may consider an appeal by any person aggrieved by a final written administrative interpretation or decision based upon or made in the course of the administration or enforcement of the zoning regulations of this Code. The appeal process is set forth in **Section 4.5.2**.
 - a. Appeal to the Board of Adjustment shall not be allowed for violations that may be prosecuted pursuant to C.R.S. 30-28-124 (1)(b).
 - b. In order for the Board of Adjustment to grant an appeal which overturns an administrative interpretation or decision, at least three (3) members of the Board of Adjustment must vote in favor of the appellant.
3. **Public Meetings.**
 - a. The Board of Adjustment shall meet as called by the Chairperson to take official action on the matters before the Board of Adjustment. The meetings shall be open to the public, noticed in compliance with the applicable requirements for public notice set forth in this Code.
 - b. Three (3) members of the Board of Adjustment shall constitute a quorum necessary for official action.
 - c. The Board of Adjustment shall keep a record of its proceedings, and the record shall be open to inspection by the public during the normal business hours for County offices.
4. **Rules of Conduct and Procedure.** The procedures followed by the Board of Adjustment shall be set forth in the official bylaws adopted by the Board of Adjustment, and pursuant to C.R.S. Title 30, Article 28, as amended.

1.3.4 Ex Parte Communications. Once an application has been submitted to the Planning Department, members of any decision-making body shall not engage in communications with any party regarding the application outside of the public hearing. It is the members' responsibility to immediately disclose an ex parte contact. No ex parte communication shall be considered by the decision-making body, or any of its members in making a decision on an application for land use change permit.

1.3.5 Public Hearings.

A. Notice of Public Hearing. Certain land use change applications will require a public hearing. Unless otherwise provided in this Code or law, when a public hearing is required the following public notice shall be required. Whenever possible, if hearings are required by multiple Boards or entities, notice for those hearings shall be made concurrently to minimize application processing time.

- 1. Notice by Publication.** At least fifteen (15) calendar days prior to the date of a scheduled public hearing before the Planning Commission, Board of Adjustment, or Board of Review, at least twenty (20) calendar days prior to the date of a scheduled public hearing before the Board of Health, and at least thirty (30) calendar days prior to the date of a scheduled public hearing before the Board of County Commissioners, the County shall have published a notice of public hearing in a newspaper of general circulation in the area where the proposed land use change is located.
- 2. Notice to Adjacent Property Owners.** At least fifteen (15) calendar days prior to the date of a scheduled public hearing before the Planning Commission, Board of Health or Board of Adjustment, and at least thirty (30) calendar days prior to the date of a scheduled public hearing before the Board of County Commissioners, the Planning staff shall send by first class mail, a written notice of the public hearing to the owners of record of all adjacent property. The notice shall include, the property's address, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time, and location of the scheduled hearing.
- 3. Posting of Notice.** At least fifteen (15) calendar days prior to the date of a scheduled public hearing before the Planning Commission or Board of Adjustment, at least twenty (20) calendar days prior to the date of a scheduled public hearing before the Board of Health, and at least thirty (30) calendar days prior to the date of a scheduled public hearing before the Board of County Commissioners, the applicant shall post a notice of the public hearing on the property. Such notice shall consist of at least one sign facing each adjacent public right-of-way, located within ten (10) feet of the property line and located so as to be fully visible from the right-of-way. Such signs shall be provided to the applicant by the Planning Department. The sign shall note the name of the proposal and the address, telephone number and website of the Development Services Department where hearing information and materials relating to the proposal may be reviewed prior to the hearing. The sign shall remain posted through the final action on the application.

B. Conduct of Public Hearings

- 1. Rights of All Persons.** Any person may appear at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment also may be submitted in written form before or during the hearing, or within a designated period of time if the hearing is continued pursuant to paragraph 6 below.
- 2. Time Limits for Testimony.** The decision-making body may set

reasonable time limits for testimony or presentation of evidence during the public hearing. Oral testimony may be limited based upon relevancy, redundancy or time constraints.

3. **Order of Proceedings.** The order of the proceedings shall be as follows; however the Chair shall have the discretion to authorize modification of the hearing procedure depending on the type and nature of the hearing:
 - a. **Confirmation of Adequate Public Notice.** The decision-making body shall determine whether or not adequate notice has been accomplished pursuant to the Code requirements for notice of public hearing.
 - b. **Staff Presentation.** The Planning staff shall describe the proposed land use change, and identify the standards that apply and whether the application meets those standards.
 - c. **Applicant's Presentation.** The applicant may make an oral or a written presentation on behalf of the application. The burden of proof is on the applicant to demonstrate that the proposed land use change satisfies the applicable standards.
 - d. **Public Comments.** The decision-making body shall hear public comments following the presentation by the applicant. Written comments that have been received before the hearing shall be reported by the Planning staff and acknowledged to be part of the hearing record.
 - e. **Questions by Decision-Making Body.** The decision-making body may ask questions of the staff, the applicant, or members of the public in attendance at any time prior to close of public testimony.
 - f. **Staff Response.** The Planning staff may respond to any statement made by the applicant, the public, or the hearing body.
 - g. **Applicant Response.** The applicant may respond to any comments made by the public, the Planning staff or the decision-making body.
4. **Close of Public Testimony.** At the conclusion of the public testimony, no further public comment shall be accepted. The decision making body may in its discretion re-open public testimony, prior to closing of the public hearing.
5. **Deliberation and Decision.** Following close of public testimony, the decision-making body shall proceed with deliberations. The decision-making body's recommendation or decision to approve, approve with conditions or deny the application shall be set forth in the minutes of the public hearing.
6. **Continuation of Public Hearing.** The decision-making body may continue the public hearing to a fixed date and time. An applicant shall have the right to request, and be granted on a showing of good cause, a continuance of the required hearing. Any subsequent continuances shall be granted at the discretion of the decision-making body and upon a finding that good cause has been shown for the continuance. No public hearing shall be continued for more than forty (40) days from commencement of the hearing, without the written consent of the

applicant (C.R.S. 30-28-133.5(5)).

7. **Closing of Public Hearing.** Following Testimony, Deliberation and Decision, the decision making body shall close the public hearing.
8. **Record of Public Hearing.** The hearing body shall record the public hearing by any appropriate means.
9. **Record of Decision.** The record of decision shall include the following materials:
 - a. The record of the public hearing proceedings.
 - b. The minutes of the public hearing(s) and of other related meetings of the recommending and decision-making bodies reviewing the application.
 - c. The application materials.
 - d. Written materials submitted to the County by an individual or agency regarding the application.
 - e. The Staff Report, and consultant and referral agency reports.
 - f. Documentation of decisions by the recommending and decision-making bodies, including, for example, an adopted resolution.

1.3.6 Review and Action by the Decision-Making Body. Following a public hearing conducted pursuant to **Section 1.3.5**, the decision-making body (Planning Commission, Board of County Commissioners, or Board of Adjustment, based on application review type), shall approve, approve with conditions or deny the application, based upon compliance with the applicable standards in this land use code.

1. **Approval of Application.** If the application satisfies the applicable standards, the application shall be approved.
2. **Denial of Application.** If the application fails to satisfy the applicable standards, the application may be denied; or
3. **Conditional Approval of Application.** The application may be approved with conditions determined necessary for compliance with applicable standards.
4. **Remand to Planning Commission.** If additional testimony is presented to the Board of County Commissioners following recommendation by the Planning Commission, the Board may remand the application to the Planning Commission for further consideration of the additional testimony and recommendation.

1.3.7 Appeals of Decisions by Board of County Commissioners or Board of Adjustment. Unless otherwise specified within this Land Use Code, decisions of the Board of Commissioners or Board of Adjustment shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure. No judicial review of the decision of the Board of Commissioners or Board of Adjustment shall be taken unless such appeal or judicial review is filed in the District Court within twenty-eight (28) days following the date a final decision is rendered.

1.4 ENFORCEMENT, VIOLATIONS AND PENALTIES

1.4.1 General Provisions. It shall be unlawful to develop or use any building, structure, or land or operate a special event in unincorporated Chaffee County in violation of this Land Use Code.

A. Enforcement Authority. Provisions of these Regulations shall be enforced by the Board of County Commissioners and the County Attorney through their authority granted by Colorado law.

- 1. Subdivision.** The Subdivision and Subdivision Exemption regulations of this Code, set forth in **Article 5**, shall be enforced in accordance with remedies specified under C.R.S. 30-28-110, and C.R.S. 30-28-137 as further specified in **Section 1.4.4**.
- 2. Planned Development.** The Planned Development (PD) regulations of this Code, set forth in **Article 6**, shall be enforced in accordance with C.R.S. 24-67-101, *et seq.*, the Planned Unit Development Act, in addition to applicable zoning and subdivision regulation remedies.
- 3. Rubbish, Junk, Weeds and Brush, and Unsafe Structures.** The provisions regulating rubbish, junk, weeds and brush, and unsafe structures, set forth in **Section 1.5**, shall be enforced as authorized by such Section and applicable law. This includes authority for the County to remove rubbish, junk, weeds and brush, or unsafe structures upon failure of the property owner to comply with a notice of violation, and the provision for criminal penalties in the event of failure to comply.
- 4. Signs.** Sign regulations, as set forth in **Article 8**, shall be enforced as a violation of zoning regulations in accordance with C.R.S. 30-28-124, and C.R.S. 30-28-124.5.
- 5. Other.** All other provisions shall be enforced as a violation of zoning regulations in accordance with C.R.S. 30-28-124, and C.R.S. 30-28-124.5 or as otherwise provided in this Code or applicable law.

B. Remedies. The following remedies apply to violations of this Code, in addition to those specifically provided elsewhere in the Code.

- 1. Withholding Building Permits.** The County shall not issue any building permit unless the proposed erection, construction, reconstruction, alteration or use fully conforms to all provisions of this Code and complies with all other state and local regulations.
- 2. Withholding Land Use Change Permits.** The County may withdraw or deny land use change permits, including plat approvals, and any other applicable permits issued under this Code, on any land for which a notice of violation has been issued and the violation has not been corrected in a timely manner. The County may require correction of the violation as a condition of any future approvals.
- 3. Cease and Desist Orders.** After notice of a violation and an opportunity to correct the violation, the County may halt work on any land where there is a violation of a provision of this Code or of a permit issued

hereunder, through issuance of a cease and desist order. All work shall immediately halt upon issuance of such order. If work continues the unlawful erection, construction, reconstruction, alteration, maintenance or use shall be in violation of this Code.

- 4. Injunction.** If any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, maintained or used in violation of the provisions of this Code, the Board or the County Attorney, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.
- 5. Specific Performance.** The County may seek specific performance of the terms or conditions of any agreement or permit issued under this Code.
- 6. Judicial Action.** At the direction of the Board of County Commissioners, the County Attorney shall be empowered to bring either a civil or a criminal (or both) action against the owner of any premises or property on which a violation of this Code is alleged and, following investigation, has been confirmed or is reasonably believed to exist.

 - a. Civil Remedy.** Civil remedies against violations of this code may include injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate, or remove the violation. Fines assessed pursuant to these enforcement provisions may be recovered in that same civil action wherein such injunction, mandamus and/or abatement is sought, or separate and district proceedings may be instituted seeking varying forms of relief, as may be allowed by law.
 - b. Criminal Remedy.** Criminal violations of this Code shall be punished by a fine in an amount not to exceed the maximum amount set forth in C.R.S. 30-28-124 (as amended from time to time for each violation or by imprisonment in the County jail for not more than ten (10) days, or by both a fine and imprisonment, and payment of all costs and expenses involved in prosecuting the offense, or by such other remedy as may be specified by law. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.
- 7. Cumulative Remedies.** All remedies provided for in this Code are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law. To the extent that Colorado law may limit the availability of a particular remedy for a particular violation or a part of a violation, such remedy shall remain available for other violations of other parts of the same violation, and all other remedies shall remain available for the same violations or part of a violation.

1.4.2 Enforcement Process – Land Use Violations (see **Section 1.4.4** for Enforcement of the Subdivision Process).

A. Complaint and Verification of Violation.

- 1. Verify Violation.** Upon complaint made or filed by a member of the public or by a County official or employee, the Director shall verify the complaint as a violation.
- 2. Authority to Enter and Inspect.** The Director’s authority to enter and inspect land, a building or structure for the purpose of verifying a violation shall be governed by the procedures set forth in **Section 1.4.2 B.**

B. Authority to Enter and Inspect.

- 1. Director Authorized to Inspect.** The Director or his designee is empowered to inspect and examine any building, other structure, or parcel or other area of land where there is reasonable cause to believe that a use exists or construction, reconstruction, alteration, or maintenance is being performed or has been performed in violation of this Land Use Code.
- 2. Consent to Enter or Administrative Entry and Seizure Warrant Not Required.** Consent to enter or an administrative entry and seizure warrant shall not be required in the following circumstances.
 - a.** To conduct inspections of commercial or public properties during the regular business hours of that property.
 - b.** To conduct inspections within the scope of another official document, including without limitation building or other land use change permits.
 - c.** To make observations of the premises in plain view from public property or from portions of the premises which are open or accessible to the public, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy.
 - d.** In emergency situations in which the Director has reason to believe that the public health or safety is in imminent danger and could be jeopardized by delay.
- 3. Administrative Entry and Seizure Warrant.** Upon authorization by the Board of County Commissioners for abatement of the violation by the County, the Director shall seek an administrative entry and seizure warrant from the County or District Court having jurisdiction over the property.
 - a. Documentation required for Warrant.** The following documents shall be required for the court to issue an administrative entry and seizure warrant:
 - 1.** The applicable regulatory provisions of this Code.
 - 2.** An affidavit stating the factual basis for the warrant.
 - 3.** Evidence that the property owner has received notice of the violation and has failed to abate the violation within the prescribed time.
 - 4.** A general description of the location of the subject property.
 - 5.** A general description of the violation, including a general list or

description of the rubbish, weeds or brush, or unsafe structure(s) to be removed if applicable.

6. The proposed method and extent of abatement by the County, including proposed disposal or temporary impoundment of property.

C. Notice of Violation and Response. If the Director verifies a complaint as a violation, the County shall provide written notice of the violation and the requirements for abatement to the property owner of record as identified on the Chaffee County tax records, and to any other responsible party whose identity and whereabouts are known to the Director.

1. Notice Requirements.

- a. **Service by Mail.** The notice shall be served by certified mail, return receipt requested, to both the address in the tax records and the property address, if different.
- b. **Content of Notice.** The notice of violation shall contain the following information.
 1. A list and description of all violations with references to the section or sections of the Code violated.
 2. An order requiring correction of the violation(s) and the requirements for correction or abatement.
 3. The date by which compliance shall be attained, with a proposed re-inspection date to verify correction or abatement. Thirty (30) calendar days shall be provided for abatement, unless the Director determines that a shorter or longer time is justified to protect health, safety, and welfare.
 4. A statement that prior to filing a complaint in Court, the Board of County Commissioners must authorize such filing. Commissioner authorization shall be by motion at an open meeting.

2. Response. Unless otherwise provided by these Regulations, a period of thirty (30) calendar days after the date of notice shall be allowed for response to a notice of violation:

- a. The alleged violator shall respond by providing evidence satisfactory to the Director to show that the determination is in error; or
- b. The alleged violator shall restore the site, structure or use of the property to compliance. An inspection by the County shall be required to confirm compliance; or
- c. The alleged violator shall obtain approval from the Director for an extension of time to attain compliance, showing good cause for extension, with such extension limited to sixty (60) days unless a longer period is approved due to extenuating circumstances ending with an inspection of the property by the County to confirm compliance.

1.4.3 Abatement by the County.

A. Authorization for Abatement by County. If the alleged violator fails to comply with the County's requirements for abatement of the violation, the Director may request that the Board, at a public meeting, authorize the County to arrange for

abatement of the violation. At least fourteen (14) calendar days prior to the date of the meeting, the Director shall provide notice of the meeting to the alleged violator by certified mail, return receipt requested to both the address in the tax records and the property address, if different.

B. Execution of Warrant and Abatement of Violation. Upon authorization by the Board of County Commissioners for abatement by the County, the Director shall seek an administrative entry and seizure warrant from the County Court or District Court having jurisdiction over the subject property.

1. Within ten (10) calendar days following the date of issuance of an administrative warrant the County shall abate the violation in accordance with the direction of the court. A copy of the issued warrant shall be provided to the property owner.
2. The proposed method of abatement by the County may be accomplished through the use of County staff or by contract with a private party, and may include the impoundment of property removed as part of the abatement.
3. Proof of the execution of the warrant, including a written inventory of any property impounded by the County, shall be submitted to the court.

C. Cost of Abatement Billed to Property Owner. A bill for the reasonable costs of abatement plus an inspection fee of five (5) percent of that cost shall be mailed to the property owner of record, at both the address in the tax records and the property address, if different. Payment of the bill shall be due within sixty (60) days of the date of the bill.

D. Collection of Unpaid Bill for Cost of Abatement by County. If the bill is unpaid after sixty (60) calendar days, the Director through the County Clerk shall certify the bill to the County Treasurer, who shall collect the assessment together with a ten (10) percent penalty for the cost of collection, in the same manner as other taxes are collected.

1.4.4 Enforcement of Subdivision Regulations

A. Requirement for County Subdivision Approval

1. **Approval in Compliance with Code Required for Recording.** No plans, plats, plots and replats of land laid out in subdivision or building lots or of the streets, highways or alleys, or other portions thereof, intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be recorded in any public office unless first approved in compliance with this Code.
2. **Criminal Remedy, Transfer or Sale Prior to Final Plat Approval and Recording.** Any subdivider or agent of a subdivider who transfers or sells land before the final plat has been approved pursuant to this Code and recorded or filed in the Office of County Clerk and Recorder shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than the maximum amount set forth in C.R.S. 30-28-

110(4)(a), as amended from time to time, for each parcel or interest in subdivided land which is sold or offered for sale. All fines collected shall be credited to the General Fund of the County.

- 3. Action to Enjoin.** The Board shall have the power to bring an action to enjoin any subdivider from selling proposed subdivided land before the final plat has been approved by the Board and filed for recording in the Office of the County Clerk and Recorder. (C.R.S. 30-28-110(4)(b))
 - 4. Permits Withheld.** In addition to any other enforcement action specified in this Code, the Director is authorized to withhold or demand withholding the issuance of any permits under this Code sought or requested for property which is determined to have been divided without the required County approval. (C.R.S. 30-28-110(4)(a)).
 - 5. Conformance with Code Required.** Properties that were divided in violation of the County's land use regulations in effect at the time of such division shall be further subdivided only if the proposal includes provisions which bring the entire original parcel, including the area previously divided in violation of County regulations, into compliance with the provisions of this Code.
- B. Enforcement of Subdivision Process and Platting Requirements.**
- 1. Authority to Compel Enforcement.** The Board or the purchaser of any lot or other subdivided land subject to a plat restriction which is the security portion of an Improvements Agreement shall have the authority to bring an action in district court to compel enforcement of the Improvements Agreement on the sale, conveyance, or transfer of any such subdivided land, or enforcement of other applicable provisions for subdivision of land under Colorado law. Such authority shall include the right to compel rescission of sale, conveyance, or transfer of title of any lot or other subdivided land contrary to the restrictions set forth on the plat or in any separate recorded instrument. Any such action shall be commenced prior to issuance of a building permit by the County or otherwise prior to commencement of construction on any such lot or other subdivided land (C.R.S. 30-28-137(3)). This section is not intended to give the purchaser of any lot or other subdivided land authority to bring an action against the County to compel enforcement of an Improvements Agreement.
 - 2. Authority to Bring Action for Injunctive Relief.** In addition to any other remedy provided by Colorado law, the Board or the purchaser of any lot or other subdivided land shall have the authority to bring an action for injunctive relief to enforce any plat restriction (including all obligations contained in documents required to be executed and recorded as part of the Final Plat approval and all commitments of record of the subdivider related to the County's approval of the Final Plat), plat note, plat map, or provision of a subdivision improvements agreement, and for damages arising out of failure to adhere to any such plat restriction, plat note, plat map, or provision of a subdivision improvements agreement pursuant to C.R.S 30-28-137.

1.4.5 Acceleration of Enforcement to Protect Public. The enforcement process set forth in this Section may be accelerated if the Director makes a written finding that the public health, safety, or welfare could be endangered by a continuing violation. After such finding is made, the County Attorney shall take immediate action to end the threat to the public health, safety, or welfare through, but not limited to, *ex-parte* restraining orders as authorized under the Colorado Rules of Civil Procedure and/or action by local law enforcement or public safety agencies as deemed appropriate and necessary.

1.5 RUBBISH, JUNK, WEEDS AND BRUSH, AND UNSAFE STRUCTURES

1.5.1 Purpose. The purpose of this Section is to protect the health, safety, and welfare of the citizens of Chaffee County through the removal of rubbish, junk, weeds and brush, and unsafe structures from land in the unincorporated areas of the County.

1.5.2 Responsibility for Removal of Rubbish, Junk, Weeds and Brush, or Unsafe Structures. It shall be the duty of any person who is the owner, lessee or occupant of a lot, tract or parcel of land in unincorporated Chaffee County to remove rubbish, junk, weeds and brush, and unsafe structures from that land.

- A. Removal of Rubbish.** Rubbish, as defined in **Article 15, Definitions**, shall be removed from: Lots, tracts and parcels of land within the County, and the alleys behind and sidewalk areas in front, except industrial tracts of ten (10) or more acres and agricultural land, as defined in these Regulations, currently in agricultural use in compliance with this Land Use Code.
- B. Removal of Junk.** Junk, as defined in **Article 15**, shall be removed from: Lots, tracts and parcels of land within the County, and the alleys behind and sidewalk areas in front, except industrial tracts of ten (10) or more acres and agricultural land, as defined in these Regulations, currently in agricultural use in compliance with this Land Use Code.
- C. Removal of Weeds and Brush.** Weeds and brush, as defined in **Article 15**, shall be removed from residential lots of one acre or less, and from alleys behind and sidewalk areas in front of such lots. Nothing in this Article supersedes the County Noxious Weed Management Plan or the Colorado Noxious Weed Act.
- D. Removal of Unsafe Structures.** Any unsafe building or structure, as defined in **Article 15**, and as further defined in this Code, shall be removed from lots, tracts and parcels of land within the County with the following exceptions.
1. Any building or structure located on land subject to the Colorado Mined Land Reclamation Act as defined in C.R.S. 34-32-103(1.5), as amended.
 2. Any building or structure located on lands subject to the Colorado Surface Coal Mining Reclamation Act pursuant to Article 33 of Title 34, C.R.S, as amended.

1.5.3 Enforcement, Penalties and Remedies. The enforcement process is set forth in **Section 1.4.2**, above. Remedies are set forth below and in **Section 1.4.1 B**.

A. Criminal Penalty for Violation.

1. In addition to the remedies set forth in **Section 1.4.1 B**, any person who

violates the provisions of this Article commits a Class 2 petty offense. Upon conviction, a Class 2 petty offense may be punished by a fine of not more than the maximum amount set forth in C.R.S. 30-15-402, as amended, for each separate violation.

- a. Each day a violation continues after the time for abatement has run, or after the deadline the Board specifies for abatement at an appeal hearing, shall be considered a separate violation.
 - b. All fines collected pursuant to this Article shall be paid into the County treasury as soon as they are collected.
2. If the Director determines that the alleged violator has failed to abate the violation as required by the County, the Director in addition to pursuing any other remedy authorized by law may request that the County Sheriff arrest the alleged violator pursuant to C.R.S. 16-2-201 as amended. Under C.R.S. 16-2-201, as amended, upon arrest for a violation of this Article the arresting officer may either issue a penalty assessment notice and release the person upon its terms, or take the person before a judge of the County court.

B. Preservation of Remedies. The remedies as provided in this Section, and as may be available under **Section 1.4.1 B** or pursuant to state or federal law, are not exclusive in any way, and may be pursued by the County singularly or in combination to achieve the most expeditious abatement of violations involving the presence of rubbish, weeds and brush, and unsafe structures.

C. Abatement by County. Abatement by the County shall be governed by the same procedures set forth in **Section 1.4.3**, *Abatement by the County*.

1.6 IMPROVEMENTS AGREEMENTS AND SECURITY

1.6.1 Improvements or Development Agreement and Security Required. Before any Certificate of Zoning Compliance is approved for land use subject to Planned Development, Subdivision, or Conservation Subdivision provisions of this Code, or for any Limited or Major Impact Review as determined necessary, the Board of County Commissioners shall require the applicant to execute an agreement regarding the conditions and improvements identified as requirements of project approval, including a guarantee of security deemed adequate by the Board. The purpose of the agreement and security is to ensure the following.

A. Completion of Project and Reclamation of the Property. The Project is completed, including reclamation of property as applicable.

B. Conditions of Permit Fulfilled. The applicant performs all improvements, mitigation requirements and permit conditions in connection with the construction, operation and termination of the Project.

C. Responsibility for Impacts to Public Facilities and Services. The applicant addresses responsibility for increased demand on public facilities and services as a result of the construction, operation and termination of the Project.

D. Funds Available to the County to Complete Project. In the event that

the Project is suspended, curtailed or abandoned, the County can complete the Project and necessary improvements, or restore the property to its original condition or an acceptable condition at no additional cost to the County.

1.6.2 Subdivision Lot Sales Restriction. The primary form of security for all subdivisions shall be a lot sales restriction, placed on all subdivision lots until such time the improvements are completed. The applicant must restrict lot sales in such a way that is acceptable to the County. The Subdivision Improvements Agreement will be filed along with the subdivision final plat.

1.6.3 Financial Guarantee. A financial guarantee may be allowed by the Board of Commissioners on a case by case basis upon release of a lot sales restriction, depending on factors including but not limited to the extent of infrastructure required, phasing of the project, and potential mitigation requirements. In determining whether a financial guarantee will be permitted as security and the amount of the financial guarantee, the Board shall consider the following factors.

A. Completion of Infrastructure and Reclamation. The estimated cost of completing public infrastructure related to the project, and of returning property to its original condition or to a condition acceptable to the County, as applicable.

B. Conditions of Permit. The estimated cost of performing all mitigation requirements and permit conditions in connection with the construction, operation, and termination of the project.

C. Estimated Cost. The estimated cost shall be based on the applicant's cost estimate and the following considerations. The Board may require, as a condition of the permit, that the amount of financial security be adjusted based upon bids received for construction of the Project in compliance with permit conditions.

1. The estimated cost for the County to bring in personnel and equipment to complete any unperformed purpose of the financial guarantee;
2. Contingency costs.
3. Consultant fees, including engineering and legal fees.
4. The duration of project construction or activity and a reasonable projection of increased project cost due to inflation, if appropriate.

D. Form of Financial Guarantee. If financial guarantee is allowed by the Board of County Commissioners, the financial guarantee shall be in the form of an irrevocable letter of credit without expiration date; or in other such form acceptable to the Board and shall be set forth in an Improvements Agreement executed by the County and the Applicant.

E. Cancellation of Financial Guarantee. A financial guarantee may be canceled only upon written consent by the Board. The Board may grant a request to cancel all or a portion of a financial guarantee if canceling the guarantee will not detract from the purposes of the security.

1.6.4 Release of Security. The lot sales restriction or financial guarantee may be released under any one of the following conditions.

1. The permit has been surrendered to the Board before commencement of any physical activity on the Project site; or
2. The Project has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County; or
3. The Project has been satisfactorily completed; or
4. A phase or phases of the Project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with project phasing and as agreed to in the Improvements Agreement.

1.6.5 Forfeiture of Financial Guarantee. If the Board determines that a financial guarantee should be forfeited because of any violation of the permit, the Board shall provide written notice to the surety and to the permit holder.

- A. Notice.** The County shall send by certified mail, return receipt requested, a written notice of forfeiture of financial guarantee to the surety and to the permit holder. Notices shall be mailed to the last known address of the applicant and of the surety. The notice shall contain the following information.
 1. The reason for forfeiture of the financial guarantee, specifying each permit violation with references to the section or sections of the Code violated.
 2. The permit holder's right to respond by request for a public hearing by the Board, and notice of automatic forfeiture if the permit holder does not respond.
 3. The deadline for response by the permit holder.
- B. Response.** The permit holder may request a hearing by the Board, by written request to the Director within thirty (30) calendar days of receipt of the notice of forfeiture of financial guarantee.
 1. If the permit holder submits a timely request for hearing by the Board, the Director shall schedule a public hearing within thirty (30) calendar days of receipt of the permit holder's request for hearing by the Board.
 2. If the permit holder does not submit a timely request for hearing by the Board, the Board shall order the financial guarantee forfeited.
- C. Public Hearing and Action by the Board.**
 1. **Notification of Hearing.** At least thirty (30) calendar days prior to the date of the scheduled public hearing before the Board of County Commissioners, the County shall have published a notice of public hearing in a newspaper of general circulation in the Project area.
 2. **Notice to Adjacent Property Owners.** At least thirty (30) calendar days prior to the date of the scheduled public hearing, the County shall send by certified mail, return receipt requested, a written notice of the public hearing to the owners of record of all adjacent property. The applicant shall provide completed USPS Certified Mail, Return Receipt, forms to the County for all adjacent property owners pursuant to Section 4.6.2B4. The notice shall include a vicinity map, the property's legal

description, and an announcement of the date, time and location of the scheduled hearing to consider forfeiture of the financial guarantee.

- 3. Action by Board of County Commissioners.** The Board of County Commissioners shall conduct a public hearing pursuant to **Section 1.3.5**. The permit holder may present statements, documents, and other information for consideration by the Board with respect to the alleged violation(s) and forfeiture of financial guarantee. The Board shall either withdraw the notice or enter an order for forfeiture of the financial guarantee.

D. Default and Use of Financial Guarantee. The financial guarantee may be used by the Board in the event of default or allowed default of the permit holder, for the purposes of recovering on the surety or fulfilling the permit obligation of the permit holder. The County may arrange for the lending institution providing money for the permit holder to hold required funds in escrow. Funds shall be disbursed out of escrow by the lending institution to the County upon County's demand for the purposes set forth in this Article.

E. Inadequate Revenue and Cost Recovery. If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County's attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible.

1.6.6 Substitute of Surety. If the license to do business in Colorado of any surety upon a security filed pursuant to this regulation is suspended or revoked by any state authority, then the applicant shall within sixty (60) days after receiving notice thereof, substitute a good and sufficient surety licensed to do business in Colorado. Upon failure of the permit holder to make substitution within the time allowed, the Board shall suspend the permit until proper substitution has been made.

ARTICLE 2 ZONING

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ARTICLE 2 ZONING

2.1 ESTABLISHMENT OF ZONE DISTRICTS.

The following zone districts are hereby established:

1. **Recreational (REC)**
2. **Rural (RUR)**
3. **Residential (RES)**
4. **Rural Commercial / Recreational (RCR)**
5. **Commercial (COM)**
6. **Industrial (IND)**

2.2 ZONE DISTRICT & USE REGULATIONS

Unless otherwise provided in these Regulations, all land uses and activities are subject to the following zone district basic requirements, in addition to the applicable land use standards set forth in **Article 7, Standards**. The Intent Statements and Development Guidelines are intended to provide general defining characteristics for each zone district, while standards defined in a zone district shall be considered regulatory. Minimum requirements for lot size, setbacks and height are summarized for each zone district in **Table 2.1, Lot and Dimensional Standards**.

2.2.1 Zone District Basic Requirements.

- A. Certificate of Zoning Compliance.** A Certificate of Zoning Compliance is required prior to any change to the use or occupancy of any parcel of land, or prior to new construction or remodeling of any structure, unless the proposed use or activity is expressly exempted under **Section 2.2.1 B**.
- B. Exemption from Certificate of Zoning Compliance Certificate.** Agricultural activities as defined by this Land Use Code are exempt from obtaining a Certificate of Zoning Compliance if the proposed use or activity complies with applicable zone district regulations and use restrictions set forth in this Article.
- C. Lot and Building Requirements:** Lot size, minimum lot areas, minimum front, rear and side setbacks, maximum building heights and other dimensional lot requirements for each zoning district are set forth in **Table 2.1**.
- D. More than One Principal Use.** A parcel shall not be used for more than one principal use, except as follows:
 1. **Agricultural or Mining Uses.** A combination of allowed agricultural uses; a combination of allowed mining uses; or a combination of compatible agricultural and mining uses that are allowed in the zone district.

2. Commercial Uses. A combination of compatible commercial uses that are allowed in the zone district.

E. Mixing of Accessory Uses. A mixing of multiple accessory compatible uses may be permitted taking into consideration the intent statement and objectives of the zone or overlay in which the uses are proposed, and as long as a principal use is defined.

F. Right to Farm and Ranch. The Right to Farm and Ranch Ordinance (**Article 3**) as adopted by Chaffee County applies to all parcels in all zones.

G. De-annexed Property. De-annexed property will revert to the County zoning in effect at the time of annexation, unless the Director or the Board determines that there has been a substantial change in conditions of the neighborhood since the annexation. If there has been a substantial change, the Board shall designate the new zone district in accordance with the process for a zone map amendment in **Section 4.4.1**.

2.2.2 Recreational (REC).

A. Intent Statement: This zone consists of all the public and private land within the boundaries of the public domain and some other land within the county. Because of the diversity of the types and areas of land in this zone, many uses that are compatible with the public land are possible. It is the intent of these regulations to allow for a variety of uses that minimize impacts to the natural environment. These regulations are developed in a general way that encourages or produces compatibility between the numerous kinds of users in this zone.

This zone district encourages the preservation of open lands that are either privately or publicly owned, managed, leased or dedicated that are used for recreation, ecological purposes (such as wildlife habitat), or open spaces. This zone district also encourages cattle grazing, forestry, fisheries, hunting, mining, parks, recreational and picnic facilities.

Property owners in the Recreational zone district must recognize that access to their properties may be restricted in the winter and improvements to roads for summer access may be limited. Because of possible limitations, emergency vehicle access to properties in the Recreational zone district may not be feasible. Persons interested in owning land with ready access to public services and facilities are advised to seek out the more developed/urban areas of the County.

B. Use and Development Guidelines: Specific development and use guidelines associated with the REC zone district include:

- 1.** Development potential of isolated private parcels and in-holdings may be limited due to their remote locations, potentially high natural hazard zones, significant fiscal and human resource strain, and limited access to county services including emergency services and road maintenance.
- 2.** The County does not intend to expand community services (i.e., roads and schools) into some of these areas.

3. Use, densities and standards for this zone district are intended to preserve the existing rural character, and to protect and conserve natural resource production areas.
4. It is the intent of this zoning district to permit hunting or fishing cabins and single family homes that do not need immediate access to emergency services and do not rely on county or municipal services.
5. Well designed clustered subdivisions that respect natural land characteristics, agricultural production, and visual resources and that have year-round access to public services and facilities are encouraged.
6. Commercial uses in the Recreational zone may be limited to only low-intensity commercial and industrial uses that have a resource orientation, and recreation areas that promote tourism and agriculture.
7. Mining and natural resource development should be designed and operated to minimize impacts to the surrounding area.
8. Ridgeline developments in the Recreational zone should be avoided so that buildings are not silhouetted against the sky as viewed from the Collegiate Peaks Scenic Byway.
9. An area zoned Recreational is considered an appropriate "sending" area in a transaction involving a Transfer of Development Rights.
10. Building Design: Primary building materials and colors, including materials used for accessory structures that blend with those found in the surrounding natural landscape, the use of wood, stone, stucco and other natural looking materials, and colors that are earth-tone, dark and/or subdued are encouraged. The use of non-reflective glass or non-reflective metal surfaces is encouraged.
11. Site Planning. Sites should be planned in consultation with the local fire district, and/or Colorado or US Forest Service, to create adequate defensible space around structures and use fire resistant building materials.

C. Operational Characteristics. Non-residential uses in the Recreational zone may be required to restrict operating hours, develop landscaping, increase setbacks, or similar mitigation in order to reduce potential impacts on nearby residential uses and to meet the intent and purpose of the Recreational zone.

2.2.3 Rural (RUR).

A. Intent Statement: These lands consist of open rangelands and agricultural lands that are the original roots for the rural character of Chaffee County. The intent of the Rural zone is to allow agricultural uses of any kind and to promote development that enhances the agrarian and rural character of the County. These regulations are developed in a general way that encourages or produces compatibility between the numerous kinds of users in this zone. Development within this zone district should maintain agricultural resources; protect historic resources and mitigate impacts to visual resources; maintain natural resources including

streams, floodplains and riparian corridors; protect wildlife habitat and corridors; protect irrigation systems; and allow for the continuance of the rural lifestyle.

B. Use and Development Guidelines: Development and use guidelines associated with the Rural (RUR) zone district include:

1. Development patterns that preserve contiguous tracts of open lands large enough to maintain both ecological and agricultural functions.
2. Well designed clustered subdivisions that respect natural land characteristics, agricultural production, and visual resources.
3. Developments that encourage vegetation, topography or landscaping to minimize visual impacts.
4. Developments that minimize traffic impacts and consider traffic mitigation tools.
5. Developments that utilize native vegetation and protect natural resources.
6. Developments that minimize disturbances to agricultural activities.
7. Developments that enhance active or passive outdoor recreation.
8. Developments that connect to existing and proposed trail systems where feasible and legal.
9. Developments that consider multimodal and regional transportation links.
10. Lower density residential lots of one unit per two (2) acres or larger.
11. Uses that do not adversely affect agricultural production or community character including greenhouses, vacation rentals, bed and breakfasts, home occupations, uses that support recreation including white-water rafting, youth camps, retreats, agritourism, heritage tourism and other recreational tourism activities.
12. An area zoned Rural is considered an appropriate "sending" area in a transaction involving a Transfer of Development Rights, depending on the location, density and intensity of the development.

C. Operational Characteristics. New non-residential uses in the Rural zone may be required to restrict operating hours, develop landscaping, increase setbacks, or similar mitigation in order to minimize potential impacts on nearby residential uses and to meet the intent and purpose of the Rural zone.

2.2.4 Residential (RES).

A. Intent Statement: The intent of the Residential zone district is to promote well-designed, moderate-density residential neighborhoods, located in proximity to existing transportation facilities, necessary infrastructure and employment opportunities. It is the intent of the zoning district to place new subdivisions in areas where existing subdivisions already exist and to where topography and vegetation allows for screening, and to where impacts to natural and visual resources are least impacted. Uses in this zone should be compatible between the numerous kinds of users in this zone.

B. Development Guidelines: Development and use guidelines associated with the Residential (RES) zone district include:

1. Developments that respect and consider natural land characteristics (trees/vegetation, drainage ways, floodplains, wetlands, wildlife and irrigation ditches).
2. Developments within this zone district are well-designed and preserve open space, wildlife and riparian areas and are accessible to regional park and/or trail systems.
3. Developments that provide and maintain access to nearby pedestrian and bicycle routes and trails, open space, and public lands, and connect to the county-wide trails and transportation network and public transit facilities.
4. Developments that consider a range of housing types, including affordable housing, into the overall plan.
5. Developments that respect the intent of the Scenic Byway by mitigating impacts to designated scenic corridors.
6. Areas zoned Residential are considered an appropriate "receiving" area in a transaction involving a Transfer of Development Rights, depending on the location, density and intensity of the development.

C. Operational Characteristics. Non-residential uses in the Residential zone may be required to restrict operating hours, develop landscaping, increase setbacks, or similar mitigation in order to minimize potential impacts on nearby residential uses and to meet the intent and purpose of the Residential zone.

2.2.5 Rural Commercial/Recreational (RCR).

A. Intent Statement: This zone district accounts for existing commercial lands along the highway systems that support the recreation and tourism economy, and which are a considerable distance from existing municipalities. The intent of the zone district is to support the existing businesses and encourage appropriate uses and transition of uses, yet ensure the character of the County is not compromised from incompatible uses relocating to these areas. This district will ensure that recreational land uses have a chance to further prosper and are appropriately located adjacent to recreational areas, such as the Arkansas River and state and public lands. Heavier commercial use should be compatible with the rural and residential land uses in the vicinity.

B. Use and Development Guidelines: Development guidelines associated with the Rural Commercial/Recreational (RCR) zone district include:

1. Implement good site planning that is safe and attractive and enhances the character of the area.
2. Provide landscaped buffers where site specific developments are incompatible with the rural character and surrounding uses.
3. Orient building sites to maintain maximum vegetation and natural topography and cover.

4. Implement building design that is attractive, in harmony with historic structures, and does not detract from the scenic view shed.
5. Implement lighting and sign design that prevents glare onto adjacent properties or vehicular traffic and to protect the night sky.
6. Create development that has well designed and attractive signage.
7. Create internal access and circulation patterns that have pedestrian connections, shared parking lots to adjacent developments, and connections to potential transit infrastructure, where possible.

2.2.6 Commercial (COM)

A. Intent Statement: The Commercial zone district provides for commercial uses intended to serve the County as a whole. Clustering of business development in centers is encouraged, while strip development is discouraged. Large-scale commercial business development is not considered appropriate in the unincorporated areas of the County, except in municipal planning areas and in areas within commercial-oriented Rural Community Overlay Districts that are located along the highway. The majority of these commercial areas are located along highway corridors that have been designated as the Collegiate Peaks Scenic Byway. Therefore, new developments should be high-quality and well-designed so that they complement the visual quality of the County. Connection to other transportation systems, such as trails and transit is a priority when designing new development.

B. Development Guidelines: Development guidelines associated with the Commercial (COM) zone district include:

1. Encourage good site planning that is safe and attractive and enhances the character of the area.
2. Provide landscaped buffers where site specific developments are incompatible with the rural character and surrounding uses.
3. Orient building sites to maintain maximum vegetation and natural topography and cover.
4. Implement lighting and sign standards that prevent glare onto adjacent properties and to protect the night sky.
5. Design buildings, fences and other structures to be in harmony with other nearby attractive buildings and so that they do not detract from the scenic view shed.
6. Internal access and circulation patterns that have pedestrian connections, shared parking lots to adjacent developments, and connections to potential transit infrastructure, where possible.
7. Development that includes multi-modal transit infrastructure that links into the regional transportation plan.
8. Well-designed, attractive signage.

2.2.7 Industrial (I)

A. Intent Statement: The Industrial zone district provides areas for industrial businesses in locations where conflicts with residential, commercial and other land uses can be minimized. It is the intent of this district to allow uses that are complementary to industrial uses. This land use district is intended to promote the development of local employment centers as well as to provide a location for uses that may be considered undesirable in other areas, such as concrete and asphalt plants, heavy equipment storage, and intensive manufacturing processes. These land uses should have easy access to the state highways or other transportation modes.

B. Development Guidelines: Development and use guidelines associated with the Industrial Zone include:

1. Well planned industrial parks that are attractive and safe.
2. Developments that are buffered to minimize negative impacts to adjacent neighborhoods and residential uses.
3. Developments with on-site circulation plans that safely facilitate customer traffic and delivery trucks and trailers.

2.3 LAND USES NOT INCLUDED IN THESE REGULATIONS

2.3.1 Uses Not Allowed. Land use not included in **Table 2.2, Use Table**, shall be considered a use that is not allowed. A land use not included in these Regulations may become a permitted land use pursuant to one of the following processes.

A. Determination of Similar Use. The Director determines that the proposed use is similar to a use included in **Table 2.2** based upon an administrative interpretation of the Regulations. The use shall be subject to the applicable standards for the similar use.

B. Regulations Amended. The Regulations are amended to include the proposed use. The Code amendment process is set forth in **Section 4.4.2**. The amendment shall add the use to **Table 2.2** indicate the zone districts in which the use is allowed and the level of review required, and specify any use restrictions and additional standards that are applicable to the land use.

C. Special Use. The applicant may apply for a Special Land Use Permit for the proposed use. In all zones, the Special Land Use Permit shall be subject to the Major Impact Review application materials, review process, and criteria set forth in **Section 4.2.4**, but shall be a conditional approval, subject to limits on time and transferability, and shall not be considered a vested right to run with the property.

2.4 NON-CONFORMING LAND USE

2.4.1 Applicability. The regulatory provisions of this Article shall apply to all permitted land use, including divisions of land and signs, that does not conform to the

applicable use regulations of this Code as a result of either the adoption or amendment of this Code, or a final administrative or judicial decision precluding the County from enforcing this Code specific to a use on the basis of estoppel, laches, or waiver.

2.4.2 Continuation of Non-conforming Land Use. A nonconforming land use may be continued and normal or routine maintenance shall be allowed in compliance with the regulatory provisions of this Article.

A. Nonconforming Structure. Unless otherwise prohibited by the provisions of this Article, a nonconforming structure may continue to be occupied.

B. Nonconforming Use. Unless otherwise prohibited by provisions of this Article, a nonconforming use may be continued and normal or routine maintenance of the structure containing a nonconforming use shall be allowed. Normal or routine maintenance shall include any maintenance or repair which does not impermissibly enlarge or alter the structure containing a nonconforming use, pursuant to **Section 2.4.3.**

C. Nonconforming Lot of Record. Any parcel of land which by the provisions of these regulations is deemed non-conforming because of deficiency in area shall be allowed to develop as a building site provided the limitations imposed by the applicable standards in this land use code are met, except for lot size.

2.4.3 Enlargement or Alteration of a Non-conforming Land Use

A. Permitted Alterations of Nonconforming Land Use. The following are permitted changes, enlargements or alterations of a nonconforming land use or structure.

- 1. Change in Ownership.** A change in ownership of the property upon which the nonconforming land use is located.
- 2. Alteration Required for Public Health and Safety.** An alteration or expansion of the structure in which the nonconforming land use is located, which the Chief Building Official determines to be necessary to rectify a hazardous health or safety situation, or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure.
- 3. Alteration Required by ADA.** An alteration or expansion necessary to comply with the Americans with Disabilities Act (ADA) requirements.
- 4. Extension of Nonconforming Use Within the Structure.** An extension of the nonconforming use within the structure containing the use, provided that such extension is not accompanied by structural alteration identified in **Section 2.4.3 B3.**
- 5. Routine Maintenance.** Any replacement or upgrading of outmoded or worn equipment or supplies provided such activity does not create a hazard or nuisance as identified in **Section 2.4.3 B5.**
- 6. Structures Associated With Nonconforming Agricultural Use.** Owners of legal building lots containing agricultural uses which have become nonconforming as a result of adoption or amendment of this Code

may restore, modify and maintain existing conforming structures, and may construct new conforming structures, provided such structures are directly related to the agricultural use, and provided the nonconforming use is not enlarged or altered in any other way which violates the Code.

- 7. Alteration of Nonconforming Structure to Expand a Permitted Use.** The alteration of a nonconforming structure to expand a permitted use, as long as the addition does not increase the extent of the non-conformity

B. Prohibited Enlargement or Alteration of Nonconforming Land Use.

The right to continue a nonconforming land use terminates immediately when the nonconforming land use is enlarged, expanded, extended, or altered in any of the following ways, and the property owner does not successfully pursue any of the options for response to notice of termination of nonconforming land use pursuant to the provisions of **Section 1.4.2C2**.

- 1. Enlargement or Alteration of Nonconforming Structures.** Unless otherwise allowed by provisions of **Section 2.4.3 A**, the alteration, repair or enlargement of a nonconforming structure in any manner which would increase the degree of nonconformity with respect to the floor area, setback or height regulations of this Code.
- 2. Addition of New Structure.** The addition of a new structure containing, or accessory to, the nonconforming land use.
- 3. Enlargement or Alteration of Conforming Structure.** Unless otherwise allowed by provisions of **Section 2.4.3 A**, the enlargement or alteration of a conforming structure containing, or accessory to, a nonconforming land use, including an increase in floor area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the structure and which violates the requirements of this Code.
- 4. Enlargement or Alteration of Land Area.** Enlargement or alteration in the land area occupied by the nonconforming land use, unless the basic nature of the use, at the time it became nonconforming, clearly indicated or contemplated such an increase or alteration.
- 5. Enlargement or Alteration Creating a Hazard or Nuisance.** Any enlargement or alteration of the nonconforming land use which has the effect or threatened effect of creating a hazard or nuisance on or off the property.

2.4.4 Change of Land Use. A nonconforming land use shall only be changed to a land use which is conforming in the zoning district in which the use is located. Any change of a nonconforming land use to another use shall immediately terminate the right to continue the nonconforming land use, and thereafter the property shall only be used in conformity with the use provisions of its zoning district.

2.4.5 Damage to a Non-conforming Structure or Non Conforming Use.

- A. Structure Deemed Destroyed.** A nonconforming structure or structure containing a nonconforming use shall be deemed destroyed when either greater than fifty (50) percent of its floor area, or greater than fifty (50) percent of its actual value, is destroyed.

B. Structure Intentionally Damaged or Destroyed. The right to continue a nonconforming land use terminates immediately when the structure containing that land use is damaged or destroyed by an intentional act of the property owner or structure owner or their agent.

C. Permitted Reconstruction or Restoration of Structure or Use. When a nonconforming structure or structure containing a nonconforming use is damaged or destroyed by causes outside the control of the owner or their agent, the structure may be restored or reconstructed and the nonconforming use may be reestablished.

- 1. Permit Review Required.** Restoration or reconstruction allowed by the provisions of this Article shall be subject to the permit requirements of this Code and the appropriate permit review process.
- 2. Commencement of Restoration or Reconstruction.** Restoration or reconstruction of the structure must be commenced within twelve (12) months after the date on which the structure was damaged or destroyed. Upon approval by the Board of County Commissioners at a public hearing, this time may be extended for a reasonable period upon a showing of extraordinary circumstances by the property owner.
- 3. Reconstruction Shall Comply with Current Building Code.** A nonconforming structure which has been destroyed may be restored to its original location, floor area, and height provided that the reconstruction complies with current Building Code requirements and the dimensional provisions of this Land Use Code. A variance to the dimensional provisions may only be considered by the Board of Adjustment, under the provisions of **Section 4.5.1**.
- 4. Restoration or Reconstruction in Floodplain Overlay District.** Reconstruction or restoration of a structure located in the Floodplain Overlay District shall comply with applicable design and construction requirements for land use in a Floodplain Overlay District, set forth in **Section 7.7.1**.

2.4.6 Abandonment of a Nonconforming Land Use. The right to continue a nonconforming land use shall terminate if the land use is determined to be abandoned.

A. Discontinuation of Use. A nonconforming land use shall be determined abandoned if the use is discontinued for an uninterrupted period of one (1) year or more, as a result of causes within the control of the property owner or their agent.

B. Seasonal Nonconforming Use. A seasonal nonconforming land use shall be determined abandoned if the use is discontinued for three seasons based upon the history and nature of the use.

2.5 ALTERNATIVE DEVELOPMENT OPTIONS

Alternative development options represent alternate ways to develop property that deviate from standard zoning.

2.5.1 Planned Developments (PD). The PD is a type of customized zoning district, intended to encourage greater flexibility and innovation. The PD provides an opportunity for a mixture of uses in a coordinated manner that may not be possible in a traditional zoning district. PDs are allowed by statute at C.R.S. 24-67-101, *et seq.*, and the process is set forth in **Article 6** of these Regulations.

2.5.2 Conservation Subdivisions. Conservation Subdivisions are defined in **Section 5.3.1** and are also subject to the criteria outlined in **Section 7.3.9** of this Land Use Code. There are three types of Conservation Subdivisions: Rural Land Use Cluster, which is subject to statutory requirements; Rural Open Space Incentive, which was established by Chaffee County; and a Cluster Subdivision. Conservation subdivisions attempt to preserve contiguous open space through clustering of residential subdivision parcels.

2.5.3 Transfer of Development Rights Option (TDRO). The Transfer of Development Rights Option allows willing owners an equitable mechanism to protect their ranchland by transferring their "rights to develop" to another area that is more desirable for higher density development (municipal planning areas, rural community overlays, etc.). This option requires (1) a designated preservation zone (the sending area), (2) a designated growth area (the receiving area), (3) a pool of development rights that are legally severable from the land, and (4) a procedure by which development rights are transferred from one property to another. This option is voluntary and may work in conjunction with a Planned Development (density bonus incentive) or using the Cluster Subdivision.

A. Purpose. To allow a property owner to transfer the development rights from one parcel or a portion of a parcel to another parcel or a portion of a parcel in an effort to develop lands that are more appropriate for development while deed-restricting lands for a specific purpose.

B. Eligibility. Any property owner owning one or more parcels of land, who shall meet one or more of the following goals:

1. The deed-restricted lands are isolated mining claims that will have limited or no development rights.
2. The deed-restricted land shall be used for productive agricultural purposes
3. The deed-restricted land has sensitive natural resources which shall be protected from development
4. The deed restricted land has cultural resources which shall be protected from development.
5. The deed-restricted land is located in a scenic view shed

C. Calculations. The gross density of a landowner's property is equal to the underlying zoning of the existing parcel, plus the gross density of the underlying zoning of the conserved parcel, including any permitted variations from a Board of County Commissioners previous or simultaneous action. The accumulated density of

multiple parcels may be clustered into one or more locations and shall meet the following:

1. Intent of the Zoning District.
2. Minimum Standards as set forth in **Article 7**.
3. The remaining conservation parcels are dedicated as open space in perpetuity to one of the following:
 - a. a qualified non-profit conservation organization,
 - b. a property owners association, subject to provisions as set forth by the State of Colorado
 - c. voluntary deed restriction filed with the Chaffee County Clerk and Recorder.
4. Process. Staff approval and identification of sending and receiving areas, followed by the filing of conservation easement, deed restrictions, and/or plats.

2.6 OVERLAY DISTRICT REGULATIONS

Overlay Districts are superimposed over the existing zone district, and overlay district regulations are in addition to those of the underlying zone district, unless otherwise provided in these Regulations. Use restrictions for the individual overlay districts are set forth in each section. The following overlay districts are established.

2.6.1 Intergovernmental Agreement (IGA) Overlay District.

- A. Boundaries and Jurisdiction.** Reports, intergovernmental agreements and maps establishing the Municipal Planning Area Overlay District are incorporated herein, pursuant to **Section 1.1.10**.
- B. Intent Statement and Objectives.** The purpose of the IGA Overlay is to coordinate infrastructure and facilitate development that is compatible with the zoning and land use standards of the areas of the County near the municipalities of Buena Vista, Poncha Springs, and Salida.
- C. Allowed Uses.** Uses permitted in the underlying zoning district will be allowed in the IGA Overlay District if the proposed use complies with applicable standards for the County zone district, or the applicable IGA.

2.6.2 Rural Community Overlay District.

- A. Boundaries and Jurisdiction.** The boundaries of a Rural Community Overlay District are established by resolution of the Board of County Commissioners and incorporated herein, pursuant to **Section 1.1.10**.
- B. Intent Statement and Objectives.** The purpose of a Rural Community Overlay is:
 1. To allow distinct unincorporated small communities in Chaffee County that have a mix of commercial and residential uses and that may have

historical significance to continue to thrive and to promote economic viability by encouraging good design standards.

2. To identify established areas of higher densities and uses in unincorporated areas, and to establish development standards that respect historic lot and block patterns and use site design standards that promote compact, mixed use developments..
3. To facilitate development activity compatible with the small lot development of unincorporated communities with established areas of higher density that are compatible with on site waste water and potable water regulations.
4. To encourage development that connects to regional transportation plans, pedestrian infrastructure, public transportation systems, and adjacent trail networks.
5. To provide consistent land use change application review standards.
6. To establish development standards which promote compatible land use in subdivisions platted prior to May 5, 1972.

C. Applicability. The Rural Community Overlay may be applied on an individual basis to any unincorporated community and to legally established subdivisions in unincorporated Chaffee County existing at the time of adoption of this Code, and determined by the County to be areas of urban density.

D. Allowed Uses. Uses permitted in the underlying zoning district will be allowed in the Rural Community Overlay if the proposed use complies with applicable standards for the zone district, the Chaffee County Comprehensive Plan and applicable intergovernmental agreements. Property subdivided in the Rural Community Overlay shall be developed as a Planned Development, pursuant to **Article 6** until specific sub-area plans are developed.

E. Process for Establishing a Rural Community Overlay. The Board of County Commissioners, by resolution, may designate one or more areas to be a Rural Community Overlay District. Each such area shall be identified as to the location and boundaries of the district, which shall be described in the resolution.

F. Rural Community Overlay Development Restrictions.

1. **Water and Sewer.** All new uses constructed or expanded in a Rural Community Overlay District must be properly served by water, sewer, utilities and access.
2. **Lot Size and Building Requirements.** Lot size, setback requirements and height limitations for each Rural Community Overlay District shall be established by resolution, taking into consideration the existing individual character of the community.
3. **Nonconformities in Rural Community Overlay Districts.** Uses, structures and lots that were lawfully established pursuant to the regulations in effect at the time of their development which do not now

conform to the provisions set forth under a Rural Community Overlay District shall be governed by the provisions of **Section 2.4.**

G. Establishing Standards for Each Rural Community Overlay District.

Standards shall only be adopted for an RCO District following a community input process or charette conducted with property owners of the area and with participation by the Planning staff and Planning Commission. Following completion of community input, the Standards for the Community shall be considered by the Board in accordance with the procedures in **Section 4.4.2.** The Standards will be adopted by resolution and incorporated into this Code by reference.

2.6.3 Airport Overlay District.

A. Boundaries and Jurisdiction. Plans and maps establishing the Airport Overlay District are incorporated herein, pursuant to **Section 1.1.10.**

B. Intent Statement and Objectives. The purpose of an Airport Overlay District is:

1. To support and encourage the continued operation and vitality of public use airports and heliports.
2. To reduce potential safety hazards for persons living, working or recreating near public use airports and heliports.
3. To minimize environmental impacts resulting from the operation of public use airports and heliports.

C. Applicability.

1. The regulations in this Section shall apply to all areas located within the Airport Overlay District, in addition to the regulations applicable for the underlying zone district.
2. If a structure, lot or parcel of land lies partly within the Airport Overlay District, the part of the structure, lot or parcel lying within the overlay district shall meet all requirements for the Airport Overlay District.

D. Designation of Boundaries. The Airport Overlay District shall be comprised of the Airport Imaginary Surfaces defined by FAR Part 77 and these Regulations, and include the following. The District's boundaries shall be the outer extremities of the boundaries of the Imaginary Surfaces. All lands, waters and airspace, or portions thereof, which are located within the boundaries of the Primary Surface, Runway Protection Zone (RPZ), Approach Surface, Horizontal Surface, Conical Surface and Transitional Surface.

E. Allowed Uses and Activities. Uses are allowed within the Airport Overlay District only to the extent that they are permitted by the underlying zoning district; and the proposed use complies with the Airport Overlay District standards and submittal requirements set forth in **Section 7.7.2.**

2.6.4 Floodplain Overlay District. The flood hazard areas of Chaffee County are subject to periodic inundation, which can result in loss of life and property, health and

safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

A. Boundaries and Jurisdiction. Reports, studies and maps establishing the Floodplain Overlay District are incorporated herein, pursuant to **Section 1.1.10**.

B. Intent Statement and Objectives. It is the purpose of this ordinance to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is located in a flood hazard area.
8. Reduce Flood Losses by:
 - a. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 - d. Control filling, grading, dredging and other development which may increase flood damage;
 - e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

C. Applicability and Liability and Disclosure.

- 1. Applicability.** These regulations shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within Chaffee County.
 - a.** The Floodplain Regulations apply addition to the regulations applicable for the underlying zone district.
 - b.** If a structure, lot or parcel of land lies partly within the Floodplain Overlay, the part of the structure, lot or parcel lying within the overlay district shall meet all requirements for the Floodplain Overlay.
- 2. Liability.** The degree of flood protection intended to be provided by these Regulations has been determined to be reasonable for the protection of life and property and is based upon engineering and scientific methods of study; floods of greater magnitude may occur and flood heights could be increased by man-made or natural causes. These Regulations do not imply that the areas outside the Floodplain Overlay District will be free from flooding or flood damages, or that compliance with these regulatory provisions will prevent flood loss or flood damage to land uses allowed within the Floodplain Overlay District. These Regulations shall not create a liability on the part of, or a cause of action against, Chaffee County or any officer or employee thereof for any flood damages that may result from reliance on these regulatory provisions or any administrative decision.
- 3. Disclosure to Purchaser or Lessee.** If a permit, issued pursuant to these Regulations, allows a building or structure to be located in the floodplain, that the building or structure is located in a floodplain must be disclosed to the purchaser or lessee in the purchase contract, deed or lease.

D. Designation of Boundaries of Floodplain Overlay District. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Chaffee County," dated December 7, 2017 with accompanying Flood Insurance Rate Maps and/or Flood Boundary- Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by Chaffee County. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

- 1.** The Floodplain Overlay District shall be comprised of the 100-year floodplain of the rivers and creeks in unincorporated Chaffee County, and include the following.
 - a.** Areas within the designated 100-year floodplain as mapped on the Flood Insurance Rate Maps (FIRM) prepared for Chaffee County by FEMA.
 - b.** Areas in and adjacent to a stream or other watercourse within the unincorporated area of Chaffee County which could be inundated by a 100-year flood for that water course.

substantially improved structures and any floodproofing certificate required by **Section 7.7.1 A.**

2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with **Section 2.6.4 D**, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of **Section 7.7.1 E.**
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

**Table 2.1
Lot & Dimensional Standards**

ZONING DISTRICT	Minimum Lot Size	Maximum Residential Density	Minimum Lot Frontage ⁷	Setbacks ^{1,4,5}			Height ²
				Front (Street)	Side	Rear	
Recreational REC	1 Acre	1 unit per 2 acres	50'	25'	15'	20'	35'
Rural RUR	1 Acre	1 unit per 2 acres	50'	25'	15'	20'	35'
	½ Acre (cluster ⁶)	1 unit per 2 acres			15'	20'	
Residential RES	½ Acre	1 unit per 2 acres (well and septic)	50'	25'	15'	20'	35'
		2 units per acre (with connection to central water or sewer system)					
		4 units per acre (with connection to central water <u>and</u> central sewer)					
COMMERCIAL ZONE DISTRICTS							
Rural Commercial, RCR	2 Acre*	N/A	50'	25'	Shall meet building codes		35'
Commercial, COM	2 Acre*	N/A	50'	25'	Shall meet building codes		35'
Industrial IND	2 Acres*	N/A	50'	25'	Shall meet building codes		35'
*Central Water or Sewer Provision: In the RCR, COM, and IND districts, there is no minimum lot size or maximum density with connection to an approved central sewer system.							
NOTES:							
1. All setbacks are measured from the property line. Front setbacks apply to all street frontages, including corner lots or double frontage lots. If the street frontage is prescriptive or an easement, the setback measurement begins at a point 30 feet from the road centerline.							
2. Height is measured from average of finish grade to highest point of roof.							
3. No permanent structure shall be constructed on platted or recorded easements.							
4. Fences, hedges, walls & berms taller than 6 feet shall be subject to the setbacks on the property.							
5. Required setback areas shall be unobstructed from the ground to the sky, with the following exceptions:							
o Cornices, sills and ornamental features may project a maximum of 12 inches into setback areas							

ZONING DISTRICT	Minimum Lot Size	Maximum Residential Density	Minimum Lot Frontage ⁷	Setbacks ^{1,4,5}			Height ²
				Front (Street)	Side	Rear	
<ul style="list-style-type: none"> ○ Roof eaves/overhangs may project a maximum of 18 inches into required setback areas ○ At-grade porches, patios, walks, and steps are not subject to setbacks <p>6. A cluster subdivision with the 1 unit per 2 acre density shall follow the Major Subdivision process and meet the review criteria in Section 5.3.1 C and design guidelines in Section 7.3.9</p> <p>7. Lots fronting on a cul-de-sac have a 25 foot minimum frontage setback (Section 7.3.2.D)</p>							

**Table 2.2
Use Table**

This Table identifies the uses allowed in each zone district and the level of review the use shall be subject to. Unless otherwise specified, the level of review required is based upon the use as a principle use of the property.

- P Permitted Use Subject to Certificate of Zoning Compliance, but Exempt from A, L, M process, pursuant to Article 4, **Section 4.2.1**
- A Permitted Subject to Administrative Review, **Section 4.2.2** (Staff Review)
- L Permitted Subject to Limited Impact Review, **Section 4.2.3** (PC Public Hearing)
- M Permitted Subject to Major Impact Review, **Section 4.2.4** (PC & BOCC Public Hearings).
- NP Not Permitted. The use may be permitted only through the Special Use process (**Section 2.3.1.C**), or PD (**Article 6**).

USE	ZONE DISTRICT						
	RECREATIONAL REC	RURAL RUR	RESIDENTIAL RES	RURAL COMMERCIAL RECREATIONAL PCP	COMMERCIAL COM	INDUSTRIAL IND	USE SPECIFIC STANDARD
Accessory Buildings	P	P	P	P	P	P	
Accessory Dwelling Unit, Attached	L	P	P	P	P	P	7.8.1
Accessory Dwelling Unit, Detached	NP	A	A	A	NP	NP	7.8.1
Adult Oriented Businesses	NP	NP	NP	NP	NP	M	
Agricultural Educational or Research Facilities	A	A	L	A	A	P	
Agricultural Products Store (Wholesale or Retail)	L	L	L	P	P	P	
Agriculture	P	P	P	P	P	P	
Agritourism, Agritainment	A	A	L	A	A	A	7.8.2
Airport, Heliport (public or commercial)	M	M	NP	M	M	M	7.8.3
Airport, Heliport or Landing Strip (private)	A	A	M	L	L	L	7.8.4
Animal Sales Yards	M	M	NP	M	M	L	
Auto Fueling and Convenience Store	M	M	NP	L	P	P	
Auto Sales and Service	NP	NP	NP	L	P	P	
Auto Salvage	NP	NP	NP	NP	NP	P	
Auto Service and Repair	NP	NP	NP	L	P	P	
Auto Wash and Polish	NP	NP	NP	L	P	P	
Bars and Lounges	L	M	NP	L	P	P	
Batch Plant, Concrete Plant, Asphalt Plant, Permanent	M	M	NP	NP	M	A	7.8.5
Batch Plant, Concrete Plant, Asphalt Plant, Temporary	A	A	NP	NP	M	A	7.8.5
Bed and Breakfast	A	A	L	L	A	NP	7.8.36
Boat Launch Sites and Marinas (Commercial)	L	L	M	L	L	P	
Bowling Alleys	L	L	NP	P	P	P	
Business, Office or Personal Service	L	L	L	P	P	P	
Campground – RV Park and / or tent sites	L	L	M	P	P	L	7.8.6
Campground – Seasonal Employee	L	L	NP	L	L	L	7.8.7
Campground – Semi Primitive or Primitive	A	L	NP	L	NP	NP	7.8.6
Camping On Private Land – Commercial Use	A	A	L	L	L	NP	7.8.9
Camping On Private Land - Personal Use	A	A	A	A	A	NP	7.8.8

P = Permitted subject to Certificate of Zoning Compliance (Section 4.2.1) A=Administrative Review (Section 4.2.2) L = Limited Impact Review (Section 4.2.3) M= Major Impact Review (Section 4.2.4) NP = Not Permitted USE	ZONE DISTRICT						
	RECREATIONAL REC	RURAL RUR	RESIDENTIAL RES	RURAL COMMERCIAL RECREATIONAL PCP	COMMERCIAL COM	INDUSTRIAL IND	USE SPECIFIC STANDARD
Cemeteries	L	P	L	A	A	A	
Church, Educational, Religious, and Community Facilities (includes churches, museums, public or private schools) Day Use Only	P	P	P	P	P	P	7.8.9
Church, Educational, Religious, and Community facilities, including overnight use	L	P	L	P	P	P	7.8.9
Composting Facility, Commercial	L	L	NP	A	A	P	
Contractor Equipment Storage	L	A	M	L	P	P	
Corrections Facility (non-secured)	M	M	NP	M	M	M	7.8.10
Corrections Facility (secured)	NP	M	NP	NP	NP	M	7.8.10
Dairies, Milk & Cheese Production	L	P	M	A	A	P	
Day Care Center	L	L	L	P	P	L	7.8.11
Day Care Home	P	P	P	P	P	P	7.8.11
Duplex Dwelling Units	L	L	P	P	P	L	
Emergency Response Facilities	P	P	P	P	P	P	
Equestrian Center/Arena, Commercial Riding Stable	P	P	L	P	P	P	7.8.12
Farm Stand, Temporary	P	P	P	P	P	P	7.8.13
Feedlot, Commercial	NP	M	NP	NP	NP	M	
Food Processing, Commercial	L	L	NP	L	P	P	7.8.21
Golf Courses	L	L	L	L	L	L	
Greenhouse, Commercial	L	L	L	P	P	P	
Greenhouse, Private	P	P	P	P	P	P	
Group Home Facilities	L	L	L	L	L	M	7.8.14
Guest Ranch	P	P	M	A	A	L	
Hatchery	P	P	L	P	P	P	
Home Businesses	A	A	L	P	P	P	7.8.15
Home Occupations	P	P	P	P	P	P	7.8.16
Hospitals, Clinics	NP	M	M	P	P	P	
Hotels and Motels, Major	M	M	NP	L	P	M	
Hotels and Motels, Minor	A	A	M	P	P	L	
Kennels / Animal Shelters	L	L	L	L	L	P	7.8.17
Laundry and Dry-Cleaning Plant, Commercial	NP	NP	NP	NP	P	P	
Manufactured Home	P	P	P	P	P	A	7.8.19
Manufactured Home Parks	M	M	M	M	M	M	7.8.20
Manufacturing/Fabricating	L	L	NP	L	P	P	
Meat Processing, Small Scale Commercial, Taxidermy	A	L	L	P	P	P	7.8.21
Medical/Retail Marijuana Center	NP	NP	NP	NP	NP	NP	7.8.22
Medical/Retail Marijuana Infused Product Manufacturing Facility	NP	NP	NP	NP	NP	P	7.8.22
Medical/Retail Marijuana Off-Premise Cultivation Facility	NP	NP	NP	NP	NP	P	7.8.22
Mining (Commercial)	M	M	NP	NP	M	A	7.8.23
Mortuary and Crematoriums	M	M	M	A	P	P	
Multi-family dwellings, apartments, condominiums, townhouses	M	M	L	M	M	M	
Nursery or Tree Farm	P	P	L	P	P	P	7.8.24
Nursing Facility	L	L	L	P	P	P	
Outfitting Facilities, for rafting, hunting, fishing, hiking, biking, horseback riding, snowmobiling activities	P	L	M	P	P	P	

P = Permitted subject to Certificate of Zoning Compliance (Section 4.2.1) A=Administrative Review (Section 4.2.2) L = Limited Impact Review (Section 4.2.3) M= Major Impact Review (Section 4.2.4) NP = Not Permitted USE	ZONE DISTRICT						
	RECREATIONAL REC	RURAL RUR	RESIDENTIAL RES	RURAL COMMERCIAL RECREATIONAL PCP	COMMERCIAL COM	INDUSTRIAL IND	USE SPECIFIC STANDARD
Park, Open Space or Greenbelt	P	P	P	P	P	P	7.8.25
Poultry and Egg Production, Large Scale	L	L	NP	A	P	P	
Poultry and Egg Production, Small Scale	P	P	P	P	P	P	
Power Plant including Distribution System (commercial)	M	M	M	M	L	P	7.8.18
Recreation Facilities including parks, swimming pools, outdoor playing fields, tennis courts	L	L	L	P	P	P	
Recreational Vehicle While Building	A	A	A	A	A	A	7.8.26
Recycling Collection Center	L	L	L	L	A	P	7.8.27
Residential Subdivision (subject to Art. 5 subdivision Regs)	P	P	P	P	NP	NP	
Resorts	L	L	M	P	P	M	
Restaurants	L	L	L	P	P	P	
Retail Stores, 10,000 Square Feet or Less	L	L	M	P	P	P	
Retail Stores, 10,001 Square Feet or Greater	NP	NP	NP	M	P	P	
Salvage Yard, Junk Yard	NP	NP	NP	NP	NP	A	7.8.31
Sawmill	L	L	NP	L	L	P	
Sawmill, Accessory	P	P	L	P	P	P	
Sewage Treatment Facilities	L	L	M	L	L	A	
Shooting Range, Indoor	L	L	M	P	P	P	7.8.28
Shooting Range, Outdoor	L	L	NP	M	M	L	7.8.28
Short Term Rental	A	A	A	A	A	NP	7.8.34
Single Family Dwelling	P	P	P	P	P	A	
Small Scale Renewable Energy Systems (private geothermal, solar, hydro-electric, wind generators)	P	P	P	P	P	P	7.8.29
Special Event Facility, Small	L	L	L	L	L	L	7.8.35*
Special Event Facility, Large	M	M	M	L	L	L	7.8.35*
Solid Waste Disposal Site	NP	M	NP	NP	NP	M	7.8.30
Storage Areas, Units, Covered Storage	NP	M	M	L	P	P	7.8.31
Telecommunications Facilities (Commercial)	L	L	L	L	L	L	7.8.32
Temporary Construction Office	A	A	A	P	P	P	
Theatres – Outdoor	M	M	M	L	L	M	
Utility & Transmission Lines & Pipelines, non-local service	M	M	M	M	M	M	7.8.33
Utility substations over 69 KV (Major Electric or Natural Gas Facility)	M	M	M	M	M	M	7.8.18
Veterinary Hospital	L	A	M	P	P	P	
Warehouse and Distribution Center	NP	NP	NP	L	P	P	
Water Storage Reservoirs	L	L	L	L	L	L	
Water Supply and Treatment Facilities	L	L	L	L	L	P	

**ARTICLE 3
RIGHT TO FARM AND RANCH**

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ARTICLE 3 RIGHT TO FARM AND RANCH

3.1 RIGHT TO FARM AND RANCH

The Board of County Commissioners adopted Ordinance 2008-02, Right to Farm and Ranch, on March 4, 2008. The following is verbatim from the ordinance, with the exception of changes to numbering to reflect this format, and excepting Section 9, 10, and 11 regarding validity, repealer and safety, which are incorporated into Section 1.1 of this Land Use Code.

3.1.1 Policy Statement

A. Definition. "Agriculture" means the science, art and practice of producing plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, aquiculture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm and ranch production.

B. Agriculture is Integral to Chaffee County. Ranching, farming, and all manner of agricultural activities and operations within Chaffee County are integral elements of and necessary for the continued vitality of the County's history, tourism, economy, landscape, open space, water, lifestyle, and culture.

C. Agricultural Operations Warrant Protection. Given their importance to Chaffee County, the Colorado central mountain region and the State, agricultural lands and operations are worthy of recognition and protection.

D. Lawful Agricultural Operations are not a Nuisance. Colorado is a "Right-to-Farm" State pursuant to C.R.S 35-3.5-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Chaffee County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy agricultural sector. People with urban expectations may perceive agricultural activities, sights, sounds, and smells as inconvenient, an eyesore, or unpleasant. State law and County policy, however, provide that ranching, farming, or other customary agricultural activities and operations within Chaffee County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner.

E. Other Land Users and Visitors on Notice. Residents and visitors must be prepared to encounter noises, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, storage of feed and equipment, grazing, branding, castrating and processing of livestock, fieldwork, burning of ditches and fields, historical irrigation practices including flood and sprinkler, and the application of chemical fertilizers, soil amendments, herbicides, and pesticides by spraying and other mechanisms, pursuant to applicable state and federal laws. Children and adults are exposed to different hazards in the country than in an urban or suburban setting. Farm equipment, hay stacks, ponds and irrigation ditches, electrical power for pumps /

center pivot operations and electrical fences, traffic, use of agricultural chemicals, weeds such as: sand burs, puncture vines that cause mechanical injury, territorial farm dogs, and livestock present real and potential threats to children and adults. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood. Open irrigation waters are essential to agriculture and have legal easements that must not be obstructed. Open ditch operations often result in historical cleanouts, seepage and spills of storm waters in unpredictable locations and times. A ditch owner shall not be liable for any injury to persons or property resulting from unauthorized use of the ditch, including without limitation, wading, tubing, floating, and fishing.

F. Fencing Responsibility. All landowners, whether agricultural operators or residential owners, have obligations under State law and County regulation/ordinance to maintain fences and adhere to Colorado laws that require livestock to be fenced out (open range) rather than in. An agricultural operator shall not be liable for damage caused by livestock in situations where a landowner adjacent to an existing agricultural operation fails to provide suitable fencing (subject to express limitations under applicable law).

G. Irrigators' Right to Maintain Ditches. Pursuant to Colorado law and County resolution/ordinance, irrigators have the right to maintain irrigation ditches, at any time and without notice to the property owner, through easements that transport water for their use and such irrigation ditches are not to be used for the dumping of refuse. The determination of the need for and nature and method of ditch maintenance is solely up to the ditch owner(s), provided the ditch owner(s) is working within the easement and complying with applicable law. Crossing of ditches (including without limitation roads, driveways, bridges, culverts, utilities, fords and fences) may unduly interfere with or hinder ditch operations and are therefore subject to the reasonable control and prior consent of ditch owner(s).

H. Landowners' Responsibilities. All landowners are responsible for controlling noxious weeds, keeping pets under control, using property in accordance with this Section and all other applicable codes and regulations, and wisely managing the environmental resources of their property. A property owner's use of ditch water is limited by state law.

3.1.2 Limitation on Private Action

A. No Nuisance. 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 in Chaffee County. An agricultural operation that employs methods or practices that are commonly or reasonably associated with agricultural production shall not be found to be a public or private nuisance as a result of any of the following activities or conditions:

1. Change in ownership; or
2. Nonpermanent cessation or interruption of farming or ranching; or
3. Participation in a government-sponsored agricultural program; or

4. Employment of new technology; or
5. Change in the type of agricultural product produced.

B. Exclusions. Notwithstanding any provision of this section to the contrary, an agricultural operation shall not be found to be a public or private nuisance if such agricultural operation:

1. Was established prior to the commencement of the use of the area surrounding such agricultural operation for nonagricultural activities;
2. Employs methods or practices that are commonly or reasonably associated with agricultural production; and
3. Is not operating negligently.

C. Rebuttable Presumption of Non-Negligent Operation. Employment of methods or practices that are commonly or reasonably associated with agricultural production in Chaffee County shall create a rebuttable presumption that an agricultural operation is not operating negligently.

D. Penalties. The court may, pursuant to C.R.S. 13-16-122 and 13-17-102, award expert fees, reasonable court costs, and reasonable attorney fees to the prevailing party in any action brought to assert that an agricultural operation is a private or public nuisance.

3.1.3 Irrigation Ditches

A. Irrigation Ditch Easements.

1. Under Colorado law, a ditch owner has an easement as wide as reasonably necessary for maintenance, operation and repair of a ditch. Such an easement may exist over private property. The County recommends that the easement be wide enough to provide continuous vehicular access along the length of at least one side of the ditch (typically, 15 feet, however access issues and terrain may necessitate a different width) in order to facilitate maintenance. If there are existing trees within the easement, the easement shall be located adjacent to the trees, so that the trees will not hinder access. Nothing in this recommendation is intended to alter state law or other rights or agreements which may define the width of such easement. If there is a dispute regarding the width or extent of such easement, the County recommends that the parties utilize the Agricultural Land Use Conflict Resolution Program discussed below.

As a condition of approval of any Land Use Change (as defined by the Chaffee County Land Use Code), minor plat correction, lot line adjustment, building code permit for new construction, or Individual Sewage Disposal System Permit, a minimum 15 foot ditch maintenance easement from the top edge of a ditch bank shall be shown on all plats, surveys, plans, drawings or similar documents submitted after the effective date of this Ordinance. The easement must connect to subdivision or county roads or other recorded ditch easement. The top of the ditch is considered to be the lowest point, as measured at any cross-

section, at which water could overflow. If there are existing trees within the minimum easement, the easement shall be located adjacent to the trees, so that the trees will not hinder access.

2. Easements of additional width may be required by the Board where warranted because of terrain or other circumstances in which the ditch owner can demonstrate an historical necessity to ensure adequate maintenance. Similarly, a lesser width may be approved by the Board in circumstances in which the applicant can demonstrate a lesser width is adequate. The County may obtain a recommendation from the mediation panel described below as to whether additional or lesser width is warranted. Notwithstanding the width of the ditch easement proposed by the developer, within the specifications of this Section, or approved by the Board, the ditch owner(s) may have rights to an easement or right-of-way which is larger in size under the rules of adverse possession and prescription, other prior rights, or under applicable state or federal law. Activities of the County or subdivider are not intended to annul or abridge these rights.
3. A property owner may not place any structures, plantings or other devices within the ditch easement if such hinders the ditch or the reasonable maintenance of the ditch unless prior written, notarized and recorded permission has been granted by the ditch owner(s).

B. Irrigation Ditch Setbacks. Building envelopes shall be required for all properties adjoining or adjacent to an irrigation ditch which are undergoing a Land Use Change (as defined in the County's Land Use Code), minor plat correction, lot line adjustment, any building code permit, or Individual Sewage Disposal System Permit after the effective date of the Ordinance. No structures, including overhangs, shall be located within the setback.

1. **Adjacent Grade 5 Percent or less.** Where the grade of the existing land within the area between 40 feet of the ditch and the intended building envelope is five (5) percent or less, shall show a minimum 20 foot setback from each side of the ditch, measured from the ditch bank.
2. **Adjacent Grade Greater than 5 Percent.** Where the average grade of the existing land within the area between 40 feet of the ditch and the intended building envelope exceeds five (5) percent, shall show a minimum 20 foot setback from the uphill side of the ditch and minimum 40 feet on the downhill side of the ditch, measured from the ditch bank.
3. **Additional Setback Required.** Greater setbacks may be required by other provisions of the Chaffee County Land Use Code (including zoning regulations) or by the Board where warranted because of public safety, terrain or other circumstances; specifically to include disturbance of the ditch embankment.
4. **Reduced Setback.** Setbacks can be decreased by the ditch owner(s) in accordance with **Section 3.1.3 D**. A lesser setback may also be approved by the Board in circumstances in which the applicant can demonstrate construction within the building envelope will cause no possible harm to the ditch operator's water right, limit any maintenance operations and

property owner and successor property owners will indemnify the ditch operator from any damage claims resulting from any water damage.

C. Irrigation Ditch Crossings and Modifications/Realignments.

1. Irrigation ditch crossings (including without limitation roads, driveways, bridges, culverts, utility lines, fords and fences) and modifications are allowed only with the prior written, notarized and recorded consent of the ditch owner(s). Design of a ditch crossing must meet the reasonable standards defined by the ditch owner(s) and in conformity with any applicable County regulations. The crossing owner should demonstrate that the crossing will not impair or hinder the maintenance and operations of the ditch. As a condition of approval of any Land Use Change (as defined by the Chaffee County Land Use Code), minor plat correction, lot line adjustment, building code permit for new construction, or Individual Sewage Disposal System Permit, any irrigation ditch crossing, new or existing, must be approved in writing via a notarized and recorded agreement signed by the ditch owner(s).
2. A ditch owner(s) and the County is entitled to recover from the party requesting the crossing all costs incurred by the ditch owner(s) and/or the County in reviewing and negotiating the crossing or modification, whether or not a crossing or modification is agreed to. A party requesting a ditch crossing or modification in connection with a Land Use Change (as defined by the Chaffee County Land Use Code) shall post a refundable \$5,000 deposit with the County to cover the costs which may reasonably be incurred by a ditch owner(s) and/or the County in considering an application for a ditch crossing or modification (a deposit shall not be required for a minor plat correction, lot line adjustment, building code permit or Individual Sewage Disposal System Permit). Any disputes as to the reasonable costs incurred by the ditch owner(s) shall be resolved pursuant to the Agricultural Land Use Conflict Resolution Program discussed below.
3. If the County Engineer determines that a ditch owner proposes extraordinary requirements in connection with any Land Use Change (as defined in the County's land use Code), minor plat correction, lot line adjustment, building code permit, or Individual Sewage Disposal System Permit, the County Engineer may recommend that the Board approve other requirements. Notwithstanding any approval by the Board, the ditch owner may have rights concerning such crossing under applicable state or federal law. Activities of the County or subdivider are not intended to annul or abridge these rights.
4. Ditch crossings, new or existing, shall be maintained by the owner of the crossing in a manner that assures the crossing in no way impedes the flow of water in the ditch. Clearance of accumulated debris caused by a new or existing crossing that might impede the flow of water in any way is the responsibility of the owner of the crossing.
5. The owner of a ditch crossing is liable for any damage caused by the crossing such as ditch overflow resulting from debris collecting at and

impeding flow through the crossing.

6. If a property owner fails to adequately maintain a ditch crossing, the parties may agree to resolve such a dispute pursuant to the Agricultural Land Use Conflict Resolution Program discussed below.

D. Agreement by Ditch Owner(s). When approved in notarized and recorded written form by the ditch owner(s), the width for irrigation ditch easements and for setbacks may be decreased and existing historical easements used to gain access to ditches, headgates, and fences for maintenance or operational purposes may be preserved or replaced with reasonable alternate easements suitable for continuation of the historic use.

E. Lots Below Irrigation Ditches. With respect to property adjacent to irrigation ditches and irrigated land with a building envelope located below an irrigation ditch, the applicant for any Land Use Change (as defined in the County's Land Use Code), minor plat correction, lot line adjustment, building code permit for new construction, or Individual Sewage Disposal System Permit must submit a drainage plan that addresses the impact of ditch overtopping. The drainage plan should also demonstrate that the drainage will not impair the operation of the ditch.

F. Improper Uses of Ditches. Unless approved by the County Engineer and the ditch owner(s), ditches may not be used as drainage facilities. If the Board, the Chief Building Inspector or Director determines the existence of a ditch through a lot may result in improper use of that ditch then the Board, Chief Building Inspector or Director may require protective measures.

G. Interfering with Adjusted Headgates. No person shall willfully and without authority open, close, change, or interfere with any headgate of any ditch, or any water box or measuring device of any ditch for the receiving or delivery of water, after the headgate of the ditch has been adjusted by and is in the control of the division engineer, or after such water box or measuring device has been adopted or employed by the ditch officer in charge.

H. Altering Ditches to Divert Water or Activity within the Maintenance Easement. Property owners do not have a right to utilize, cut or alter a ditch merely because it crosses their property; rather, no rights are obtained unless a water right is granted pursuant to state law. No person shall cut, obstruct, alter or damage an irrigation ditch with the intent to cause injury or to steal or divert water.

I. Penalties. Following a public hearing, the Board may issue a Cease and Desist Order against any person, firm or corporation violating any provision of this Section 3.1.3 and may take other legal action provided by law. Violations of **Sections 3.1.3 A, B, and C** may be treated as violations of the County zoning code or building code, as applicable, and may be pursued as such pursuant to state statute. If Chaffee County brings legal action to enforce the provisions of this Section, and the County is the prevailing party in such legal action, the County shall be entitled to recover its costs in enforcing the Section, including reasonable attorney and expert fees.

3.1.4 Fencing

A. Fencing Responsibility. As a condition of approval of any Land Use Change to property bordering existing agricultural operations which affects existing fence lines, the applicant shall be required to install and maintain fencing designed to keep livestock off the subject property. Such fencing shall be consistent with what is necessary to contain livestock and with applicable law. To the extent possible, such fencing shall be wildlife friendly.

B. Penalties. Following a public hearing, the Board may issue a Cease and Desist Order against any person, firm or corporation violating any provision of this Section 3.1.4 and may take other legal action provided by law. Violations of this Section may be treated as violations of the County zoning code or building code, as applicable, and may be pursued as such pursuant to state statute. If Chaffee County brings legal action to enforce the provisions of this Section, and the County is the prevailing party in such legal action, the County shall be entitled to recover its costs in enforcing the Section, including reasonable attorney and expert fees.

3.1.5 Livestock Easements in New Developments. If an agricultural operator can demonstrate an historical easement for moving livestock across property subject to a proposed Land Use Change (as defined by the Chaffee County Land Use Code), the applicant may be required to include an appropriate easement that allows for the continued movement of livestock, as a condition of approval of the Land Use Change. Any disputes with respect to such easement may be resolved pursuant to the Agricultural Land Use Conflict Resolution Program discussed below.

3.1.6 Agricultural Land Use Conflict Resolution Program

A. Creation of Program. There is hereby created an Agricultural Land Use Conflict Resolution Program for providing a forum for the resolution of conflicts between or among landowners and/or residents regarding agricultural operations or practices referenced in this Section and occurring within Chaffee County. The Program is intended to provide rural landowners in Chaffee County with a potentially less costly, more efficient and less contentious alternative to formal legal proceedings that may not be in the best interests of either party to a conflict.

B. Mediation Panel to Resolve Conflicts. A mediation panel shall be available for hearing grievances and making recommendations for resolving agricultural land use conflicts between Chaffee County agricultural operations and other residents. The mediation panel shall have the responsibility for making recommendations to the parties and any referring entities for the resolution of those conflicts. A quorum of at least three members shall be required in order to hear a matter and to make recommendations. The recommendations of the Panel are non-binding and advisory in nature.

C. Mediation Panel—Member Pool. The Board shall appoint five (5) year-round residents to a pool from which panel members may be chosen. Priority in appointment shall be given to individuals with mediation, arbitration, and other dispute resolution skills and residents that demonstrate an open, fair and non-prejudicial attitude towards rural land use issues. Each member shall serve a term

of two years, except that two members of the initial panel shall be appointed for a one year term in order to stagger the terms of the pool members. Panel members may also include a Colorado Division of Water local water commissioner (from Lake, Chaffee, Fremont or Custer counties), subject to availability.

D. Selection of a Panel. The County shall coordinate the formation of the panel for a particular matter. At least two members of any panel must be either knowledgeable about local agriculture or include a local water commissioner in order to constitute a quorum.

E. Compensation. Members of the panel shall receive no compensation, but may receive reasonable expenses incurred in the carrying out of their duties, and the County shall make reasonable staff time and other in-kind resources available to the panel, as needed.

F. Process and Rules. The initial mediation panel—member pool chosen by the Board shall draft and recommend rules or process for the hearing of grievances by the panel. Once drafted, such rules or process shall be presented to the Board for its approval and adoption. Any amendments to such rules and process shall be made in the same manner. The rules or process recommended by the panel and adopted by the Board shall conform in the minimum to the following:

- 1. Informal Hearings.** Hearing of grievances shall be informal and appearances before the panel shall be by the parties themselves or their official representative. A party may be represented by legal counsel to receive general advice on how to proceed or whether to accept a resolution recommended by the panel, but such legal counsel may not make an appearance in person, in writing, or otherwise, before the panel.
- 2. Acceptance of Recommendations.** Hearing of grievances and acceptance of any recommendation of the panel shall be voluntary; the process is not mandatory and the results are not binding on either party, unless the parties by mutual written agreement agree that they shall be bound by the decision of the mediation panel.

G. Confidentiality. All proceedings shall be confidential and no panel member or other county staff shall disclose any information discovered or made known in the course of any grievance proceeding, without consent by the parties. Mediation panel members may not be compelled to testify concerning any aspect of the proceeding.

3.1.7 Review of Applications and Public Education.

A. Review of Applications. In reviewing any application for a Land Use Change (as defined by the Chaffee County Land Use Code), minor plat correction, lot line adjustment, building code permit for new construction, or Individual Sewage Disposal System permit, the applicable review body shall, to the maximum extent feasible, ensure that such change does not adversely affect any existing agricultural operation on land not a part of the land use application, including maintenance of historic irrigation ditches and access to active agricultural operations. The following shall be included in the County's approval of permits:

- 1. Information to be provided to Landowners and Builders adjacent to Agricultural Operations.** When a Building Permit is issued for new construction in unincorporated areas of the County that are adjacent to agricultural operations, Building Permit applicants shall be provided with a copy or summary of this Ordinance, and a copy or summary of Chaffee County's Code of the West.
 - 2. Notification required for Land Use Change Approvals.** As of the effective date of this regulation, notification of existence of this Ordinance and of Chaffee County's Code of the West shall be required to be included in the recorded resolution approving any Land Use Change (as defined by the Chaffee County Land Use Code), and, as applicable, on the recorded plat associated with any Land Use Change where the subject property is burdened by a ditch or is located adjacent to an agricultural operation or property.
- B. Public Education.** The Board shall encourage title companies and real estate brokers county-wide to voluntarily disclose this Policy to purchasers of real property in the County.

3.1.8 Application. This regulation shall apply to all property within the corporate limits of this County, the use of which this County has jurisdiction and authority to regulate. The provisions of this regulation regarding irrigation ditches shall not apply to abandoned ditches no longer in service, as determined by the State of Colorado. Chaffee County shall attempt to utilize existing and develop new intergovernmental agreements with cities, towns and other governmental agencies (including the Bureau of Land Management and the Forest Service) within Chaffee County to ensure that this regulation is effective in those agricultural areas that are within the limits of Chaffee County. The County shall endeavor to ensure that this regulation is included when property adjoining agricultural operations or adjacent to irrigation ditches is annexed by a municipality, by refraining from waiving an annexation impact report unless protections are included in the annexation agreement.

ARTICLE 4 APPLICATION AND REVIEW PROCEDURES

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ARTICLE 4 APPLICATION AND REVIEW PROCEDURES

4.1 BASIC REVIEW PROCEDURES FOR LAND USE CHANGE APPLICATIONS

4.1.1 Basic Review Process. The following is an outline of the steps required for review of land use change applications, including those proposing division of land. Note that not all steps are required for those applications that only require a building permit.

1. Pre-application conference.
2. Submittal of application materials.
3. Determination of completeness; compliance with application submittal requirements.
4. Notice to adjacent or affected property owners, and referral to agencies responsible for provision of services or affected by the proposed development.
5. Evaluation by Planning Staff; staff review and report.
6. Review and determination by the Director, or public review and hearing before the Board of Adjustment, Planning Commission, and/or Board of County Commissioners.

4.1.2 Consultant Review. The Board of County Commissioners may authorize all or a portion of the review of a land use change application, including those proposing division of land, to be performed by an outside consultant, if the County determines that it does not have the required expertise to properly evaluate specialized aspects of a land use change application. The costs of consultant review are the responsibility of the applicant, and shall be paid pursuant **Section 4.6.2 B2**.

4.1.3 Common Review Procedures. Unless otherwise provided in these Regulations, the following review procedures apply to all land use change applications, including those proposing division of land.

A. Pre-Application Conference. All land use change applications begin with a pre-application conference between the applicant and the Director or staff.

1. **Purpose.** The pre-application conference is intended to provide information pertinent to the site and the proposal, to provide an understanding of the applicable review procedures and the standards to be met for approval of the application, and to explain the application materials required for submittal.
2. **Procedure.** An applicant for a land use change shall make a request for a pre-application conference through the Planning Department.
 - a. **Scheduling of Pre-application Conference.** The Planning staff shall schedule a pre-application conference to be held within seven (7) calendar days of receipt of request for a pre-application conference.

The pre-application conference may be held in the Planning Department office or at the site.

- b. Materials.** Unless otherwise specified by these Regulations, the applicant shall bring a conceptual site plan to the conference. The conceptual site plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size and the magnitude of the proposed development.
- c. Participants.** In addition to the Planning Department staff, if the Director feels that the proposal raises potential issues for roads, access, parking, traffic, water supply, sanitation and/or natural resource protection, the appropriate staff and consultants shall be included in the pre-application conference.
- d. Determination of Level of Review.** The Director shall determine the appropriate review process for the land use change that is being sought in accordance with the provisions of this code and **Table 2.2**.
- e. Consultants and Referral Agency Reviews.** The Staff shall identify which referral agencies will potentially be part of the review, and whether consultant reviews are likely to be required.
- f. Staff Comments and Written Summary.** Any comments made by County staff during the pre-application conference are preliminary in nature and not binding. Formal comments cannot be made by staff until after the complete application is submitted and adjacent and/or nearby property owners and referral agencies have had an opportunity to comment. The Director shall prepare a written summary within ten (10) calendar days which describes the review process and anticipated time frames, and sets forth any concerns or conflicts raised by the applicant's proposal, and provide a copy to the applicant. The information provided in the written summary shall be valid for a period of six (6) months from the date of the written summary, excepting interim changes to the Land Use Code.

B. Application Submittal. Applications for land use change shall be submitted to the Planning Department by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.

C. Determination of Completeness. Within fifteen (15) calendar days of receipt of the application materials, the Director shall determine whether the application is complete based on compliance with the submittal requirements for the applicable review process.

- 1. Application is Not Complete.** If the application is not complete, the Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.

2. **Application is Complete.** If the application is complete, the Director shall certify it as complete and stamp it with the date of determination of completeness.
 3. **Extension of Time for Determination of Completeness.** The Director may extend the time to complete review for Determination of Completeness up to an additional fifteen (15) calendar days. The extension of time for Determination of Completeness shall be based upon the following considerations.
 - a. **Scope of Application.** The scope of the land use change application is sufficient to require additional time for the staff to review the application for a Determination of Completeness.
 - b. **Staff Workload.** The department's workload due to the volume and scope of pending land use change applications justifies the need for an extension of time to review the application for a Determination of Completeness.
- D. Review by Referral Agency.** The potential referral agencies will be identified by staff at the Pre-Application Meeting.
1. **Comment Period.** Unless otherwise provided by these Regulations, the comment period for referral agency review shall be twenty-one (21) calendar days from the date that the application is deemed complete, unless a necessary extension of not more than thirty (30) calendar days has been consented to by the applicant and by the Board of County Commissioners, per C.R.S. 30-28-136. Responses not received in a timely manner may not be included in the processing of the application. A lack of timely response shall be interpreted as no comment.
 2. **Review Fee by Referral Agency.** A referral agency may impose a fee for the review of a proposed land use change. The costs of referral agency review are the responsibility of the applicant, and shall be paid pursuant **Section 4.6.2 B2.**
 3. **Referral Agencies.** The following constitute referral agencies:
 - a. Each municipality within a 1-mile radius of a proposed land use identified in C.R.S. 31-15-501(1)(a) and (1)(d). 1(a) refers to offensive or unwholesome business, and 1(d) refers to industrial-type agricultural activities including but not limited to slaughterhouses, tanneries, and dairies.
 - b. Any local government or agency which has entered into an intergovernmental agreement with the County that applies to the area where the use will occur.
 - c. Each county or municipality within a 2-mile radius of a proposed subdivision, or subdivision exemption (required for application proposing division of land).
 - d. Colorado Parks and Wildlife
 - e. The appropriate school districts (required for application proposing

- division of land).
- f. Any utility, fire district, sanitation district, water district, local improvement or service district, water supply protection district, or ditch company or ditch owners (required for application proposing division of land).
 - g. County, district or regional health department, or CDPHE (required for application proposing division of land).
 - h. State Engineer (required for a use proposing division of land).
 - i. The Colorado State Forest Service (required for application proposing division of land).
 - j. The Upper Arkansas Soil Conservation District (required for application proposing division of land).
 - k. Colorado Geologic Survey (required for application proposing division of land unless an exemption is applied for and granted).
 - l. The Planning Commission may be a referral agency if the proposal is not subject to review and public hearing by the Commission.
4. The application will be made available by request to any other local group or appointed Board which may have an interest in the application; examples include the Cattleman's Association, Arkansas Headwaters Recreational Area, Airport Board, Board of Realtors, and Heritage Area Advisory Board. Comments provided by these entities shall not be construed as requirements, but shall be considered as advisory.

E. Evaluation and Staff Review. The Planning staff shall review the land use change application to determine if the proposal satisfies the applicable standards identified in this Land Use Code including any applicable standards set forth in **Article 7**. The staff shall prepare a report discussing whether the standards have been satisfied, issues raised through staff and referral review, mitigation requirements and recommended conditions for approval to ensure that standards are satisfied, and additional information pertinent to review of the application. Seven (7) calendar days prior to the date of a public hearing, the Director shall submit the report to the applicant and to the hearing body. A copy of the staff report shall also be available for public review prior to the hearing.

F. Review and Action by the Decision-Making Body. As described in **Section 1.3.6**, the decision-making body (Director, Planning Commission, Board of County Commissioners, or Board of Adjustment, based on application review type), shall approve, approve with conditions or deny the application, based upon compliance with the applicable standards in this land use code and **Article 7**. If a public hearing is required for the application, the review and decision shall only occur following a public hearing conducted pursuant to **Section 1.3.5**.

G. Appeal of Decision or Call-up by Board of County Commissioners. For applications not scheduled for review by the Board of County Commissioners, either the applicant or an adjacent property owner affected by the decision may request reconsideration of either the Director's or Planning Commission's decision by the

Board of County Commissioners. The Board of County Commissioners also may, at its discretion, decide to reconsider the decision at the next regularly scheduled meeting of the Board for which proper notice of hearing can be accomplished.

- 1. Request for Reconsideration or Call-up.** The aggrieved party shall file a written request within fourteen (14) calendar days of the date of written notice of the decision.
- 2. Schedule Public Hearing.** Public hearing by the Board of County Commissioners shall be held within thirty (30) calendar days of the date of receipt of the request for reconsideration.
- 3. Notice by Publication.** At least fifteen (15) calendar days prior to the date of the scheduled public hearing before the Board of County Commissioners, the County shall have published a notice of public hearing in a newspaper of general circulation in the area that the proposed land use change is located.
- 4. Notice to Adjacent Property Owners.** At least fifteen (15) calendar days prior to the date of the scheduled public hearing, the County shall send by first class mail, a written notice of the public hearing to the owners of record of all adjacent property. The notice shall include, the property's legal description, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing.
- 5. Decision by Board.** The Board shall conduct a hearing pursuant to the provisions of **Section 1.3.5**. Upon completion of the hearing, the Board shall uphold the decision, modify the decision or reverse the decision, based upon compliance of the proposed land use change with the applicable standards set forth in **Article 7**.

H. Appeal of Decisions by Board of Commissioners or Board of Adjustment. Unless otherwise specified within this Land Use Code, decisions of the Board of Commissioners or Board of Adjustment shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure, as further described in **Section 1.3.7**.

I. Recordation. The plat for an approved subdivision shall be submitted to the Board for signature within thirty (30) days from the date of approval of the application, on reproducible film stock measuring 24" x 36" with clear margins of two (2) inches on the left hand side and one-half inch on the remaining sides. The plat shall be signed by all owners of record. All conditions of approval shall be met prior to signature by the Board of County Commissioners, including Subdivision Improvements Agreement if required. After signature, the plat shall be filed for recording with the County Clerk and Recorder. The Final Plat does not become effective until it is properly filed for recording with the County Clerk and Recorder.

4.2 REVIEW PROCEDURES FOR LAND USE CHANGE APPLICATIONS (EXCLUDING DIVISION OF LAND)

Land Use Changes are subject to different levels of review. Unless otherwise exempted from review under these Regulations, a change in land use that does not involve division of land is subject to one of the following four levels of review. The level of review for specific land use is set forth in **Table 2.2, Use Table**.

4.2.1 Permitted Use Review. A land use change listed as a permitted use in **Table 2.2, Use Table**, is subject to obtaining a Certificate of Zoning Compliance prior to any use or construction, which shall be issued by the Director. The Director shall approve, approve with conditions or deny the application based upon compliance with this code and the applicable standards set forth in **Article 7**. A Permitted Use Review does not require any Pre-application meetings, staff reports, or hearings and will be evaluated simultaneously with the building permit application. An appeal of the Director's decision follows the procedures set forth in **Section 4.5.2**.

4.2.2 Administrative Review Process. Applications for land use change subject to Administrative Review as identified in **Table 2.2, Use Table**, shall be reviewed by the Planning staff as follows.

A. Application. An Administrative Review application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A**. The application materials required for an Administrative Review are set forth as follows:

1. Basic Application Materials (**Section 4.6.2 B**)
2. Narrative (**Section 4.6.2 C1**)
3. Vicinity Map (**Section 4.6.2 D2**)
4. Site Plan (**Section 4.6.2 D3**)
5. Impact Analysis (**Section 4.6.2 E**)

B. Decision by Director. Within 15 calendar days from the determination of completeness by staff (**Section 4.1.3 C**), the staff shall review the application per **Section 4.1.3 E**, and the Director shall approve, approve with conditions or deny the land use change application. The decision shall be based upon compliance of the proposed use with the applicable standards set forth in this code and **Article 7**.

1. **Written Notice of Decision.** The Director shall inform the applicant of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of decision. Notice of the decision shall also be provided to the Board of County Commissioners.
2. **Appeal of Decision or Call-up by Board of County Commissioners.** Either the applicant or an adjacent property owner affected by the decision may request reconsideration of the Director's decision by the Board of County Commissioners, or the Board of County Commissioners may also decide to reconsider the decision using the process outlined in **Section 4.1.3 G**.

4.2.3 Limited Impact Review Process. Applications for land use change subject to Limited Impact Review as identified in **Table 2.2, Use Table**, shall be subject to the following review process, which requires Planning Commission approval.

A. Application Review. A Limited Impact Review application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A.**

- 1. Submittal Requirements.** The application materials required for a Limited Impact Review are set forth as follows
 - a.** Basic Application Materials (**Section 4.6.2 B**)
 - b.** Narrative (**Section 4.6.2 C1**)
 - c.** Vicinity Map (**Section 4.6.2 D2**)
 - d.** Site Plan (**Section 4.6.2 D3**)
 - e.** Impact Analysis (**Section 4.6.2 E**)
 - f.** Land Suitability Analysis (**Section 4.6.2 F**)
 - g.** Traffic Study (**Section 4.6.2 G**)
- 2. Schedule Public Hearing.** Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for consideration by the Planning Commission.
 - a.** Public hearing by the Planning Commission shall be held within sixty (60) calendar days of the date of determination of completeness.
 - b.** Notice of the hearing shall be made pursuant to **Section 1.3.5.**
- 3. Review by Referral Agency.** The Director shall submit the application to the appropriate referral agencies in accordance with **Sections 4.1.3 D.** Referral agencies will be identified by staff at the Pre-Application Meeting.
- 4. Evaluation and Staff Review (Section 4.1.3 E).** The evaluation of the application shall incorporate comments by referral agencies.

B. Decision by Planning Commission. An application for land use change subject to Limited Impact Review shall be considered by the Planning Commission at a public hearing conducted pursuant to **Section 1.3.5.** The Planning Commission shall approve, approve with conditions or deny the application per **Section 1.3.6**, based upon compliance with this code and the applicable standards set forth in **Article 7.**

- 1. Written Notice of Decision.** The Director shall inform the applicant and adjacent property owners of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of the Planning Commission's decision. Notice of the Planning Commission's decision shall also be provided to the Board of County Commissioners.
- 2. Appeal of Decision or Call-up by Board of County Commissioners.** Either the applicant or an adjacent property owner affected by the decision may request reconsideration of the Planning Commission's decision by the Board of County Commissioners, or the Board of County Commissioners may also decide to reconsider the decision using the process outlined in **Section 4.1.3 G.**

4.2.4 Major Impact Review Process. Applications for land use change subject to Major Impact Review as identified in **Table 2.2, Use Table**, shall be subject to the following review process.

A. Application Review. A Major Impact Review application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A**.

- 1. Submittal Requirements.** The application materials required for a Major Impact Review are set forth as follows:
 - a.** Basic Application Materials (**Section 4.6.2 B**)
 - b.** Narrative (**Section 4.6.2 C1**)
 - c.** Phasing Plan (**Section 4.6.2 C2**)
 - d.** Vicinity Map (**Section 4.6.2 D2**)
 - e.** Site Plan (**Section 4.6.2 D3**)
 - f.** Impact Analysis (**Section 4.6.2 E**)
 - g.** Land Suitability Analysis (**Section 4.6.2 F**)
 - h.** Traffic Study (**Section 4.6.2 G**)
 - i.** Landscape Plan (**Section 4.6.2 H**)
 - j.** Erosion and Sediment Control Plan (**Section 4.6.2 I**)
 - k.** Water Supply Plan (**Section 4.6.2 K**)
 - l.** Wastewater Plan (**Section 4.6.2 L**)
 - m.** Visual Analysis (**Section 4.6.2 M**)
- 2. Schedule Public Hearings.** Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for consideration by the Planning Commission and Board of County Commissioners.
 - a.** Public hearing by the Planning Commission shall be held within forty-five (45) calendar days of the date of determination of completeness.
 - b.** Public hearing by the Board of Commissioners shall be held within sixty (60) calendar days of the date of determination of completeness.
 - c.** Notice of the hearings shall be made pursuant to **Section 1.3.5**.
- 3. Review by Referral Agency.** The Director shall submit the application to referral agencies in accordance with **Sections 4.1.3 D**. Referral agencies will be identified by staff at the Pre-Application Meeting.
- 4. Evaluation and Staff Review (Section 4.1.3 E).** The evaluation of the application shall incorporate comments by referral agencies.
- 5. Review and Recommendation by the Planning Commission.** A land use change application subject to Major Impact Review shall be considered by the Planning Commission at a public hearing conducted pursuant to **Section 1.3.5**. The Planning Commission shall recommend approval, approval with conditions or denial of the application per **Section 1.3.6**, based upon compliance with this code and the applicable standards set forth in **Article 7**.

B. Decision by Board of County Commissioners. The final decision to approve, approve with conditions or deny an application subject to Major Impact Review shall be made by the Board of County Commissioners at a public hearing. Following a public hearing conducted pursuant to **Section 1.3.5**, the Board of County Commissioners shall approve, approve with conditions or deny the application per **Section 1.3.6**, based upon compliance with the applicable standards in this land use code and **Article 7**. The Board may remand the application to the Planning Commission for further consideration of evidence.

1. **Appeal of Decision.** The decision of the Board of Commissioners shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**).

4.2.5 Minor Site Plan Review Process. Applications for land use change subject to Minor Site Plan Review as identified in Table 2.2, Use Table, shall be reviewed by the Planning Department as follows.

A. Decision by Planning Director. Within fifteen (15) calendar days from the determination of completeness of application by staff **per Section 4.1.3 C**, the Planning Director or their designee shall review the application per **Section 4.1.3 E**, and shall approve, approve with conditions or deny the land use change application. The decision shall be based upon compliance of the proposed use with the applicable standards set forth in this code and **Article 7**.

1. **Written Notice of Decision.** The Planning Director shall inform the applicant of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of decision. Notice of the decision shall also be provided to the Planning Commission.
2. **Appeal of Decision or Call-Up by Planning Commission.** The applicant may request reconsideration of the Planning Department's decision by the Planning Commission, or the Planning Commission may also decide to reconsider the decision using the process outlined in **Section 4.1.3 G**.

4.2.6 Major Site Plan Review Process. Applications for land use change subject to Major Site Plan Review as identified in Table 2.2, Use Table, shall be subject to the following review process, which requires Planning Commission approval.

A. Application Review. A Major Site Plan Review application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A**.

1. **Review by Referral Agency.** The Planning Director or designee shall submit the application to the appropriate referral agencies in accordance with **Sections 4.1.3 D**. Referral agencies will be identified by staff at the Pre-Application Meeting.

2. **Evaluation and Staff Review (Section 4.1.3 E).** The evaluation of the application shall incorporate comments by referral agencies.
3. **Schedule Meeting with Planning Commission.** Once all comments from staff review have been satisfactorily addressed by the applicant, the Planning Department shall schedule the application for consideration by the Planning Commission.
 - a. The application shall be scheduled for the next available Planning Commission meeting with space on the agenda.
 - b. The application does not require a public hearing.
 - c. Notice of the meeting shall be made pursuant to **Section 1.3.5.**

B. Decision by Planning Commission. An application for land use change subject to Major Site Plan Review shall be considered by the Planning Commission at a public meeting. The Planning Commission shall approve, approve with conditions or deny the application per **Section 1.3.6**, based upon compliance with this code and the applicable standards set forth in **Article 7**.

1. **Written Notice of Decision.** The Planning Director or their designee shall inform the applicant of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of the Planning Commission's decision. Notice of the Planning Commission's decision shall also be provided to the Board of County Commissioners.
2. **Appeal of Decision or Call-up by Board of County Commissioners.** The applicant may request reconsideration of the Planning Commission's decision by the Board of County Commissioners, or the Board of County Commissioners may also decide to reconsider the decision using the process outlined in **Section 4.1.3 G**.

C. Amendments to an Approved Site Plan. Any proposal to change a site plan approved under these Regulations shall require application to the Planning Department for Amendment of an Approved Site Plan. The Planning Department shall review the application to determine whether the proposed change constitutes a substantial modification to the approved plan.

1. **Evaluation and Staff Review.** Upon determination of completeness by staff (Section 4.1.3 C), the Planning Department shall evaluate the application to determine if the proposed amendment(s) constitutes substantial modification to the approved site plan. A staff report shall be prepared pursuant to Section 4.1.3 E.
2. **Decision by Planning Department.** Within fifteen (15) calendar days of the date of determination of completeness, the Planning Director or designee shall make a determination as to whether the proposed change(s)

constitutes a substantial modification to the approved plan per the following:

3. **No Substantial Modification.** If the change does not constitute a substantial modification to the approved site plan, the Planning Director or designee shall approve the proposed amendment to the site plan.
4. **Substantial Modification.** If the change constitutes a substantial modification, the site plan shall be considered a new site plan subject to full review under the applicable review process for the land use change application.
5. **Written Notice of Decision.** The Planning Director or designee shall inform the applicant and adjacent property owners of the determination in writing within seven (7) calendar days of the date of decision. Notice of the decision shall also be provided to the Board of County Commissioners.
6. **Appeal of Decision or Call-up by Board of County Commissioners.** The applicant may request reconsideration of the decision by the Board of County Commissioners, or the Board of County Commissioners may also decide to reconsider the decision using the process outlined in **Section 4.1.3 G.**

4.2.7 Special Event Permits.

- A. **Purpose.** This Section provides for the regulation and permitting of Special Events as defined in **Section 4.2.7.C.** to ensure the orderly, compatible, and safe use of property for special events by requiring adequate provision of parking, sanitary facilities, utilities, telecommunications, County roadway management, and safety services in order to protect the health, safety, and welfare of the people of Chaffee County.
- B. **Applicability.** This section shall apply to special events as defined in **Section 4.2.7.C.** Special Events Permits shall be applicable on public or private lands as well as for events that impact any County right-of-way, regardless of whether or not a temporary road closure (partial or full) is required.
- C. **Definition.** Special Events are temporary uses of land, buildings, or structures, or a combination thereof, for a gathering of persons. Special Events are open to the public, whether by general access or through ticketed access, and may occur on public or private land and may be held for a commercial or nonprofit purpose. Examples of Special Events include but are not limited to: bicycle or vehicle races or rides; foot races or walks; carnivals; circuses; concerts, music festivals, shows, plays, or similar types of events; and gatherings of groups for fundraising or other activities. Events that exceed the parameters of the definition herein shall be associated with a Special Event

Facility per Table 2.2, Use Matrix and associated standards.

- D. Attendees Defined.** For the purposes of this section calculations in **Table 4.2.5.1**, "attendees" shall mean the maximum anticipated number of participants and spectators of any single day of an event. Staff and/or volunteers shall not count toward the total number of attendees, unless the amount of such staff and/or volunteers would, in the determination of the Planning Director or designee, substantially alter the size and impact of the event.
- E. Eligibility.** A property, location or site may host no more than five (5) permitted special events in a calendar year.
- F. Exemptions.** The following Events are exempt from the requirements of obtaining a Special Event Permit:
1. **Event Uses a Special Event Facility Approved for Special Events.**
If an event is to be conducted in a permanent facility that was constructed and approved for such events, or on a site approved as a Special Event Facility use per **Section 7.8.35**, and the operation of the event complies with the conditions of the approval of the Special Event Facility.
 2. **Private Events.** An event that is reasonably considered to be a private social event (such as a graduation party, holiday family gathering, wedding, funeral, picnic, or similar), has fewer than one hundred fifty (150) attendees, and maintains amplified sound at or below the levels defined in **Section 4.2.7.L.2** below.
- G. Special Event Scoring Matrix.** Special Events application review shall follow the scoring matrix in Table 4.2.7.1. Events scoring two (2) points or more require a Special Events Permit.

Table 4.2.7.1

Event Feature	Points
149 or fewer attendees	0
150-249 attendees	1
250-999 attendees	2
1,000-4,999 attendees	3
5,000 or more attendees	4
On-site camping	1
Acquisition of a liquor license	1
Impacts to County roads including substantially increased traffic loads or need for traffic control	2
Multi-day event	2
Amplified sound (in excess of state statute)	3
Road closure request (partial or full)	3
Multi-year event permit change	4
Initial application for multi-year event	5

- H. Procedure.** Special Events procedures are per the below table (**Table 4.2.7.2**) and are based on the event score in the Special Event Scoring Matrix Table (**Table 4.2.7.1**).

Table 4.2.7.2

Event Score	Approval Body	Appeal Authority
0-1	No permit required	N/A
2-3	Administrative Review	BOCC
4	Administrative Review + Confirmation	BOCC
5 or more	Board of County Commissioners	LUC Section 1.3.7

- I. Special Events Permit Application.** The minimum application requirements and fees shall be as adopted by the Board of County Commissioners. Applications for administrative review shall be submitted a minimum of forty-five (45) calendar days prior to the event. Applications for Board of County Commissioner review shall be submitted a minimum of ninety (90) calendar days prior to the event. The County reserves the right to deny applications that are not submitted within the minimum timeframe.
- J. Application Review.** The Planning Department will review the application for completeness and determine if additional information is needed. The Planning Department shall have the ability to approve applications for special events administratively as per Table 4.2.7.2.
1. **Review and Coordination with Referral Agencies.** When the application is for a Special Event that may have some impact on municipal services, the County will refer the application to the municipality for comment and coordination. The County shall also refer the application to other referral agencies that may be impacted by the Special Event.
 2. **Administrative Approval.** If the event score results in two to three (2-3) points per Table 4.2.7.2, a designated Planning Department staff member shall process the application within the department. The Planning Director, at their sole discretion, may require a public hearing at the Board of County Commissioners if they determine that the application impacts neighboring properties due to excessive noise, access and road closures, or other impacts as defined in this **Section 4.2.7**.
 3. **Administrative Review + Confirmation.** If the event score results in four (4) points per Table 4.2.7.2, two designated members of the Planning Department shall review the application independently and the Planning Director or designee shall coordinate approval or denial of the application.
 4. **Board of County Commissioners Review.** If the event score results in five (5) or more points per Table 4.2.7.2, the application shall be considered by the Board of County Commissioners. Any application heard by the Board of County Commissioners shall be pursuant to a public hearing advertised per Section 1.3.5(A)(1).

- 5. Action on Application.** The Planning Department or Board of County Commissioners, as applicable, shall consider the following criteria, and shall either approve, approve with conditions, or deny the application. The Planning Director shall inform the applicant of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of decision. Notice of the decision shall also be provided to the affected municipalities, referral agencies, departments, and approval bodies, as appropriate.
- 6.** The following criteria must be met for Permit approval:
- a.** The event meets the criteria to be considered a Special Event.
 - b.** The event is consistent with the public health, safety, and welfare requirements of the County. Specifically, the event will not be unduly hazardous to participants or County residents and visitors and there are sufficient resources to manage County road impacts, traffic patterns, detours, traffic control, and emergency services. Any adverse impacts to on-site and off-site properties, County infrastructure and emergency service providers have been adequately mitigated.
 - c.** The event will not substantially interfere with any construction or maintenance work scheduled to take place on or near any affected public right-of-way.
 - d.** The event does not conflict with an application approved prior to the subject application.
 - e.** The event is capable of complying with applicable regulations.
 - f.** Referral agencies have reviewed the application and the applicant is able to comply with the standards required for the event by each referral agency.
 - g.** If another jurisdiction has permitting jurisdiction with respect to the event, the Chaffee County permit is not valid unless and until that jurisdiction has issued its permit.
 - h.** Standards of operation have been or will be met.
 - i.** All submittals have been provided and all fees have been paid. Information contained in such submittals appears to be substantially complete and accurate.
- 7. Appeal of Decision or Call-up by Board of County Commissioners.** The applicant may request reconsideration of an administrative decision by the Board of County Commissioners, or the Board of County Commissioners may also decide to consider the decision using the process outlined in **Section 4.1.3 G**, explaining the issues being appealed and the reason the administrative action is believed to necessitate review.
- K. Permit Conditions.** If permit application approval is granted, the County may impose such conditions as it reasonably deems to be necessary to provide that the Special Event shall comply with the representations set forth in the application, standards of operation, applicable regulations, and does not significantly negatively impact on-site or off-site properties, County

infrastructure, emergency service providers, or public health, safety and welfare, including (without limitation) the following:

1. **Bond and Clean-up Deposit.** Provision for a bond and damage or clean-up deposit, or other financial guarantee to provide that the site is restored to its condition prior to the event and any damages are repaired.
 2. **Referral Agency Fees.** Provision for a bond or other financial guarantee to referral agencies as required to cover the cost of providing service and/or mitigate impacts of the event.
 3. **Operational Limitations.** Operational limitations, including but not limited to, limits on the maximum daily attendance and the event's hours of operation, and limitations on exterior lighting, noise and parking.
 4. **Non-Transferable.** Permits may be transferred to another party only with the written consent of the approval authority.
- L. Duration of Permit.** A Special Event Permit shall be valid for the duration of the event function for which the application was approved, but in no case shall the permit be valid for more than a consecutive 10-day event period (including setup and takedown) unless specifically approved in advance of the event by the Planning Department or the Board of County Commissioners, as applicable.
1. **Permit Extension.** An applicant may request that the duration of the permit be extended by submitting a letter of request to the Planning Department, who shall process the request in the same manner as the original application.
 2. **Permit Revocation.** Prior to or during the Special Event, if the applicant fails to comply with required permit conditions, operational standards or representations by the applicant that affect the health safety or welfare of the public, the Special Event Permit may be revoked by the Planning Director. The Sheriff or their designee has the right to halt any Special Event due to an emergency situation affecting public safety such as criminal activity, fires, floods, or similar events.
 3. **Multi-Year Permits.** A permit may be administratively renewed for an annual event with acknowledgement by referral agencies. The renewal of such permit shall be subject to the following criteria:
 - a. The event takes place no more than once per calendar year where the duration of the event is no more than ten consecutive (10) days (including setup and takedown) unless specifically approved in the original permit.
 - b. The event is consistent in size, scope, impact, and operations as stated within the original approved permit. The Planning Department shall have the ability to require a new application and review should the event change markedly in the size, scope, impact, or operations or the permittee fails to comply with permit requirements.
 - c. Conditions and/or circumstances within the County and/or affected municipalities have not markedly changed such that the

event's expected impacts to the community may be substantially different than at the time of original permit issuance, and the applicant has demonstrated that any required conditions of approval for mitigating impacts have been effective.

- M. Standards of Operation.** An applicant for a Special Event Permit shall demonstrate that the event will comply with all applicable local and State regulations. Unless otherwise specified in the Permit, all events shall comply with the following:
1. **Temporary Structures.** Event tents and other temporary structures shall meet the requirements of the applicable fire protection district and shall meet the accessory use setback requirements in this Land Use Code. All grandstands, bleachers, scaffolding and platforms and other structures shall be constructed pursuant to requirements of the Chaffee County Building Department, when applicable. When determined necessary by the Building Inspector, plans showing structural details shall be submitted for review before construction begins.
 2. **Amplified Sound and Noise Parameters.** Any event shall comply with all State noise regulations unless specifically approved otherwise by the Special Event Permit issuing entity.
 3. **Parking Plan.** Vehicles shall not be parked in any manner that would create a hazard as determined either by the Sheriff's Department or the Road and Bridge Department. Parking along a County Road is not allowed unless specifically requested in the application and approved by the County within the permit.
 4. **Electrical Connections.** Any temporary electrical hookups shall obtain inspections and permits as required by the County and comply with the requirements of the power provider.
 5. **Overnight Camping.** If an event includes overnight camping, it must be on-site and meet all other requirements of this Section with regards to sanitation facilities, refuse management, noise limitations, and similar requirements.
 6. **Sanitation Facilities.** Enclosed toilets meeting all state and local specifications, as determined by the Chaffee County Department of Public Health and Environmental Health, shall be conveniently located throughout the event, sufficient to provide healthful facilities for the maximum number of event attendees anticipated at any single time. Sanitation facilities shall comply with the federal Americans with Disabilities Act accessibility guidelines, which require that five percent (5%) of the total number, and no less than one (1) toilet facility per each cluster of toilet facilities, must be accessible to attendees with disabilities.
 7. **Refuse Management.** All solid waste, litter and recyclable materials shall be removed from the site within 24 hours following conclusion of the event. For multiple-day events and events with on-site camping, the grounds shall be maintained during each day of the event with no accumulations on- or offsite that would create a nuisance or pose a

health hazard. The applicant must comply with the approved litter containment and refuse management plan as well as comply with waste reduction strategies as set forth by the County.

8. **Amusement Rides.** All mechanical equipment associated with amusement rides shall conform to the applicable requirements of U.S. Consumer Product Safety Commission. All applicable licenses or certifications shall be provided to the Planning Department as a condition of permit issuance. The County reserves the right to require an inspection by a qualified professional engineer licensed in the State of Colorado at the applicant's expense in addition to any inspections required by the Safety Commission.
9. **Emergency Services Operational Standards.** Identification of the operational standards will be determined by the County based on the projected number of attendees, the location and duration of the event, access to the event, and the nature of the event.
 - a. **Traffic, Parking, and Public Safety.** In consultation with the Chaffee County Sheriff, the applicable fire protection district, the Emergency Services (EMS) Director, the Emergency Management Director, and the Road and Bridge Department, the applicant may be required to develop and submit a plan for traffic circulation and control, including requirements for parking and for emergency service vehicle access, dust control, and general event signage. The adequacy of the plans shall be determined by the consulted agencies, and agencies shall provide a written estimated cost figure to the Planning Department for any services required from their departments. The estimated cost of such plan shall be paid by the applicant at the time the permit is issued or as otherwise designated by the County. Any required service agreements shall also be executed at the time the permit is issued.
 - b. **Sheriff's Personnel.** Upon receiving a special events referral from the Planning Department, the Sheriff's Department shall have the authority to determine if additional law enforcement personnel will be needed to regulate traffic, crowd control, and public safety needs associated with the event, and shall provide a written estimated cost figure to the Planning Department. The estimated cost of such activity shall be paid by the applicant at the time the permit is issued or as otherwise designated by the County. Any required service agreements shall also be executed at the time the permit is issued.
 - c. **Emergency Management and EMS Personnel.** The County's offices of Emergency Management (EM) and EMS, upon receiving a referral of an application for a Special Events application from the Planning Department, shall have the authority to determine if additional emergency services personnel and ambulances and similar equipment will be needed on standby at the event. EM and EMS shall provide a written estimated cost figure to the Planning Department. The estimated cost of such activity shall be paid by the applicant at the time

the permit is issued or as otherwise designated by the County. Any required service agreements shall also be executed at the time the permit is issued.

10. **Hours of Operation.** Hours during which the normal activity of a Special Event may take place shall be between 7 a.m. and 10 p.m. unless otherwise specified in the Special Event Permit. The approved permit may allow for an extension of the hours of operation for up to one hour due to a weather event that causes delay.
11. **Animal Control.** All domestic and exotic animals associated with the event shall comply with local and State regulations and be controlled on the parcel on which the Special Event is permitted unless otherwise specified in the Special Event Permit.
12. **Noxious Weed Mitigation.** If the Special Event involves construction activities or other activities that may contribute to the spread of noxious weeds, it shall comply with the Chaffee County weed management plan, State law, and direction of the County Weed Supervisor.

[Note: Duplicate Section number due to October 2022 update]

4.2.7 Renewals Mining/mineral extraction and telecommunication towers approved by Special Land Use Permit prior to adoption of this Land Use Code on January 7, 2014 may be eligible for renewal. Examples are mining operations and communication towers. Renewals shall be exempted from the full application process when the materials requested duplicate the original submittal.

A. Application Review An application for renewal shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A**

1. Submittal Requirements The application materials required for a Renewal are set forth as follows:

- a. **Basic Application Materials (Section 4.6.2 B)**
 - (1) The application form shall be the one required for an original application under the current Land Use Code.
 - (2) The fee shall be 50% of that required for an original application under the current Land Use Code.
- b. **Narrative (Section 4.6.2 C1)**
 - (1) The narrative shall describe the historic character and continuance of the operation, to include discussion of how the terms of the Permit have been met, mitigation of any complaints, review of the expected lifetime of the operation and any other pertinent issues.
- c. **Documentation of Compliance**
 - (1) Provide copies of any State or Federal permits, licenses, compliance reports or inspections required for the operation. Demonstrate that all permits and licenses have been continuously current.

2. Schedule Public Hearings Upon a determination of completeness by staff (4.1.3 C), planning staff shall schedule the application for consideration by the Board of County Commissioners.

a. Public Hearing by the Board of County Commissioners shall be held within 30 days of the determination of completeness.

b. Notice of the hearings shall be made pursuant to **Section 1.3.5**

B. Decision by Board of County Commissioners The final decision to approve, approve with conditions or deny an application for renewal shall be made by the Board of County Commissioners at a public hearing conducted pursuant to **Section 1.3.5**. The decision to approve, approve with conditions or deny the application shall be per **Section 1.3.6**, based upon compliance with the applicable standards in this land use code and **Article 7**. The Board may remand the application to the Planning Commission for further consideration of evidence.

1. Appeal of Decision. The decision of the Board of Commissioners shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**)

4.3 REVIEW PROCEDURES FOR DIVISIONS OF LAND

4.3.1 Subdivision Exemption Review Process. An application for a subdivision exemption identified in **Section 5.2.3** shall be subject to the following review process.

A. Application Review. A Subdivision Exemption application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A**.

1. **Submittal Requirements:** The application materials required for a Subdivision Exemption are set forth as follows:
 - a. Basic Application Materials (**Section 4.6.2 B**)
 - b. Narrative, including proposed utilities, water supply, and wastewater treatment (**Section 4.6.2 C1**)
 - c. Vicinity Map (**Section 4.6.2 D2**)
 - d. Final Plat (**Section 4.6.3 C**)
2. **Schedule Public Hearing.** Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for consideration by the Board of County Commissioners.
 - a. Public hearing by the Board of County Commissioners shall be held within thirty (30) calendar days of the date of determination of completeness.
 - b. Notice of the hearing shall be made pursuant to **Section 1.3.5**, except if the specific subdivision exemption requires alternative notice requirements.
 - c. Certain Subdivision Exemptions do not require a public hearing and will be placed on the next available Commissioners agenda.
3. **Evaluation and Staff Review (Section 4.1.3 E).**

B. Decision by Board of County Commissioners. Following a public hearing conducted pursuant to **Section 1.3.5**, the Board of County Commissioners shall approve, approve with conditions or deny the application per **Section 1.3.6**, based upon compliance this land use code, including the applicable standards set forth in **Article 7**.

1. **Recordation.** The plat for an approved subdivision exemption shall be submitted for recording in accordance with the requirements in **Section 4.1.3 I.**
2. **Appeal of Decision.** The decision of the Board of Commissioners shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**).

4.3.2 Rural Land Use Cluster Review Process. An application for a Rural Land Use Cluster as described in **Section 5.3.1 A** shall be subject to the following review process.

A. Application Review. A Rural Land Use Cluster application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A.**

1. **Submittal Requirements.** The application materials required for a Rural Land Use Cluster are set forth as follows:
 - a. Basic Application Materials (**Section 4.6.2 B**)
 - b. Narrative, including proposed utilities, water supply, and wastewater treatment (**Section 4.6.2 C1**)
 - c. Vicinity Map (**Section 4.6.2 D2**)
 - d. Impact Analysis (**Section 4.6.2 E**)
 - e. Land Suitability Analysis (**Section 4.6.2 F**)
 - f. Open Space Plan (**Section 4.6.2 J**)
 - g. Visual Analysis (**Section 4.6.2 M**)
 - h. Final Plat (**Section 4.6.3 C**)
2. **Schedule Public Hearings.** Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for review by the Planning Commission and Board of County Commissioners.
 - a. Public hearing by the Planning Commission shall be held within forty-five (45) calendar days of the date of determination of completeness.
 - b. Public hearing by the Board of Commissioners shall be held within sixty (60) calendar days of the date of determination of completeness.
 - c. Notice of the hearings shall be made pursuant to **Section 1.3.5**.
3. **Evaluation and Staff Review (Section 4.1.3 E).**
4. **Review and Recommendation by the Planning Commission.** The application shall be considered by the Planning Commission at a public hearing conducted pursuant to **Section 1.3.5**. The Planning Commission shall recommend approval, approval with conditions or denial of the application per **Section 1.3.6**, based upon compliance with this code and the applicable standards set forth in **Article 7**.

B. Decision by the Board of County Commissioners. The application shall be considered by the Board of Commissioners at a public hearing conducted pursuant to **Section 1.3.5**. The Board of County Commissioners shall approve, approve with conditions or deny the application per **Section 1.3.6**, based upon compliance with this code and the applicable standards in **Article 7**. The Board may also remand the application to the Planning Commission to consider new or additional information.

1. **Recordation.** The plat for an approved Rural Land Use Cluster shall be submitted for recording in accordance with the requirements in **Section 4.1.3 I.**
2. **Appeal of Decision.** The decision of the Board of Commissioners shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**).

4.3.3 Minor Subdivision OR Rural Open Space Incentive (ROSI) Subdivision

Review Process. The review process for a Minor Subdivision or a ROSI subdivision is a shortened plat review process as compared to the Major Subdivision. Minor Subdivisions are described in **Section 5.1.2 C** and ROSI subdivisions are described in **Section 5.3.1 B.**

A. Sketch Plan. The Sketch Plan Review process is intended to review at a conceptual level the feasibility and design characteristics of the proposed subdivision. A Sketch Plan application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A.**

1. **Application.** The application materials required for Sketch Plan Review are set forth as follows:
 - a. Basic Application Materials (**Section 4.6.2 B**)
 - b. Narrative, including proposed utilities, water supply, and wastewater treatment (**Section 4.6.2 C1**)
 - c. Vicinity Map (**Section 4.6.2 D2**)
 - d. Impact Analysis (**Section 4.6.2 E**)
 - e. Land Suitability Analysis (**Section 4.6.2 F**)
 - f. Sketch Plan (**Section 4.6.3 A**)
 - g. Visual Analysis (**Section 4.6.2.M**)
2. **Schedule Planning Commission Hearing.** Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for review by the Planning Commission.
 - a. The Planning Commission shall review the Sketch Plan application at a public hearing within forty-five (45) calendar days of the date of determination of completeness.
 - b. Notice of the hearing shall be made pursuant to **Section 1.3.5.**
3. **Evaluation and Staff Review (Section 4.1.3 E).** As part of the Sketch Plan staff review, staff shall include a recommendation of which, if any, of the Referral Agencies in **Section 4.1.3 D** should review the application.
4. **Planning Commission Action.** The Sketch Plan shall be considered by the Planning Commission at a public hearing conducted pursuant to **Section 1.3.5.** The Planning Commission will make a determination of the proposal's feasibility and design characteristics based upon compliance with applicable standards and shall approve, approve with conditions or deny the application based upon compliance with the applicable standards in **Article 7** and this Land Use Code.
 - a. As part of the Planning Commission review, the Planning Commission shall identify which, if any, of the Referral Agencies in **Section 4.1.3 D** should review the application.

- b. The Director shall provide the applicant with written notice of the Planning Commission's review comments and conditions or requirements within five (5) calendar days of the date of the Commission's meeting.
- c. Any appeal of the Planning Commission's decision shall be to the Board of County Commissioners using the procedures in **Section 4.1.3 G**.

B. Review by Referral Agency (Section 4.1.3 D). If required by the Planning Commission at the Sketch Plan review, the applicant shall submit the number of required materials, including the items listed in **Section 4.3.3 C 1.k** below to the County for transmittal to the Referral Agencies. The applicant shall submit responses or resolution of the Agency comments as part of the Final Plat submittal Package.

C. Final Plat.

1. **Application.** A Final Plat application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A**. The required application materials are set forth below; the Planning Director shall identify which application materials are required at the Pre-Application Conference:
 - a. Basic Application Materials (**Section 4.6.2 B**)
 - b. Narrative (**Section 4.6.2 C1**)
 - c. Vicinity Map (**Section 4.6.2 D2**)
 - d. Impact Analysis (**Section 4.6.2 E**)
 - e. Land Suitability Analysis (**Section 4.6.2 F**)
 - f. Open Space Plan (**Section 4.6.2 J**)
 - g. Water Supply Plan (**Section 4.6.2 K**)
 - h. Wastewater Plan (**Section 4.6.2 L**)
 - i. Visual Analysis (**Section 4.6.2 M**) (required only if the Planning Commission or the Board of Commissioners determines there have been material changes in the application since Sketch Plan)
 - j. Responses to Agency Comments (if required) (**Section 4.1.3 D**)
 - k. Final Plat (**Section 4.6.3 C**)
 - l. Final Engineering Reports and Plans
 - (1) streets, trails, walkways and bikeways
 - (2) engineering design and construction features for any bridges, culverts or other drainage structures to be constructed
 - (3) mitigation of geologic hazards
 - (4) soil suitability information
 - (5) Stormwater drainage, Erosion and Sediment Control Plan (**Section 4.6.2 I**)
 - (6) final cost estimates
2. **Schedule Public Hearing(s).** Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for consideration by the Planning Commission (if required) and Board of County Commissioners.

- a. A Public hearing by the Planning Commission is required only if the application is sent to Referral Agencies for review, and shall be held within forty five (45) calendar days of the date of determination of completeness.
 - b. Public hearing by the Board of Commissioners shall be held within sixty (60) calendar days of the date of determination of completeness.
 - c. Notice of the hearing(s) shall be made pursuant to **Section 1.3.5**.
- 3. Evaluation and Staff Review (Section 4.1.3 E).** The staff evaluation of the application shall include comments by referral agencies and include any Sketch Plan Review comments by the Planning Commission.
- 4. Review and Action by Planning Commission (if required).** If the application was referred to Referral Agencies as part of the Sketch Plan review, the Final Plat shall be considered by the Planning Commission at a public hearing conducted pursuant to **Section 1.3.5**. The Planning Commission shall recommend to the Board of County Commissioners approval, approval with conditions or denial of the application per **Section 1.3.6**, based upon compliance with the applicable standards in **Article 7** and this Land Use Code.

D. Decision by Board of County Commissioners. The Final Plat shall be considered by the Board of County Commissioners at a public hearing conducted pursuant to **Section 1.3.5**. The Board shall approve, approve with conditions or deny the application per **Section 1.3.6**, based upon compliance with the applicable standards in **Article 7** and this land use code.

- 1. Recordation.** The plat for an approved subdivision shall be submitted for recording in accordance with the requirements in **Section 4.1.3 I**.
- 2. Appeal of Decision.** The decision of the Board of Commissioners shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**).

4.3.4 Major Subdivision Review Process

A. Sketch Plan. The Sketch Plan review process is intended to review at a conceptual level the feasibility and design characteristics of the proposed subdivision. A Sketch Plan application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A**.

- 1. Application.** The application materials required for Sketch Plan Review are set forth as follows:
 - a. Basic Application Materials (**Section 4.6.2 B**)
 - b. Narrative, including proposed utilities, water supply, and wastewater treatment (**Section 4.6.2 C1**)
 - c. Phasing Plan (**Section 4.6.2 C2**)
 - d. Vicinity Map (**Section 4.6.2 D2**)
 - e. Impact Analysis (**Section 4.6.2 E**)
 - f. Land Suitability Analysis (**Section 4.6.2 F**)
 - g. Sketch Plan (**Section 4.6.3 A**)

- h. Visual Analysis (**Section 4.6.3.A**)
- 2. **Schedule Public Hearings.** Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for review by the Planning Commission and Board of County Commissioners.
 - a. The Planning Commission shall review the Sketch Plan application at a public hearing within forty-five (45) calendar days of the date of determination of completeness.
 - b. Public hearing by the Board of Commissioners shall be held within sixty (60) calendar days of the date of determination of completeness.
 - c. Notice of the hearing shall be made pursuant to **Section 1.3.5**.
- 3. **Evaluation and Staff Review (Section 4.1.3 E).**
- 4. **Planning Commission Action.** The Sketch Plan shall be considered by the Planning Commission at a public hearing conducted pursuant to **Section 1.3.5**. The Planning Commission will make a determination of the proposal's feasibility and design characteristics based upon compliance with applicable standards and shall recommend approval, approval with conditions or denial of the application per **Section 1.3.6** based upon compliance with the applicable standards in **Article 7** and this Land Use Code.
 - a. As part of the Planning Commission review, the Planning Commission shall identify which, if any, of the referral agencies in **Section 4.1.3D** should review the application.
- 5. **Review and Action by the Board of County Commissioners.** The sketch plan shall be considered by the Board of Commissioners at a public hearing, after proper notice, conducted pursuant to **Section 1.3.5**. Per **Section 1.3.6**, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with this code and the applicable standards in **Article 7**. The Board may also remand the application to the Planning Commission to consider new or additional information.

B. Preliminary Plan. The preliminary plan review process will consider the feasibility and design characteristics of the proposed land division based on the applicable standards set forth in **Article 7** and this land use code. The preliminary plan process will also evaluate preliminary engineering design. The Director may allow the preliminary plan and the final plat process to be combined if all requirements for preliminary and final plat are included in the submittal.

- 1. **Application.** The application materials required for Preliminary Plan review are set forth as follows:
 - a. Basic Application Materials (**Section 4.6.2 B**)
 - b. Narrative (**Section 4.6.2 C1**)
 - c. Phasing Plan (**Section 4.6.2 C2**)
 - d. Vicinity Map (**Section 4.6.2 D2**)
 - e. Impact Analysis (**Section 4.6.2 E**)
 - f. Land Suitability Analysis (**Section 4.6.2 F**)

- g. Traffic Study (**Section 4.6.2 G**)
 - h. Draft Open Space Plan (**Section 4.6.2 J**)
 - i. Water Supply Plan (**Section 4.6.2 K**)
 - j. Wastewater Plan (**Section 4.6.2 L**)
 - k. Visual Analysis (**Section 4.6.2 M**) (required only if the Planning Commission or the Board of Commissioners determines there have been material changes in the application since Sketch Plan)
 - l. Preliminary Plan Map (**Section 4.6.3 B**)
 - m. Preliminary Engineering Reports and Plans
 - (1) streets, trails, walkways and bikeways
 - (2) engineering design and construction features for any bridges, culverts or other drainage structures to be constructed
 - (3) identification and mitigation of geologic hazards
 - (4) soil suitability information
 - (5) Stormwater drainage, Erosion and Sediment Control Plan (**Section 4.6.2 I**)
2. **Schedule Planning Commission Hearing.** Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for review by the Planning Commission.
- a. Public hearing by the Planning Commission shall be held within forty-five (45) calendar days of the date of determination of completeness.
 - b. Notice of the hearing shall be made pursuant to **Section 1.3.5**.
3. **Evaluation and Staff Review (Section 4.1.3 E).** The evaluation of the application shall incorporate comments by referral agencies.
4. **Review and Recommendation by the Planning Commission.** The preliminary plan shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to **Section 1.3.5**. The Planning Commission shall approve, approve with conditions or deny the application per **Section 1.3.6**, based upon compliance with this code and the applicable standards set forth in **Article 7**.
- C. Final Plat.** Unless otherwise provided by these Regulations, the applicant must receive preliminary plan approval before beginning the final plat process.
1. **Application.** The application materials required for final plat review are set forth as follows:
- a. Basic Application Materials (**Section 4.6.2 B**)
 - b. Narrative (**Section 4.6.2 C1**)
 - c. Phasing Plan (**Section 4.6.2 C2**)
 - d. Vicinity Map (**Section 4.6.2 D2**)
 - e. Impact Analysis (**Section 4.6.2 E**)
 - f. Land Suitability Analysis (**Section 4.6.2 F**)
 - g. Traffic Study (**Section 4.6.2 G**)
 - h. Open Space Plan (**Section 4.6.2 J**)
 - i. Water Supply Plan (**Section 4.6.2 K**)

- j. Wastewater Plan (**Section 4.6.2 L**)
- k. Visual Analysis (**Section 4.6.2 M**) (required only if the Planning Commission or the Board of Commissioners determines there have been material changes in the application since Sketch Plan)
- l. Final Plat (**Section 4.6.3 C**)
- m. Final Engineering Reports and Plans
 - (1) streets, trails, walkways and bikeways
 - (2) engineering design and construction features for any bridges, culverts or other drainage structures to be constructed
 - (3) mitigation of geologic hazards
 - (4) soil suitability information
 - (5) Stormwater drainage, Erosion and Sediment Control Plan (**Section 4.6.2 I**)
 - (6) final cost estimates

2. **Schedule Review by Board of County Commissioners.** Upon a determination of completeness (**Section 4.1.3 C**), the Director shall schedule the application for review by the Board of County Commissioners. The Board of County Commissioners shall consider the final plat at a regularly scheduled public meeting to be held within sixty (60) calendar days of the date of determination of completeness. Notice of the hearing shall be made pursuant to **Section 1.3.5**.

3. **Evaluation and Staff Review (Section 4.1.3 E).**

D. Decision by Board of County Commissioners. A Final Plat shall be considered by the Board of Commissioners at a public hearing conducted pursuant to **Section 1.3.5**. The Board of County Commissioners shall approve, approve with conditions or deny the application per **Section 1.3.6**, based upon compliance with this code and the applicable standards in **Article 7** and this land use code. The Board may also remand the application to the Planning Commission to consider new or additional information.

1. **Recordation.** The plat for an approved subdivision shall be submitted for recording in accordance with the requirements in **Section 4.1.3 I**.
2. **Appeal of Decision.** The decision of the Board of Commissioners shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**).

4.4 REVIEW PROCEDURES FOR REZONING AND TEXT AMENDMENTS

4.4.1 Rezoning. Rezoning may be initiated by the Board of County Commissioners, the Planning Commission, the Director, or an applicant for land use change. No rezoning request shall be processed unless it is accompanied by a request to conduct a specific land use. The rezoning request may be processed concurrently with the land use change application and review process.

- A. Application Review.** A Rezoning application shall only be submitted

following a Pre-Application Conference as described in **Section 4.1.3 A.**

- 1. Submittal Requirements.** The application materials required for review of a rezoning request are as follows:
 - a.** Basic Application Materials (**Section 4.6.2 B**)
 - b.** Narrative (**Section 4.6.2 C1**); including Rezoning Justification Report that explains how the rezoning will satisfy the approval criteria for a rezoning, set forth in **Section 4.4.1 C.**
 - c.** Vicinity Map (**Section 4.6.2 D2**)
 - d.** Site Plan (**Section 4.6.2 D3**)
 - e.** Final Plat (**Section 4.6.3 C**)
 - f.** If the rezoning request is proposed for the purpose of allowing a specific land use change, the application materials for proposed Land Use Change accompanying the Rezoning request
- 2. Schedule Public Hearings.** Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for consideration by the Planning Commission and Board of County Commissioners.
 - a.** Public hearing by the Planning Commission shall be held within forty five (45) calendar days of the date of determination of completeness.
 - b.** Public hearing by the Board of County Commissioners shall be held within sixty (60) calendar days of the date of determination of completeness.
 - c.** Notice of the hearings shall be made pursuant to **Section 1.3.5.**
- 3. Evaluation and Staff Review (Section 4.1.3 E).** The evaluation shall include an analysis of the criteria set forth in **4.4.1 C.**
- 4. Review and Recommendation by the Planning Commission.** A rezoning application shall be considered by the Planning Commission at a public hearing conducted pursuant to **Section 1.3.5.** The Planning Commission shall recommend approval or denial of the application per **Section 1.3.6,** based upon compliance with the approval criteria set forth in **4.4.1 C.**

B. Decision by Board of County Commissioners. The final decision to approve or deny a rezoning application shall be made by the Board of County Commissioners at a public hearing. Following a public hearing conducted pursuant to **Section 1.3.5,** the Board of County Commissioners shall approve, conditionally approve or deny the application per **Section 1.3.6,** based upon compliance with the criteria set forth in **Section 4.4.1 C.** If additional testimony is presented to the Board of County Commissioners following recommendation by the Planning Commission, the Board may remand the application to the Planning Commission for further consideration of the additional testimony and recommendation.

1. **Appeal of Decision.** The decision of the Board of Commissioners shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**).

C. Review Criteria. Unless otherwise provided in these Regulations, the following criteria shall apply to rezoning requests.

1. **No Spot Zoning.** The proposed rezoning would result in a logical and orderly development pattern and would not constitute spot zoning.
2. **Change in Area.** The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.
3. **Demonstrated Community Need.** The proposed rezoning addresses a demonstrated community need with respect to facilities, services or housing.
4. **Original Zone Designation Incorrect.** The proposed rezoning addresses errors in the original zone district map.
5. **Compliance with Comprehensive Plan and Intergovernmental Agreements.** The proposed rezoning is in compliance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.

4.4.2 Land Use Code Text Amendment. Amendments to the text of this Land Use Code may be initiated by the Board of County Commissioners, the Planning Commission, the Director, or a member of the general public.

A. Review Process.

1. **Proposed Amendment.** A Written Description of proposed land use code text amendment, and justification for amendment, shall be submitted to the Director.
2. **Schedule Public Hearings.** Within fifteen (15) calendar days from receipt of the proposed text amendment, the Director shall schedule the proposed amendment for consideration by the Planning Commission and Board of County Commissioners.
 - a. Public hearing by the Planning Commission shall be held within forty-five (45) calendar days from receipt of the proposed text amendment.
 - b. Public hearing by the Board of County Commissioners shall be held within sixty (60) calendar days from receipt of the proposed text amendment.
 - c. Notice of the hearings shall be made pursuant to Section 1.3.5, except first class mailings and a sign posting are not required.
3. **Evaluation and Staff Review (Section 4.1.3 E).** The staff may recommend modifications or alternatives to the proposed amendment. A

request to add use(s) to the zone district regulations shall comply with the following approval criteria:

- a. The proposed use does not result in hazards or alter the natural environment to an extent greater than the other uses allowed in the zone district to which it would be added.
 - b. The proposed use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or more traffic hazards than that normally resulting from the other uses allowed the zone district to which it would be added.
 - c. The proposed use is compatible with the uses allowed in the zone district to which it would be added.
4. **Recommendation by the Planning Commission.** The proposed text amendment, together with any proposed modifications or alternatives, shall be considered by the Planning Commission at a public hearing conducted pursuant to **Section 1.3.5**. The Planning Commission shall recommend approval, modification or denial of the proposed text amendment per **Section 1.3.6**.

B. Decision by the Board of County Commissioners. The proposed text amendment, together with any proposed modifications or alternatives, shall be considered by the Board of County Commissioners at the public hearing conducted pursuant to **Section 1.3.5**. The Board of shall determine whether the text should be amended and the content of any such amendment, and approve or deny the proposed text amendment per **Section 1.3.6**. If additional testimony is presented to the Board of County Commissioners following recommendation by the Planning Commission, the Board may remand the application to the Planning Commission for further consideration of the additional testimony and recommendation.

1. **Effective Date.** Unless otherwise specified by the Board of County Commissioners, an approved amendment to the text of this Land Use Code shall become effective within thirty (30) calendar days of the Board's decision.

4.5 REVIEW PROCEDURES FOR VARIANCES AND APPEAL OF ADMINISTRATIVE INTERPRETATION

4.5.1 Request for Variance. Variances are deviations from the zoning requirements set forth in **Article 2**, that would not be contrary to the public interest when, owing to special circumstances or conditions like exceptional topographic conditions, narrowness, shallowness or the shape of a specific piece of property, the literal enforcement of the provisions of this Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. Variance requests are heard by the Board of Adjustment with appeals heard by the District Court.

A. Application Review. A Variance application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A**.

- 1. Submittal Requirements.** The application materials required for a request for variance are as follows:
 - a.** Basic Application Materials (**Section 4.6.2 B**)
 - b.** Narrative (**Section 4.6.2 C1**); including written statement of variance requested and description of hardship
 - c.** Vicinity Map (**Section 4.6.2 D2**)
 - d.** Site Plan (**Section 4.6.2 D3**)
 - e.** Impact Analysis (**Section 4.6.2 E**)
- 2. Schedule Public Hearing.** Upon determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for consideration by the Board of Adjustment.
 - a.** Public hearing by the Board of Adjustment shall be held within forty-five (45) calendar days of the date of determination of completeness.
 - b.** Notice of the hearing shall be made pursuant to **Section 1.3.5**.
- 3. Evaluation and Staff Review.** The staff shall review the application for compliance with the approval standards set forth in **4.5.1 B** and prepare a staff report per **Section 4.1.3 E**.

B. Decision by the Board of Adjustment. The final decision to approve, approve with conditions or deny a request for variance shall be made by the Board of Adjustment at a public hearing. Following a public hearing conducted pursuant to **Section 1.3.5**, the Board of Adjustment shall approve, approve with conditions or deny the application based upon compliance with the approval standards set forth in **4.5.1 C**. The concurring vote a majority of the Board shall be required to decide in the favor of the appellant.

- 1. Written Notice of Decision.** The Director shall inform the applicant of the approval, conditions of approval, or basis for denial in writing within five (5) calendar days of the date of the decision by the Board of Adjustment.
- 2. Appeal of Decision.** The decision of the Board of Adjustment shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**).

C. Review Criteria for Request for Variance. The following standards shall be satisfied for approval of a request for variance from specific regulatory provisions of this Code.

- 1.** One or more of the following circumstances or conditions exists with respect to the specific property:
 - a.** Exceptional narrowness, shallowness or shape of the property at the time of the enactment of the regulation in question.
 - b.** Exceptional topographic conditions of the property.
 - c.** Other extraordinary and exceptional situation or condition of the property.

2. The special circumstances and conditions have not resulted from any act of the applicant.
3. Because of the special circumstances and conditions specific to the property, strict application of the regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship on, the owner of the property.
4. The granting of the variance from the strict application of the provisions set forth in this Code is necessary to relieve the owner of the peculiar and exceptional practical difficulties or exceptional and undue hardship.
5. Granting the variance will not cause substantial detriment to the public good.
6. Granting the variance will not substantially impair the intent and purpose of this Land Use Code.

4.5.2 Appeal of an Administrative Interpretation. Staff evaluation of land use applications can require interpretation of aspects of the land use code related to proposed uses, definitions, and similar types of provisions. If an applicant or other party is aggrieved by an administrative interpretation of this land use code related to a specific application, an appeal of the interpretation can be made to the Board of Adjustment.

A. Application Review. The appeal shall be filed with the Director within thirty (30) calendar days of the date of the written interpretation or notice of decision.

1. **Submittal Requirements.** The application materials required for an Appeal of Administrative Interpretation are set forth as follows:
 - a. Basic Application Materials (**Section 4.6.2 B**)
 - b. Statement of Appeal: A written statement of the administrative interpretation or decision to be appealed, the date of the written interpretation or decision, and the reasons why the appellant believes that the interpretation or decision is incorrect, including any materials or evidence to support the appeal.
2. **Schedule Public Hearing.** Upon determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for consideration by the Board of Adjustment.
 - a. Public hearing by the Board of Adjustment shall be held within forty-five (45) calendar days of the date of determination of completeness.
 - b. Notice of the hearing shall be made pursuant to **Section 1.3.5**.
3. **Evaluation and Staff Review (Section 4.1.3 E).** The staff evaluation shall include an analysis of the criteria set forth in **4.5.2 C**.

B. Decision by the Board of Adjustment. The Board of Adjustment shall review the application and testimony at a properly noticed public hearing. Following the public hearing, conducted pursuant to **Section 1.3.5**, the Board of Adjustment shall uphold, modify or reverse the administrative interpretation or decision, based

upon the criteria set forth in **4.5.2 C**. The concurring vote of all three members of the Board shall be required to reverse the Administrative Interpretation.

1. **Written Notice of Decision.** The Director shall provide the applicant with written notice of decision by the Board of Adjustment within five (5) calendar days of the date of the decision by the Board of Adjustment.
2. **Appeal of Decision.** The decision of the Board of Adjustment shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**).

C. Review Criteria for Appeal of Administrative Interpretation.

1. The effect of the interpretation on the intent of this Code and the purposes for which the regulatory provision was adopted.
2. The technical meaning of the regulatory provision.
3. Evidence as to the past interpretation of the regulatory provision.

4.6 SUBMITTAL REQUIREMENTS FOR LAND USE CHANGE APPLICATIONS

4.6.1 Application Materials. The submittal requirements for each type of application are set forth in the review process for each type of application. A detailed description of each submittal requirement is set forth in the following sections. The Director may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. The application form for each type of application includes a checklist that specifies the number of application packages and specific information required. Note that some or all of these requirements may not be applicable to applications that are permitted uses subject only to obtaining a building permit.

Following approval of each phase, a maximum of six months is allowed for submission of the subsequent phase. Approvals for Sketch and Preliminary Plans shall be effective for a maximum period of six months each. An applicant may request, and staff may grant, a one-time six-month extension. The maximum allowed time for subdivision approval completion is two years. Failure to complete the subdivision process within the two-year time frame may result in denial. The applicant may request, and staff, may grant up to two additional six-month extensions for a maximum subdivision approval process length of three years. In the event of legal action or referral to another governmental entity all time frames shall be suspended regarding the completion of the process or any phase of the process.

4.6.2 Description of Submittal Requirements. This section describes the requirements for application submittal materials.

- A. Professional Qualifications.** The professional qualifications for preparation and certification of certain documents required by these Regulations are as follows.

1. **Civil Engineer.** Improvement plans and reports for water supply, sanitation, drainage, utilities, soils grading, roads and road layout, structures and other civil engineering required to satisfy the development standards of these Regulations shall be prepared and certified by a professional engineer qualified in the specific discipline and licensed by the State of Colorado.
2. **Surveyor.** All documents containing land survey descriptions shall be prepared and certified by a certified Colorado Professional Land Surveyor.
3. **Geologist.** Geology reports shall be prepared by either a member of the American Institute of Professional Geologists or a member of the Association of Engineering Geologists.
4. **Other.** Other professionals retained by the applicant to provide studies and analyses required by these Regulations shall demonstrate qualification in the specific field, to the satisfaction of the reviewing body.

B. Basic Application Materials. The following basic materials are required for all applications for land use change permit, including division of land.

1. **Application Form.** Application forms for a land use change permit shall be obtained from the Planning Department. Completed application forms and accompanying materials shall be submitted to the Director by the owner, or any other person having a recognized fee title interest in the land for which a land use change is proposed, or by any agent acting through written authorization of the owner.
2. **Fees.** Any application for a land use change permit must be accompanied by the appropriate fees. A schedule of fees is available through the Planning Department. The costs of any consultant and referral agency review are the responsibility of the applicant.
 - a. The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant review costs, at the time of application and in addition to the application fees.
 - b. The County may suspend the application review process pending payment of consultant costs.
3. **Evidence of Ownership.** The Applicant shall provide sufficient evidence showing proof that the applicant is the owner of all of the property involved in the application. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application. Evidence of ownership may require additional information depending on the type of application, including:
 - a. **Applicant is Not the Sole Owner.** If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all other owners or an association representing all the owners, by which all owners consent to or join in the application. If the ownership is a corporation, provide evidence of registration or incorporation in the

State of Colorado for corporate property owners or corporate applicant.

- b. **Authorized Agent.** The applicant may designate professionals as described above in **Section 4.6.2 A**, or other persons, to represent them during processing of the application. The applicant shall provide to the Planning Department a notarized consent for representation.
 - c. **Subdivision Requirements.** For any subdivision, exemption, or conservation subdivision final plat: A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado attesting to the accuracy and validity of the title to the property being platted and stating that the applicant is the land owner or is duly authorized by the land owner(s). The certificate shall be submitted within seven calendar days of the application submittal date.
 - (1) The certificate or certification shall also list all mortgages, liens, judgments, easements, contracts, and agreements of record regarding the land to be platted and the Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to join in and approve the application for Final Plat approval before such Final Plat is accepted for review.
 - (2) All other exceptions from title shall be delineated.
4. **Adjacent Property Owner Information.** A map from the County Assessor's office with an attached list of current property owners of record and their complete mailing address for properties adjacent to the property, and ditch and easement owners within the proposed property. The applicant shall provide completed USPS Certified Mail, Return Receipt, forms 3800 and 3811 for all adjacent property owners of record and ditch and easement owners within the proposed property.
 5. **Other Interests.** Provide the names and contact information for each of the following on the property, if applicable.
 - a. A list of the owners of subsurface mineral interests and their lessees, if any, on the parcel and their complete mailing addresses.
 - b. Easements, ditches, or utilities.

C. General Reports.

1. **Application Narrative.** Describe the proposed land use and how the application will comply with the requirements of the zone district and use specific criteria, and also the proposed access, wastewater treatment, water supply, and fire protection, referencing other sections of the application as necessary.
2. **Phasing Plan.** In the case of a Planned Development, Major Impact Review, or Subdivision; description of proposed phasing plan, if applicable.

D. Maps and Plans.

- 1. Basic Requirements for Maps and Plans.** The following are basic requirements for *any* map or plan submitted under the application and review procedures of these Regulations.
 - a. Name or identifying title of the proposed development or use.
 - b. Total area of the site, in acres.
 - c. Name, address and telephone number of the applicant, person preparing the map or plan, designer, engineer, surveyor, and any other consultants of the applicant.
 - d. Date of preparation, revision box, written scale, graphic scale, and north arrow.
 - e. Maximum scale of 1 inch to 200 feet for properties exceeding 160 acres in size, or 1 inch to 100 feet for properties less than 160 acres in size, unless otherwise specified by these Regulations.
 - f. The application form will specify the sheet size for the plan submittals.
- 2. Vicinity Map.** An 8 ½ x 11 vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, and all property within a 1-mile radius of the subject property, identifying major features.
- 3. Site Plan.** The site plan shall include the following elements.
 - a. Legal description of the property.
 - b. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range.
 - c. Area of the site, area of individual parcels, and areas of all development including developed driveways, parking and buildings.
 - d. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage.
 - e. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.
 - f. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks and paths, shown by location and dimension.
 - g. Existing and proposed roads, railroad tracks, irrigation ditches, fences and utility lines on or adjacent to the parcel, shown by location and dimension.

- h.** Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
- i.** Area of the individual parcels, and the total square feet of existing buildings, driveways and parking area.
- j.** Zone district in which the site is located.
- k.** Location and dimension of all structures, existing and proposed, and distance of structures from property lines.
- l.** Elevation drawings showing existing grade, finished grade, and height of the proposed structures above existing grade.
- m.** Description of the proposed wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities to serve the proposed use.
- n.** Description of the source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use.
- o.** Location and size of signs for the purpose of identification, advertising and traffic control.
- p.** Other information or data, and additional detail as may be reasonably requested by the Director at the Pre-application Conference.

E. Impact Analysis (Required for Administrative, Limited Impact, Major Impact, Subdivision). The Impact Analysis shall provide a description of the impacts that the proposed land use change may cause, based upon the standards that the proposed use must satisfy. The Impact Analysis shall include a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied. The analysis shall consider at a minimum the potential impacts to nearby properties resulting from the project, including but not limited to: safety, water pollution, noise, vibration, smoke, dust, odor, heat, glare; wildfire, flood, or geologic hazard; and visual impact; and propose mitigations to minimize such impacts.

F. Land Suitability Analysis (Required for Limited Impact, Major Impact, Subdivision). The Land Suitability Analysis is a written analysis of conditions on-site and off-site which have an influence on the proposed use of the land. The Land Suitability Analysis shall include the following information.

- 1. Site Features.** A description of site features such as streams, areas subject to flooding, lakes, high ground water areas, vegetative cover, climatology, and other significant natural and man-made features.
- 2. Drainage Features.** A description of the existing drainages and impoundments, natural and manmade.
- 3. Soil Characteristics.** A description of soil characteristics of the site.
- 4. Geology and Hazard.** A description of the geologic characteristics of the area including any potential natural or man-made hazards.

- 5. Topography and Slope.** A description of the topography and the slope determination.
- 6. Existing Water Supply and Adequacy of Supply for Existing and Future Requirements.** A description of the source of water supply, the existing and future domestic and agricultural requirements, and the capacity of the source of water supply to meet existing and future requirements. The description shall include detail of historic irrigation and water demands.
- 7. Groundwater and Aquifer Recharge Areas.** A description of the relationship of the subject parcel to floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land, the effect of sewage effluents, and the pollution of surface runoff, stream flow and groundwater.
- 8. Floodplain.** A description of the Floodplain and Flood Fringe designations affecting the subject property.
- 9. Environmental Conditions.** A description of the existing environmental conditions.
 - a. Existing flora and fauna habitat, wetlands, migration routes.
 - b. Significant archaeological, cultural, paleontological, and historic resource areas.
 - c. Potential radiation hazard that may have been identified by the state or County Health Department.
- 10. Use of Adjacent Property.** A description of the existing and historic use of adjacent properties.
- 11. Easements.** A description of all easements defining, limiting or allowing use types and access.
- 12. Access.**
 - a. A description of historic public access to or through the site.
 - b. A description of access to adjoining roads and site distance and intersection constraints.

G. Traffic Study (Required for Limited Impact, Major Impact, Subdivision, PD). The Traffic Study shall contain a Basic Traffic Analysis and, depending on the results of that analysis, a Detailed Traffic Analysis where certain thresholds are exceeded. Both the Basic and Detailed Traffic Analyses shall contain sections addressing projected construction and development traffic impacts. A Detailed Traffic Analysis shall be prepared by a registered professional with experience in Transportation Engineering, utilizing existing County traffic counts as mapped, the current County Transportation Plan, accepted Trip Generation Manuals, the Manual on Uniform Traffic Control Devices, and current standards as applied by the Colorado Department of Transportation, as applicable.

- 1. Information Requirements for a Basic Traffic Analysis.**
 - a. Maps.** A map or maps depicting the parcel or activity area, showing existing and proposed internal roads, adjoining roads, access points and activity areas for construction activity, access points for the finished development, all County roads within a 1 mile radius of the development, and the nearest proximate intersections with state or federal highways likely to receive traffic impacts from the development.
 - b. Existing Land Use and Traffic.** A narrative description of existing land uses on the parcel, with current trip generation estimates at existing access points, the current status of those access points regarding County driveway permits, any permits for access to a state highway, railroad crossings, access easements and their legal status and other appropriate current traffic information and legal constraints that may apply.
 - c. Proposed Land Use and Traffic.** A narrative description of proposed land uses and likely trip generation projections for each, based on current trip generation manuals or other credible and defensible analysis, both for the construction phase(s) and the completed development, with a breakdown of traffic into heavy trucks and 'other,' for existing, temporary or proposed new access points.
 - d. Construction Phases.** A narrative description of the construction phase(s) of the development including staging and storage areas, temporary access points, duration, types and frequency of heavy truck traffic, access road segments to be impacted, any projected County or state permits required, projected lane closures or traffic interruption, and a statement of intended mitigation measures to minimize disruption and damage.
 - e. Average Daily Traffic Count Information.** Depict existing Average Daily Traffic Count information for all County road segments and state or federal highway intersections at the appropriate map scale, and show on the same map the likely increase in average daily truck traffic for construction activity and average daily traffic for the completed development. Where a development has two or more access points, show anticipated trip distribution and assignment for each access point, provide a narrative rationale for the projected allocation of trips by access points and road segment.
- 2. Thresholds Requiring a Detailed Traffic Analysis.** If the Basic Traffic Analysis shows that any of the following thresholds are exceeded, such determination to be made by the County, a Detailed Traffic Analysis shall be required:
 - a.** Traffic volumes projected at any intersection with a state or federal highway exceed current volumes by twenty percent (20%), as determined by CDOT using current traffic counts and CDOT approved methodology.

access points, addition of new access points, signalization, turning lanes, acceleration/deceleration lanes, etc.)

- b. A narrative description and site plans shall be provided for improvements for any off-site County road segments and intersections necessary to maintain the level of service.
 - c. A narrative description and site plans shall be provided for improvements for any state highway intersections deemed necessary by CDOT.
 - d. Calculation of County Road Impact Fee due for the proposed development and any off-site costs identified that are not already part of the currently approved County Transportation Capital Improvements Plan.
 - e. A proposed funding and phasing plan shall be provided for work necessary to be performed off-site that is not an identified project in the County Transportation Capital Improvements Plan. For projects that are identified in the County Transportation Capital Improvements Plan, the applicant may propose moving the project forward in time, cost sharing, or joint ventures for consideration by the County.
- 5. Additional Submittal Requirements and Documentation**
- a. Existing County permits, including driveway permits and access permits.
 - b. Existing access easements.
 - c. Existing permits from CDOT, railroads or other applicable entities.
 - d. Evidence of consultation with the County for future access locations.
 - e. Evidence of consultation with CDOT for future access permits, as applicable.
 - f. Any proposed access easements, agreements and modifications and current status.
 - g. Any proposed Noise Barrier or Sound Wall improvements.

H. Landscape Plan (Required for Major Impact, Subdivision, PD). A landscape plan is required only if landscaping is necessary to mitigate identified impacts, or if required for a specific development standard in **Article 7**. The landscape plan shall be prepared by a landscape architect and shall include the following elements.

- 1. Topographic information at two (2) foot contour intervals.
- 2. Location of all lot lines and improvements to the property, and location of any easements of record.
- 3. Identification of all existing deciduous and coniferous trees of six inches (6") in caliper or greater, and which trees will be preserved and which trees will be removed or relocated; areas where other existing vegetation will either be preserved or removed; the type, location, size and number of plants that will be installed; specified seed mixtures.

4. An estimate of the cost of supplying and installing the materials depicted in the landscape plan.
5. A description of the proposed program to maintain the landscaping after it has been installed.

I. Erosion and Sediment Control Plan (Required for Major Impact, Subdivision, PD). The Erosion and Sediment Control Plan shall include the following elements.

1. **Erosion Control Site Map.** A site map showing locations of any existing structures, waterbodies or hydrologic features on the site, including intermittent water features, wetlands and the 100-year flood plain boundaries.
2. **Drainage Structures.**
 - a. Locations of existing and proposed drainage structures or natural drainage features affecting site drainage on the parcel and within 100 feet adjacent to the site boundary, including: street gutters, storm sewers, drainage channels and other water conveyance structures; and wetlands or other waterbodies receiving storm runoff from the site.
 - b. Preliminary engineering design and construction features for drainage structures to be constructed.
3. **Drainage Plan.** Proposed drainage plan.
4. **Topography.** Existing topography at reasonable contour intervals, to provide necessary detail of the site. The map should extend a minimum of 100 feet beyond the property line and show the location of the property line.
5. **Grading Plan.** A grading plan showing the proposed topography at reasonable contour intervals that provide necessary detail of the site. The plan shall show elevations, dimensions, location, extent and slope of all proposed clearing and grading including building site and driveway grades.
6. **Soil Stockpile and Snow Storage Areas.** Probable locations of soil stockpiles and snow storage areas.
7. **Equipment Storage Areas.** Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment structures.
8. **Temporary Roads.** Location of temporary roads designed for use during the construction period.
9. **Areas of Steep Slope.** Areas with slope of twenty (20) percent or greater shall be identified by location and percentage of slope, both for the existing site conditions and within the developed area.
10. **Construction Schedule.** Construction schedule indicating the anticipated starting and completion time periods of the site grading and/or

construction sequence including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.

- 11. Permanent Stabilization.** A brief description of how the site will be stabilized after construction is completed.
- 12. Erosion Control Measures.** Plan view drawings of all erosion and sediment control measures showing approximate locations and site drainage patterns for construction phases and final design elements. Text may be necessary to accompany and explain the drawings. Typical erosion control measures should be depicted using standard map symbols.
- 13. Estimated Cost.** Estimated total cost (installation and maintenance) of the required temporary soil erosion and sediment control measures.
- 14. Calculations.** Any calculations made for determining rainfall, runoff, sizing any sediment basins, diversions, conveyance or detention/retention facilities.
- 15. Signature Blocks.** Signature block for owner or legal agent acknowledging the review and acceptance of responsibility, and a signature and stamped statement by the qualified individual acknowledging responsibility for the preparation of the Erosion and Sediment Control Plan.

J. Open Space Management Plan. The Open Space Management Plan shall include the following elements.

- 1. Open Space Plan Map.** The Open Space Plan maps shall be at a standard scale equal to or between 1 inch= 10 feet and 1 inch = 200 feet, and shall include the following elements:
 - a. Residential lot layout, roadways and site access.
 - b. Delineation of open space areas.
 - c. Trails and structures located within the open space areas.
 - d. Existing and planned open space on adjacent property.
 - e. Location and dimension of roadways, driveways, sidewalks, paths and trails, and parking areas.
- 2.** Ownership and responsibility for management of the open space.
- 3.** Details for maintenance of the open space, including noxious weed control.
- 4.** Responsibility for the cost of maintenance of the open space.
- 5.** Uses allowed within the open space.
- 6.** Stipulations preserving the designated open space and maintenance of the open space in the event of future amendments to the approved land use.

K. Water Supply Plan. The Water Supply Plan shall include the following elements, in graphic or written form.

1. Evidence that an adequate water supply sufficient in terms of quality, quantity and dependability shall be available to the proposed land use.
 - a. Evidence of ownership or right of acquisition or use of existing and proposed water rights.
 - b. Historic use and estimated yield of claimed water rights.
 - c. Amenability of existing water right to change in use.
 - d. Evidence that the public or private water owners can and will supply water to the proposed land use, including the amount of water available for use by the providers, the feasibility of extending service to the area, proof of the legal dependability of the proposed water supply, and representation that all the necessary water rights have been obtained or will be obtained.
 2. If a central supply and distribution system is to be provided, a general description of the system, as designed by a qualified licensed professional engineer. The description shall include the following information.
 - a. The legal entity that will own and operate the water system.
 - b. The proposed method of financing the water system.
 3. If connection is to be made to an existing public water system, a letter of commitment for service from an authorized representative of the entity that owns and operates the system. The letter shall include evidence that the existing water system possesses an adequate legal water supply to serve the proposed land use.
 4. If an individual water system is proposed, a report indicating the availability of potable groundwater at reasonable depths throughout the proposed development and the expected quality and long-term yield of the proposed wells. The report shall be prepared by a qualified licensed professional engineer.
 5. If applicable, a Plan of Augmentation and a plan for subdivision water supplies, with supporting documentation prepared by a qualified licensed professional engineer.
 6. Design and layout of all water and wastewater service lines, treatment facilities and other elements of the wastewater system.
- L. Wastewater Plan.** The Wastewater Plan shall include the following elements, in graphic or written form.
1. A general description of the proposed collection system and treatment facilities, designed by a qualified licensed professional engineer. The following information shall be included.
 - a. A copy of the completed Colorado Department of Health Waste Water Treatment Plant Site Location Approval Application.
 - b. Description of the legal entity that will own and operate the collection and treatment facilities.
 - c. Description of the proposed method of financing the collection and treatment facilities.
 2. If the proposed land use is to be served by an existing public collection system and treatment facilities, evidence that provision has been made

for adequate service to the proposed land use, in compliance with state and local regulations.

- a. Evidence that the existing collection system and treatment facilities can and will provide adequate service for the proposed land use.
 - b. A letter of commitment for service from an authorized representative of the entity that owns and operates the system. The letter shall include evidence that the facility and system is adequate to serve the proposed land use.
 - c. Description of the legal entity that owns and operates the collection and treatment facilities.
 - d. Description of the proposed method of financing the collection and treatment facilities.
3. If individual sewage disposal systems are proposed, the following information shall be provided.
- a. Evidence that the individual sewage disposal systems will comply with the County's Individual Sewage Disposal Requirements and requirements of the Colorado Department of Public Health, Water Quality Control Commission.
 - b. Documentation of soil percolation tests and other studies required to determine maximum seasonal groundwater level and depth to bedrock, in compliance with requirements of the County's Individual Sewage Disposal Requirements.
 - (1) Test locations shall be indicated on the plat.
 - (2) Tests shall be performed by a qualified licensed professional engineer.
 - c. A proposed management plan for operation and maintenance of on-site systems.

M. Visual Analysis.

- 1. **Visual Analysis with Sketch Plan.** Within the sketch plan review application, (required only if the Planning Commission or the Board of Commissioners determines there have been material changes in the application since Sketch Plan) the applicant shall submit an initial investigation of potential visual impacts and mitigation techniques, containing the following materials:
 - a. A map of the property that depicts the general location of ridgeline areas in relationship to development areas.
 - b. A brief written statement describing, in a general manner, where the development is proposed to be located in relation to the ridgeline areas and the design elements that will be used to mitigate visual impacts.
 - c. A map location proposed roads and utilities and identifying the area proposed for development.
 - d. Conceptual grading, landscaping and illumination plans.

4.6.3 Submittals Specific to Types of Subdivision.

A. Sketch Plan. The sketch plan plat shall include the following information and supplemental materials, legible and suitable for non-technical review of the proposal. The Director may require, or the applicant may wish to submit, a more detailed version of all or part of the sketch plan map.

1. Legal description of the property.
2. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range.
3. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage.
4. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.
5. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks and paths, shown by location and dimension.
6. Existing and proposed roads, railroad tracks, irrigation ditches, fences and utility lines on or adjacent to the parcel, shown by location and dimension.
7. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
8. Schematic and narrative representation of the proposed subdivision including:
 - a. Existing and proposed zoning of land to be subdivided and Existing land uses
 - b. Total proposed subdivision area in acres and a percentage breakdown of areas devoted to specific land uses, with acreage and square footage, (e.g. percentage and area of residential development and/or nonresidential development; percentage and area of open space; percentage and area of parking and driveways, and so forth).
 - c. Approximate lot sizes.
 - d. Total number, size, general location and type of proposed dwelling units.
 - e. Location, size and use of major improvements.
 - f. Total number of square feet and proposed use of nonresidential floor space.
 - g. Off-street parking areas and anticipated number of spaces.
 - h. Recreation areas and open space.
 - i. School sites.

- j. Approximate location of wastewater treatment system, including location and size of leach field, service lines, and treatment facilities to serve the proposed use.
- k. Source and capacity of the water supply, including approximate location and size of well(s) and/or water lines to serve the proposed use.
- l. Utilities and service facilities.
- m. Landscaping.

B. Preliminary Plan. The Preliminary Plan plat shall include the following information and supplemental materials.

1. Legal description of the property.
2. Site data in chart form presenting:
 - a. Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area and proposed use of non-residential floor space.
 - b. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and non-public uses).
 - c. Total number of proposed off-street parking spaces.
 - d. Total number of dwelling units; total number of dwelling units per structure proposed.
 - e. Total gross density proposed.
3. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range.
4. Topography at the following minimum contour intervals.
 - a. Subdivision with one or more lots less than two (2) acres in size, topography shown at two foot contour intervals.
 - b. Subdivision with all lots two (2) acres or greater in size, topography shown at five (5) foot contour intervals.
 - c. Areas having slopes 30% or more, or other significant topographic conditions, topography shown at 5-foot contour intervals.
5. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.
6. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.

7. Public access to site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown.
8. The location of and preliminary engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
9. Uses and grantees of all existing and proposed easements and rights-of-way on and adjacent to the property, shown by location and dimension.
10. For non-residential uses, the location, use and gross square footage of proposed structures within the subdivision, with anticipated number of employees.
11. Building envelopes in hazardous areas.
12. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot.
13. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site.
14. Zoning districts on the site and any zoning changes to be requested.
15. Existing land uses and zoning on adjoining properties.
16. Public or private sources of utility services and facilities.
17. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to County.

C. Final Plat. The following information shall be contained on the plat submitted with the final application package for any type of subdivision process, including subdivision exemption, conservation subdivision, minor or major subdivision.

1. Final Plat shall be scaled at a maximum scale of 1 inch to 200 feet.
2. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners.
3. The name, address and seal of the certifying registered land surveyor and the other individuals preparing the Final Plat.
4. Legal description of the property, including township, range, section and quarter section(s) information.
5. Location and full description of all monuments as required by this Code and by C.R.S. 38-51-101. Permanent monuments shall be set on the external boundary of the subdivision, block and lot monuments shall be set, and Information adequate to locate all monuments shall be noted on the plat.

- 6.** Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner and township and range.
- 7.** The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field.
- 8.** Lot location and layout. All lots and blocks shall be numbered consecutively and block letters or numbers, lot numbers, street names and street addresses shall be indicated on the plat, as provided by the Chaffee County Development Services Department or any department designated by the Board of Commissioners. The dimensions of all lots and the acreage of each lot shall be shown to two decimal places.
- 9.** Location and width of existing and proposed roadways, road rights-of-way and parking areas within the site, with all street and road names. Names of all existing or recorded streets and roads intersecting or adjacent to the subdivision boundaries, showing right-of-way or easement boundaries.
- 10.** Location and dimensions of open space parcels and preserved areas. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to the County or preserved through conservation easement.
- 11.** The names of all bordering subdivisions, public lands, and any adjacent municipal limits. In the case of abutting unplatted property, the notation "unplatted" shall appear.
- 12.** The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks or paths, and similar features, including all other rights-of-way not otherwise or explicitly mentioned.
- 13.** The purpose and owner(s) of all easements. A plat note may be necessary to provide complete information regarding the purpose of the easement.
- 14.** The boundary lines and dimensions, shown accurately, of all property to be reserved and dedicated, with the means of access to such property clearly shown and its intended uses noted.
- 15.** A legally acceptable land description and dedication block placed on the plat by the applicant dedicating streets, rights-of-way, public sites and other such features. The transfer of dedicated land to the County or other party shall take place by a legally acceptable instrument prior to or concurrent with Final Plat acceptance, but before recording of the Final Plat.
- 16.** Identification of lots with slope in excess of thirty (30) percent and any other lots where special studies are required prior to obtaining a development permit.
- 17.** Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any.

- 18.** All lands within the boundary of the subdivision shall be accounted for as a lot, tract, parcel, open space, street, right-of-way, alley and so forth, and all areas of such lands shall be shown on the plat to the nearest one hundredth of an acre.
- 19.** All plat notes required by the County under Preliminary Plan approval or as a condition of Final Plat Approval including fees-in-lieu; covenants; ditch agreements; and subdivision improvement agreements. The Final Plat shall include executed certificates, notices, and statements in the standard format provided by the County, including the following certifications.
 - a.** Title Certification: certificate from a title insurance company or attorney setting forth the names of all owners of property included within the proposed exemption and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision exemption.
 - b.** Certification by Surveyor.
 - c.** Owners and Mortgagee certification.
 - d.** Certificate for County Clerk and Recorder.
 - e.** Certificate for acceptance by Board of County Commissioners.

ARTICLE 5 DIVISION OF LAND

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ARTICLE 5

DIVISION OF LAND

5.1 GENERAL PROVISIONS

5.1.1 Plat or Exemption Plat Approval Required. The division of land into two or more parcels or adjustment of property boundaries requires plat approval or approval of an exemption plat by the Board of County Commissioners.

5.1.2 Types of Land Division. Division of land into two or more parcels is classified by the County as a subdivision, a subdivision exemption, or a conservation subdivision.

A. Subdivision Exemptions. Certain divisions of land are exempt from the subdivision regulations if the division is not defined as a subdivision by C.R.S. 30-28-101, or if the Board of County Commissioners determines that such a division is not within the purposes of the subdivision statute, C.R.S. 30-28-133, *et seq.*, or the subdivision regulations of this Land Use Code. Types of Subdivision Exemptions are described in **Section 5.2** and include agricultural exemptions, boundary line adjustments and condominium plats. The Subdivision Exemption review process is described in **Section 4.3.1**.

B. Conservation Subdivisions. Subdivisions approved as a Rural Land Use Cluster or a Rural Open Space Incentive (ROSI) subdivision are described in **Section 5.3**. The Rural Land Use Cluster review process is described in **Section 4.3.2**, and the ROSI review process is described in **Section 4.3.3**.

- 1. Cluster Subdivisions.** A Cluster Subdivision is a major subdivision that incorporates aspects of a conservation subdivision, but follows the Major Subdivision process due to the higher number of lots and increased density. A cluster subdivision is further detailed in **Section 5.3.1 C**.

C. Minor Subdivisions. The Minor Subdivision Review Process is a shortened plat review process for small subdivisions. Minor Subdivisions are divisions which plat 2 to 4 lots. Replatting of existing townsites or subdivisions, or boundary line adjustments which significantly change lot configurations, shall also require review through a Minor Subdivision process. All other subdivisions are Major Subdivisions. The Minor Subdivision review process is described in **Section 4.3.3**.

D. Major Subdivisions. Any type of land division not classified as a Subdivision Exemption, a Conservation Subdivision, or a Minor Subdivision is a Major Subdivision. The Major Subdivision review process is described in **Section 4.3.4**.

5.1.3 Sales Prohibited Prior to Subdivision Plat Approval. No person with any interest in land located within a subdivision or a proposed subdivision shall transfer or agree to sell or offer to sell or sell any land before the plat for the subdivision has been approved by the Board of County Commissioners and filed for recording with the County Clerk and Recorder. The Lot Sales Restriction shall remain in place until all required improvements are completed or released by the Board of County Commissioners in accordance with **Section 1.6.2, Lot Sales Restrictions**.

5.2 SUBDIVISION EXEMPTIONS.

5.2.1 Background.

A. Overview. Certain divisions of land are exempt from the subdivision regulations if the division is not defined as a subdivision by C.R.S. 30-28-101, or if the Board of County Commissioners determines that such a division is not within the purposes of the subdivision statute, Section C.R.S. 30-28-133, *et seq.*, or the subdivision regulations of this Land Use Code.

B. Applicable Regulations. Although exempt from the subdivision regulations, uses of land on parcels created through subdivision exemption are subject to other County regulations. The Statutory Exemptions in **Section 5.2.2** are not subject to any County subdivision approval process. All other subdivision exemptions are subject to the approval process in **Section 4.3.1** and shall meet the applicable criteria in **Section 5.2.3**.

5.2.2 Statutory Exemptions. The divisions of interests in land to which the terms "subdivision" and "subdivided land" do not apply pursuant to C.R.S. 30-28-101 (10) (b) (c) and (d) are statutory exemptions. Easements and rights-of-way shall not be considered interests for the purposes of this Section. Statutory Exemptions are not subject to any County subdivision approval process, but are subject to all other requirements in this land use code.

A. Types of Statutory Subdivision Exemptions

1. Large-lot land divisions.
 - a. All tracts of land thirty-five (35) acres or greater in size created after May 5, 1972 and which are not part of a recorded subdivision are considered to be parcels created by exemption, pursuant to C.R.S 30-28-101(10)(b).
 - b. Any division of land which creates parcels of land comprising thirty-five or more acres of land and none of which is intended for use by multiple owners.
2. Any division of land created by the court pursuant to the procedure set forth in C.R.S 30-28-101 (10)(d), if the Board of County Commissioners has been given the notice and opportunity to join as a party of interest in the proceeding for the purpose of raising the issue of an intent to evade the statutory requirements for subdivision of land.
3. Any division of land which is created by a lien, mortgage, deed of trust, or any other security instrument.
4. Any division of land which is created by a security or unit of interest in any investment trust regulated under state law or any other interest in an investment entity.
5. Any division of land which creates cemetery lots.
6. Any division of land which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property.
7. Any division of land which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common. Any such interest shall be deemed as only one interest for purposes of satisfying the requirements of this Section.

8. Any combination of contiguous parcels of land into one larger parcel which meets the following conditions.
 - a. If the resulting parcel is less than thirty-five acres in land area, only one interest in the land is allowed.
 - b. If the resulting parcel is thirty-five (35) acres or greater in land area, the land area divided by the number of interests in the resulting parcel equals thirty-five (35) or more acres per interest.
 - c. Consolidation of contiguous parcels or lot mergers initiated by the County shall comply with the statutory requirements of C.R.S. 30-28-139.

5.2.3 Additional Types of Subdivision Exemptions. The Board of County Commissioners has established the following additional types of subdivision exemptions.

A. Boundary or Lot Line Adjustments. Revisions to boundary lines or lot lines which do not increase the number of parcels or lots previously approved, or for the purpose of correcting an engineering or survey error in a recorded plat, are subdivision exemptions. A public hearing is required except notice by publication and sign posting are not required. Planning staff shall provide written notice to the owner of record for all adjacent properties at least fifteen (15) days prior to the date of a scheduled public hearing by first class mail. Except at staff's sole determination, if the boundary line adjustment impacts properties other than the adjacent properties, the impacted properties shall receive the same notice as adjacent property owners.

Criteria specific to Boundary Line Adjustment plats are as follows:

1. The boundary line adjustment creates no more than the previously recorded number of parcels and does not create non-conforming parcels or increase existing non-conformities.
2. Boundary line adjustment may be permitted to allow land transfers between adjacent property owners, as long as the existing building envelopes are not relocated as a result of the adjustment.
3. If the request affects a municipal boundary, and the municipal comprehensive or master plan lacks specific guidance to approve a request for boundary line revision, the Board of County Commissioners must find the following exist:
 - a. There has been substantial change in the vicinity of the property in question or time and experience have shown that the existing boundary or lot line is unwise or in need of change.
 - b. The impact of the boundary or lot line revision request on the immediate neighborhood, vicinity and community as a whole will be neutral or positive.

B. Condominium and Townhouse Plats. Divisions of land for condominium maps and townhouse plats are subdivision exemptions. Criteria specific to Condominium and townhouse plats are as follows:

1. The proposed plat is consistent with the approved site plan or subdivision final plat.
2. Consistent with Zone District Regulations.
 - a. The total common area and individual lot area of the whole project, divided by the total number of units, meets the minimum lot size

requirements of the overlying zoning district.

- b. A project within a PD complies with the PD development agreement.
- 3. If applicable, the condominium or townhouse declaration and bylaws make adequate provision for the maintenance of common area elements.
- 4. An Improvements Agreement has been signed and submitted by the applicant, and an adequate financial guarantee for improvements has been posted or will be posted prior to approval of the condominium or townhouse plat.

C. Agricultural Subdivision Exemption. Agricultural subdivision exemptions are intended to assist members of the productive agricultural community to continue in agriculture, thus continuing to provide economic benefit to the County. Criteria specific to an agricultural subdivision exemption include:

- 1. Agricultural Subdivision Exemptions are allowed only for land currently used for agricultural purposes. Under this Subdivision Exemption process, an additional lot may be created, provided that the lot meets the criteria of this section, all development standards and all other applicable provisions of this Land Use Code and the parcel not conveyed (remainder parcel) shall be greater than 35 acres and remain in agricultural use for 12 months from the date of recording the plat.
- 2. Any resident of Chaffee County who is involved in agriculture may apply for an Agricultural Subdivision Exemption in order to convey a parcel of land provided the applicant can prove such agricultural involvement by providing all of the following:
 - a. Current assessor property land use classification as agricultural, for 5 years
 - b. Proof of ownership of the property for the past 5 years
 - c. The applicant has not received approval of a subdivision exemption within the previous 12 months.
 - d. Previous subdivision exemptions shall be reviewed to see if the use has been consistent with the intent of this policy. The application may be required to meet the requirements of the Minor Subdivision or Major Subdivision process if the Board of Commissioners determines the application does not meet the intent of this policy.
- 3. Residential lot standards:
 - a. A residential lot created through this process shall conform to the overall zoning density and zoning lot size requirements.
 - b. Any residential parcel shall include all requirements detailed in the Land Use Code, including minimum setbacks, easements, access permits, and addressing. These items may not be required for an agricultural parcel.
 - c. The residential lot may have direct access to a County Road designated as a local or minor collector, and may be permitted to have direct access to a major collector or arterial if approved by the Board of County Commissioners. Access Permits shall be required, and all driveways and accesses shall meet the requirements detailed in the County Road standards.
 - d. If the residential lot is adjacent to an existing County Road, the appropriate right-of-way for that road shall be dedicated to Chaffee

County along the residential lot frontage, and right-of-way may have to be dedicated along the agricultural parcel frontage if required by the Board of County Commissioners. Criteria for requiring right-of-way dedication could include road classification, existing drainage or maintenance problems, or other issues relating to the safety of the road such as sight distance, or intersection design.

- e. The subdivision exemption shall be exempt from the provisions of Chapter 9 of the Chaffee County 1041 Regulations, provided that any future land use changes on the remainder parcel may be subject to the 1041 Regulations.

D. Exemption for Public Benefit. Subdivision Exemptions are allowed for uses with public benefit such as historic preservation, open space, schools, or roads.

E. Vacation of a Recorded Subdivision Plat. Vacation of a previously recorded subdivision is a subdivision exemption. A plat is required, and shall show any remaining roads, utilities, easements, or other public facilities and dedications. Road Vacations shall also follow the criteria in **Section 5.2.3 H.**

F. Lot Line Eliminations. Elimination of a lot line between adjacent parcels is a subdivision exemption. A public hearing is required except notice by publication and sign posting are not required. Planning staff shall provide written notice to the owner of record for all adjacent properties at least fifteen (15) days prior to the date of a scheduled public hearing by first class mail. Except at staff's sole determination, if the lot line elimination impacts properties other than the adjacent properties, the impacted properties shall receive the same notice as adjacent property owners. Except at staff's sole determination, if the lot line elimination impacts properties other than the adjacent properties, the impacted properties shall receive the same notice as adjacent property owners.

The following additional criteria apply to Lot Line Eliminations:

1. A boundary line is considered eliminated if a building or other permit was submitted and processed with the indication that multiple parcels are considered as a single lot with respect to site design, including but not limited to setbacks, use, driveways, and utility placements.
2. Building and other permits shall not be processed or issued until a lot line elimination has been approved.
3. Eliminated lot lines shall not be re-established and consolidated lots shall only be re-subdivided subject to a subdivision approval pursuant to this Land Use Code.

G. Correction Plats. Corrections of technical errors in approved and recorded final plats are subdivision exemptions. Technical errors include errors to legal descriptions, acknowledgments, dedication language, plat notes and other items which do not constitute substantial modification of the approved plat. No public hearing or notice is required. Criteria specific to correction plats are as follows:

1. The correction is necessary to correct technical errors in the approved and recorded final plat.
2. The correction results in a plat which complies with all applicable requirements of the Land Use Code.
3. The proposed plat is consistent with the approved site plan or subdivision

final plat.

H. Road and Alley Vacations. Vacations of public roads are subdivision exemptions. A resolution of the Board of County Commissioners is required. If the Road or street is within a platted Townsite or subdivision, the plat shall be designated as a replat of a portion of the Townsite or subdivision, and the portions of the road or alley vacated shall be incorporated into the adjacent lots. Criteria specific to road or alley vacations are established in CRS 43-2-303 and shall present a compelling local interest in addition to meeting the following minimum criteria:

1. The vacation will not create a land-locked parcel without direct access onto a public road or an established public or private access easement connecting said parcel with an established public road;
2. The vacation is consistent with the Comprehensive Plan and other adopted County policies and plans, including any adopted Transportation Plan, Sub-Area Plan, Trails Master Plan, or streets/roadway plan, and future transportation needs;
3. The vacation will comply with applicable zone district standards and all dimensional, design and development standards in this Land Use Code;
4. The right-of-way is not being used for any governmental purpose;
5. All portions of the right-of-way are within the County, and do not provide connectivity to any right-of-way of any city or town;
6. None of the right-of-way to be vacated constitutes a boundary line between two jurisdictions of the County, unless specifically addressed in an IGA or pre-annexation agreement;
7. The land to be vacated is no longer necessary for current or future public use and convenience;
8. The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service; and
9. Rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, telecommunications, and similar lines and appurtenances.

I. Plat Amendments. Amendments of previously approved and recorded subdivision plats that do not affect lot boundaries are subdivision exemptions. Plat amendments may include changes to plat notes, building envelopes, addresses, easements, and similar. A public hearing is required except notice by publication and sign posting are not required. Planning staff shall provide written notice to the owner of record for all adjacent properties at least fifteen (15) days prior to the date of a scheduled public hearing by first class mail. Except at staff's sole determination, if the plat amendment impacts properties other than the adjacent properties, the impacted properties shall receive the same notice as adjacent property owners.

J. Minor Subdivision Exemption. A Minor Subdivision Exemption may be used to create two parcels from a single ownership that is divided by a County Road, State Highway, railroad, river or major stream beyond the control of the property owner.

1. Parcels Eligible:

- a. Parcels divided by deeded County Road or State Highway.
- b. Parcels divided by an existing railroad.
- c. Parcels that are naturally split by the Arkansas River, the South Arkansas River, the North Fork of the South Arkansas River Chalk Creek, Cottonwood Creek (including North and South branches), Clear Creek, Poncha Creek, Trout Creek or Brown's Creek.
2. A lot created through this process shall conform to the overall zoning, density and lot size requirements.
3. The lot shall include all requirements detailed in the Land Use Code including frontage, minimum setbacks, easements, fire protection, access, access permits and addressing.
4. The review process and submittal requirements shall be as described in Section 4.3.1 of the Chaffee County Land Use Code.

K. Heritage Water Subdivision Exemption. The intent of this section is to identify particular conditions which might allow a property owner seeking to create one new lot through a division of land to, in certain situations, avoid the requirement of obtaining an augmentation certificate for an existing exempt well as may be permitted consistent with C.R.S. §37-92-602 et seq. The remainder parcel shall be subject to water augmentation. In order to qualify for a finding that such division of land is a "subdivision exemption" as contemplated by C.R.S. §30-28-101(10)(d), each of the following conditions must be met.

1. The existing well must have been permitted prior to June 1, 1972, or have a declaration of prior beneficial use from before June 1, 1972.
2. One additional lot may be created on a property that has not been created by a previous subdivision exemption.
3. An augmentation certificate, or other augmentation plan, or other proof of adequate water, shall be required for the remainder parcel, regardless of size, before the plat is recorded.
4. The review process and submittal requirements shall be as described in Section 4.3.1 of the Chaffee County Land Use Code.
5. The following note shall be added to the subdivision exemption plat: 'Further subdivision of the Remainder Parcel, platted through the Heritage Water Subdivision Exemption process, shall be subject to the subdivision regulations in the Chaffee County Land Use Code.'
6. The following note shall be added to the subdivision exemption plat: 'The permitted well associated with the Heritage Well parcel was issued by the Colorado Division of Water Resources on the basis of certain criteria which may or may not remain satisfied following the subdivision exemption process, and the owner of the parcel retaining the Water Heritage Well is encouraged to contact the Division of Water Resources concerning re-permitting of the Heritage Well.'

5.3 CONSERVATION SUBDIVISIONS

5.3.1 Types of Conservation Subdivisions. Conservation subdivisions are subject to the criteria outlined in this section. There are three types of Conservation Subdivisions: Rural Land Use Cluster, the Rural Open Space Incentive, and a Cluster Subdivision.

A. Rural Land Use Cluster. The Rural Land Use Cluster, also referred to as the statutory cluster, is authorized by C.R.S. 30-28-101(10)(c)(X) and 30-28-401 *et seq.* A development approved pursuant to the statutory rural land use process is eligible for the cluster well exemption set forth in C.R.S. 30-28-404. The Rural Land Use Cluster review process is described in **Section 4.3.2**. Criteria specific to the Rural Land Use Cluster are as follows:

1. **Conservation Area.** Two-thirds (2/3) of the total area of the development shall be preserved as contiguous open space to be used as wildlife habitat, grazing or crop land, critical natural areas or similar uses, for a minimum of at least forty (40) years from the date the plan is approved.
2. **Density.** The residential density shall not exceed two (2) residential units for every thirty-five (35) acres or one residential unit for each seventeen and one half (17½) acre increment.
3. **Ratio of Wells to Lots.** Where well water is used, the annual withdrawal rate shall not exceed the rate of one acre-foot for each thirty-five (35) acres within the cluster development unless a water augmentation plan is approved. One well shall be allowed per residential lot.

B. Rural Open Space Incentive. The Rural Open Space Incentive (ROSI) was developed by Chaffee County based on the statutory cluster, and is intended to encourage land and water conservation and preservation of open areas through clustering of residential subdivision parcels. The ROSI review process is described in **Section 4.3.3**. Criteria specific to the Rural Open Space Incentive are as follows:

1. **Conservation Area.** Two-thirds (2/3) of the total area of the development shall be preserved in perpetuity as contiguous open space, to the extent practicable, to be used as wildlife habitat, grazing land, critical natural areas or similar uses. Further development and subdivision of the subject property shall be restricted so that the maximum number of building lots allowed shall not exceed the number approved through the ROSI process.
2. **Density.** The residential density shall not exceed four (4) residential units for every thirty-five (35) acres or one residential unit for each eight and three quarter (8.75) acre increment.
3. **ROSI Remainder Parcel Density Bonus.**
 - a. A Density Bonus of one residential unit shall be granted for each 50 acres included in a Remainder Parcel. If contiguity of Remainder Parcel is broken by a significant natural feature, topographic break, river, lake or other physical boundary such as roads or railroads, smaller Remainder Parcels may be considered in calculating the Density Bonus.
 - b. One (1) building envelope of up to five (5) acres per single Remainder Parcel shall be allowed as one of the lots from the Density Bonus, if desired by the applicant.
 - c. Areas set aside for trail easements and peripheral roads may be considered part of the Remainder Parcel.
 - d. The following areas shall not be counted towards the area for calculating the Remainder Parcel density bonus:
 - (1) Existing public roads.
 - (2) Land subject to a pre-existing agreement prohibiting development.

4. **ROSI Irrigation Retention Density Bonus.** One bonus lot will be allowed per 17.5 irrigated pre-development acres, provided the developer reserves a water right for the remainder parcel as irrigated for beneficial use, or constructs aquifer recharge ponds. Adequate proof of decreed water rights or water shares must be provided and the water right must be dedicated to the subdivision lands in perpetuity (i.e. through annual irrigation or aquifer recharge ponds), pursuant to a water use and maintenance agreement to be developed as part of the subdivision approval process, which designates the entity responsible for ensuring continued irrigation. The remainder parcel shall be held in ownership as a single parcel, and include a covenant that shall stipulate that the water rights will be conserved for continued use on the land.

C. Cluster Subdivision. A Cluster Subdivision is a development that allows for an increased average density and number of lots than typically permitted in the underlying zone district and is intended to reduce impacts of large lot developments and conserve land through clustering of residential subdivision lots. Cluster Subdivisions follow the Major Subdivision process described in **Section 4.3.4**, and criteria specific to a Cluster Subdivision are as follows:

1. **Conservation Area.** Two-thirds (2/3) of the total area of the development shall be preserved in perpetuity as contiguous open space, to the extent practicable, to be used as wildlife habitat, grazing land, critical natural areas or similar uses.
2. **Building Envelopes.** Individual wells and septic systems shall be permitted on lots greater than one-half (1/2) acre in size; however the plat shall designate specific well and septic system envelopes within each lot to ensure minimum separations between wells and septic systems can be met.

**ARTICLE 6
PLANNED DEVELOPMENT**

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ARTICLE 6 PLANNED DEVELOPMENT

6.1 GENERAL PROVISIONS

6.1.1 Purpose and Intent: Planned Developments are authorized by state statute at C.R.S. Title 24, Article 67. A Planned Development (PD) allows for variations from the strict application of the standards of the county's conventional zone districts in order to achieve a more desirable environment than would be possible through the strict application of conventional zoning. The PD provides an opportunity for a mixture of uses and housing types in a coordinated manner that may not be possible in a traditional zoning district. A PD essentially creates a custom zone district in the form of a PD Development Agreement which contains its own standards, restrictions, uses, and so forth.

To obtain approval for a PD that deviates from regulations and standards elsewhere in this code. In exchange for site design flexibility and a deviation from existing regulations, the applicant is expected to adhere to specific review standards presented in this Article which demonstrate overall community benefit, such as providing more open space than is required with a standard subdivision. Other public benefit incentives may be considered by the Board of County Commissioners during the review of the PD application.

6.1.2 Allowed Uses. Land uses allowed within a PD include all uses that are permitted in the underlying zone district where the PD is located, and any other uses that are generally compatible with the Comprehensive Plan and any other County adopted plans. All uses shall be designed to consider the site's physical and environmental characteristics as well as comply with the Purpose and Intent of Planned Developments as set forth **Section 6.1.1.**

6.1.3 Minimum Size for a PD. A PD shall be permitted on any parcel of land in unincorporated Chaffee County with no minimum development size.

6.1.4 Waiver or Modification of Requirements. The Board of County Commissioners may waive or modify specifications, standards and requirements such as density, setbacks, height restrictions, land dedications, improvement standards and related requirements that would be otherwise applicable to a particular land use, if such waiver or modification furthers the objectives of these PD regulations.

6.2 PLANNED DEVELOPMENT REVIEW PROCESS

6.2.1 Pre-Application Conference (Section 4.1.3 A). At the Pre-Application Conference, the applicant shall present a description and plan of the proposed PD in sufficient detail to accurately convey the general concept of the proposal.

A. Project Description. Details shall include: Location of property; existing zoning, existing use and density; proposed use, densities and lot sizes; existing zoning and use of surrounding property, including densities; existing and proposed access; existing and proposed source of water; existing and proposed wastewater treatment system; phasing if entire project is not being done at one time; unique

features on the site which might constrain or enhance the site and proposed use; a discussion of the anticipated impacts and proposed mitigation.

1. **Additional Information.** At the Pre-Application meeting, the Director shall request any reasonable additional conceptual information as needed to help clarify the proposal being made.
2. **Simultaneous Applications.** The applicant shall identify if a subdivision is being pursued simultaneously with processing of the PD application. As appropriate, the applicant may be encouraged by the County Planning staff to combine application processing in order to expedite review and approval for the applicant.

B. Site Visit. A pre-application site visit between staff and the applicant is encouraged. As appropriate, review agencies, utility companies, and other groups which may have input on the proposed development may be invited, to assist in streamlining the review process.

6.2.2 Conceptual PD Plan Review. The following procedures shall apply to the Conceptual PD Plan Review.

A. Application. The application materials required for Conceptual PD Plan Review are as follows.

1. Application Form (**Section 4.6.2 B1**) and Fees (**Section 4.6.2 B2**)
2. Vicinity Map (**Section 4.6.2 C2**)
3. Site Plan (**Section 6.5.2 B1**)
4. Written Description (**Section 6.5.2 B3**)
5. Land Suitability Analysis (**Section 4.6.2 D**)
6. Impact Analysis (**Section 4.6.2 E**)
7. Erosion Control and Drainage Report (**Section 4.6.2 C5**)
8. PD Development Agreement (Draft) (**Section 6.5.2 B4**)

B. Schedule Public Hearings. Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the application for review by the Planning Commission and Board of County Commissioners.

1. The public hearing by the Planning Commission shall be held within forty-five (45) calendar days of the date of determination of completeness.
2. Public hearing by the Board of Commissioners shall be held within sixty (60) calendar days of the date of determination of completeness.
3. Notice of the hearings shall be made pursuant to **Section 1.3.5**.

C. Review by Referral Agency. The Director shall submit the application to referral agencies in accordance with **Sections 4.1.3 D**.

D. Evaluation and Staff Review (Section 4.1.3 E). The evaluation of the application shall incorporate comments by referral agencies.

E. Review and Recommendation by the Planning Commission. The Conceptual PD Plan shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to **Section 1.3.5**. The Planning Commission shall recommend approval, approval with conditions or denial of the application per **Section 1.3.6**, based upon compliance with the criteria in **Section 6.4** and the applicable standards set forth in **Article 7** and this land use code.

F. Review and Action by the Board of County Commissioners. Following recommendation by the Planning Commission, the Conceptual PD Plan shall be considered by the Board of Commissioners at a public hearing, after proper notice, conducted pursuant to **Section 1.3.5**. Per **Section 1.3.6**, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the standards set forth in **Section 6.4**, with this code and the applicable standards in **Article 7**. The Board may also remand the application to the Planning Commission to consider new or additional information.

6.2.3 Amendments to an Approved Conceptual Plan. The applicant may request changes to an approved conceptual plan prior to applying for Final PD Plan.

A. Minor Changes. Minor changes in the approved Conceptual PD Plan and its conditions of approval shall be subject to review and consideration by the Director. Minor changes shall include engineering changes or other minor changes that could not be foreseen during the approval process of the Conceptual PD Plan. The applicant shall substantiate to the Director that the minor modification is required. Upon consideration of said changes, the Director shall take formal action in writing, either approving or disapproving the changes. If the Director disapproves the changes, it shall be treated as a major change.

B. Major Changes. Any request to make a major change to an approved Conceptual PD Plan shall be considered by the BOCC at a public hearing after review by the Planning Commission. The applicant may request that the change be considered by the Board of County Commissioners as part of the Final PD Plan Review. The following shall be considered major changes to the Development Plan:

1. Significant deviations from the conceptually approved development standards or an increase or reconfiguration of the agreed upon amounts of land uses amounting to greater than ten percent (10%), as evaluated by staff.
2. A change in unit type of ten percent (10%) or greater (for example: single family residences to apartments).
3. Changes in type and location of uses permitted within the development.

6.2.4 Expiration of Conceptual PD Plan. Following approval of the Conceptual PD Plan, a maximum of one year is allowed for submission of Final PD Plan. If the applicant can demonstrate that extenuating circumstances or pending legal action justifies an extension of the submission of a PD Final PD Plan, the Board may grant an extension of up to 18 months to submit the Final PD Plan. Failure to submit within the required timeframe or obtain an extension results in automatic denial and revocation of the Conceptual PD Plan approval.

6.2.5 Final PD Plan Review. The following review procedures shall apply to Final PD Plan Review.

A. Application. The application materials required for Final PD Plan Review are set forth as follows:

1. Application Form (**Section 4.6.2 B1**) and Fees (**Section 4.6.2 B2**)
2. Vicinity Map (**Section 4.6.2 C2**)
3. Site Plan (**Section 6.5.2 B2**)
4. Final Engineering plans for streets, water, sewer, and drainage, if no subdivision is proposed.
5. Final PD Development Agreement (**Section 6.5.2 B4**)

B. Schedule Public Hearings. Upon a determination of completeness by staff (**Section 4.1.3 C**), the Director shall schedule the Final PD Plan for consideration by the Planning Commission and Board of County Commissioners.

1. Public hearing by the Planning Commission shall be held within forty-five (45) calendar days of the date of determination of completeness.
2. Public hearing by the Board of Commissioners shall be held within sixty (60) calendar days of the date of determination of completeness.
3. Public notice of the hearing shall be made pursuant to **Section 1.3.5**.

C. Evaluation and Staff Review (Section 4.1.3 E).

D. Review and Recommendation by the Planning Commission. An application for Final PD Plan shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to **Section 1.3.5**. The Planning Commission shall recommend approval, approval with conditions or denial of the application per **Section 1.3.6**, based upon compliance with standards set forth in **Section 6.4**, this code and the applicable standards set forth in **Article 7**.

E. Review and Action by the Board of County Commissioners. Following recommendation by the Planning Commission, the Final PD Plan shall be considered by the Board of County Commissioners at a public hearing pursuant, after proper notice, conducted pursuant to **Section 1.3.5**. Per **Section 1.3.6**, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the standards in **Section 6.4**, this code and the applicable standards in **Article 7**. The Board may also remand the application to the Planning Commission to consider new or additional information.

1. **Appeal of Decision.** The decision of the Board of Commissioners shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure (**Section 1.3.7**).

6.2.6 Recordation.

A. Completion of Conditions of Approval. The applicant must complete all conditions of Final PD Plan approval prior to recording the Final PD Plan and

associated documents.

B. Approval of PD Development Agreement. The Final PD Plan shall not be filed for recording until the Board has approved a PD Development Agreement.

C. Effective Upon Recording. The Final PD Plan does not become effective until it is properly filed for recording with the County Clerk and Recorder.

D. Revisions to Zoning District Maps. Approval of a Final PD Plan shall be recorded on the Official Zoning Maps filed in the Planning Department as soon as practicable after the PD becomes effective.

E. Subdivision Lots and Final Plat Recordation. In the event a subdivision is being pursued simultaneously with the PD, the final plat and subdivision improvements agreement shall control the legal sale of the subdivided lots based on the subdivision regulations in this land use code, along with the provisions set forth in this section.

F. Vesting of Property Rights: Approval of a Final PD Plan shall constitute a 'Site Specific Development Plan' and shall create a vested right to undertake and complete development and use of real property pursuant to C.R.S. 24-68-103.

6.2.7 Amendments to an Approved Final PD Plan. After approval of the Final PD Plan, amendments shall only be considered in the following manner:

A. Minor Changes. Insubstantial changes shall be limited to changes addressing the engineering or technical constraints discovered during development which could not be anticipated during the original approval process, or any other change which has no material effect on the character of the approved PD zoning plan, the representations made by the applicant or the conditions of approval. Minor changes shall be subject to Administrative review. A public hearing is not required.

B. Major Changes. Changes which alter the concept or intent of the PD including increases in density, changes in the height of buildings, reductions in proposed open space, changes in the development sequencing, changes in road standards, or changes in final governing agreements, provisions, or covenants may be approved only by submission and reconsideration of a relevant portions of the new PD plan and supporting data.

1. If major changes are proposed, a new PD application shall be submitted based on the provisions set forth in the land development code at the time of the application.
2. Based on the Board's decision, depending on the nature of the changes, the first recorded PD plan shall either be considered vacated and replaced with a newly recorded PD Plan; or the relevant amendments shall be itemized and recorded separately. In either case, the amendments shall be recorded with the Chaffee County Clerk and Recorder's Office and be reflected on the Official Zoning Maps filed in the Planning Department.

6.2.8 PD In Conjunction with Subdivisions. Subdivisions may be developed in conjunction with a PD. Subdivision Sketch Plans may be submitted at Conceptual PD Plan

phase, or between PD phases; and Subdivision Preliminary Plans may be submitted at or after the Final PD Plan Review phase. Subdivision Sketch Plan approval within a PD will not be considered or granted prior to Conceptual Plan approval. Subdivision Preliminary Plan approval will not be considered or granted prior to Final PD Plan approval. If a subdivision has multiple filings, a Master Plan including all filings shall be included with the Conceptual PD Plan submittal or Subdivision Sketch Plan submittal. Subdivision Final Plats may be submitted during the Recordation phase of the PD process, but shall not be recorded before the PD Plan. The Director may waive duplicate requirements for subdivision phases submitted in conjunction with a PD.

6.3 PUBLIC BENEFIT INCENTIVE

6.3.1 Purpose. The “public benefit” incentive is intended to use density as an incentive to encourage quality residential or commercial development that respects and preserves existing landscapes and sensitive environmental areas, that provides community facilities, that maintains agriculture and preserves irrigated lands, that supports local food production, that provides local job creation, or that otherwise provides important public benefits consistent with the Chaffee County Comprehensive Plan. Additional residential density may be granted if at least one of the following public purposes is achieved:

A. Sensitive Land/Historic Resource Protection: Increased density may be permitted in a PD to offer an additional incentive to the Applicant to provide a greater degree of open space protection, irrigated land, historic cultural resource protection, or sensitive land and view protection than is otherwise required by the standards in Article 7 of this Land Use Code and the open space provisions in **Section 6.4.1 C** of these PD Regulations.

B. Community Facilities: Increased density may be permitted in a PD to provide an incentive for the applicant to contribute land or build desired community facilities that serve not only the residents of the PD, but also serve surrounding neighbors or public, such as:

1. Active or passive recreational facilities;
2. Provision of Affordable housing options;
3. Public transportation facilities; or
4. Other facilities as approved by the County, such as schools, government facilities or infrastructure, trails, fire stations, and similar community-serving facilities.

The facilities or land so contributed may be located within or outside of the PD.

C. Local Agricultural Production Opportunities: Increased density may be permitted in a PD to offer an additional incentive to the Applicant to provide land or opportunities that maintain or increase local agricultural production capabilities either for the development or the community such as by utilizing community farms or agricultural cooperatives, central farm distribution hubs, or other activities that promote local agricultural production.

6.4 PD REVIEW AND APPROVAL STANDARDS.

6.4.1. Review Standards: *In addition* to the applicable standards set forth in **Article 7, Standards**, except as negotiated during the PD review process, the following approval standards shall apply to PD applications.

A. Consistent with the PD Intent Statement. The applicant shall demonstrate that the development is consistent with the intent of these PD regulations and with the purpose of the State authorizing legislation, as described by the development objectives listed below. The desired development objectives of a PD application are not limited to the list below, and developers are encouraged to be creative in identifying additional positive aspects of a development that may not be included.

1. To encourage innovations in agricultural and recreational uses, and residential, commercial, and industrial developments by allowing for greater variety in the type, design, density, and lay-out of lots and buildings in an effort to more efficiently use developed land and open space;
2. To encourage mixing of compatible land uses to stimulate economic vitality, stability, or sustainability;
3. To provide more efficient use of roads, streets, and highways;
4. To promote the creation of paths and trails which provide convenient pedestrian, bicycle, equestrian (as appropriate) access internally, to and through open space, and to public lands throughout the County.
5. To provide a means for clustering development which allows for the preservation of open space, wildlife habitat and riparian corridors;
6. To allow for more cost effective and efficient extensions of infrastructure;
7. To conserve the value of the land;
8. To provide a means of designing development so it relates to, and preserves the natural features of the site and avoids areas that have development constraints;
9. To allow for a range of use types and housing price levels;
10. To encourage energy efficiency, and to encourage alternative energy sources;
11. To encourage agriculture and local food production by preserving existing irrigated agricultural parcels;

B. General Review Criteria: The applicant shall demonstrate how the development meets the following criteria.

1. **Compatible with Adopted Plans.** Planned Developments should demonstrate compatibility with the goals of County-adopted plans, including the Chaffee County Comprehensive Plan, the Commercial Land Use Policy, the Chaffee County Heritage Area Management Plan, the Chaffee County Trails Master Plan, the Salida Regional Transportation Plan, and other plans adopted by the Board of Commissioners.

2. **Relationship to Surrounding Area.** The PD is not incompatible with the scale, intensity, and type of uses located on adjacent property.
3. **Visual Impacts.** Construction on ridgelines that are visible from major roadways or residential development shall be compatible with the surrounding natural environment.
4. **Street Circulation System.** The PD shall provide adequate access from public streets or roads as well as an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be allowed, provided that adequate access for police and fire protection is maintained.
5. **Multi-modal Circulation.** The PD shall provide pedestrian, bicycle, equestrian (as appropriate) infrastructure throughout the PD.
6. **Housing Variety.** If a residential PD, the PD shall encourage a variety in housing types, price and ownership forms.
7. **Affordable Housing.** The PD shall comply with any affordable housing requirements that may be adopted by Chaffee County.
8. **Fire Hazards.** Fire hazards shall not be created or increased;
9. **Recreation Amenities.** The PD shall encourage provisions for recreational opportunities and amenities to residents of the PD.
10. **Compliance with Conceptual PD Plan Approvals.** The Final PD Plan shall comply with all conditions of Conceptual PD Plan approval except as specifically modified based on review and approval of the Board.
11. **Adequacy of Supporting Materials.** The Final PD Plan shall meet all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
12. **Taxes.** All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.

C. Open Space. Common open space shall be provided within the PD. Open Space is defined as a parcel of land, an area of water, or a combination of land and water within the site designated for a planned development designed and intended to reasonably serve the needs of the residents, occupants and owners of the PD. Planned open spaces within the PD, including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, or by conveyances or dedications.

1. **Dedication Requirement.** Residential developments shall dedicate 25% of the gross land area for use as protected natural areas and accessible parks, open spaces, or trails. Such sites and land areas are intended for the use and benefit of the owners and future owners in the proposed PD. Non-residential developments shall dedicate eight percent (8%) of the gross land area within the PD. Mixed use developments shall dedicate open space proportionate to the gross land area of each land use.

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- a. Payments in lieu of Open Space Dedication. The PD applicant may, as an alternative to dedication of land, make a payment of cash in lieu of dedication (“in-lieu payment”) in an amount determined by the County based on **Section 7.3.8**.
 - b. Alternative Open Space Dedication Requirements. The Board may determine that a greater public benefit can be provided by negotiating a lower open space percentage. Examples of land uses that may be negotiated include preservation of critical river corridors, wetlands, irrigated lands, affordable housing, school sites, improved recreation facilities, or other valued public land.
 - c. Lands within the Rural Community Overlay District shall be subject to a 15% open space dedication requirement to encourage higher density near urban centers.
 2. Open Space shall not include land devoted to streets, parking, and loading areas.
 3. Open Space within the PD shall be designed in a manner such that it protects the environmental assets of the area including elements such as vegetation and wildlife, streams and storm drainage courses, and scenic vistas.
 4. **Connections**, where feasible, shall be made to adjacent recreation trails, parks and public open space such that green corridors define and connect more urbanized areas. Any trails identified for the area in any adopted Trails Master Plan must be included in the PD.
 5. **Agricultural use areas** shall be considered as open space for the PD if the Development Plan includes protections of those lands for agricultural purposes, including deed restriction for land and water rights if necessary.
 6. **Maintenance**. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after approval of the PD fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the following procedures may be initiated by the Board:
 - a. The Board may serve written notice upon such organizations or upon the residents of the PD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and the notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the time, date and place of a hearing thereon which shall be held within fourteen (14) days of the date of notice.
 - b. At such hearing, the Board may modify the terms of the original notice as to deficiencies and may give an extension of time within which such deficiencies shall be cured.
 - c. If the deficiencies set forth in the original notice and in the modifications thereof are not cured within the period set, the County, in order to preserve the taxable values of the properties within the PD and to prevent the common open space from becoming a public

nuisance, may enter upon such open space and maintain it for a period of one year, or may contract with another entity for open space maintenance for a period of one year and file a lien on the property to ensure payment for the maintenance. Additionally, the County may add an administrative fee of up to 25% of the maintenance costs to cover the time and expense of soliciting and administering the contract. Such actions shall not vest in the public any rights to use the common open space except when it is voluntarily dedicated to the public by the owners.

- d. Prior to expiration of the one-year period, the Board shall call a public hearing upon notice to the organization responsible for the maintenance of the open space, or to the residents of the Planned Development, at which hearing the organization or the residents shall show cause why such maintenance by the County shall not continue for the succeeding year. If the Board determines that the responsible organization or residents are ready and able to maintain the open space in reasonable condition, the County shall cease to maintain or contract for the maintenance of the open space. If the Board determines that the responsible organization or residents are not ready and able to maintain the open space in a reasonable condition, the County may continue to maintain or execute maintenance contracts and conduct similar hearings each year thereafter.
- e. The cost of maintenance shall be paid by the owners of properties within the PD that have a right of enjoyment of the open space, and any unpaid assessment shall become a tax lien on such properties. The County shall file a notice of such lien in the office of the Chaffee County Clerk and Recorder upon the properties affected by such lien within the PD, and shall certify such unpaid assessments to the Board of County Commissioners and County Treasurer for the collection, enforcement and remittance of general property taxes.

6.5 PD SUBMITTAL REQUIREMENTS

6.5.1 Basic Requirements. All materials shall be prepared by qualified professionals. The professional qualifications for preparation and certification of documents required by these PD regulations are set forth in **Section 4.6.2 A**.

6.5.2 Application Materials.

A. Submittal Requirements. The Director may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. The Director may waive duplicate requirements for subdivision phases submitted in conjunction with a PD.

B. Description of Submittal Requirements. The following requirements are specific to PD submittals. All other submittal requirements are included in Article 4, **Section 4.6**. If a subdivision is proposed in conjunction with the PD, the submittal requirements for the subdivision are included in **Section 4.3**.

- 1. Site Plan, Conceptual PD Plan.** The site plan for a Conceptual PD Plan shall include the following information.
 - a. Prepared on standard 24 x 36 sheets (include 11x17 sheets for reproduction).
 - b. Adjacent land owned by the applicant that is not part of the proposed request and the current and intended use of the land.
 - c. Topography at ten-foot contours, with delineation of areas having slopes twenty percent or more and other significant topographic conditions at more defined contours.
 - d. Public access to site, and internal circulation. The widths, lines, and names of all existing and proposed streets, drives, alleys and roads on or affecting the site, and names of existing streets and alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown.
 - e. Existing land uses and zoning on adjoining properties.
 - f. Public or private sources of utility services and facilities.
 - g. Areas for landscaping.
 - h. Location of all land uses and proposed densities, where applicable.
 - i. Proposed use and gross square footage of structures and anticipated number of employees if commercial or industrial uses.
 - j. Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known one hundred year flood plains affecting the property shall also be delineated as per the national Flood Plain Insurance Map or those maps provided by the US Army Corps of Engineers or another recognized source.
 - k. Land to be held in common, open space devoted to community use, and land to be dedicated to County.
 - l. Water supply plan approved by the State Division of Water Resources.
 - m. Building envelopes in hazardous areas or to protect natural resources, if deemed appropriate by planning staff.
 - n. Signature block.
- 2. Final PD Plan.** In addition to those items required for Conceptual PD Site Plan, the Final PD Plan shall include:
 - a. Location or vicinity map to scale.
 - b. Drawings prepared on standards 24x36 sheets (include 11x17 sheets for reproduction) at a scale of 1 inch equals 100 feet or a scale approved by the Director which clearly shows the entire proposal for recording. Photo Mylar shall be used with outer dimensions of 24 x 36.
 - c. Legal description.
 - d. Primary survey control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - e. Location and description of monuments.

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- f.** Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radius, arcs, and central angles of all curves.
 - g.** Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility.
 - h.** Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
 - i.** Statement by owner dedicating streets, rights-of-way, and any sites for public use.
 - j.** Number to identify each lot or site, such as lot and block numbers.
 - k.** Purposes of sites other than residential lots that are dedicated or reserved.
 - l.** Gross and net acreage of individual lots or sites, calculated to two decimal places.
 - m.** Flood plains and building envelopes.
 - n.** Certification of title showing the applicant is the land owner or option-holder.
 - o.** Certification by the project surveyor certifying to the accuracy of the survey and plat.
 - p.** Certification of Planning Department.
 - q.** Certification for approval of the Board of County Commissioners.
 - r.** Certification for the County Clerk and Recorder.
 - s.** Additional Materials.
 - (1)** Streets/roads plans and profiles.
 - (2)** Covenants, Conditions, Restrictions.
 - (3)** Estimated construction costs and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the applicant by the County.
 - (4)** Erosion control and drainage report.
 - (5)** Mechanism for maintaining and preserving open space and common areas.
 - (6)** Certification of taxes paid.
- 3. PD Written Description.** A written description of the proposal shall include the following information.
- a.** The names and addresses of owner, applicant and representative.
 - b.** General project concept and purpose of the request.
 - c.** Relationship of the proposed PD development to the existing land uses and adjacent property land uses.
 - d.** The staging and timing for the proposed development.
 - e.** Compliance with the Comprehensive Plan.
 - f.** Source of and legal right to water. Written confirmation of service availability from a water district if the property lies within the district boundaries.

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- g.** Method of wastewater treatment and disposal. Written confirmation of service availability from a sanitation district if the property lies within the district boundaries.
 - h.** Type or method of fire protection.
 - i.** The names and addresses of mineral rights owners on the affected property and mineral rights lessees; names and addresses of water rights owners.
 - j.** Description of natural and manmade hazards.
 - k.** Discussion of impacts on services, including but not limited to County services, town services and schools.
 - l.** Discussion of impacts on existing flora and fauna, air quality, wildlife, historical lands or sites, drainage or mineral extraction.
- 4. PD Development Agreement.** A PD Development Agreement is required prior to approval of any PD.
- a.** The PD Development Agreement shall comply with goals and policies of the Comprehensive Plan and any intergovernmental agreement affecting land use or development.
 - b.** The PD Development Agreement shall contain landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways and all other land held in common.
 - c.** The PD Development Agreement shall propose development and site design standards and requirements for the PD development. Appropriateness of standards and requirements for development shall be evaluated on the basis of the environmental and impact assessment, referral agency response, professional and academic reports and studies, adjacent land uses and natural environment, locations and other information available to the County. The current and future owners and their assigns shall be required to develop the proposed project in accordance with the approved and recorded PD Plan.

ARTICLE 7 STANDARDS

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ARTICLE 7 STANDARDS

7.1 BASIC STANDARDS FOR ALL LAND USE CHANGE PERMITS

Unless otherwise specified, the following standards are basic approval standards that shall apply to **all** proposed land use changes, including divisions of land, not otherwise exempted from the approval standards set forth in these Regulations.

7.1.1 Purpose and Intent. Applicants for a land use change shall demonstrate that there is adequate access, water supply, wastewater treatment, and utilities, and that the land use change considers the natural terrain, drainage, unusual rock formations, lakes, rivers, streams, existing topsoil and vegetation, including tree masses and large individual trees, through methods used to mitigate impacts to unique natural features.

7.1.2 Compliance with Applicable Zone District Regulations. The land use change shall comply with the applicable zone district use restrictions and regulations in **Article 2, Zoning**, and the land use change shall be consistent with the Right to Farm and Ranch regulations in **Article 3**.

7.1.3 Site Infrastructure Requirements. The property subject to the land use change shall have adequate infrastructure to support the proposed land use.

A. Adequate, Reliable Safe Water Supply. The land use shall be served by an adequate, reliable and legal physical water supply to serve the use, in compliance with applicable safe drinking water standards.

- 1. Central Water Distribution System Required.** Connection to a public central water system is required if the property is located within **400** feet of a central water system, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.
- 2. Well.** If the water supply proposed is a well, proof of augmentation shall be submitted prior to approval of the land use change permit. (Update Resolution 2016-51)
- 3. Cistern.** An applicant can obtain a land use change permit without drilling a well if the applicant submits a written plan acceptable to the County to provide potable water to the structure.

B. Adequate Wastewater Treatment. The land use shall be served by wastewater treatment system adequate to serve the use. Wastewater treatment may be through connection to a central sewer system, or by an on-site wastewater treatment system (OWTS).

- 1. Central Wastewater System Required.** Connection to a central system is required if the property is located within **400** feet of a sewer main, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.

2. On-Site Wastewater Treatment System (OWTS). All OWTS (septic system) shall comply with the Chaffee County On-Site Wastewater Treatment System Regulations. If a septic system is not feasible on the property, connection to a central Wastewater System may be required.

C. Roads, Accesses and Driveways. A valid State Highway permit, County Road Access permit, agency permit, and / or Driveway Permit shall be required for all land use changes. All new roads, accesses, and driveways shall be constructed in conformance with the Chaffee County Road Standards (**Section 7.4 of this Code**), including surfacing, drainage and grade, and shall be reviewed by the County Road and Bridge Department.

1. Additional uses may have specific road or access requirements, as described in the Use-Specific Standards in **Section 7.8**.

D. Adequate Public Utilities. Adequate electric power and telephone service shall be available to serve the land use.

7.1.4 Site Drainage. The site shall be laid out to provide positive drainage away from all buildings, and be coordinated with the general storm drainage pattern for the area.

7.1.5 Protection of Natural Wetlands and Riparian Areas. Chaffee County is an arid climate, with minimal annual precipitation. Natural wetlands and riparian areas are critical to the economy and health of the County and its citizens. Riparian areas are critical for wildlife habitat, preservation of water quality, and minimizing flood damage. The intent of this section is to minimize impacts to these areas.

A. Wetlands. Development within wetlands shall only be permitted if all required state and federal permits are obtained and submitted.

B. Riparian Areas. Property owners are encouraged to minimize disturbance to riparian areas. Mitigation of impacts to riparian areas may be required as described in **Section 7.2.3 F** for new subdivisions, commercial, and non-residential uses.

7.1.6 Wildlife Habitat Areas. Certain applications require review by Colorado Parks and Wildlife, which may require mitigation of impacts. For applications that do not require review, the applicant is encouraged to consult with Colorado Parks and Wildlife to determine how to best avoid or mitigate impacts to wildlife habitat areas. Recommended methods may include one or more of the following.

A. Visual and Sound Buffers. Visual and sound buffers created by effective use of topography, vegetation, and similar measures to screen structures and activity areas from habitat areas.

B. Location Controls of Land Disturbance. Avoid land disturbance that forces use of new migration corridors, exposure to significantly increased predation, interaction with vehicles, or intense human activity.

C. Preservation of Native Vegetation. Minimize disturbance of native vegetation. When native vegetation must be removed within habitat areas, it shall

be replaced with native and/or desirable non-native vegetation capable of supporting post-disturbance land use.

D. Habitat Compensation. Where significant disturbance of wildlife habitat cannot be avoided, the developer may be required to acquire and permanently protect existing habitat to compensate for habitat that is lost to development.

7.1.7 Erosion and Sedimentation. The following requirements shall apply to land disturbances within fifty (50) feet of a waterbody, with the exception of ordinary agricultural activities.

A. Erosion and Sediment Control Measures. Erosion and sediment control measures shall be installed before site grading or other construction.

B. Cut and Fill Slopes. Where cut and fill cannot be avoided, slopes shall be designed for long term stability.

1. Permanent vegetation shall be used as the priority approach to stabilization of cut and fill areas where slopes are less than or equal to 3:1.
2. On steeper cut and fill slopes, stabilization shall be attained by utilizing a combination of retaining walls, rock walls, up-slope runoff diversions, terracing, slope drains, soil nailing, mulch binders, erosion control blankets, vegetation or other measures appropriate for the specific situation.

C. Construction De-Watering. Construction de-watering activities will conform to CDPHE construction de-watering permit requirements.

D. Inspection and Maintenance of Erosion and Sediment Control Devices. The applicant shall be responsible for inspection and repair of all erosion and sediment control devices after any precipitation that creates runoff. Erosion and sediment control devices shall be maintained in a manner to support their effectiveness. Accumulated sediment shall be removed periodically from sediment basins and traps; straw bale and silt fence barriers shall be checked for undermining and bypass, and repaired or expanded as needed; and mulched soils shall be re-mulched where mulch has been lost or damaged.

7.1.8 Lighting/Dark Sky Standards. Any outdoor light used for the illumination of parking areas, loading areas and recreation areas, or for any other private or public purpose, shall meet the following conditions.

A. Downcast lighting. Exterior lighting shall be designed so that light is directed downward and inward, towards the interior of the subdivision or site, except for illumination of the flag of the United States of America.

B. Shielded Lighting. Exterior lighting shall be fully shielded or arranged in a manner so that concentrated rays of light will not shine directly onto other properties.

C. Hazardous Lighting. The direct or reflected light from any light source shall not create a traffic hazard. Colored lights shall not be used in such a way as to be confused with or construed as traffic control devices.

D. Flashing Lights. Blinking, flashing or fluttering lights, or other illuminated device which has a changing light intensity, brightness, or color shall be prohibited in all zoning districts, except for temporary holiday displays.

E. Height Limitations. Light sources which exceed thirty-five (35) feet in height shall not be allowed, except for temporary holiday displays or as required by local, state or federal regulations.

7.1.9 Areas with Archeological, Paleontological or Historical Importance. The applicant shall identify those resources if they have been previously designated, and the proposed land use change shall be designed to avoid or mitigate negative impacts upon those resources.

7.1.10 Chaffee County Wildfire Hazard Mitigation Standards

A. Definition. The Chaffee County Wildfire Hazard Mitigation Standards (WHMS) set forth design standards and requirements to mitigate wildfire hazards where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

B. Intent. The intent and purpose of these design standards are to require that certain wildfire mitigation improvements are completed prior to the issuance of permits for structures on properties within unincorporated Chaffee County. Implementation of these improvements will reduce wildfire hazards to landowners, their property, and homes, as well as providing safe areas for firefighters to conduct fire suppression activities as well as prevent the spread of wildfire and threat to community assets such as drinking water supply.

C. Applicability. All development within unincorporated Chaffee County shall conform to the current International Wildland Urban Interface Code (IWUIC) as amended.

D. Secondary Access. Applications for development of parcels larger than ten (10) acres in size shall have an alternate access road (fire-trail or two-track) in addition to their primary access road/driveway that is reviewed and approved by the local fire protection district. Where steep slopes or narrow lots prohibit compliance with this standard, the property owner shall work with the fire protection district to develop an alternative plan.

E. Driveways. All driveways shall maintain a minimum clear width and vertical clearance of fourteen (14) feet.

1. The average driveway slope shall not exceed eight percent (8%)

unless an alternate approach has been approved by the appropriate fire protection district, which could include internal sprinklers for habitable space.

2. Driveways over one hundred fifty (150) feet in length shall provide a turnaround for emergency vehicles.
3. Driveways over four hundred (400) feet in length shall provide turnouts every four hundred (400) feet in addition to the turnaround required in 7.1.10.E.2.

F. Address Markers. All developed properties shall have a permanently posted, reflective, address sign with minimum four-inch (4") letters that is placed at each driveway entrance above snow-line and visible from both directions of travel along the road that intersects with the driveway. If the letter-size requirement is not feasible as determined by the local fire protection agency, the minimum size shall be as advised by the local fire protection agency. For the purpose of emergency response, in all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter by the property owner.

G. Defensible Space. All subdivisions shall be designed to accommodate defensible space for each dwelling unit. A mitigation plan for vegetative management and defensible space/fire safety shall be submitted for review as part of the subdivision process at Sketch Plan and shall be reviewed by the Planning Department for compliance with the Colorado State Forest Service defensible space standards.

H. Building Materials. Building materials shall be in conformance with IWUI standards, Colorado State Forest Service wildfire mitigation standards, and local building code to include the following:

1. Class A, ignition resistant roof materials;
2. Ignition resistant siding, including but not limited to, six-inch (6") diameter log construction, fiber cement board, 3-stage stucco, masonry, brick, manufactured stone, or similar, located a minimum of six (6) inches above the ground;
3. Vent screens shall be one eight-inch (1/8") screen or otherwise specifically designed to prevent intrusion of fire embers;
4. Spark-arrestors must be installed on all wood or pellet burning stoves;
5. Non-combustible decking;
6. Tempered glass windows with a minimum of two (2) panes; and
7. Gutters shall be constructed of ignition resistant materials.

- I. Building Additions.** Building additions shall be in conformance with the requirements of this section. Existing buildings or portions of buildings not affected by an addition or alteration shall be exempt from upgrading to the building material standards in Section 7.1.10.H above.

7.2 SITE PLANNING & DEVELOPMENT STANDARDS

Unless otherwise specified, these standards shall apply to land use changes proposing **multi-unit residential development, subdivision, non-residential, and commercial and industrial uses**, including those in Planned Developments. These standards shall apply **in addition** to the basic standards set forth in **Section 1** of this Article 7.

7.2.1 Consideration of Other Adopted Plans. The land use change should consider provisions of any plan adopted by the Board of County Commissioners, including without limitation the Chaffee County Area Heritage Area Management Plan, the Salida Regional Transportation Plan, Chaffee County Trails Plan, water supply plans, and municipal water supply or watershed protection plans.

7.2.2 Development Infrastructure Requirements. The development shall have adequate infrastructure to support the proposed land use. These requirements are in addition to the **Water Supply, Wastewater Treatment, Road and Access, and Utility** requirements outlined in **Section 7.1.3**.

A. Water Supply. Per **C.R.S. 29-20-301**, the applicant may be required to provide additional information proving an adequate water supply. In determining adequacy and reliability of the proposed water supply the following considerations shall apply.

- 1. Peak Usage.** Peak demands projected for the total development population.
- 2. Adequacy of Water Source.** In addition to the requirements of the State Engineer and in the state statutes, the following criteria shall be used to evaluate the adequacy of the water source intended to serve the proposed land use.
 - a. Public Supply.** Where a public supply of water is available within 400 feet of the proposed development, connection shall be made thereto and it shall be the exclusive supply used.
 - b. Central System.** When a public water supply is not available, a central water supply system may be developed and used if it meets standards of CDPHE.
 - c. Average Daily Demand.** The average daily demand of the entire service area and the proposed land use shall be determined.
 - d. Adequate Water to Meet Landscape Requirements.** Each lot shall have adequate water to maintain required landscaping, if any is required for specific uses. Native plantings and low-water use landscaping are preferred.

- e. **Agricultural Irrigation Water.** The demand for agricultural irrigation water shall be based upon the type of vegetation to be maintained, soil characteristics, the historic yield of the property and available water rights.
 - 3. **Fire Protection Requirements.** The water supply demand for fire protection shall be based upon recognized and customary engineering standards and requirements of the applicable fire protection district. Subdivisions shall also comply with the provisions of **Section 7.3.4.**
 - 4. **Wells.** Individual on-site wells shall not be allowed for developments with overall densities greater than one unit per 2 acres, unless specifically permitted by the applicable standards for the proposed land use, including cluster provisions.
- B. Solid Wastes.** The applicant for each land use change is responsible for a plan to dispose of solid waste generated within the development. Areas used for the collection and temporary storage of solid or liquid waste shall be designed to prevent discharge of these materials in runoff from the site. Collection sites shall be located away from the storm drainage system. Other best management practices such as covering the waste storage area, fencing the site, and constructing a perimeter dike to exclude runoff may also be required.
- C. Adequate Parking** for the Use, per **Section 7.4.7.**

7.2.3 Site Planning and Design. The nature, scale, and intensity of the use or activity should be compatible with adjacent land uses and will not result in a significant adverse impact to adjacent land.

- A. Site Organization.** The site shall be organized in a way that considers the relationship to streets and lots, utilities, and topography. The design and scale of the development shall not cause unnecessary or excessive site disturbance.
- B. Landscaping Guidelines.** The purpose of landscaping is to create buffers between residential and commercial uses. Landscaping may be required as a condition of approval for certain land uses to mitigate the impact of a use on adjacent properties.
 - 1. **Protection of Existing Trees, Shrubs and Natural Features.** Plan site so that existing healthy trees, native vegetation and natural or significant rock outcroppings and other valuable features are preserved and integrated within planting areas.
 - 2. **Plants Compatible with Local Conditions.** Plants used for landscaping should be compatible with the local climate and the soils, drainage and water conditions of the site. When planting occurs on hillsides, slopes, drainage ways or similar natural areas, plant material should duplicate adjacent plant communities both in species composition and special distribution patterns. Whenever possible, drought-resistant varieties of plant materials shall be utilized. Xeriscape design principles and the use of native plant species shall be used when appropriate.

- 3. Restoration and Revegetation of Disturbed Areas.** All portions of the site where existing vegetative cover is damaged or removed, that are not otherwise covered with new improvements or landscaping, should be successfully revegetated with a mix of native, adaptive and drought tolerant grasses and ground covers. The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.
 - 4. Trees and Shrubs.** Trees and shrubs should be grouped in strategic areas and not spread thinly around the site. To ensure healthy plant materials are installed, trees and shrubs should comply with the quality standards of the Colorado Nursery Act (1973) **C.R.S. 35-26-104**, as amended.
 - 5. Location of Plantings With Regard to Right-of-Ways.** All required landscaping should be located outside of any adjacent right-of-way unless a written waiver is received from the Director.
 - 6. Buffer Required.**
 - a.** Landscaping should be used to screen from view uses such as trash enclosures, storage areas, mechanical equipment, loading docks, and similar items where such areas are visible from public roads, sidewalks or open space.
 - b.** Landscaping should be installed to effectively buffer proposed commercial or industrial uses from surrounding residential uses and to provide a landscaped buffer along collector and arterial streets. Where screening is required, plant materials should be sufficient to create a semi-opaque wall of plant material between the property and the adjoining area to be screened.
 - 7. Parking and Storage Prohibited.** Areas required as landscaping shall not be used for parking, outdoor storage and similar uses, but may be used for snow storage if designed in compliance with **Section 7.4.7 N**.
 - 8. Fire Hydrants and Utilities.** Landscaping shall not obstruct fire hydrants or utility boxes and be installed so it will not grow into any overhead utility lines. Trees and shrubs shall not be planted within four (4) feet of existing overhead or underground lines.
 - 9. Landscaping Within Off-Street Parking Areas.** All off-street parking areas containing fifteen (15) or more spaces should provide landscape buffers when adjacent to street rights-of-way. Landscape buffers may be achieved through the use of earthen berms, shrubs, trees or other appropriate materials to effectively screen the parking area from the rights-of-way.
- C. Operational Characteristics.** The operations of activities on the site shall be appropriate to the zone district.
- 1. Objectionable Emissions.** The land use change shall comply with Colorado Department of Public Health and Environment Air Pollution Control Division regulations for dust, odors, gas and fumes.

2. **Noise.** Noise as measured at the property boundary shall not exceed state noise standards as set forth in **C.R.S. 25-12-103**, as amended, and may be buffered by landscaping or other screening devices to stay within the maximum permissible noise levels.
3. **Time of Operation.** Time of operation, including hours, days, and seasonal if applicable, shall be established to be compatible within that zone district.

D. Areas Subject to Wildfire Hazards. The site plan shall identify all wildfire hazard areas as identified by the Colorado State Forest Service.

E. Areas Subject to Natural Hazards and Geologic Hazards. The site plan shall identify all natural hazard areas as identified by the Colorado Geologic Survey. Any structures or accesses within a natural hazard area shall be designed by a Colorado Registered Professional Engineer.

F. Riparian Areas. Applicants are encouraged to minimize disturbance to riparian areas. Examples of site specific features that may impact riparian areas include:

1. Steep slopes draining into the waterbody or wetland.
2. Highly erodable soils.
3. Unstable streambank conditions.
4. Trees, shrubs, or other natural features that provide for streambank stability, habitat enhancement for aquatic environments, riparian area protection.
5. Habitat for plant, animal, or other wildlife species listed as threatened or endangered by the United States Fish and Wildlife Service or by the State of Colorado.
6. The 100-year flood plain.
7. Existing storm and flood water drainages, channels, structures, or storage capacity.

7.2.4 View Protection Guidelines. The visual resources of Chaffee County are critical to the long-term economic prosperity of the County and enjoyment of its residents and visitors. The purpose of this section is to preserve and maintain the scenic resources in Chaffee County.

A. Applicability. This section is applicable to all new non-residential buildings, non –agricultural buildings, multi-family residences, and new subdivisions, for structures that would be visible from US or State Highways, County Roads, and the Arkansas River.

B. Visibility. Structures should be sited, designed, shaped, oriented, screened, lighted and constructed to be compatible with the permitted uses within that zone when viewed from one of the applicable locations. Structures should be designed to blend into the surrounding area to minimize the impact to the visual resources.

Methods of minimizing the visual impact of the structure may include:

- 1. Site Planning.** Site layout that utilizes existing topographic and natural features of the property and existing vegetation. Increased setbacks and specific building envelopes, and locating parking behind structures may also reduce the impact. Screening a structure from view through the use of existing vegetation or approved landscaping is also an acceptable mitigation.
- 2. Building Design.** Building design should blend into the surrounding natural area. Methods may include but are not limited to exterior color, building and roofing materials, and structure design (i.e. limiting long uninterrupted walls, differing roof pitches, etc.).
- 3. Covenant.** If applicable, a recorded document (e.g., deed restriction, conservation easement, or other financial surety) acceptable to the County may be required to ensure the existence and replacement of natural vegetation on the applicant's property if used for screening.

7.2.5 Reclamation and Noxious Weed Control. These standards shall apply to any road or driveway construction with cuts and fills that measure eight (8) feet or greater from the finished grade. Areas disturbed by grading shall be re-vegetated or landscaped, with vegetation established and growing within two (2) growing seasons (730 days) of the date of project completion, using species with a diversity of native and/or desirable non-native vegetation capable of supporting the post-disturbance land use. Topsoil shall be stockpiled and reused as practical.

7.2.6 Stormwater Run-Off. Designs shall be prepared by a registered professional engineer.

A. Incorporate Drainageways. Significant drainageways shall be incorporated in site development as open space, wildlife areas, and trails. Whenever possible, drainageways should be left in a natural state.

B. No Direct Discharge to Streams or Other Waterbodies. Stormwater runoff from project areas likely to contain pollutants shall be managed in a manner that provides for at least one of the following, and is sufficient to prevent water quality degradation, disturbance to adjoining property and degradation of public roads.

- 1.** Direct runoff to stable, vegetated receiving areas capable of maintaining sheetflow for infiltration. Vegetated receiving areas should be resistant to erosion from a 2-year, 24-hour design storm.
- 2.** On-site treatment of stormwater by use of best management practices designed to detain or infiltrate the runoff prior to discharge to any natural waterbody or drainageway.
- 3.** Discharge to a stormwater conveyance structure, designed to accommodate the projected additional flows from the proposed project, with treatment by a regional or other stormwater treatment facility prior to discharge into any natural waterbody.

C. Minimize Directly-Connected Impervious Areas. The site design shall minimize the extent of directly-connected impervious areas.

D. Detain and Treat Runoff. Permanent stormwater detention facilities are required to be multipurpose facilities designed to detain flows to historic peak discharge rates and to provide water quality benefits. Design criteria for detention facilities include:

1. Detention facilities shall ensure the post-development peak discharge rate does not exceed the pre-development peak discharge rate for the 2-year and 25-year return frequency, 24-hour duration storm. In determining runoff rates, the entire area contributing runoff shall be considered, including any off-site contribution. Off-site contributions shall be determined using the full development potential of the area draining into the detention facility, based upon the existing zoning district regulations.
2. To minimize the threat of major property damage or loss of life all permanent stormwater detention facilities must demonstrate that there is a safe passage of a 100-year storm event without causing property damage.
3. Channels downstream from the stormwater detention pond discharge shall be protected from increased channel scour, bank instability, and erosion and sedimentation from the 25-year return frequency, 24-hour design storm.
4. Removal of pollutants shall be accomplished by sizing dry detention basins to incorporate a 40-hour emptying time for a 2-year, 24-hour design storm with no more than fifty percent (50%) of the stored water being released in twelve (12) hours. If retention ponds ("wet ponds") are used, a twenty-four (24) hour emptying time is required. To promote pollutant removal, detention basins length-to-width ratio should be not less than 2, with a ratio of 4 recommended where site constraints allow. A sedimentation "forebay" is recommended to promote long-term functioning of the structure. Access to both the forebay and pond by maintenance equipment is required.

E. Snowmelt Drainage. Adequate drainage retention shall be provided to accommodate snowmelt from snow removal and storage areas and to ensure it does not drain onto adjacent property.

7.2.7 Protection of Water Quality from Pollutants. The following regulations shall apply to all **non-residential** land use changes.

A. Compliance with State and Federal Regulations. At a minimum, all hazardous materials shall be stored and used in compliance with applicable state and federal hazardous materials regulations.

B. Storage Near Waterbodies Restricted. Sand and salt for road traction shall not be stored within one hundred (100) horizontal feet of any waterbody unless there is no practicable alternative, in which case suitable site-specific best

management practices shall be utilized.

C. Machine Maintenance Facilities. Maintenance of vehicles or mobile machinery requires an engineer-designed spill prevention and containment system approved by the County if within one hundred (100) feet of any waterbody.

7.3 SUBDIVISION DESIGN SPECIFICATIONS

Unless otherwise specified, these standards shall apply to all types of **subdivision**. These standards shall apply **in addition** to the basic standards set forth in **Sections 1 and 2** of this **Article 7**.

7.3.1 Basic Subdivision Standards

A. Maintenance of Common Facilities. Maintenance of common facilities shall be accomplished either through covenants and a homeowners association, a separate maintenance agreement, or some other perpetual agreement.

B. Further Subdivision of Minor Subdivisions. Further subdivision of lots platted through the Minor Subdivision process shall only be further subdivided using the Major Subdivision process.

C. Subdivision Access. All subdivisions shall have direct access to a public road system. Subdivisions fronting existing County roads shall be required to dedicate to the County any additional right-of-way required for the type of road (**Section 7.4.4**).

7.3.2 Subdivision Lots. All lots in the subdivision shall conform to the following specifications:

A. Developable Lots. Subdivision shall result in the creation of lots which can be developed for use in conformance with the land use regulations in this Code.

- 1.** Subdivision shall not create lots which are illegal or nonconforming lots under these Regulations. Any existing lot that is nonconforming shall not increase its degree of nonconformance.
- 2.** The building lots shall contain safe, adequate building sites capable of complying with applicable use restrictions and standards set forth in these Regulations. All building lots shall include an adequately sized area to allow building outside of flood or geologic hazard areas, or provide an engineering study showing the hazard can be mitigated. Building envelopes may be required showing a buildable area on each lot that avoids geological and other hazards.

B. Platting of Land Subject to Natural Hazards. Land subject to natural hazards such as falling rock, landslides, snow slides, mud flows, flooding or high water tables, shall not be platted for any use other than open space or an uninhabitable portion of a lot unless mitigation acceptable to the County is proposed by a qualified professional engineer licensed by the State of Colorado.

C. Access to Right-of-Way. All lots and parcels shall have direct access to a public right-of-way or dedicated private right-of-way. Access to and from the use shall be safe and in conformance with access standards set forth in the Chaffee County Road Standards.

D. Lot Frontage. Subdivision plats shall define a single frontage line for all lots, for the purpose of addressing and access. Each lot shall have a minimum of fifty (50) lineal feet of frontage on a dedicated public street or road right-of-way providing access, adequate for the proposed use. Lots fronting on cul-de-sacs shall be a minimum of twenty five (25) feet in width at the front property line.

- 1. Agricultural Subdivision Exemptions.** Subdivision exemptions do not require frontage, but allow newly created lots to be accessed by a thirty (30) foot dedicated driveway and utility easement (**Section 5.2.2 C**).

E. Lot Division by Boundaries or Roads. Lots shall not be divided by roads, municipal or County boundaries, or tax district boundaries.

F. Accommodation for Future Subdivision. When a tract is subdivided, parcels shall be so arranged to allow the opening of future rights-of-way and logical further subdivision of the tract and adjoining lands.

G. Lot Slope. Land use changes requiring a minimum lot size of two (2) acres or greater shall establish a building envelope of one-quarter (1/4) acre or more which does not contain slopes thirty (30) percent or greater.

7.3.3 Subdivision Road Layout. The road system shall provide adequate and efficient internal circulation within the development and provide reasonable access to public highways serving the development. Roads shall be designed so that alignments will join in a logical manner and combine with adjacent road systems to form a continuous route from one area to another.

A. Intergovernmental Agreements and County Road Plan. Road system design shall consider applicable provisions of the intergovernmental agreements with adjoining municipalities and the County Road Plan.

B. Intersections. No more than two roads shall intersect at one point, with a minimum of three hundred (300) feet between off-set intersections, unless otherwise approved by the Board of County Commissioners. This shall also apply to frontage roads and round-a-bouts.

C. Street Names. Street names shall be consistent with the names of existing streets in the same alignment; otherwise there shall be no duplication of street names in the County.

D. Continuation of Roads and Dead-End Roads. Roads shall be arranged to provide for the continuation of collector roads, or when appropriate and necessary for traffic movement, effective fire protection, or efficient provision of utilities. If the adjacent property is undeveloped and the road must be temporarily dead-ended, right-of-way shall be extended to the property line and the Board may require

construction and maintenance of a turnaround for temporary use. The final plan shall include a plat notation that land outside the normal road right-of-way shall revert to abutting property owners when the road is continued. Dead end roads without turn-around areas shall be prohibited.

7.3.4 Subdivision Fire Protection. All subdivisions shall provide adequate access and water supply for fire suppression. Fire suppression water supplies are required in subdivisions to protect the lives of residents and firefighters, to protect the personal property of the residents and neighboring property owners, and to minimize the threat of wildfires through early response and suppression.

A. Water Supply. Water used for fire protection purposes may be non-potable water and may be from a source separate from the domestic supply. The amount of water, type of delivery system and storage system is determined by several factors. The most critical factor is the density of the subdivision; other factors include wildfire threat levels and geography. The developer should contact the appropriate municipality or Fire Protection District during the Sketch Plan phase. Fire fighting water supply for the proposed subdivision shall be identified as part of the Preliminary Plan submittal, and shall meet the requirements of the appropriate Fire Protection District.

- 1. Fire Cisterns.** Where the Fire Protection District does not provide specific requirements, such as a payment in lieu of a fire suppression system, a fire protection cistern shall be required. The cistern shall be designed to meet the fire protection needs of the subdivision and approved by the appropriate fire district.
 - a.** Larger cisterns strategically placed are encouraged and recommended by the local fire districts. The developer shall work with the local fire jurisdiction to determine the sizing, placement and spacing of cisterns to optimize access and utilization of the water supply for structural and wildfire suppression.
 - b.** Minimum Guidelines for cistern sizing and placement:
 - (1) One 15,000-gallon cistern for each 30 lots in a subdivision (i.e. 25 lots requires one cistern, 32 lots requires two).
 - (2) Placement near subdivision entrance to primary road unless a more suitable location is determined due to existing or potential hazards.
 - (3) Cisterns may be located within easements, or on common subdivision ground such as common open space. Exact location shall be approved by the Fire Protection District prior to installation.
 - (4) A fire apparatus turn-out shall be provided with minimum dimensions of 50 feet long by 8 feet wide, centered on the cistern connection, and constructed in accordance with the requirements of the road accessing the cistern, maintained for year-round access.
 - (5) Dry hydrants may be considered as an alternative to a cistern, provided they are maintained and useable year-round. Dry hydrant approval will be based on the available supply of the water

source.

- c. Cisterns in subdivisions with four or fewer lots; the minimum requirements detailed in this Section apply, with the exception that a single 6,000-gallon cistern may be used.
 - d. The National Fire Protection Association National Fire Code, Standard 1231, *Standard on Water Supplies for Suburban and Rural Fire Fighting*, is the reference guideline for fire suppression water supplies.
- 2. Installation by Applicant.** If fire protection facilities are to be installed by the applicant, these facilities, including all surface access roads, shall be installed and made serviceable prior to and during the time of construction.
- 3. Maintenance.** Provisions for continued maintenance of fire protection systems and means of enforcement by the County shall be included in the Improvement Agreement.
- B. Adequate Access Points.** Subdivision fire protection plans shall be reviewed by the appropriate fire protection district to ensure that all lots have adequate primary and secondary access points to escape fire entrapment.
- C. Fire Lanes.** Subdivisions may be required to include fire lanes, adequate to allow passage of heavy firefighting equipment, where the forested portion of a proposed subdivision joins or parallels national forest boundaries.
- 1. The width and other characteristics of required fire lanes shall be established for the individual subdivision by the Board of County Commissioners in consultation with the appropriate fire suppression agencies and the U.S. Forest Service.
 - 2. Fire lanes to be cleared shall be indicated on the Preliminary Plan and on the Final Plat or Exemption Plat, and provisions for required fire lanes shall be included in the Improvement Agreement.

7.3.5 Subdivision Utility Easement Requirements

A. Dimensional Requirements.

- 1. Easements centered on common rear or side lot lines shall be at least sixteen (16) feet wide.
- 2. Easements on the perimeter of the development or along lot frontages shall be ten (10) feet or greater.
- 3. Where easements are adjacent to a topographic or natural feature, water course, drainage way, channel, or stream, an additional utility easement of at least ten (10) feet in width shall be provided in an alternate location to ensure adequate area for the utility.
- 4. Multiple use of an easement is encouraged to minimize easements.

B. Final Plat Requirements. The final plat shall note all easements, ownership of the easement, and the use or uses for each easement. Easements shall be free

from conflicting legal encumbrances.

C. Dedication of Easements for Benefit of the Public. Unless otherwise specified, easements that are for the benefit of the public shall be dedicated to Chaffee County.

1. The County shall act as custodian of the easements and may limit the use of such easements to the purposes indicated on the final plat.
2. Permits for construction within the easements may be required. The construction, installation and repair of right-of-way openings for subsurface utilities shall require approval from the County, posting of an appropriate bond, and evidence of adequate insurance.
 - a. Any platted utility easement proposed to be altered, vacated, or otherwise adjusted, shall include a letter of consent from all potentially affected utilities.

7.3.6 Survey Monuments. Prior to selling or advertising the sale of lots, permanent survey monuments shall be set at all lot corners within the subdivision, pursuant to **C.R.S. 38-51-104 and 38-51-105.**

7.3.7 Standards for Public Sites and Open Space.

A. Dedication of Public Land. The Board of County Commissioners shall require reservation or dedication of public sites and open space for schools and parks that are reasonably necessary to serve the residents of the proposed subdivision and future residents. In lieu of a dedication of sites and land areas, the Board may accept payment of a sum of money or construction of public facilities not exceeding the full market value of such sites and land areas, or a combination of land dedication, fee, or facility construction.

B. Final Plat Requirements.

1. All dedicated lands shall be designated on the final plat and deeded to Chaffee County or the appropriate agency at the time of recordation of the final plat.
2. Title insurance, provided by a title insurance company authorized to do business in the State of Colorado and acceptable to the Board of County Commissioners, shall be required at the time of recordation of the final plat.
3. A certificate of representations and warranties concerning title and usability of the property, in a form acceptable to the Board of County Commissioners, shall be required at the time of recordation of the final plat.

C. Amount of Public Land Dedicated. The proportion of land to be reserved or dedicated for public sites and open space shall be based upon the size, location and characteristics of the proposed subdivision, the current and likely future uses of the surrounding area, and the impact of the subdivision on public services and facilities. The amount of land dedicated for public purposes shall be roughly

proportionate to the impacts of the subdivision.

- 1. Road Dedications.** The following road dedications shall be required for development.
 - a.** Unless specifically approved as private rights-of-way and so designated on the final plat, all roads, streets, alleys or other public traffic ways located within the subdivision and benefiting current or future residents of the subdivision shall be dedicated as public rights-of-way.
 - b.** Land for rights-of-way for existing County Roads shall be dedicated to Chaffee County as specified in **Section 7.4.4**, Chaffee County Road right-of-way requirements.
 - c.** When, due to topography, hazards or other design constraints, additional road width is necessary to provide for the public safety by cut and/or fill area, drainage area, or other road appurtenances along roadways, then dedication or right-of way in excess of the minimum standards set forth in these Regulations shall be required.
- 2. Park, Trail, and Open Space Dedication.** Development of lower density rural areas into higher density residential areas necessitates additional opportunities for recreation. Depending on the location, number of units, density, and other considerations, the developer may choose to provide an internal park, passive open space, or public trail facilities. The following considerations shall be applied in determining which land areas are appropriate for dedication as parks. Dedications are not required for Subdivision Exemptions or Conservation Subdivisions.
 - a.** The continuity of open space links, trails, and other major components of the recreation system.
 - b.** The suitability of proposed land dedications for park, recreation and open space needs. Considerations shall include site conditions such as size, shape, topography, geology, presence and condition of ground cover and timber, condition of soil, drainage, location, access, and the availability of water to lands proposed for park and recreation uses.
 - c.** For each residential unit created, the development shall dedicate 0.1 acres of land for parks, open space or trails; OR
 - d.** The developer may request to construct a public trail as identified in the County Trails Master Plan or other Trail planning document in lieu of land dedication. The trail constructed shall be in close proximity to the proposed residential development, and the value of the trail construction shall be at least equal to the pre-development market value of land within the subdivision, for the amount of land that would be required to be dedicated.
 - e.** Constructed trails shall conform to the standards in **Section 7.4.8**.
- 3. School Dedications – Fair Contributions for School Sites.** Growth in residential land development and the construction of new residential dwellings in the County necessitates the acquisition of additional public school capital facilities to accommodate the increases in the student

population. Requiring land dedication or conveyance for public school capital facilities, or payments in-lieu of land dedication or conveyance for public school sites, (collectively referred to as "Fair Contribution for Public School Sites"), is intended to provide a portion of the resources to meet such demand. For property located in the Salida R-32-J or Buena Vista R-31 School District, the subdivision of land for residential use shall include reservation and dedication of sites and land areas for schools determined to be reasonably necessary to serve the proposed subdivision and future residents.

- a. **Referral:** All residential subdivision applications and planned unit developments creating residential dwelling units shall be referred to the applicable School District for review and comment concerning impact of the development on the School District and the adequacy of public school sites and facilities. If a nonresidential land development application may have influence or effect on property owned by or activities of either of the School Districts, the information pertaining to that application shall also be referred to the affected School District for review and comment.
- b. **Land Dedication Standard.** If recommended by the affected School District, the applicant shall dedicate or convey land for a public school facility to the applicable School District based on .0045 acres per multi-family unit, 0.0102 acres per single family attached unit, and 0.0121 acres per single family detached unit.
 - (1) If the Fair Contribution for Public School Sites includes the dedication or conveyance of land, prior to recording the final plat, the applicant shall provide proof that the dedication has been made to the applicable School District in a manner and on terms satisfactory to the School District and in accordance with the following requirements:
 - a. Title shall be conveyed by general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication. The land to be conveyed shall be conveyed pursuant to a contract for the sale and purchase of real property containing customary terms for the land which is being conveyed to the School District.
 - b. At the time of dedication or conveyance, the applicant shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property. At the appropriate time, not later than the issuance of the first building permit for the land development project, the person or entity shall also pay or provide for the payment of one-half of street development costs, and shall either provide, or pay or make provision for the payment of the costs associated with making improvements for water, sewer, and utilities stubbed to the site, and overlot grading of the dedicated land. The

- applicant shall also have furnished any off-site easements which the School District needs to develop the site.
- c. The lands being dedicated or conveyed to the School District shall be located and configured as directed by the School District.
 - d. The person or entity conveying the land to the School District shall satisfy the County's water rights requirements prior to conveying the property to the School District
- (2) In addition to conveyed or dedicated lands, the School District shall be given the right to purchase adjacent lands owned by the developer at its fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel which meets the School District's land area requirements.
- c. **Fee-In-Lieu Payment for Schools.** Based upon the Intergovernmental Agreement Concerning Fair Contributions for Public School Sites Among the City of Salida, the Town of Buena Vista, the Town of Poncha Springs, Chaffee County, the Salida School District R-32-J or and the Buena Vista School District R-31 ("IGA"), recorded at Reception Number 485135, the Board can require a payment in lieu of land dedication or conveyance in the amount of \$212.00 per multi-family unit, \$480.00 per single family attached unit and \$569.00 per single family detached unit. Accessory Dwelling Unit ("ADU") shall be assessed a payment in lieu of land dedication and under the IGA. An ADU is a complete independent living facility and is considered single-family dwelling unit which is secondary to the primary residential structure on a property. The fee-in-lieu payment for an ADU will be assessed on whether the ADU is attached or detached to the primary residential structure. The applicant may elect for such amount (as adjusted) to be paid by the owner of a particular lot at the time a residential building permit is obtained. Such requirement shall be noted on the underlying plat and, if required by the County, a separate covenant.
 - d. **Exemptions From Fair Contribution for Public School Sites:** The following uses shall be exempted from Fair Contribution for Public School Sites:
 - (1) Construction of any nonresidential building or structure;
 - (2) Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;
 - (3) Construction of any building or structure for limited term stay or for long term assisted living in which a provider undertakes to provide life care to three or more adult residents unrelated to the owner of the building or structure, including, but not limited to, bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, nursing homes, or hospices, except where such building or structure will be used primarily to house school aged children;

- (4) Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act in effect;
- (5) The construction of accessory buildings or structures, but not including any ADU; and
- (6) Construction of any low-income housing unit, on lots designated as such by the County.

D. Payment In Lieu of Dedication of Public Sites. The Board of County Commissioners, based upon recommendation from the potential receiving body, may accept a cash payment from the applicant in lieu of dedicated land, in whole or part.

1. **Based Upon Market Value.** Payment shall be based on the unimproved market value of land.
2. **Not to Exceed Market Value.** Payment of cash in lieu of dedicated land shall not exceed the current market value of the land that would have been dedicated to the County or other public entity. If a combination of land dedication and cash-in-lieu of dedication is applied, the combination of both land dedication and cash in lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.
3. **Minimum Cash-In-Lieu.** Minimum payment of cash-in-lieu shall be \$500.00 for any required dedication.
4. **Payments Held in Escrow.** Cash payments received by the Board in lieu of dedicated land shall be held in an escrow account by the County for the purposes allowed by **C.R.S. 30-28-133**.
5. **Release of Land or Cash.** After final plat approval and receipt of dedications, the Board of County Commissioners shall give written notification to the appropriate receiving body.
 - a. Following notice by the Board, the receiving body may request the dedication, and the Board shall transfer the lands to the appropriate receiving body.
 - b. For a school or park site, if the receiving body determines upon completion of platting that there is no longer a need for the dedicated land, they may request that the land be sold.
 - c. Funds may be released to the appropriate receiving body if the Board finds that the proposed use of funds is compatible with the intent of the cash-in-lieu payment or sale of the land.
 - d. The County shall retain a reasonable management fee for the holding and maintenance of escrow accounts for cash-in-lieu payments, provided that the management fee does not exceed the amount of interest generated by the account.

7.3.8 Subdivision Plat Review Criteria. The following review criteria shall apply to all proposed final subdivision plats, including subdivision exemptions and conservation subdivisions.

1. **Compliance with Preliminary Plan Approval.** The plat complies with all conditions of preliminary plan approval (if applicable).

2. **Suitability of Plat for Recordation.** The plat is drawn in accordance with the requirements of these Regulations and is suitable for recordation.
3. **Adequacy of Supporting Materials.** The plat meets all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
4. **Liens and Encumbrances.** The final plat does not include any outstanding lien, conveyance, or encumbrance to the property being divided.
5. **Taxes.** All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.
6. **Public Sale of Lots.** A subdivision becomes complete and eligible for public sale of lots and development only after the Final Plat and associated documents are recorded and conditions, including subdivision improvements, are completed.

7.3.9 Additional Standards and Guidelines for all Conservation Subdivisions. In addition to the requirements in **Section 5.3.1** for the specific type of development and the other applicable standards in this Land Use Code, all conservation subdivisions shall comply with the following standards and guidelines:

- A. **Minimum Parcel Size.** A minimum parcel size of 35 acres is required for a conservation subdivision.
- B. **Clustered Development.** Buildable lots and building envelopes shall be clustered to the extent practicable, and so as not to detract from development on surrounding properties and the natural characteristics of the parcel. The lots shall be clustered to make efficient use of land resources and infrastructure
- C. **Preservation of Rural Character and Agricultural Land.** The division and development of the land minimizes the impacts of residential development on agricultural lands and agricultural operations, and maintains the rural character of the area.
 1. The applicant shall demonstrate that the rural character of the area can be maintained, including minimizing the impact of development on adjacent properties and visibility from the roads identified in **Section 7.2.4**.
 2. Proposed development maintains the opportunity for agricultural production on the most productive and viable areas of land.
 3. The proposed development protects areas of irrigated hay meadow, especially those that connect with and/or are adjacent to other irrigated meadows. Adequate water supply shall be reserved to ensure continued irrigation. Such decreed water rights shall not be severed from the land during the length of time designated by the type of development.
 4. Proposed development protects upland grazing areas needed for agricultural uses.
 5. To the extent practicable, proposed development avoids crossing and dividing irrigated lands with roads, fences, development and utilities.

D. Site Design. Lot sizes and water and sewer provisions shall comply with the requirements of the applicable zone.

1. All sanitation systems and domestic water wells shall be placed within the lot boundaries.
2. Building lots and building envelopes shall be sited and sized to minimize impact on agricultural land use.
3. Building lots and building envelopes shall be sited and sized to minimize the impact on open space resource areas on the property.
4. Building lots and building envelopes shall be sited and sized to minimize visual impacts from the roads in **Section 7.2.4.**
 - a. Topographic breaks are used to shield building envelopes and roads from view and minimize negative visual impact. Applicants are encouraged to use landscape or landscaping treatments to minimize visual impacts.
 - b. Building lots and building envelopes are sited in a manner that keeps structures off of highly visible places or use of natural blending features or colors is required.
5. Sites shall be developed so that healthy trees, native vegetation and natural or significant rock outcroppings and other valuable features are integrated within the overall plan.
6. The transportation design is appropriate, given existing and planned capacities of the system.

E. Conservation Area / Remainder Parcel. The Remainder Parcel may include natural areas, floodplains, and all or part of the following: aquifer recharge areas; significant wildlife habitat and migration corridors; unique vegetation and critical plant communities; prime farm and ranch land; historic archaeological or cultural features; and ridgelines and scenic view corridors. The conservation area shall also include buffers around natural areas to the extent necessary to protect the relevant resource.

1. The Remainder Parcel shall be located on the property to maximize the preservation of open space, including but not limited to agricultural areas, existing trees and vegetation, wildlife habitat and sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.
2. To the extent feasible given the topography and features of the property, the property to be reserved as conservation area should be contiguous and undivided.
3. To the extent possible, Remainder Parcels shall be located so that they are adjacent to other agricultural lands, other Remainder Parcels, conservation easements, public open lands, and natural resource areas such as wildlife corridors.
4. To the extent practicable, roadways and utilities shall be positioned in a manner to avoid traversing or significantly damaging the qualities of the Remainder Parcel.

5. If the intended use of the Remainder Parcel(s) requires access, there shall be physically feasible, legal access to public roads that is appropriate to the likely uses of the parcel.
6. Other Uses. The Remainder Parcel may be approved for other uses which are compatible with agricultural uses and the intent of this section, subject to the appropriate approval process for the use and zone as defined in **Article 2**.

7.4 ROAD, ACCESS, DRIVEWAY, AND PARKING STANDARDS

7.4.1 General. The purpose of these standards is to promote safe, efficient and effective road system within Chaffee County. These standards provide design guidelines and minimum criteria for all roads to be constructed for public use, and for private roads and driveways within the County.

A. Applicability. These standards apply to all new road construction or improvements in Chaffee County, including private driveways.

B. Enforceability. The County departments and offices or their agents, as designated by the Board of County Commissioners ("BOCC"), and the appropriate state and federal agencies, enforce these standards. Violations of these Road Standards may result in revocation of permits, withholding of permits including building permits, monetary penalties, closure of accesses, or injunctions, in addition to other remedies that may be available.

C. Hold Harmless: The applicant and/or permittee shall indemnify and hold harmless the County, its employees and agents for any and all costs, damages and liabilities (including without limitation, litigation costs and expenses and attorney's fees) which may accrue or be claimed to accrue by reason of compliance with these Standards, any work performed or improvements placed in a County right of way/easement or on private property. Acceptance of any permit shall constitute such an agreement by the applicant/permittee whether the same is expressed or not.

Penalties and Penalty Permits: In addition to other penalties that may be imposed, any person who commences work prior to obtaining a permit required under these Road Standards shall be required to obtain a penalty permit in addition to a standard permit. The fee for the penalty permit shall be \$100.00 per day until a standard permit is issued.

1. Properties shall be permitted a maximum of one driveway access point to Collector roads. Up to two access points may be permitted for properties accessing Local or Low Volume Rural Roads, subject to sightline and other requirements of this Code.

Road Vacations: Roads dedicated as public rights-of-way, public easements, platted streets, or roads that have been used by the public for seventeen years or more cannot be arbitrarily closed or rerouted without County approval.

7.4.2 Permits Required. All new roads or streets, including agricultural roads and private driveways, shall obtain legal access to municipal streets, county roads or state

highways as necessary. Final subdivision plats will not be filed and wastewater treatment, building, and other permits will not be issued until the required permits have been obtained. All new roads, accesses, and driveways shall be constructed in conformance with these standards, and shall be reviewed by the County Road and Bridge Department.

A. Road Construction. Road construction shall not begin until the required Chaffee County permit has been obtained. Road Construction permits shall not be issued for a proposed subdivision until the preliminary plat has been approved by the BOCC, or for a PD until the Final PD Plan is approved. For the purposes of this requirement road construction includes road cuts, road, bridge, culvert or drainage work related to roads, wetlands or changes to the flow of streams, ditches or runoff.

B. County Road Access Permits. Any new connection to a County Road, or increased use of an existing access, shall obtain a County Road Access Permit, and be constructed and be constructed in conformance with these standards. Where the land use change causes warrants for improvements to state or federal highways, or where the land use change increases the ADT on a county road by 20 percent, the developer shall be responsible for those necessary improvements.

- 1. Proportional Improvements.** Proportional improvements to public roads, intersections and traffic management systems will be required if the added Average Daily Traffic Volume or Peak Vehicles Per Hour Traffic Volume, or commercial heavy load traffic triggers the necessity of such improvements. The County may require future developers using the improved access to pay a proportional share of prior access improvements.
- 2.** The proposed development shall not have an adverse impact on the County's Road Improvement Plan. The applicant may be required to make necessary improvements to the impacted roads as a condition of plat or development approval.

C. Adequate Capacity. Roads serving the proposed use shall have the capacity to accept the additional traffic generated by the use safely and efficiently. The use shall not cause traffic congestion or unsafe traffic conditions, and all impacts to the County and state roadway system shall be mitigated through roadway improvements or impact fees, or both.

- 1. Roadway System Impacts.** Impacts to the County roadway system associated with hauling, truck traffic and equipment use shall be mitigated through roadway improvements or impact fees or both.
- 2. Stub Roads.** For developments subject to intergovernmental agreements or within a Municipal Planning Area Overlay, the developer may be required to provide stub roads and/or easements that will connect to existing or future roadways depicted on the adopted municipal Transportation Plan for connectivity, traffic flow, and emergency access.

D. Driveway Permits. Any new driveway or non-residential access road, or increase in use of an existing driveway or access, shall obtain a County Driveway Permit, and be constructed in conformance with these standards. A driveway permit is required whether or not the driveway accesses a private subdivision road, municipal street, County Road, or State Highway.

1. Driveway Permits. Properties shall be permitted a maximum of one driveway access point to Collector roads. Up to two access points may be permitted for properties accessing Local or Low Volume Rural Roads, subject to sightline and other requirements of this Code.

E. Right-of-Way Permits. Any work within the County right-of-way requires a permit, including utility work, drainage, mailboxes, signage, trails, sidewalks, or any other above or below surface work in the right-of-way. A right-of-way permit is required for any work in the deeded or prescriptive right-of-way, including but not limited to work within the traveled roadway, shoulder, drainage areas, or unimproved areas.

- 1. Underground Location.** Where utilities are installed underground, they shall be located in the right of way at a depth of at least twenty-four (24) inches.
- 2. Restoration.** Any disturbed portion of the right of way shall be restored as nearly as possible to the condition as existing immediately prior to the company's installation. Back filling shall be made in six-inch lifts, mechanically tamped and packed. Trench shall be left open until the County inspects installation.
- 3. Safety.** Safety measures shall be implemented in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location or relocation.
- 4. Cuts.** Open cuts across a roadway will be allowed, subject to conditions imposed by the County. Backfill shall be compacted in 6-inch lifts to a density of ninety-five (95) percent of standard proctor. Any compaction tests shall be conducted by the County at the expense of the applicant.

F. Other Jurisdictions. Depending on the location of the property, other jurisdictions, including Colorado Department of Transportation (CDOT), a municipality, the US Forest Service or Bureau of Land Management, or a subdivision homeowners association, may require a permit to build a road or access across their property or accessing a road within that jurisdiction. It is the applicant's responsibility to receive permits and approvals as needed by that jurisdiction; however no County permits shall be issued or final construction approvals granted until approvals from the other jurisdiction are submitted.

7.4.3 Road Classification. County Roads are classified as to their current and projected use. For a list of County roads, their respective classifications and Average Daily Traffic volume (ADT) refer to the Chaffee County Road Inventory. Road classifications are determined not only on the current ADT, but also on a ten-year estimated ADT.

A. Arterial Roads. These roads are US and State Highways US 24, 50, 285 and SH 291, and serve as interstate and intrastate transportation routes. Access permits for these roads are administered by the Colorado Department of Transportation.

B. Collector Roads. Typical ADT in excess of 1000 vehicles. Collector roads have the primary purpose of conveying traffic from local roads to business areas and to the State Highway system. These routes are spaced at intervals, to link locally important traffic generators with outlying rural areas. Individual lot access to

collectors should be minimized. Chaffee County may designate a road as a collector regardless of present ADT to enhance safety and traffic flow. Examples include CR 162, 120, 140, 160, 306, 350, and 371.

C. Local Roads. Typical ADT less than 1000 vehicles. These routes primarily provide access to residential neighborhoods and have limited numbers of businesses or other facilities that generate significant traffic. Most internal subdivision roads and rural roads are local roads.

D. Low Volume Rural Roads. Typical ADT less than 200 vehicles. These routes are typically dead-end roads, roads that do not connect to multiple routes, do not provide access to businesses, large developments, or public lands, or are roads through the more remote places in the County.

7.4.4 Right-of-Way Dedication Required. All new roads are required to dedicate to the public the right-of-way for the road. All types of subdivisions and subdivision exemptions that front existing County roads shall be required to dedicate to the County additional right-of-way width from the center line of the existing road to the right-of-way boundary. Additional right-of-way dedication may be required if a proposed land use generates traffic volumes which may necessitate turn lanes or other improvements.

A. Right-of-Way Width. Any new road requires a minimum right-of-way dedication of 60-feet in width. Dedication of right-of-way from the centerline of adjacent County Roads is required, either 30 feet from centerline of the road, or the amount necessary to complete a partial right-of-way.

- 1. Exception:** Low Volume Local Roads can dedicate a right-of-way width of 40 feet if the road layout and subdivision plat and restrictions result in no possibility of future development, increased future traffic volumes or connecting access to adjacent lands.

B. Cul-de-sac Right-of Way. A cul-de-sac right-of-way shall have a minimum radius of 55 feet.

7.4.5 Roadway Design and Construction. The purpose of this section is to identify minimum road standards for Chaffee County. A registered professional engineer shall design all roads subject to these standards. The County may require any road subject to these standards to comply with codes or standards recognized by federal, state or national organizations.

A. General. New Roads shall comply with the following general criteria related to location and layout. Road designs must show a road grade profile with station identification that corresponds to the road design drawing and must identify clearly areas that are shadowed by terrain as well as identify sun angle information for any road with a grade in excess of 7%. Designers should refer to national and state recognized design guides.

- 1. Conformance with Existing Land Use Plans:** Roads within three miles of a municipality must conform to the adopted arterial road plan of the municipality filed with the County at the time of the application. All roads must conform to the County Road Plans. The County may require public right-of-ways, public easements, stub roads and other such items necessary for the planning and development of a contiguous road and

street system for safety and efficiency as a condition of approval of any application for subdivision, re-zoning or PD.

2. **Special Design Requirements:** The BOCC may require special design and maintenance when special circumstances may affect the health, safety and welfare of the public.
3. **Relationship to Topography.** Roads and accesses shall be designed to bear a logical relationship to the topography, creeks, wooded areas, and other natural features. The road grade shall conform as closely as possible to the original topography. Combinations of steep grades and curves should be avoided. Cut slopes shall be a maximum of 1.5 (horizontal) to 1 (vertical) unless designed by a professional engineer. Fill slopes greater than 10 feet shall be designed by a professional engineer.
 - a. Where roads are constructed through timbered land, the timber shall be cleared a minimum of 10 feet beyond the edge of the traveled roadway. All limbs, timber and brush must be disposed. In no instance will roadways be accepted where timber has been bulldozed to the side of the roadway. Minimum height clearance is 13' 6".
4. **Emergency Access and Egress.** Roads and accesses shall be designed so as to provide emergency access and egress for residents, occupants and emergency equipment. Roads designated as emergency access only shall comply with provisions of these standards and requirements of applicable emergency services such as fire protection, ambulance and law enforcement.
5. **Commercial and Industrial.** Roads and accesses in commercial and industrial developments shall be designed to minimize conflict between vehicular and pedestrian traffic.
6. **Protection of Boundary Fences and Livestock.** Roads and driveways shall be located a sufficient distance back from the property boundaries so that normal maintenance of roads, including snow removal, will not damage boundary fences.
7. **Traffic Studies:** The County may require a traffic study as a condition of access permit approval, if the traffic volume generated by the proposed use increases traffic volumes on any County Road by 20 percent. The County may require improvements to County Roads and intersections based on the studies.
8. **Materials.** Standard specifications of materials for aggregates and soil aggregate sub-base, base and surface courses shall be governed by AASHTO Designation M147-65 (1993) or latest revision. Gravel surfaced roads shall meet the Chaffee County specification for gravel surfaced roads.
9. **Re-vegetation.** All disturbed areas outside of the traveled way and shoulder shall be re-vegetated in accordance with an approved weed management plan. Erosion control devices may be required to be installed in roadside ditches to reduce sediment transport.
10. **Clear Distance.** With the exception of traffic control or safety devices, no above ground obstructions may be within 10' of the traveled way.

- 11. As-Built Plans.** The developer shall provide an as-constructed centerline profile for any road with a grade greater than 7 percent.

B. Intersection Design. Intersections shall be designed to meet standard safety specifications and shall take into account terrain, traffic count, approach speed, clear sight distance and vertical alignment. The County may require design changes that exceed standard specifications to improve safety and traffic flow.

- 1. Minimum Centerline Offsets.** No road intersection shall be closer than 300 feet from the nearest road intersection as measured between centerlines. Offset intersections shall be avoided on streets where the future traffic volume may warrant a traffic signal. High volume streets may require increased minimum offsets.
- 2. Intersection Angles.** Roads shall intersect at an angle 90 degrees. In rolling or hilly terrain where a 90 degree angle cannot be achieved, the County may approve an angle of 80-100 degrees, subject to design by a registered professional engineer, and may require increased design criteria, such as larger corner radii or increased sight distance. **Table 7.4.5 B** summarizes minimum access radii requirements for differing types of intersections.

Table 7.4.5 B – Intersection Radii

Intersecting Road Classifications	Minimum Access Radius
Collector - Collector	30
Local - Collector	25
Local - Local	20
Driveway – Collector	25
Driveway - Local	20

- 3. Vertical Alignment:** The vertical alignment within the intersection area shall be designed with a grade of 2 percent away from the edge of the street being intersected until reaching the line of the roadside drainage. Grades within 50 feet of an intersection shall not exceed 2 percent.
- 4. Sight Distance Requirements for Public Road Intersections.** Sight distance refers to any obstruction such as hills, depressions, curves or any other physical obstruction, which may interfere with a vehicle's ability to safely merge or enter a lane of traffic.

Table 7.4.5 B5 - Minimum Sight Distances

Posted Speed Limit	25	30	35	40	45	50	55
Design Sight Dist.	150	200	250	325	400	475	550
Minimum Sight Dist.	150	200	225	275	325	400	450

C. Grade. Road grades are based on factors such as roadway classification, horizontal and vertical alignments, design speeds, type of terrain, safety and capacity. All roads having centerline curves greater than forty-five (45) degrees in

arc shall have a maximum of six percent (6%) grade along such curves. On straight line portions, a grade of ten percent (10%) shall be allowed for a maximum of two hundred (200) feet in horizontal distance. Grades in excess of 7% in low winter sun areas may require mitigation. Steep grades with sharp drop off slopes may be required to install guardrails on curves or other critical areas.

Table 7.4.5 C - Maximum Road Grades

Roadway Classification	Residential District	Business District	Open Highway
Collector	7%	7%	6%
Local	8%	7%	6%
Low Volume Rural	9%	N/A	6%

D. Road Drainage. Water from roads must be contained or channeled in a manner not to cause damage or erosion to County Roads, adjacent property, or irrigation ditches and conform to State and Federal guidelines for water quality and storm drainage. All roads shall be designed with a minimum 2% crown to facilitate drainage off the road. If natural channels do not provide adequate drainage within the framework of local, State and Federal regulations, an appropriate drainage collection and storage system must be installed. Roads with grades greater than 5 percent shall require a drainage plan prepared by a registered professional engineer.

- 1. Elevation.** Roads shall be constructed to provide 2 feet of roadbed elevation above the bottom of the drainage on either side. Adequate cross drainage shall be provided to assure that flooding and washouts will be eliminated under maximum known snowmelt and rainfall conditions.
- 2. Borrow Ditch Culverts.** Culverts shall be a minimum of 18" in diameter and shall extend a minimum of two feet beyond the edge of any road or driveway fill or be protected by concrete encasement or flared end sections. Culvert ends should be designed to minimize trash collection and sedimentation.

E. Surfacing, Curb & Gutter Requirements. Roadways shall be required to have a travel lane in each direction with a shoulder on each side of the road. Shoulders are required to ensure that vehicles can stop off the traveled way in case of emergency and to provide parking off the traveled way.

- 1. Collector Roads.** All new Collector Roads shall have a pavement structure designed by a registered professional engineer, and shall have a minimum compacted thickness of 3 inches of hot bituminous pavement placed in a minimum of two lifts on a minimum of 6 inches of compacted aggregate base course.
 - a.** Travel lanes shall be 12 feet wide.
 - b.** Shoulders shall be a minimum of 8 feet wide, with a minimum 4-foot paved width and the remainder compacted road base. In Commercial areas the entire shoulder shall be paved.
 - c.** A drainage plan and a storm water control plan are required.
 - d.** Pedestrian walkways are required in commercial use areas.
- 2. Local Roads.** All new local roads shall be surfaced with a minimum of a

four inch compacted aggregate base with a dust control application.

- a. Travel lanes shall be 11 feet wide.
 - b. Shoulders shall be a minimum of 2 feet wide, constructed with compacted road base.
 - c. A drainage plan and a storm water control plan shall be required in Commercial areas.
 - d. Pedestrian walkways are required in commercial use areas.
- 3. Low Volume Rural Roads.** All new low volume rural roads shall be surfaced with a minimum of a four inch compacted aggregate base with a dust control application.
- a. Travel lanes shall be a minimum of 10 feet wide.
 - b. Shoulders shall be a minimum of 2 feet wide, constructed with compacted road base.
- 4. Cul-de-Sacs.** Any road that is not completed as a through road, i.e. a dead end road, shall have a cul-de-sac constructed at its terminus. Cul-de-sacs shall have a turn-around pad at the end with a minimum travel surface radius of forty-five (45) feet, surfaced with the same material as the remainder of the road.
- a. Any road that terminates at the boundary of a subdivision, and may at some future date be extended, shall have a temporary cul-de-sac constructed at its terminus. Temporary cul-de-sacs shall have a 50-foot radius right-of-way and a minimum of a 40-foot radius gravel surface traveled way. Unfinished easements or stub roads that are not accessed by individual lots do not require a finished cul-de-sac.
 - b. Cul-de-sacs greater than 1000 feet in length may be required to meet standards for a higher classification road, or provide additional turn-around areas along the road.
- 5. Accesses and Driveways.** Any access to a chip-sealed or paved County Road shall be paved between the edge of the travelled road and the right-of-way line.

F. Bridges and Culverts. Bridges and culvert crossings of natural streams, gullies, washes, and similar, shall be designed by a professional engineer and be constructed in compliance with AASHTO recommendations and may require approval of the Army Corp of Engineers. A Chaffee County building permit is required prior to construction of any bridge. All bridges on public roads shall have load limits posted, guardrails, a reasonable traction surface and may not exceed a 2% grade. The minimum clear width of a bridge deck shall equal the width of the travel lanes plus shoulders of the road.

G. Ditch Crossings. Development of land crossed by irrigation ditches requires respecting rights of ditch owner(s) to operate and maintain their ditch without an increased burden of maintenance or liability due to land development and subdivision. Subdivision layouts should attempt to minimize ditch crossings by roads and driveways. As a minimum all irrigation ditch crossings by new roads, or existing roads being improved, shall:

1. Require the crossing to be sized to not interfere with the ditch operations or change existing hydraulic flow characteristics (flow width, depth, slope, velocity or flow pattern) established within the ditch. Crossings shall not reduce the maximum flow possible in the ditch, including the maximum total ditch flow rights and possible runoff which may flow into and be carried by the ditch. Provision shall be made for routine inspection of the crossing entrance and removal and disposal of trash.
2. Provide vehicle and maintenance equipment access to the ditch from both sides of the ditch crossing from all roads for use by the ditch owner(s). Allow access to all ditch crossings throughout the road system.
3. Require a letter from the ditch owner(s) or ditch company approving the crossing(s) prior to any permit application or construction within the ditch easement. The developer of the ditch crossing shall provide the ditch owner(s) with design drawings and hydraulic analysis of each crossing for which approval is requested.
4. Require execution of an agreement binding the property owner and all future property owners to accept all liability for damage caused by the improvements installed in the ditch.
5. Require execution of an agreement requiring present and future property owners to maintain the crossing and to keep it and the ditch access easement safe and free of trash at all times. Maintenance shall include without limitation frequent and timely trash and debris removal, repair or replacement of the crossing as needed, and construction of improvements to the crossing as may be considered necessary by the developer, property owners, or ditch owner(s). Ditch owners shall be notified prior to any work being performed within the ditch easement.
6. The BOCC may require specific improvements to ditch crossings to limit liability to ditch owners caused by the crossing, improvements or realignment. Improvements may be required to address safety concerns, minimize flood danger, or to protect downstream water rights.
7. Ditch crossings by any utility within any new public right-of-way or easement shall meet the requirements of this code with regard to permits and agreements required construction, maintenance, and minimizing of flood danger. Ditch companies or owners shall be notified prior to any new ditch crossings by utilities within existing public rights-of-way or easements. Additionally, underground utility locations in any public right-of-way or easement shall be marked on each side of the ditch.

H. Signage, Traffic Control Devices, and Street Lighting. Traffic control devices, street signs, street lighting, striping and pedestrian crosswalks are to be provided in conformance with these Regulations, and the "Manual for Uniform Traffic Control Devices", latest revision.

1. **Road Names.** All road names shall be submitted for approval. Local subdivision roads shall be suffixed with Trail, Lane, Drive, etc, but shall not use a suffix of Road, which shall be reserved for collectors.
2. **Subdivision Maps.** Subdivisions with more than 20 lots shall provide a map of the subdivision with labeled road names, located at the access point to the County Road or state highway system, no closer than 12 feet

from the traveled way.

3. **Traffic Control Signage.** All subdivision roads entering a county road, municipal street or state highway must have a stop sign or other appropriate signal device. Curves, depressions or other roadway hazards deemed significant by the local law enforcement jurisdiction will be required to have the appropriate signage whether the road is a public or private road.

7.4.6 Driveway Standards.

A. General Requirements.

1. Driveway access is regulated within the County Right-of-Way (or 30 feet from the center of the road if the right is prescriptive) and 20 feet beyond the Right-of-Way for grading and drainage.
2. The preferred driveway to road angle of access is 90 degrees. A driveway shall not access a road at an angle of less than 80 degrees.
3. Driveways must have culvert sized for the borrow ditch drainage requirement at the roadway intersection unless it can be clearly shown that roadside drainage is not impeded during a 100-year storm. The minimum culvert size is 18" diameter and not less than 18 feet long regardless of drainage requirements. All driveways shall have a culvert unless approved by the County Road and Bridge Department.
4. Above grade driveway improvements must not intrude into the right-of-way easement. Improvements shall be removed at the owners expense if they are not removed within 30 days notice from any public right-of-way.
5. Driveway designs shall divert drainage away from the traveled roadway.
6. Where curbs are present, a curb cut style driveway or road entrance is required. Specific curb designs can be recommended by the Road and Bridge Department and be required by the BOCC.
7. Any access to a chip sealed or paved County road shall be paved between the edge of the traveled roadway and the right-of-way line.
8. Driveway access grades shall slope down and away from the roadway at a 2% grade minimum for the first 10 feet from the edge of the traveled roadway. From 10 feet to 20 feet from the traveled roadway, driveways shall not exceed a positive slope (toward the roadway) of 12%. Exceptions may be made where steep topography makes this requirement difficult to fulfill. The approved design shall protect the roadway from drainage flows by the use of pans, swales, or other approved means.
9. It is recommended that the entire driveway from the roadway to the structure does not exceed 12% grade, is at least 9 feet in width, and is properly maintained to ensure access to emergency medical services, law enforcement, and fire protection personnel. Driveways with steeper grades, narrower widths, and/or not properly maintained, may hinder or prevent access to emergency personnel creating the potential for greater risk to life and property.
10. Mailboxes within the driveway access shall be clustered whenever possible, must be at least 6 feet off of the traveled roadway, and must be

of a breakaway type. Break-away types shall include connection with bolts designed to shear off upon vehicular impact, 4-inch by 4-inch or smaller wood posts, or steel pipe with a maximum wall thickness of 3/16-inches.

Table 7.4.6 Minimum Surface Widths for Access Driveways

Type	Width
Multi-family commercial or industrial	
One-way driveway	12 feet minimum
Two-way driveway	24 feet minimum
Residential	
One-way driveway	9 feet minimum
Two-way driveway	18 feet minimum

B. Clear Vision Area Requirements. Driveways shall have a minimum clear vision area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection. Plants and other materials shall be restricted to 30" in height. The clear vision area is depicted in **Figure 7.4.6 B.**

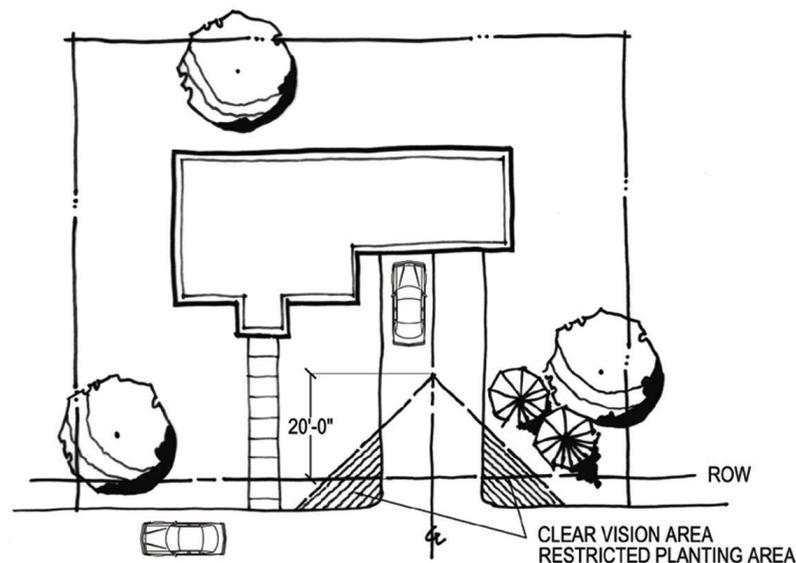


Figure 7.4.6 B, Clear Vision Areas

7.4.7 Off-Street Parking and Loading Standards.

A. Off-Street Parking Requirements. All uses shall be required to provide the

number of off-street parking spaces that complies with the standards set forth in **Table 7.4.7**. Unless otherwise allowed by these Regulations, required off-street parking spaces shall be located on the same lot as the use or structure.

1. **Multiple Uses.** If two (2) or more principal uses occupy a single parcel or structure, the number of required off-street parking spaces for the parcel or structure shall be the cumulative total for each principal use of the parcel or structure.
2. **Shared Parking or Loading Areas.** A parking or loading space that is required by these Regulations shall not be a required parking or loading space for another use, unless it can be shown that the shared use will not result in a shortage of parking at any time. Use of approved shared parking or loading spaces, based upon the following conditions, may reduce the number of off-street parking spaces by up to twenty percent (20%) of the total required for all uses.
 - a. The peak use periods for the required parking or loading space will not overlap with one another.
 - b. The shared use arrangement for parking or loading spaces shall be for two or more uses located on the same site or adjoining sites.
 - c. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to insure their retention for such purpose shall be properly drawn and executed by the parties concerned and approved as to form by the county attorney, and shall be filed with the application for a building permit.
3. **Required Fractional Spaces.** When any calculation of the number of required off-street parking spaces results in a fractional space being required, such fraction shall be rounded up to the next higher number of spaces.
4. **Uses Not Listed.** The number of required off-street parking and loading spaces for any use not specifically listed in **Table 7.4.7** shall be determined by the Director.

TABLE 7.4.7 - MINIMUM OFF-STREET PARKING STANDARDS

RESIDENTIAL USES	
Accessory Dwelling Unit	1 space per accessory dwelling unit
Bed and Breakfast Inn	1 space per guest room, plus 1 space for owner/manager's unit
Single-Family or Two-Unit Residential Dwelling, Manufactured Homes, and similar	2 spaces per dwelling unit
Lodging Unit (including hotel, motel, lodge, boarding house, bed and breakfast and similar use)	1 space per room

Multi-Unit Residential Dwelling	2 spaces per first three dwelling units, 1 space per each additional
Home Occupation	Those spaces required for the dwelling unit
Home Business	1 space per non-resident employee, plus those spaces required for the dwelling unit
COMMERCIAL & INDUSTRIAL (INCLUDING COMMERCIAL AGRICULTURE)	
Manufacturing/Fabricating Establishment	1 space per 1,000 sq. ft. of floor area
Recreational businesses	1 space for each bus or transit vehicle 1 space for each boat, vehicle or other trailer 1 space for each group of 3 persons being served in these activities.
Retail, Personal Service Facility	1 space per 250 sq. ft. of net leasable floor area ¹
Restaurant	1 space per every 4 seats
Warehouse and Distribution Center	1 space per 2,000 sq. ft. of floor area
EDUCATIONAL/INSTITUTIONAL USES	
Church, religious institution	1 space per every 4 seats in the main sanctuary, plus 1 space for any accompanying dwelling
Daycare home, school or center	1 off-street parking space per nonresident employee, plus 1 designated off-street loading zone space, plus those spaces required for the dwelling unit
Community Meeting Facility, Public Library, Hospitals, Nursing Facilities	1 space per 300 sq. ft. of net leasable floor area ¹
Group Home	A minimum of 4 off-street parking spaces
Educational Facilities	1 space for every 3 seats in the main auditorium area, or 2 spaces for each classroom, whichever is greater.
Corrections Facility	Off-street parking shall be provided for each employee. A minimum of five (5) extra spaces shall be required.
1. Net leasable areas include only those areas that are designed to be leased to a tenant and occupied for commercial or office purposes, exclusive of any area dedicated to foyers, bathrooms, stairways, circulation corridors, and mechanical areas and storage areas used solely by tenants on the site.	

B. Off-Street Loading Required. Loading and unloading of vehicles serving commercial and industrial uses shall be conducted on private property and not on any street or alley. Buildings that receive and distribute materials and merchandise by truck, or that are substantially altered so as to receive and distribute materials and merchandise by truck, shall provide and maintain off-street loading berths or

loading spaces in sufficient number to meet their own needs.

1. Where the property or use is designed to be served by tractor-trailer delivery vehicles, the following shall apply based on gross floor area of the facility:
 - a. Up to 10,000 Sq. Ft. 1 loading berth
 - b. Greater than 10,000 Sq. Ft. 2 loading berths
2. The minimum dimension of any loading berth shall be ten (10) feet wide by thirty-five (35) feet long, with a vertical clearance of fourteen (14) feet. If the typical size of vehicles used in connection with the proposed use exceeds these standards, the dimensions of these berths shall be increased accordingly.

C. Provision and Maintenance of Off-Street Parking. The provision and maintenance of off-street parking and loading spaces that comply with these Regulations shall be a continuing obligation of the property owner.

D. Prohibited Uses. Required parking spaces shall be available only for the parking of operable passenger automobiles of residents, guests, customers, patrons, and employees of the use for which they are required. Prohibited uses of required parking spaces shall be as follows:

1. **Inoperable Vehicles or Materials.** Materials or inoperable vehicles shall not be stored in required parking spaces.
2. **Delivery Vehicles.** Delivery vehicles or trucks used in conducting the business or use shall not be parked in required parking spaces during business hours.
3. **Vehicles for Sale.** Vehicles shall not be displayed for sale in any parking area required for a non-residential use, except for the casual display of a vehicle by its owner, when the owner is an employee or customer using the premises.
4. **Repair Work.** Repair work shall not be conducted in any parking area required for a non-residential use if the repairs render a vehicle inoperable for more than twenty-four (24) hours.
5. **Commercial Vehicles on Residential Property.** Commercial vehicles or heavy equipment used in a business operation shall not be parked in required parking spaces for a residential use, unless the commercial vehicle is used for an allowed home occupation or is a company vehicle used for commuting that is parked overnight.

E. Parking and Loading Area Surface.

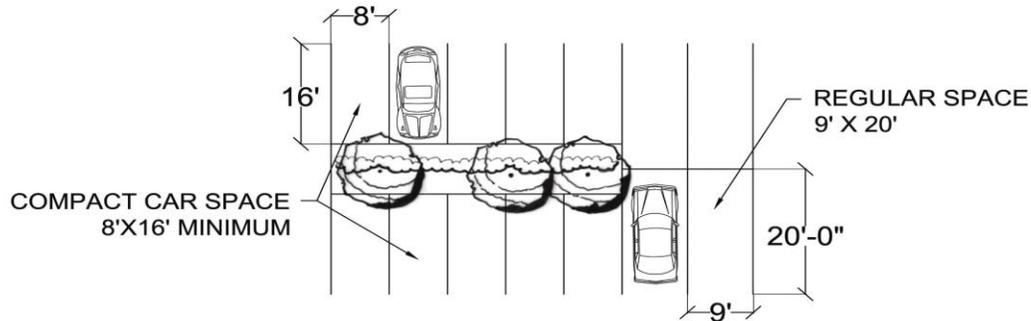
1. **Surface Materials.** Off-street parking and loading areas shall have a durable, dust-free all weather surface, made of materials that are suitable for the uses to which the area will be put, and are compatible with the character of the proposed development and the surrounding land use. Appropriate parking and loading surface materials may include asphalt, concrete, paving blocks, and gravel surface. Grass ring surface may be

used for temporary or emergency purposes.

- 2. Grading.** Off-street parking and loading area surfaces shall be compacted and graded, with a minimum grade of two percent (2%) for asphalt, one percent (1%) for concrete, and two percent (2%) for paving blocks, gravel, or grass ring surface, to permit drainage of surface water without damage to public or private land or improvements.
- 3. Striping.** Paved surfaces shall be striped to demarcate the parking spaces for all commercial lots and for residential lots containing over four (4) contiguous spaces. Parking in gravel surfaced parking lots is not required to be striped.

F. Minimum Dimensions of Parking Areas. The minimum dimension of a regular parking space shall be 9' x 20'. The length of a parking space may be reduced to eighteen (18) feet, including wheel stop, if an additional area of two (2) feet in length is provided for the front overhang of the car, provided that the overhang shall not reduce the width of an adjacent walkway to less than four (4) feet.

Figure 7.3.4 F, Parking Space Dimensions



G. Compact Car Spaces. In parking areas containing more than (10) spaces, up to twenty percent (20%) of the number of spaces over the first ten (10) spaces may be designed for compact cars.

1. **Minimum Dimensions.** A compact car space shall have minimum dimensions of eight (8) feet in width by sixteen (16) feet in length.
2. **Signage.** Compact car spaces shall be designated for exclusive use by compact cars and identified by stencil signage or a raised identification sign not to exceed 1 square foot.

H. Handicapped or Accessible Parking. Design and construction of handicapped or accessible parking shall be in accordance with the latest versions of **CABO/ANSI A117.1**, and **Section 1106 of the International Building Code** as adopted by Chaffee County.

1. **Location.** Handicapped or accessible parking spaces shall be located on the shortest possible accessible route from adjacent parking to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.
2. **Signage.** Handicapped or accessible parking spaces shall be identified by a sign and shall not be obscured by a vehicle parked in the space.

I. Tandem Parking. Tandem parking (a vehicle parking directly behind another) that meets the following conditions may be applied to meet the off-street parking standards of these Regulations.

1. A tandem parking space may be used to obtain credit for one (1) required parking space.
2. Tandem parking shall not be allowed when required parking is located within a parking structure or within a garage that serves multiple dwelling

units.

3. Use of the space does not impede the movement of other vehicles on the site.
4. Tandem spaces serving multi-family dwelling units are assigned to the same dwelling unit.
5. Valet parking shall be provided for tandem spaces serving retail or commercial uses.

J. Backing Onto Public Streets Prohibited. All parking areas shall be located and designed in conjunction with a driveway, so that vehicles exiting from a parking space shall not be required to back onto the right-of-way of a public street.

1. Exceptions.

- a. Vehicles exiting from a parking space for a single-family or two-unit residential dwelling may back onto a residential street.
- b. Vehicles exiting from a parking space for any use may back onto an alley right-of-way adjacent to the property.

K. Unobstructed Access. Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley, except for approved residential tandem parking.

L. Access Driveways. Access driveways for required off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site. See table 7.4.6

M. Parking and Loading Area Landscaping and Illumination. Off-street parking and loading areas for non-residential uses located in Residential and Rural zoning districts shall be landscaped to minimize disturbance to residents, including installation of perimeter landscaping, proper screening of loading areas with opaque materials and control of illumination. The landscaping and screening shall comply with the standards of **Section 7.2.3 B9**, and lighting shall comply with **Section 7.1.8**.

N. Snow Storage Standards. The following standards shall apply to any multi-family residential development with an outdoor parking area.

1. **Designated Snow Storage Area Required.** A designated area, sufficient to store snow from the entire parking area, shall be provided. As a general guideline, and considering the varying elevations and snowfall amounts throughout the County, it is anticipated that a minimum area equivalent to two and one-half percent (2.5%) of the total area of the required off-street parking and loading area, including access drives, shall be designated to serve as a snow storage area.
2. **Storage in Parking Spaces Prohibited.** Required off-street parking and loading areas shall not be used for snow storage.
3. **Storage in Yards and Open Space Allowed.** Snow stored in a required

yard or open space shall not be located in a manner that restricts access or circulation, or obstructs the view of motorists.

4. **Storage on Public Roadways Prohibited.** The traveled area of public roadways shall not be used for snow storage.

7.4.8 Trail and Walkway Standards. The type and construction of trails and walkways shall be compatible with the anticipated use. Trails within a public right-of-way shall meet the standards identified in the County Trails Master Plan.

A. Trail Right-of-Way Standards. Trail rights-of-way for dedicated park lands and open space shall conform to the following criteria:

1. The land required for trail rights-of-way shall be platted as an easement or as a separate outlot. The width for trail easement shall be adequate to handle the proposed use based on the particular reasonable needs of the trail, its location, the surrounding terrain, and the anticipated usage.
2. The trail easement may overlap and include property previously included in other easements such as ditch, canal, utility and conservation easements and public or private open space, subject to a written agreement with the underlying easement rights owner. However, the trail easement shall not compromise the functional use of any other easement.

B. Trail or Walkway Service Comparable to Sidewalks. A system of trails and walkways may be used as an alternative to required sidewalks provided that the level of service provided by the proposed trail or walkway system shall be comparable to that of applicable sidewalk requirements.

C. Safety. Unsafe road crossing locations shall be avoided. Special structures or traffic control devices may be required at road crossings for safety.

D. Maintenance. Suitable provisions for maintenance of trail and walkway systems shall be established through a perpetual association, corporation or other means acceptable to the County.

7.5 UTILITY STANDARDS

7.5.1 Water System Standards. All central water supply and distribution systems shall be designed to comply with state standards. If state permitting is not required, the following standards shall apply.

A. Design. The water distribution system shall be designed by a qualified professional engineer licensed by the State of Colorado and shall be approved by CDPHE or the County Engineer.

1. **Sized for Initial and Future Demand.** The water distribution system shall be sized to meet both the initial and future demands of the proposed development. Oversizing for likely extensions is encouraged.
2. **Sized for Maximum Day Demand.** The system shall be sized for

maximum day demand plus peak hour demand, and fire flow if necessary.

- a. **Residential.** The average daily demand for a residential development shall be based upon 350 gallons per day per residential unit, or 75 gallons per day per capita, as appropriate.
 - b. **Commercial and Industrial.** The average daily demand for commercial and industrial uses shall be based on the anticipated demand of the proposed development.
 - c. Unless otherwise approved by the County Engineer, maximum day demand shall be 3.0 times average day demand, and maximum hour demand shall be 6.0 times average day demand.
 - d. Minimum residual pressures shall be 20 psi under maximum hour demands; 40 psi if direct flow is used.
 - e. The actual pressure in the supply system under the conditions specified shall be used in designing the distribution system. Assumed future supply pressures and points of connection for designing the system in all other cases shall be subject to the approval of the County Engineer. If future connection to a different supply system is anticipated, critical pressure in that system may be used as the starting design pressure.
3. **Water Mains.** To the degree practicable, all lines shall be looped, avoiding dead ends in the system. Dead-end mains shall be provided with a suitable means for flushing.
 4. **Financial Plan.** The developer shall submit a financial and operations plan ensuring the system can be constructed, operated and maintained in a manner to meet the applicable drinking water standards.
 5. **Quality and Material Specifications.** Material specifications for all water distribution systems shall be approved by the County Engineer and meet AWWA Standards.
 - a. The distribution system shall be designed for a minimum service life of 50 years.
 - b. The distribution system shall have sufficient cover to prevent freezing.
 6. **Pressure.** The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) nor more than eighty (80) psi, under normal operating conditions at service buildings and other locations requiring potable water supply.
 7. **Separation.** A minimum horizontal separation of ten (10) feet shall be maintained between all domestic water lines and sewer lines.

7.5.2 Wastewater System Standards. These standards apply to all central wastewater treatment systems, which shall be designed to comply with State standards, and / or the Chaffee County On-Site Wastewater System Regulations as applicable.

A. Central System Design. The wastewater system shall be designed by a qualified professional engineer licensed by the State of Colorado. The system shall be designed in compliance with the standards established by CDPHE. Effluent from

sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of CDPHE.

1. The collection system shall not be designed for less capacity than the anticipated maximum daily sewage flow or treatment requirements. Where guidelines and standards are not available, the design flows for the intended use shall be approved by the County Engineer or CDPHE.
2. Collection systems shall be designed and sized to comply with the guidelines and requirements of the service provider. Approval of the proposed system by the service provider shall be a condition of approval by the County Engineer.
3. Collection systems shall be sized to meet present and future demands of the proposed development. Oversizing for likely extensions is encouraged.
4. Adequate provisions for repair and maintenance of the wastewater system shall be required. The developer shall submit a financial and operations plan ensuring the system can be constructed, operated and maintained in a manner to meet the applicable water quality standards.
5. **Sewer Line.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall maintain a minimum horizontal separation of ten feet from all domestic water lines. Sewers shall be at a grade that will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials that comply with state or County regulations and CDPHE design criteria.
6. **Sewage Treatment and/or Discharge.** Where the sewer lines of the park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by CDPHE prior to construction, and documentation of the construction and final construction approval by both CDPHE and the design engineer shall be provided to the County prior to operation.

B. Occupancy Restrictions. Where connection to a central wastewater collection and treatment system is proposed and approved, but not available until installation or expansion of such facilities is completed, no uses shall occupy the lot until the collection and treatment system is available to service the proposed use.

C. Public Systems. Unless prohibited by intergovernmental agreement with the adjoining municipality, individual septic systems will be allowed for proposed land uses located in an area subject to intergovernmental agreements or within a Municipal Planning Area Overlay. If a public system is not available, a central on-site treatment plant and collection system in compliance with the municipal standards, and approved by CDPHE may be used.

D. On-Site Wastewater Treatment System (OSWS). Any OSWS (septic system) allowed under these Regulations shall comply with the Chaffee County On-Site Wastewater Treatment System Regulations. Site location approval shall be

obtained from the CDPHE Water Quality Control Division for systems over two thousand gallons per day.

7.5.3 Other Utilities. Adequate electric power and telephone service shall be available to serve the land use.

A. Approval of Utility Easement by Utility Company. Utility easements shall be subject to approval by the applicable utility companies and, where required, additional easements shall be provided for main switching stations and substations. The applicant shall work with the utility companies to provide reasonable sized easements in appropriate locations.

B. Utility Location. All utility lines, including appurtenances, shall be placed either within public road rights-of-way or within the subdivision easements or rights-of-way provided for the particular facilities. Installation within any County public right-of-way shall comply with the right-of-way cut standards in **Section 7.4.2 E.**

C. Underground Installation. All utilities except major power transmission lines, transformers, switching and terminal boxes, meter cabinets and other appurtenant facilities shall be located underground, unless it is demonstrated that compliance is impractical or not feasible and will result in undue hardship. Dry utilities shall be located a minimum of twenty four (24) inches below grade or below irrigation or drainage ditches, and water and sewer lines shall be buried to a minimum depth of the frostline, or forty eight (48) inches, whichever is greater.

D. Construction and Installation of Utilities. Applicants shall make the necessary arrangements with each service utility for the construction and installation of required utilities.

7.6 {RESERVED}

7.7 ADDITIONAL STANDARDS FOR OVERLAY DISTRICTS

7.7.1 Floodplain Overlay District. All development located within a floodplain shall require a Floodplain Development Permit. In addition to applicable use requirements of the underlying zone district, the following standards shall apply to all land use changes within the Floodplain Overlay, including division of land.

A. Permit Procedures. Applications for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures and the location of the foregoing in relation to Special Flood Hazard Area (100-year flood plain). Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of **Section 7.7.1 F**;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B. Permit Review. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The safety of access to the property in times of flood for ordinary and emergency vehicles;
5. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
6. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
7. The necessity to the facility of a waterfront location, where applicable;
8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

C. Variance Procedures. The Board of Adjustment shall hear and render judgment on requests for variances from the requirements of these regulations. The Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

1. Any person or persons aggrieved by the decision of the Board may appeal such decision in the courts of competent jurisdiction.
2. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
3. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the

proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

4. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in **Section 7.7.1 A** have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
5. Upon consideration of the factors noted above and the intent of this ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as stated in **Section 2.6.4 B**.
6. Variances shall not be issued within any designated floodway if any significant increase in flood levels during the base flood discharge would result.
7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
9. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
 - a. The criteria outlined in **Section 7.7.1 C** are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. Enforcement. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of these floodplain regulations shall be enforced under the terms of **Section 1.5** of this Land Use Code.

E. General Standards. In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

F. Specific Standards. In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in **Section 2.6.4 D, G or J**, the following provisions are required:

1. **Residential Construction.** New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor, and be submitted to the Floodplain Administrator.
2. **Non-Residential Construction.** With the exception of Critical Facilities, outlined in **Section 7.7.1 L**, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the

base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator.

- 3. Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

 - a.** A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b.** The bottom of all openings shall be no higher than one foot above grade.
 - c.** Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 4. Manufactured Homes.** All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

 - a.** The lowest floor of the manufactured home is one foot above the base flood elevation, or
 - b.** The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- 5. Recreational Vehicles.** All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a. Be on the site for fewer than 180 consecutive days,
 - b. Be fully licensed and ready for highway use (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
 - c. Meet the permit requirements of **Section 7.7.1 A**, and the elevation and anchoring requirements for "manufactured homes" in paragraph 4 above.

G. Standards For Areas of Shallow Flooding (AO/AH Zones). Located within the Special Flood Hazard Area established in **Section 2.6.4 D**, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- 1. Residential Construction.** All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
- 2. Non-Residential Construction.** With the exception of Critical Facilities, outlined in **Section 7.7.1 L**, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with wall substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in **Section 7.7.1 A**, are satisfied. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

H. Floodways. Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway). Located within Special Flood Hazard Area established in **Section 2.6.4 D** are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
2. If paragraph 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this **Section 7.7.1**.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

I. Alteration of a Watercourse. For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State and County floodplain requirements and regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with **Section 7.7.1 H**.
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

J. Properties Removed from the Floodplain by Fill. A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one foot of freeboard that existed prior to the placement of fill.

K. Standards for Subdivisions. All subdivisions, including manufactured home parks and subdivisions, shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

1. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of **Section 2.6.4 D** and **Section 7.7.1** of this Land Use Code.
2. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to **Section 2.6.4 D** or **2.6.4 G** of this Land Use Code.
3. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

L. Standards for Critical Facilities. A Critical Facility is a structure or related infrastructure, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. **Classification of Critical Facilities.** Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.
 - a. Essential services facilities include:
 - (1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
 - (2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
 - (3) Designated emergency shelters;
 - (4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

- (5)** Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- (6)** Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants, non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the County on an as-needed basis upon request.

- b.** Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
 - (1)** Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - (2)** Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - (3)** Refineries;
 - (4)** Hazardous waste storage and disposal sites; and
 - (5)** Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation

"Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- (1) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- (2) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- (3) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

- c. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:
 - (1) Elder care (nursing homes);
 - (2) Congregate care serving 12 or more individuals (day care and assisted living);
 - (3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);
- d. Facilities vital to restoring normal services including government operations. These facilities consist of:
 - (1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - (2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the County on an as-needed basis upon request.

2. **Protection for Critical Facilities.** All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than

structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
 - b. Elevation or floodproofing of the structure to at least two feet above the Base Flood Elevation.
3. **Ingress and Egress for New Critical Facilities.** New Critical Facilities shall, when practicable as determined by the County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

7.7.2 Airport Overlay District for the Salida Airport at the Harriet Alexander Field

A. Areas Regulated by the Airport Overlay District.

1. FAA Regulations, specifically 14 CFR Part 77 – *Safe, Efficient Use, and Preservation of the Navigable Airspace*, establishes standards used to determine obstructions to air navigation and navigational and communication facilities that are areas regulated by this Airport Overlay District.

The following civil airport imaginary surfaces are established with relation to an airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach procedure existing or planned for that runway end.

Conical surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Horizontal surface – A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

Objects - Objects that are considered obstructions under the standards described in 14 CFR Part 77 are presumed hazards to air navigation unless further aeronautical study concludes that the object is not a hazard. Once further aeronautical study has been initiated, the FAA will use the standards in 14 CFR Part 77, along with FAA policy and guidance material, to determine if the object is a hazard to air navigation.

Primary surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200

feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

- (1) 250 feet for utility runways having only visual approaches.
- (2) 500 feet for utility runways having non-precision instrument approaches.
- (3) For other than utility runways, the width is:
 - (i) 500 feet for visual runways having only visual approaches.
 - (ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.
 - (iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.
 - (iv) The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

Runway Approach surface - A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

- (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - (i) 1,250 feet for that end of a utility runway with only visual approaches;
 - (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - (iii) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
 - (iv) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - (v) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - (vi) 16,000 feet for precision instrument runways.
- (2) The approach surface extends for a horizontal distance of:
 - (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility; and

(iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

Transitional surface – These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

2. FAA Design Standards - The FAA's standards and recommendations for airport design, specifically Advisory Circular (AC) 150/5300-13, *Airport Design* includes certain design standards that are areas regulated by this Airport Overlay District:

- a. **Runway Protection Zone (RPZ)** – The RPZ is trapezoidal in shape and centered about the extended runway centerline. The RPZ's function is to enhance the protection of people and property on the ground. It is desirable to clear the entire RPZ of all above-ground objects.
- b. **Airport Protection Area** - The purpose of the Airport Protection Area is to enhance safety and ensure compatible development within the Airport Protection Area and to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, including aircraft generated noise.
- c. **Airport Traffic Pattern Area** - To assure that air traffic into and out of an airport in an orderly manner, an airport traffic pattern is established based on the local conditions, to include the direction and altitude of the pattern and the procedures for entering and leaving the pattern.

For the graphical depiction of 14 CFR Part 77 Airport Imaginary Surfaces, FAA Design Standards including Runway Protection Zones (RPZ) and Airport Traffic Pattern Area, refer to the **Airport Overlay District Map**, maintained by Chaffee County Development Services Department.

B. Avigation Easements. An avigation easement is a conveyance of a specified property interest for a particular area that restricts the use by the owner of the surface and yet assures the owner of the easement the right and privilege of a specific use contained within the easement document. Where it is determined that fee title is not necessary, an avigation easement may be used to secure in perpetuity, the airspace for airport and runway approach protection and for noise compatibility programs.

Such easement rights consist of the right-of-flight of aircraft; the right to cause noise, dust, etc.; the right to remove all objects protruding into the airspace together with the right to prohibit future obstructions in the airspace; and the right of ingress/egress on the land to exercise the rights acquired. The easement may prohibit the construction of all above ground objects. The easement may also contain any number of additional restrictions as the airport owner deems necessary.

Avigation Easements for enhancing safety shall be provided and dedicated to the airport for structures and property within the Airport Overlay District.

1. The Avigation Easement shall be recorded in the office of the Chaffee County Clerk and Recorder.
2. Applicant shall provide a copy of the recorded instrument prior to issuance of a building permit.

C. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft.

1. Location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the Airport Overlay District shall be coordinated with the Board of County Commissioners and the FAA prior to approval.
2. The approval of cellular and other telephone or radio communication towers on leased property located within Airport Imaginary Surfaces shall be conditioned upon their removal within ninety (90) calendar days following the expiration of the lease agreement. A bond or other security shall be required to ensure this requirement.

D. Outdoor Lighting. Lighting other than that associated with airport operations shall comply with the following standards.

1. Lighting shall not project directly onto an existing heliport, runway or taxiway or into existing Runway Approach Surfaces and Runway Protection Zones.
2. Lighting shall incorporate shielding to reflect light away from all Runway Approach Surfaces and all Runway Protection Zones.
3. Lighting shall not imitate airport lighting or impede the ability of pilots to distinguish between airfield lighting and other lighting.

E. Notice Requirements for Proposed Land Use Change Within the Airport Overlay District.

1. Unless otherwise provided under paragraph 2 below, the Planning Staff shall provide to the Airport Manager, County Administrator, Airport Sponsor, and the Board of County Commissioners written notice of *any* proposed land use change located within the Airport Overlay District.
2. Written notice to the Airport Sponsor and Board of County Commissioners shall not be required for a proposed land use change located within the Airport Overlay District that meets *all* of the following criteria.

-
- a. All existing structures associated with the proposed land use are less than thirty-five (35) feet in height, and for proposed structures associated with the proposed land use change, receipt in the affirmative from FAA in response to submission of an FAA Form 7460-1 *Notice of Proposed Construction or Alteration* by the applicant/property owner; and
 - b. The proposed land use involves property located entirely outside the existing Runway Protection Zone; and
 - c. The proposed land use does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, cellular, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
 - d. The proposed land use does not involve creating open water (pond or lake), wetland mitigation, enhancement, restoration or creation; and
 - e. The proposed land use is compatible with the Airport as defined by FAA.

F. Airport Overlay District Land Use Restrictions. For the purpose of regulating the development of noise sensitive land uses, to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from incompatible development and to promote the health, safety and general welfare of property users, the controlled area around the Airport is divided into different land use restriction areas. Table 7.7.2 lists land use restrictions in the Airport Overlay District. If a conflict occurs between Table 7.7.2 and any provision of this Land Use Code and a state statute or other applicable codes and regulation, the more restrictive provisions in Table 7.7.2 shall control.

Table 7.7.2 - Use Restrictions

P = Use is Permitted L = Use is Allowed Under Limited Circumstances (see footnotes) NP = Use is Not Permitted	RUNWAY PROTECTION ZONES (RPZ)	RUNWAY APPROACH SURFACE	AIRPORT PROTECTION AREA	TRANSITIONAL SURFACE	AIRPORT TRAFFIC PATTERN AREA
Residential	NP	L (9)	NP	P (1)(8)	P
Schools/Churches/Perm anently Constructed Gathering Venues Open to the Public	NP	NP	NP	L (4)	P
Commercial Uses/Private Gathering Venues/Retail Venues/Campgrounds	NP	L (4)(5)	NP	P	P
Industrial	NP	P (5)	P (4)	P	P
Institutional	NP	L (4)(5)	L (4)(5)	P	P
Roads/Parking	L (2)	P	P	P	P
Events with Spectators	NP	NP (6)	NP (6)	P	P
Airport Events Open to the Public (Controlled Public Access Areas on Airport Property)	NP	L (4)	L (4)	P	P
Recreational Uses – Passive/ Open Space	NP	P	p	P	P
Athletic Fields	NP	NP	NP	P	P
Mining	NP	P	NP	P	P
Agricultural	L (7)	P	P (7)	P	P
Fuel Storage Facility (greater than 2000 total gallons)	NP	NP	NP (10)	NP	P
Hazardous Material Storage	NP	NP	NP	NP	P
Wastewater Treatment Facilities	NP	NP	NP	P	P
Solar Farms (not private individual solar uses).	NP	L (3)	NP	L (3)	P

1. All new developments within the Transitional Surface (yellow) shall have a minimum lot size of 2 acres and a maximum residential density of 1 unit per 2 acres.
2. New roads and parking areas are permitted in the RPZ only upon demonstration by the applicant to the Board of County Commissioners following the requirements of Section 4.5.1 of the Land Use Code, including the additional review criteria under Section 4.5.1C: that there are not reasonable and practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. The Board may consider cost in determining whether reasonable and practicable alternatives exist.
3. Solar Farm: size, location and orientation shall be approved in advance by the FAA including any requirements of the Land Use Code.
4. Limited or Major Impact Review approval required, except for Special Events as defined in Land Use Code Section 4.2.6.
5. No new residential use allowed, including Accessory Dwelling Units.
6. Private events as defined in Section 4.2.6 of the Land Use Code and memorial services are exempted.
7. Historical, prior and continuing agricultural uses are permitted.
8. Requires recorded Notice of Airport Proximity for all land within the Transitional Surface, Runway Approach Surface and Airport Protection Area.
9. Existing residential uses that are legally established shall be treated as a non-conforming use under Section 2.4 of the Land Use Code and shall be allowed to reconstruct legally established structures if damaged or destroyed. Any new development within the Runway Approach Surface shall have a minimum lot size of 5 acres and a maximum residential density of 1 unit per 5 acres and shall be required to follow the applicable subdivision process. Density greater than 1 unit per 2 acres in the Runway Approach Surface is prohibited. Any new development within this zone that proposes a minimum lot size or density higher than the above, shall first receive a variance from the Board of County Commissioners following the standards in Section 4.5.1C of the Land Use Code before proceeding with the subdivision process. When considering a variance request the Board of County Commissioners will also consider the following additional standards when reviewing a variance request: any comments from the FAA, Airport Sponsor, whether the request balances compatibility between the Airport and the surrounding land use and promotes the health, safety and general welfare of the potential property users of the proposed change of use, and whether the requester has proposed mitigation to alleviate issues with compatibility of uses, and health, safety, and general welfare of the proposed change of use, such as clustered subdivisions and conservation subdivisions.
10. Airport equipment used on Airport property exempted.

When a subdivision plat is required for any property within an Airport Overlay District or within an area shown on the 14 CFR Part 77 Airspace Drawing for the Airport, the property owner shall dedicate an aviation easement to County in perpetuity over and across that property. The easement shall establish a height restriction on the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the Airport.

Notwithstanding any other provisions of this Section or other Section of the County Land Use Code, no use may be made of land, water, or structures within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, or result in glare in

the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off or flight operations of aircraft utilizing the airport.

Where a parcel of land lies within more than one Airport Overlay District Land Use Restriction area as described in **Table 7.7.2.**, the zone within which each portion of the property is located shall apply individually to each portion of a development.

Nonconforming Land Use - The restrictions prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted. Nonconforming land uses existing as of the effective date of this ordinance may be modified in accordance with Section 2.4 and such that 1) only existing structures may be enlarged or expanded; 2) they do not result in any greater violation of height restrictions; and 3) a variance in accordance with Section 4.5.1 is obtained.

Marking and Lighting - Notwithstanding the provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Airport.

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

1. Prohibited Uses and Activities.

- a. No structures of any kind shall be allowed in the Runway Protection Zone (RPZ), except for accessory structures to the airport operations may be located in the RPZ based upon approval by the FAA.
- b. All public and private assembly facilities are prohibited in the Runway Protection Zones.
- c. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within 2,000 feet of the end of a runway in the direction of the approach to the runway end.
- d. No development shall, as part of its regular operations, cause emissions of smoke, dust or steam within Runway Approach Surfaces.

2. Allowed Uses and Activities. The following uses are allowed within the Airport Overlay District to the extent that they are permitted by the underlying zoning district, and the proposed use complies with applicable standards for the zone district and is not prohibited or otherwise restricted by paragraph 1 above.

- a. **Golf Courses.** Golf courses may be allowed, conditioned upon the use of accepted management techniques to reduce existing wildlife attractants and avoid the creation of new wildlife attractants.
- b. **Agriculture.** Agriculture is permitted, with accepted management techniques to reduce wildlife attractants.
- c. **Utilities.**
 - (1) In the RPZ all utilities, power and communication lines, and pipelines shall be located underground.
 - (2) In Runway Approach Surfaces, the proposed height of all above ground utilities shall be coordinated with the Airport Sponsor and the Board of County Commissioners.
- d. **Wetland Mitigation, Creation, Enhancement and Restoration.** Wetland mitigation, creation, enhancement and restoration projects may be permitted contingent on a plan to minimize waterfowl hazards to navigation, and subject to the review process in **Section 7.7.2 I.**
- e. **Water Impoundments in Runway Approach Surfaces.** Any use or activity that would result in the establishment or expansion of water impoundments in Runway Approach Surfaces shall comply with the following requirements, subject to the review process in **Section 7.7.2 I.**
 - (1) No new or expanded water impoundments of one-quarter acre in size or larger shall be permitted within a Runway Approach Surface within 5,000 feet from the end of a runway.
 - (2) No new or expanded water impoundments of one-quarter acre in size or larger shall be permitted on land owned by the airport sponsor, unless necessary for airport operations.

G. Height Restrictions. When height restrictions of the underlying zone district are more restrictive than those of the Airport Overlay District, the underlying zone district height limitations shall control.

Except as otherwise provided in this Airport Overlay District, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone.

H. Restrictions on Penetration of Development Into 14 CFR Part 77 Airport Imaginary Surfaces. No structure or tree, plant or other object of natural growth shall penetrate the 14 CFR Part 77 Airport Imaginary Surfaces except as follows:

- 1. For areas within airport/heliport Imaginary Surfaces but outside the Approach and Transition Surfaces, where the terrain is at higher elevations than the airport runway/heliport surfaces such that existing structures and allowed development penetrate or would penetrate the Airport Imaginary Surface, structures up to thirty-five (35) feet in height may be allowed.

2. Written agreement by the airport and the FAA shall be provided for other height exceptions requested.

I. Wetland Construction, Enhancement, Restoration or Mitigation. Wetland construction, enhancement, restoration or mitigation projects within the Airport Overlay District shall be subject to review under the Major Impact Review process.

1. Wetland projects shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or Runway Approach Zones.
2. Wetlands projects that create, enhance or restore wetlands that are proposed to be located within the Airport Overlay District and that would result in the creation of a new water impoundment or expansion of an existing water impoundment shall demonstrate the following.
 - a. Off-site mitigation is not practicable; or
 - b. The wetlands project involves existing wetland areas regulated under the overlay district that have not been associated with attracting problematic wildlife to the airport/heliport vicinity; or
 - c. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge.
 - d. The resulting wetlands are designed, and shall be maintained in perpetuity, in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
 - e. The proposed wetland project shall be coordinated with the Airport Sponsor, the Board, the FAA and FAA's technical representative, the Colorado Division of Parks and Wildlife (CPW), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.

J. Additional Submittal Requirements for Land Use in Airport Overlay District.

1. **Location Map.** A map or drawing showing the location of the subject property in relation to Airport Imaginary Surfaces.
2. **Elevation Profiles and Site Plan.** Elevation profiles and a site plan including:
 - a. Location of existing and proposed structures in relation to Airport Imaginary Surfaces.
 - b. Height of all existing and proposed structures, measured in feet above mean sea level.
 - c. Layout plan for Landing Strip. The plan shall be sufficient to depict the airport reference code, the layout of existing & planned facilities and features, ground contours at 10' intervals, the building restriction lines, the relationship of the runway(s) and RPZs to the land parcel(s) on which the landing strip is to be located and to adjoining land parcels. Approach

profiles shall depict the composite profile based on the highest terrain across the width & along the length of each RPZ.

3. **Written Agreements for Height Exception.** Written Agreements from the Airport Sponsor and the FAA, if a height exception is requested.
4. **Avigation Easement.** An avigation easement dedicated to the Airport Sponsor in perpetuity, in a form acceptable to the Airport Sponsor (**Section 7.7.2 B**).

K. Definitions - Airport Overlay District

AIRCRAFT - Any and all types of aircraft, whether now in existence or hereafter manufactured and developed, to include jet, propeller-driven, civil, military or commercial aircraft; helicopters, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whoever owned or operated.

AIRPORT - Salida Airport at Harriet Alexander Field, Colorado.

AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level.

AIRPORT SPONSOR - The owner, manager, or other person or entity designated to represent the interests of an airport.

HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT - For the purpose of determining the height limits set forth in this Airport Overlay District, the datum shall be mean sea level elevation unless otherwise specified.

INSTITUTIONAL - A non-profit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government-owned or government-operated structure or land used for public purpose.

LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NAVD 88 - North American Vertical Datum 1988. All elevations in this Airport Overlay District are referenced to the 1988 North American Vertical Datum.

NON-CONFORMING USE - Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this Airport Overlay District or an amendment thereto.

NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned. It also means a runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning

document.

OBSTRUCTION - Any existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the heights or surfaces set forth in the Airport Overlay District.

PASSIVE OPEN SPACE - Land or water areas left in an undeveloped state and not used for active recreational uses.

PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR) or a Global Positioning System (GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PUBLIC USE AIRPORT - An airport available for use by the general public without a requirement for prior approval of the airport owner or operator.

RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE - Airport Overlay District - An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TREE - Any object of natural growth.

UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, or by any planning document submitted to the FAA by competent authority.

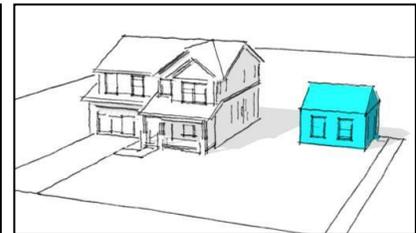
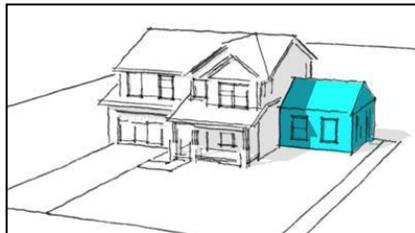
7.8 USE SPECIFIC STANDARDS

The various land uses listed below have additional standards and review criteria associated with them, as detailed below. These standards are in addition to those requirements that may be in **Sections 1, 2, and 3** of this **Article 7**.

7.8.1 Accessory Dwelling Unit (ADU).



Integrated ADUs



Detached ADU

- A. Definition.** ADU is defined in Chapter 15 of this Land Use Code. An attached ADU is an ADU that shares a contiguous wall with the principal structure, not simply a breezeway, walkway, or other ancillary connection.
- B. Intent.** The intent of this section is to provide the ability to utilize ADUs as a means to increase potential housing options for the County, create a more-flexible housing stock, and address the local housing shortage while avoiding the negative impacts of expanded development in more-rural areas.
- C. Density Limitations.** ADUs shall comply with all density limitations of the associated zone district.
- D. Dimensional Limitations.** An ADU shall conform to all setback, height, and other dimensional limitations of the associated zone district.
- E. Location with Respect to Principal Structure.** An ADU may be either attached or detached from the structure housing the principal use. For detached ADUs, the maximum distance between the principal structure and the ADU shall not exceed fifty feet (50') unless such variance is approved via a Minor Site Plan Review as outlined in Section 4.2.5, and shall meet all defensible space standards between the structures.
- F. Maximum Floor Area.** Each ADU shall not exceed the maximum size per Table 2.2.1 below:

Table 2.2.1

Zone District	Maximum Individual Unit Size	Maximum Cumulative ADU Size
REC, RES, RCR, COM, & IND	1,000 square feet or 75% of the principal structure, whichever is smaller	2,000 square feet
RUR	1,500 square feet or 75% of the principal structure, whichever is smaller	3,000 square feet

- G. Adequate Utilities Required.** Each ADU shall include adequate water supply and wastewater sanitation facilities in conformance with Colorado Department of Public Health and Environment (CDPHE), Colorado Division of Water Resources (CDWR), and Chaffee County Onsite Wastewater Treatment System (OWTS) standards. Applicant shall provide verification of CDPHE, CDWR, and OWST approval of water and wastewater sanitation facilities at time of Building Permit Application.

Additionally:

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1. ADUs to be connected to public water and sewer services shall provide will serve letter(s) from the local utility provider(s).
 2. ADUS to be connected to well and septic shall meet the following standards:
 - a. The septic system shall meet capacity requirements of Chaffee County OWTS standards and CDPHE for number of dwelling units.
 - b. Where existing septic capacity does not support the additional dwelling unit, the existing septic system shall be expanded or a new dedicated septic system installed to serve the ADU per Chaffee County OWTS standards and CDPHE.
 - c. For properties of thirty five (35) acres or more, connected to a domestic use well, one ADU shall be permitted with a letter of well use compliance from the CDWR.
 - d. For properties on less than thirty five (35) acres one ADU shall be permitted only if a CDWR permit is submitted allowing one (1) additional dwelling unit.
 - e. Proof of adequate legal water supply, such as a certificate of augmentation from UAWCD where an existing well is being augmented to accommodate the additional dwelling unit.
 3. Water resource studies at the time of subdivision application must include the potential for maximum number of ADUs as a measure of potential water usage.
- H. Parking.** Each ADU shall provide for at least one (1) off-street parking space.
- I. Multiple ADUs.** One (1) ADU may be allowed per property within zone districts where ADUs are allowed and per requirements of this Section. An additional ADU, up to a maximum of two (2) ADUs, may be allowed per property if connected to municipal water and sewer services and if density requirements can be met.
- J. Principal Conversion.** Existing principal dwellings may become accessory to a new principal dwelling if both the existing dwelling and the new dwelling can meet the requirements of Table 2.2.1.

7.8.2 Agritourism, Agritainment

- A. Definition.** An activity related to the normal course of agriculture, as defined in C.R.S. § 35-1-102(1) (as amended), which is engaged in by participants for entertainment, pleasure, or other recreational purposes, or

for educational purposes, regardless of whether a fee is charged to the participants. Agritourism or agritainment does not include any activity related to or associated with medical or retail marijuana as defined in C.R.S. § 12-43.3-104 and C.R.S. § 12-43.4-103 (as amended).

- B. Applicability.** This use is applicable to properties engaged in active, productive agriculture operations as defined in C.R.S. § 35-1-102(1) (as amended) wherein tourism in the form of entertainment, pleasure, recreation, or education is significantly interrelated with the productive agriculture operation. Activities and/or events that exceed the exemptions for a Special Event per Section 4.2.6.E shall apply for a special event permit.
- C. Parking.** Regardless of the on-farm activity, all guest parking shall be on-site and meet the dimensional requirements of Article 7.4.
- D. Overnight Accommodations.** Overnight accommodations may be allowed as approved by applicable permits, licenses, and approvals for the associated use.

7.8.3 Airports and Heliports, Commercial or Public, Paved or Turf. Shall be developed in accordance with an FAA approved Airport Layout Plan (ALP) and approved by the Board of County Commissioners. A determination of no hazard from the FAA through the 7480/Landing Area Proposal process shall be provided prior to approval by the Board of County Commissioners. Any airspace conflicts with the Salida Airport Harriett Alexander Field are prohibited and shall be cause for denial as determined by the Board of County Commissioners.

7.8.4 Aircraft Landing Strip or Helistop, Privately Owned, Paved or Turf.

- A. Setbacks.** The ends of the aircraft landing strip shall be a minimum of 500 feet from property lines, or be able to show no impact on nearby property owners and demonstrate no airspace conflicts with the Salida Airport Harriett Alexander Field, via the FAA Landing Area Proposal/7480 process. Helistop setback shall be a minimum of 100 feet from property lines or be able to show no impact on nearby property owners and demonstrate no airspace conflicts with the Salida Airport Harriett Alexander Field, via the FAA Landing Area Proposal/7480 process.
- B. Basic Requirements.**
 - 1. Privately owned landing strips and helistops shall be restricted to use by aircraft and helicopters belonging to the owner(s) and their invitees.
 - 2. No more than five fixed- or rotary-wing aircraft shall be accommodated at each such facility at any one time.
 - 3. Refueling or maintenance of transient fixed- or rotary-wing aircraft shall be prohibited unless essential to permit the aircraft to fly to the nearest airport or helistop.
 - 4. Flight schools are prohibited.

7.8.5 Batch Plant, Asphalt or Concrete. The use must comply with all applicable local, state and federal laws and permits. Batch Plants may either be temporary or permanent as an accessory use to gravel or construction material producing operations.

A. Batch Plant, Accessory to Gravel Pit. A batch plant may be permitted for use in conjunction with a new gravel pit mining permit application, or as an accessory use to an existing gravel pit.

B. Batch Plant, Temporary. A batch plant may receive a temporary permit to operate on a project specific basis.

1. A batch plant shall be set up only within a permitted gravel pit, be subject to the same operational restrictions as the gravel pit, and shall be removed within 30 days of project completion.
2. A temporary batch plant located outside of a permitted gravel pit shall be subject to the same requirements as a permanent Batch Plant.

C. Operating Restrictions. In any zone except Industrial, the plant operations may be limited through the permit process to minimize impacts to adjoining property owners. Restrictions may be placed on operating time or days, increased setbacks, or location to minimize visual, dust, or noise impacts.

7.8.6 Campground / Recreational Vehicle (RV) Park. The following standards shall apply to applications for new campground/RV parks, additions to an existing campground/RV park, and to primitive and semi-primitive campgrounds.

A. Additional Application Materials. These materials are in addition to those specified for the review process identified by **Table 2.2, Use Table**.

1. **Plot Plans.** Typical plot plans for individual recreational vehicle spaces and campsites at a scale of 1 inch equals 10 feet.
2. The number, location and size of all recreational vehicle spaces and camp sites, and the gross density of such spaces and camp sites.
3. **Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, pathways, with typical sections included.

B. Layout and Design Requirements.

1. **Density.** The maximum gross density of a recreational campground is 20 sites per acre, including roads, open space and other requirements.
2. **Space Size.**
 - a. **Recreational Vehicles.** The minimum size of each space within a recreational campground shall be 900 square feet.
 - b. **Tent Sites.** The minimum size of each space within a tent site shall be 600 square feet. Group tent sites shall be permitted as long as the maximum number of sites of the group site is designated and the group site density complies with the overall density, water supply, and sewage disposal requirements of the campground

3. Units may not be rented or occupied by the same party for periods that exceed thirty (30) days and are not to be for individual sale or ownership.
4. Units may contain one electric heat source, not to exceed 1500 watts on a dedicated 120 volt circuit, not to exceed 15 amps, with GFCI protection. A second separate 120 volt circuit not to exceed 15 amps with GFCI protection may also be included for lights and outlets.
5. Units shall be placed on a permanent foundation that meets the Chaffee County minimum foundation requirements, or be placed on treated wood timbers, a minimum of 6 inches by 5 inches. In all cases, cabins shall be adequately anchored for the appropriate wind load.

G. Minimum Facilities for Tent Sites and Recreational Vehicle Spaces.

The area devoted to each tent site and recreational vehicle space shall be adequate to accommodate the following facilities:

1. **Fire Facilities.** Fire facilities shall be confined to a fire pit or fire circle, approved by the Fire Protection District.
2. **Parking Space.** Each space shall be provided with one parking space.
3. **Vehicle Barriers.** Adequate barriers shall be provided to confine vehicles to driveways and parking spaces.

H. Easements, Rights-of-Way, and Common Areas. Applicants shall submit a warranty deed or file a plat of the site to assure the dedication of all easements prior to the approval of the Land Use Change Permit application. All lands, including easements and rights-of-way to be dedicated shall be accompanied by full legal descriptions prepared by a Colorado licensed land surveyor.

I. Internal Roads. All recreational vehicle spaces shall abut an internal road, graded for drainage and maintained in a rut free and dust free condition, which provides unobstructed access to a public street or highway. The minimum unobstructed width of such roads shall be fifteen (15) feet for one-way traffic or twenty-five (25) feet for two-way traffic. No parking shall be allowed on the roads.

J. Maintenance. All tent sites, RV spaces, open space and common areas shall be maintained in a clean and sanitary condition, free from hazardous and noxious materials, weeds and refuse. The campground/park owner shall be responsible for ensuring compliance.

K. Water Supply and Distribution. A domestic water supply that is in compliance with the drinking water standards set forth in **Section 7.2.2 and 7.5.1** of these Regulations shall be provided in each campground/RV park.

1. **Connection.** The water supply system, specifically including all distribution lines up to the risers at individual sites, shall be constructed and maintained in accordance with the Plumbing Codes adopted by Chaffee County.
2. **Individual Water Service Connections.** Riser pipes provided for individual water service connections shall be so located and constructed

that they will not be damaged by the parking of recreational vehicles. Water riser pipes shall extend a minimum of four inches above ground elevation unless recessed in a box or sleeve.

3. **Water Stations.** Each campground shall be provided with one or more easily accessible watering stations for filling RV water storage tanks.
 - a. **Stations for Tent Camping Area.** Each tent camping space or RV space without a water connection shall be provided with at least one individual watering station no more than five hundred (500) feet from any camping space, with a splash pad installed around the base.

L. Wastewater System. The manufactured home park shall be served by an adequate wastewater treatment system that is in compliance with the requirements of **Section 7.2.3 and 7.5.2** of this Article.

1. **Individual Sewer Connections.** If facilities for individual sewer connections are provided, the following requirements shall apply:
 - a. **Sewer Riser Pipe.** The sewer riser pipe shall be a minimum of four inches in diameter, shall be trapped below the ground surface and shall be so located on the trailer space that the sewer connection to the trailer system will approximate a vertical position.
 - b. **Plugging.** Provisions shall be made for plugging the sewer riser pipe when a trailer does not occupy the space. Surface drainage shall be diverted away from the riser.
2. **Liquid or Solid Wastes.** No waste of any kind shall be discharged into or allowed to accumulate on the ground surface.

M. Fire Protection. Adequate fire protection shall be provided and shall be in compliance with all applicable fire codes and standards as prescribed by the appropriate fire protection district.

N. Electrical Distribution and Communication Wiring. If electrical service is provided to some or all recreational vehicle sites within the campground, the electrical distribution system shall comply with all County regulations.

O. Comfort Stations. A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in campgrounds that include spaces without water and / or sewer connections, and for tent camping areas. A comfort station shall be located within 500 feet of all tent camping or other space without water and sewer connections.

1. **Number of Sanitary Facilities.**
 - a. Facilities for women shall include a minimum of one flush toilet, one lavatory and one shower for each ten recreational vehicle or tent spaces or fractional number thereof.
 - b. Facilities for men shall include a minimum of one flush toilet, one urinal, one lavatory and one shower for each fifteen recreational vehicle or tent spaces or fractional number thereof.

2. **Campground Connected to Resort.** When a campground is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required for the campground, and shall be based on the maximum number of people allowed to occupy the resort.
3. **Exception.** When a campground is designed with water and sewer connections to each site, and is exclusively limited to use by self-contained vehicles, no public sanitary facilities shall be required.

P. Refuse Handling. The storage, collection and disposal of refuse in a recreational vehicle park shall be so arranged as to not create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. The owner shall provide for trash removal on a regular basis.

Q. Supervision. The attendant or caretaker shall be available at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.

1. **Exception.** An attendant is not required for semi-primitive or primitive campgrounds.

7.8.7 Campground, Seasonal Employee. Seasonal Employee Campgrounds as used in this section includes only those campgrounds operated by a seasonal employer for the sole use of their employees. These campgrounds are similar to those described as "Semi-developed" as defined in "The Standards and Regulations for Campgrounds and Recreational Areas" (State Regulations), as amended, by the Colorado Department of Public Health and Environment, effective March 1976. The purpose of these regulations is to ensure seasonal employee campgrounds are designed and operated in a manner which provides for the safety of the guests of the campground and the residents of Chaffee County, including adequate water supply, sanitation, fire protection, ingress and egress, and separation from incompatible surrounding land uses. Seasonal employee campgrounds are intended to be used only for temporary and transient residency.

A. Submittal Requirements. An application for a seasonal employee campground shall include the following items:

1. Application Form and Fee
2. Narrative and supporting documents:
 - a. Narrative describing time of operations, number of employee campers, methods of control of impacts, methods of supplying potable water, wastewater treatment, trash, fire safety, access and dust control, noise, domestic animal control, laundry facilities, shower facilities, screening of tent sites from adjacent properties, roadways, and river.
 - b. Documentation showing proof of ownership of property, deed of record, current year taxes paid, and if applicant is not owner, a landowner consent to the application and lease arrangements, if any.
 - c. If in a subdivision or using a privately maintained road, documentation of homeowners' association approval for the campground, and /or for use of the road system for the campground.

- d. Company imposed camp rules for the campground, and point of contact responsible for the campground operations. The campground operator is required to resubmit these documents annually prior to occupancy by employees.
 - e. All properties must have an assigned address
 - f. Proof of legal access (access permit) from state highway or County road
 - g. Proof of potable water supply and means of storage / distribution
 - h. Proposed showering and laundry facilities
 - i. Proposed on-site sanitary provisions
 - j. Proposed trash control and removal
 - k. Proposed roads and parking for campers
 - l. Fire suppression and control plans, approved by the appropriate Fire Protection District.
 - m. Campsite screening plan
3. Scaled, surveyed site plan showing:
- a. Entire parcel boundary
 - b. Adjacent property ownership
 - c. Significant on and off-site features
 - d. Vicinity Map – identify any occupied structures and use within 500 feet of any part of the campground location.
 - e. Adjacent roadways and access
 - f. All existing and proposed improvements, including drive paths, parking, structures, utilities
 - g. Permanent and Temporary improvements, including tent sites, trash containers, fire rings, and sanitary facilities
 - h. Flood plain, drainages, ditches, watercourses, if any

B. Campground Layout and Design Requirements

1. **Flood Plain Restrictions.** No permit shall be granted for campgrounds proposed in flood plain areas.
2. **Setbacks.** Camping sites shall be designed to comply with the setback requirements described below:
 - a. Street setback - minimum 25 feet EXCEPT minimum 50 feet from any designated arterial or major collector.
 - b. Side and rear setbacks - minimum 50 feet for any portion of the campground to any adjacent property line.
 - c. River and Stream setback – minimum 50 feet measured from edge of stream or river to any camping space, except minimum of 100 feet for any permanent structure or sanitary facility.
 - d. Ditch Setback – minimum 40 feet measured from edge of ditch unless otherwise approved in writing by the ditch operator.
3. **Parking.** Off-street parking for one motor vehicle for each camping space shall be provided.

C. Utilities and Services.

1. **Water Supply.** Each campground shall have an on-site potable water supply.
2. **Sanitation:** Each campground shall have on-site sanitary provisions.
3. **Fire Protection.** The applicant is required to obtain approval by the local fire protection district of the campground layout. An annual inspection by the District is required.
4. **Public Utilities.** All utility lines within the campground shall be underground.
5. **Refuse Collection.** The campground plan shall provide that the storage, collection, and disposal of refuse for the campground shall be managed to avoid health hazards, bear visitation, rodent harborage, insect breeding areas, accident hazards, or air pollution.

D. Other Requirements. Such other requirements as may be determined by the Planning Commission and Board of County Commissioners to assure the public health, safety and welfare of the residents and other persons who might be affected.

7.8.8 Camping on Private Land, Personal Use. Non-commercial camping on private property is permitted under the following conditions:

A. Vacant Property.

1. Property owners shall be permitted to camp on their own property for up to ninety (90) days cumulatively per year in a tent, RV, camper van, tiny home on wheels, yurt, or tipi without obtaining a Landowner Camping Permit. Camping is intended as a temporary, recreational, or leisure activity by the landowner for the private enjoyment of the landowner and their association by permission. Camping shall not be used as permanent habitation.
2. **Landowner Camping Permit.** Property owners may be granted a Landowner Camping Permit for up to six (6) months, with option for renewal up to two six (6) month renewal periods, to occupy their land as temporary housing under the following conditions:
 - a. The landowner has applied for a building permit;
 - b. The landowner can furnish a letter granting approval by the subdivision homeowners association, if applicable, stating any requirements of the association for temporary habitation;
 - c. Camping shall only be permitted in a hard-sided mobile vehicle such as an RV, camper van or tiny home on wheels;
 - d. The property owner shall provide a narrative detailing the method for meeting the following health and safety standards:

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- i. **Potable water supply.** Hauled water may be used for the duration of the permit, starting from the date of issuance of the camping permit after which a permanent potable water connection to either a well or public utility is required.
 - ii. **Wastewater.** Temporary wastewater methods may be used for the duration of the permit, starting from the date of issuance of the camping permit after which a permanent wastewater connection to either a septic system or public utility is required. If the system is in the RV, wastewater shall be dumped only in approved RV wastewater collection facilities. Portable toilets may be used if serviced and maintained according to rental agreement;
 - iii. Trash removal shall comply with County standards;
 - iv. No waste of any kind, including graywater, shall be discharged into or allowed to accumulate on the property; and
 - v. Location of the campsite shall comply with the standards set forth in Section 7.8.9.
- B. Improved Properties.** Property owners that have improved their property to include a permanent structure with a permanent water supply and wastewater treatment system shall be allowed to camp on their property as long as there is no commercial activity associated with the camping. Camping is intended and approved as a temporary recreational or leisure activity by the landowner for the private enjoyment of the landowner and their association by permission. Camping shall not be used as a permanent or semi-permanent habitation. Camping shall not be conducted in any manner that may cause a nuisance.
- C. Suspension and Revocation.** Violation of any portion of this Land Use Code, or of any standard, condition, safeguard, or commitment as stated herein or in any adopted County code, ordinance, or resolution, or State of Colorado Regulation, shall be sufficient grounds for the Planning Director to suspend or revoke of any approved camping permit or use following a 15-day written notice sent by certified mail, return receipt requested, to the applicant.

7.8.9 Camping on Private Land, Commercial Use. The following standards shall apply to applications for camping in designated areas on private property as an accessory use for commercial purposes.

- A. Applicability.** Properties with a principal use of Agriculture or Agritourism per **Table 2.2, Use Table** and that comply with the definition of Chaffee County Resident Owner or Owner Entity per Section 7.8.34.A, shall be allowed to develop campsites as an accessory use meeting the requirements of this Section 7.8.9.

- B. Campsite Definition.** A primitive, unimproved site where the landowner or their assign provides no permanent improvements, facilities, or lodging material outside of water, sanitation facilities, and/or fire mitigation elements. A campsite may include space for tents, RVs, and vans in a primitive camping arrangement. A single campsite may be occupied by one (1) camping tent and one (1) additional camping apparatus in the form of an RV, camper van or vehicle, pull-behind trailer, or camping tent.
- 1. Lodging Materials Provided by Landowner.** The landowner may provide seasonally appropriate camping apparatus within limitations established by the County at the time of license approval.
- C. Commercial Use Definition.** Commercial use is defined to mean available for public use through lease or rental agreement with the property owner, manager, or caretaker for overnight stay(s).
- D. Campsite Scoring Matrix.** Commercial Campsites on private land shall follow the scoring matrix in Table 7.8.9.1. Applications scoring less than one (1) point require a Minor Site Plan Review. Applications scoring one (1) point or more require Major Site Plan Review.

Table 7.8.9.1

Campsite Feature	Points
Agricultural Tax Status	0
Located in an undisturbed high or highest quality habitat ¹	1
Located in an identified wildlife migration corridor ²	1
Visible from or located within three hundred (300) yards of the scenic and historic byway	1

- E. Submittal Requirements.** The following materials shall be submitted with all applications for commercial campsites on private land in addition to those specified for the review process identified by **Table 2.2, Use Table.**
- 1. Site Plans.** A plan illustrating the number, location and size of all campsites, and the gross density of such camp sites per acre.
 - 2. Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, and pathways, with typical section drawings included.
- F. Annual Renewal.** Site Plan approval for commercial campsites require annual renewal with the Planning Department and are revokable at any time if the campsites are found out of compliance with the standards herein.

¹ As identified by the map in the Chaffee County Outdoor Recreation Management Plan

² As defined by Colorado Parks & Wildlife

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- G. Maximum Number of Licenses.** The Board of County Commissioners may, at its discretion, set by resolution the maximum number of Camping on Private Land, Commercial, Primitive licenses available for issuance.
- H. Maximum Number of Campsite Licenses Per Ownership Interest.** No owner or owner entity with an ownership interest in a property may possess in whole or in part a license for more than ten (10) campsites at a time. For purposes of this limitation, an ownership interest is defined as any financial, fiduciary, legal, or functional interest in a property associated with a Camping on Private Land, Commercial, Primitive license, whether whole or partial, and taking into account all forms of real or potential ownership interests, including as an individual owner or as part of an owner entity.
- I. Supervision.** The property owner or their assigned caretaker shall be available within a sixty (60) minute radius of the property at all times when campsites are occupied, to keep the property, its facilities, and equipment in a clean, orderly and sanitary condition.
- J. Layout and Design Requirements.**
- 1. Lot Size and Density.** The minimum lot size for a commercial campsite is five (5) acres. The maximum gross density of campsites shall be as follows:
 - a. Properties 5 - 9.999 acres: one (1) campsite.
 - b. Properties 10 – 19.999 acres: Two (2) campsites.
 - c. Properties 20-100 acres: up to five (5) campsites at a one-per-twenty-acre density scale.
 - d. Properties larger than one hundred (100) acres: up to ten (10) campsites at a one-per-twenty-acre density scale.
 - 2. Space Size.**
 - a. **RV and Van Sites.** The minimum size of each campsite shall be nine hundred (900) square feet that is free of vegetation to minimize fire risk and include space to park one (1) motor vehicle, one (1) RV, van or camping vehicle, or pull-behind trailer, and space for one (1) additional camping tent.
 - b. **Tent Sites.** The minimum size of each campsite shall be six hundred (600) square feet that is free of vegetation to minimize fire risk and include space to park a minimum of one (1) motor vehicle and space for a minimum of one (1) camping tent.
 - 3. Minimum Setbacks.** All campsites shall comply with the following setbacks.
 - a. **Perimeter Setbacks.** All campsites shall be setback a minimum of fifty (50) feet from all property lines.
 - b. **Adjacent Dwellings.** All campsites shall be setback a minimum of one hundred (100) feet from all dwellings on adjacent properties.

- c. **Waterway Setbacks.** All campsites, as well as any provided sanitary facilities, shall be setback a minimum of one hundred feet (100') from the edge of any stream, river, or wetland.
 - d. **Ditch Setbacks.** All campsites, as well as any provided or dedicated sanitary facilities, shall be setback a minimum of fifty feet (50') from the edge of any ditch.
 - e. **Floodplain.** All campsites shall be prohibited in the 100-year Floodplain and Floodway as well as in the Airport Overlay District and located a minimum of fifty feet (50') from the edge of any Floodway.
4. **Fire Pits.** All fire pits shall include a permanent structure with fire grate to meet County standards and comply with all fire bans and restrictions.

K. Utilities and Services.

- 1. **Sanitary Facilities:** Sewage shall be disposed of off-site by way of personal waste facilities such as wag bags, RV holding tanks, or portable toilets. Should the property owner choose to provide on-site sanitary facilities, they must be permitted or approved by the Building Department in conformance with Colorado State Regulation 43 and all On-site Wastewater Treatment System Regulations as adopted and amended by Chaffee County. The applicant will need to provide verification of approval and is responsible for any fees associated with reviews.
- 2. **Fire Protection.** The applicant is required to obtain approval by the local fire protection district of the proposed campsite location. An annual inspection by the fire protection district may be required.
- 3. **Refuse Collection.** Trash removal shall comply with county standards.

- L. **Seasonal Limits.** If the portion of the property to be used for camping is located within the top 50-100% of production or winter habitat as defined by the Planning for Wildlife Maps in the Chaffee County Outdoor Recreation Management Plan, then the campsites shall not be utilized during the period(s) identified as "most sensitive" to avoid interference with wildlife habitat.

- M. **Quiet Hours.** All campsites shall adhere to quiet hours between 10:00 p.m. and 7:00 a.m.

- N. **Signage.** All campsites shall have signage to educate guests on current fire ban status, campfire safety, Leave No Trace principles, and quiet hours.

7.8.10 Church, Educational, Religious and Community Facilities. This use includes all churches, museums, public or private schools, and similar uses. These types of facilities

are typically for day use only, however may also have either incidental or regular overnight occupancy as accessory to the primary use.

- A. Height.** The structural height limitations of the zone district shall apply to church spires, belfries, or cupolas.
- B. Residential Use.** One single-family dwelling unit for occupancy by the pastor or similar leader of the church shall be considered customary and incidental as part of this use.
- C. Major Impact Review Required.** Regardless of the type of review included in **Table 2.2, Use Table**, a Major Impact Review shall be required in the Rural or Residential zones, if the proposed use includes greater than 10 overnight occupants, or a building occupancy of greater than one hundred (100).

7.8.11 Corrections Facility. These restrictions apply to secured and un-secured Correctional Facilities.

- A. Prohibited in Residential Areas.** No corrections facility shall be located within ½ mile of an area that is predominately residential in character. An area in which fifty percent (50%) or more of the property is classified as residential shall be considered predominately residential in character.
- B. Prohibited in Areas Containing Schools.** No corrections facility will be located within ½ mile of any public or private school.

7.8.12 Day Care Home, Day Care Center. These include both child care and adult care facilities. Applicable local, state, and federal permits shall be obtained and maintained.

- A. Drop-off/Pickup Area.** An off-street drop-off / pick up area shall be provided that is adequate for the size of the facility and shall be available during operating hours for loading and unloading.

7.8.13 Equestrian Center/Arena.

- A.** Any equestrian center with amplified sound and/or lighted outdoor riding, driving or showing of horses, or which includes competitive events open to participants outside of those who board or train at the facility, shall be subject to Limited Impact Review.
- B.** All riding operations shall be contained within the boundaries of the property. Riding activities off-site shall be permitted on other private property, subject to written approval by private property owner(s). Riding may be allowed on publicly owned property or right of way subject to written authorization for trail use by the public land management agency.

7.8.14 Farm Stand, Temporary. The following standards shall apply to Temporary Farm Stands.

- A. Structure.** The farm stand structure shall be a non-permanent structure.
- B. Minimum Setback.** The Farm Stand shall be setback 10 feet from any US or state Highway, County or Municipal Road right-of-way.
- C. Parking & Circulation.** The Farm Stand shall accommodate a minimum of two off-street parking spaces, and additional as needed to provide safe ingress and egress from the public right of way.
- D. Sales Tax Certificate.** The owner of the Farm Stand shall display current Sales Tax Licenses for Chaffee County and the State of Colorado.

7.8.15 Group Home Facilities. Applicable federal, state, and local permits shall be obtained and maintained.

- A. Additional Application Materials.** These materials are in addition to those specified for the review process identified by **Table 2.2, Use Table**.
 - 1. Management Plan.** An approved management plan shall be required by the Board in considering the application for final approval. The management plan shall define the operating characteristics of a group home facility, and be incorporated into the conditions of approval.
- B. Location & Density Restrictions.** A group home facility shall not be located within seven hundred fifty (750) feet of another group home facility. The County may permit two such facilities to be located closer than seven hundred fifty feet apart if they are separated by a physical barrier such as a state highway, a commercial district, or a topographic feature.
- C. On-site Staffing.** No facility shall be open for use by clients unless there is staff on-site to supervise and oversee the clients.
- D. Signage.** Signage for the facility shall meet all requirements of the applicable zone district.

7.8.16 Home Business

- A. Home Business is Incidental to Residential Use.** The primary residence of the person(s) conducting the home business activity is located on the property, and all home business activities shall remain incidental and secondary to the use of the property for residential purposes.
 - 1. Contained Inside of a Structure.** The home business activity shall be contained within a building. The amount of space used for the home business activity, including any storage, shall not exceed 25% of the total amount of building square footage on the property.
 - 2. Employees.** The activity may employ at the premises no more than three persons living off-site.
 - 3. Does Not Create Nuisance.** The home business activity shall not result in any objectionable noise, fumes, dust or electrical disturbance.

4. **Traffic Volumes.** The home business activity shall not result in a significant increase in traffic volumes in the immediate neighborhood.
5. **Storage.** All storage shall meet the requirements for storage, set forth in **Section 7.8.31.**
6. **Signage.** Signage shall be limited to a single free-standing or wall mounted sign with a maximum area of two (2) square feet, and a maximum height of four (4) feet between the ground and top of the sign.
7. **Display of Goods Prohibited.** No home business activity may include any window or outdoor display of goods, any stock in trade or any other commodities.

B. Single Family Dwelling Units Only. The home business activity shall occur only in single family dwelling units or in an accessory structure to the single family unit; the home business activity shall not occur in duplex or multi-family structures.

C. Not Transferable. The approval to conduct a home business may not be transferred upon sale or lease of the subject property, or sold to another person or business.

7.8.17 Home Occupation. The primary residence of the person(s) conducting the home occupation activity is located on the property, and all home occupation activities shall remain incidental and secondary to the use of the property for residential purposes.

A. Activities Conducted Only by Persons Residing at Location. All activity related to the home occupation activity shall be contained within a building. There shall be no employees, independent contractors, officers, agents, partners, volunteers or other persons on the premises, except in an incidental manner.

1. No off-site employees or customers
2. Display of products or goods is prohibited.
3. Signage shall not be permitted.

B. Does Not Create Nuisance. The home occupation activity shall not result in any objectionable noise, fumes, dust or electrical disturbance, or increase in vehicular traffic.

C. Storage Meets Standards. All storage shall meet the requirements for storage, set forth in **Section 7.8.31.**

D. Not Transferable. The approval to conduct a home occupation may not be transferred upon sale or lease of the subject property, or sold to another person or business.

7.8.18 Kennel/Animal Shelter

A. Noise. All kennels shall prevent any sounds in excess of the maximum permissible noise levels for residential zone districts, set forth in **C.R.S. 25-12-103**, as amended.

B. Waste Disposal.

1. **Adequate Waste Disposal System.** The sewage disposal system shall be capable of handling all waste and wastewater from the kennel. All liquid and solid wastes shall be disposed of in a manner that protects against surface and groundwater contamination. No permanent disposal of any solid waste shall be allowed on-site.
2. **Measures to Protect Health and Safety.** Animal and food wastes, bedding, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards and nuisances are minimized. Such wastes shall be removed at least weekly, or more frequently, from the facility and removed to an approved solid waste disposal site.

C. State Licensing. The kennel operation shall submit a copy of the state license application with the land use change application, and a copy of the approved state license prior to commencing operations.

7.8.19 Major Electric or Natural Gas Facility. A Major Electrical or Natural Gas Facility shall be subject to the following special requirements and those imposed by state law, pursuant to **C.R.S. 29-20-108**.

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

1. **Consultation with County.** The public utility or power authority shall consult with the County to identify the specific routes or geographic locations under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.
2. **Alternatives Analysis.** In addition to the alternative described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives or explain why no reasonable alternatives are available.
3. **Preliminary Application.** A Preliminary Application pursuant to C.R.S. 29-20-108 is required to be presented to the Planning Commission for review and approval.
4. **Review and Decision.** Within one hundred twenty (120) calendar days from the date the application is determined to be complete, the County

shall decide whether to approve, approve with conditions or deny the application. If the County does not take final action within such time, the application shall be deemed approved. Nothing in these provisions shall be construed to supersede any timeline set by agreement between the County and a public utility or power authority applying for a permit for Major Electrical or Natural Gas Facilities. For purposes of this section, Determination of Completeness shall be pursuant to the requirements of this Land Use Code, set forth in **Section 4.1.3 C**.

7.8.20 Manufactured Home.

A. Use. A manufactured home shall be used for the purpose of a single-family dwelling unit. Use of a manufactured home as an accessory dwelling unit, or for the purpose of storage is prohibited.

- 1. Exception.** A manufactured home may be used as a temporary office located at a construction site. Any other use of a manufactured home as a temporary structure shall be prohibited.
- 2. Exception.** A manufactured home may be used as an agricultural accessory dwelling unit.

B. Certification. All manufactured homes placed in or relocated to a manufactured home park after adoption of this Code shall meet the following certification requirements.

- 1.** The manufactured home shall have certification pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, *et seq.*, as amended).
- 2.** Manufactured homes first occupied in Chaffee County after January 1, 1975 shall have affixed a data plate and heating certificate stating compliance with the required state and federal requirements.

C. Ground Anchors. If the manufactured home is not installed on a permanent foundation, ground anchors and tie downs shall be placed at least at each corner of the manufactured home, and able to sustain a minimum tensile strength of 2,800 pounds. Anchoring shall be sufficient to secure the manufactured home against uplift, sliding, rotation and overturning.

D. Installation Time. Installation shall be complete and ready for occupancy within twenty one (21) days of delivery.

E. Skirting. Skirting shall be installed, and shall be provided with doors to permit convenient access to sewer, water and gas connections. Skirting material shall be weatherproof, fire-resistant and durable. The inspection panels shall be not less than four square feet in area, and having no less than 18 inches in the least dimension.

7.8.21 Manufactured Home Park.

A. Additional Application Materials. These materials are in addition to those specified for the review process identified by **Table 2.2, Use Table**.

- 1. Plot Plans.** Typical plot plans for individual manufactured home spaces, at a scale of 1 inch equals 10 feet; and showing utilities, roads, heating fuel supplies, parking and common areas.
- 2. Space Size and Density.** The number, location and size of all manufactured home spaces and the gross density of such spaces.
- 3. Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, pathways, with typical street and walkway sections.

B. Site Selection Criteria. The manufactured home park shall not be sited in areas subject to flooding, fire or other natural hazards nor shall it be located in proximity to chronic nuisances such as noise, smoke fumes or odors.

C. Park Layout. The layout of manufactured home spaces shall consider variations in natural terrain and preserve unique natural features of the site such as tree stands, water courses, and rock outcrops, to the extent practicable and feasible.

- 1. Lot Size and Dimension.** The manufactured home park shall be designed to provide spaces of sufficient size to comply with the setback requirements described below. Note that larger manufactured homes may require larger minimum space sizes.
 - a.** Space width - minimum 35 feet.
 - b.** Street setback - minimum 20 feet from interior streets and 25' from exterior streets. Corner spaces shall meet the setback for each street.
 - c.** Side yard setback - minimum 15 feet between manufactured homes.
 - d.** Rear yard setback - 15 feet between manufactured homes.
 - e.** From manufactured home to park boundary line - minimum of 20 feet.
 - f.** Accessory building setback measurements may be 50% of those required for the manufactured home except that no accessory building may have less setback to the street or park boundary line than specified above and no structures shall be constructed on platted and/or recorded easements

D. Utilities. Each manufactured home space shall be provided with adequate hookups to water, sewage disposal, electric power and telephone. All utility lines, including service lines, shall be underground. All plans for the above services shall have the approval of the responsible utility prior to County approval of mobile home park plans.

E. Water Supply and Distribution. The park shall be served by a domestic water supply and distribution system that is in compliance with the requirements of **Sections 7.2.2 and 7.5.1** of these Regulations.

- 1. Connection.** The water supply system, specifically including all distribution lines up to the connections at individual sites, shall be constructed and maintained in accordance with the Plumbing Codes adopted by Chaffee County.

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- 2. Shutoff Valve.** A shutoff valve below the frost line shall be provided near the water-riser pipe on each mobile home lot.
- F. Wastewater System.** The manufactured home park shall be served by an adequate wastewater treatment system that is in compliance with the requirements of **Section 7.2.3 and 7.5.2** of this Article.
- G. Ground Anchors.** Each manufactured home shall be anchored in accordance with the requirements in **Section 7.8.19 D**.
- H. Landscaping for Screening.** Landscaping may be required to provide screening or buffering to mitigate the impacts of a manufactured home park.
- I. Outdoor Storage.** Outdoor storage in manufactured home parks shall comply with the requirements set forth in **Section 7.8.31** of these Regulations.
- J. Certification of Manufactured Homes.** All manufactured homes placed in or relocated to a manufactured home park after adoption of this Code shall meet the certification requirements set forth in **Section 7.8.19 B** of these Regulations.
- K. Fire Protection.** Fire protection requirements shall be in accordance with National Fire Protection Association Standards and requirements of the applicable fire protection district.
- 1. Liquid Propane Tanks.** Liquid propane tanks shall be stored in accordance with the requirements of the applicable Fire Protection District.
 - 2. Firewood.** Firewood stored outdoors shall not encroach into the setback areas between manufactured homes.
- L. Trash Removal.** The park shall designate adequate locations to collect trash from within the park, and shall be so arranged as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be disposed of at a permitted waste disposal facility a minimum once per week.
- M. Supervision.** The duly authorized attendant or caretaker shall be available at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.

7.8.22 Meat Processing, Small Scale Commercial; Game Processing; Taxidermy.

- A. USDA License.** The service provider shall have a valid license from the United States Department of Agriculture if required for the type of operation.
- B. Wastewater Treatment System.** The service provider shall have an adequate wastewater treatment and disposal system to handle the private meat processing operation.
- C. Solid Wastes.** The service provider shall provide a plan including disposal intervals, for disposing of solid wastes related to the operation.

7.8.23 Medical /Retail Marijuana Facilities.

A. Medical/Retail Marijuana Center (M/R MC). M/R MC shall not be permitted in any zone in unincorporated Chaffee County.

B. Optional Premises Cultivation Center (OPC). The following shall be required as part of a zoning application to operate an OPC; additional building code provisions and license requirements will also apply:

1. **License.** Complete copies of the state and local license applications for the facility (copy of license applications required for zoning application; copy of approved licenses required prior to operation and current licenses shall be required to be submitted annually by May 1.)
2. **Vicinity Map.** Map of sufficient size and scale to show the following minimum requirements in the neighborhood of the proposed facility:
 - a. 1000 foot minimum distance from the property boundary to any licensed private or public school, including post secondary
 - b. 1000 foot minimum distance from the parcel boundary to any state licensed child care facility
 - c. 1000 foot minimum distance from the parcel boundary to any drug/alcohol treatment facility
 - d. 500 foot minimum distance from the facility to any public park, or public lands.
 - e. A minimum 75 foot distance from the closest wall of the facility to an adjacent property boundary that includes an existing residential use located in the Industrial Zone. Distances are computed by direct measurement from the nearest property line of the parcel used for residential use to the closest wall of the facility.
 - f. A minimum 100 foot distance from the closest wall of a facility to an adjacent property boundary that is residential or rural zoned. Distances are computed by direct measurement from the nearest property line of the residentially zoned parcel to the closest wall of the facility.
3. **Site Plan.** A scaled site plan identifying the access, parking, property boundaries, all structures and utilities on the property.
4. **Signage.** Exterior signage is not permitted.

C. Infused Products Manufacturing Facility (IPM). The following shall be required as part of a zoning application to operate an IPM; additional building code provisions and license requirements will also apply:

1. **License.** Complete copies of the state and local license applications for the facility (copy of license applications required for zoning application; copy of approved licenses required prior to operation and current licenses shall be required to be submitted annually by May 1.)
2. **Vicinity Map.** Map of sufficient size and scale to show the following minimum requirements in the neighborhood of the proposed facility:
 - a. 1000 foot minimum distance from the property boundary to any licensed private or public school, including post secondary

- b. 1000 foot minimum distance from the parcel boundary to any state licensed child care facility
 - c. 1000 foot minimum distance from the parcel boundary to any drug/alcohol treatment facility
 - d. 500 foot minimum distance from the facility to any public park, or public lands.
 - e. 500 foot minimum distance between the facility and an existing residence. A variance may be considered by the Board of Adjustment only with the explicit written and notarized approval of every residential property owner and resident (if rental) within 500 feet of the facility.
3. **Site Plan.** A scaled site plan identifying the access, parking, property boundaries, all structures and utilities on the property.
 4. **Signage.** Plans detailing the signage / outdoor advertising on the site for the facility. Exterior signage is not required; however if signage will be present, any references to marijuana, cannabis, or related, whether in word or graphic form, shall include the word "medical".

D. Medical Marijuana Caregiver. Caregivers are treated as a Home Occupation, and subject to all Home Occupation requirements.

E. Medical Marijuana Patient. The use of medical marijuana is not regulated by this Land Use Code.

7.8.24 Mining and Extraction Uses. All mining operations shall comply with all state and federal regulations related to mining, air quality, water quality and water law, and stormwater. In addition:

A. Operating Restrictions. The mine shall operate in accordance with the following conditions as well as all conditions imposed by either the State or local application review process, or the permit may be revoked following a hearing by the Board of County Commissioners.

1. **Excavation Restrictions.** Excavation shall not occur within 20 feet of any property line or right-of-way line, or within 50 feet of ditches, streams or water ways. Excavation shall only occur within an easement with the written approval of the easement holder.
2. **Screening and Crushing Restrictions.**
 - a. Screening or crushing shall not occur within 200 feet of the boundary line of the property if the operation is in a Recreational or Rural Zone.
 - b. Screening or crushing shall not occur within 500 feet of a residence or commercial building on adjoining property if the operation is in a Recreational or Rural Zone
3. **Time Restrictions.** Excavation, screening or crushing shall not occur outside the hours of 7:00 AM – 8:00 PM if the operation is within 1500 feet of a residential structure or a commercial structure such as a hotel, motel or lodge that provides sleeping accommodations.

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4. **Fencing.** Appropriate fencing must be provided to ensure public safety as identified during the review process.
 5. **Reclamation.** The mined area shall be reclaimed and re-vegetated in a manner compatible with the surrounding area.
- B. Roads.** The mine operator shall be required to enter into an agreement with the County to mitigate the impacts of the operation on the County Road system, per **Section 7.4.3** of this Land Use Code. Mitigation measures may include but not be limited to maintenance and or repair of the road, road improvements prior to operations, reimbursement to the County for proportional impacts, or limits on the number of trucks that may access the road, including seasonal limits.
- C. Routing.** Designation of construction and haul routes for a specific mining operation application shall comply with the following standards:
1. **Avoidance of Developed Areas.** Truck haulage and traffic routes shall be designed to the maximum extent feasible to avoid residential areas, commercial areas, schools and other civic buildings, municipalities and already congested locations. Alternative routes shall be identified.
 2. **Timing of Hauling.** Timing of truck traffic may be controlled to prevent congestion or adverse noise impacts or safety risks.
 3. **Load Control.** Applicant shall prevent loss of loads and fugitive dust emissions during transit, and shall be responsible to ensure that haul routes are maintained in accordance with dust-suppressant methods required by applicable state or federal agency.

7.8.25 Nursery or Tree Farm. One single-family dwelling unit occupied by the owner, operator or manager shall be considered customary and incidental as a part of this use.

7.8.26 Park or Open Space.

- A. Designation.** Land dedicated or reserved as a park or open space shall be designated as such on the plat or other document recorded to formalize the project approval.
- B. Ownership.** Documentation of ownership and responsibility for maintenance shall be recorded with the plat or other document recorded to formalize the project approval.

7.8.27 Recreational Vehicle While Building. Applications involving a temporary placement of a recreational vehicle while building a home will be reviewed and approved by the Director provided it meets the following criteria:

- A.** A well permit, septic permit and building permit shall each have been obtained.
- B.** There are not violations on the property of any County regulation, ordinance or state statute;

C. 18-month maximum permit term. Renewals shall only be considered if the building and related permits have not expired and construction is being diligently pursued.

7.8.28 Recycling Collection Center. Collection and drop-off centers shall be considered customary and incidental to solid waste transfer facilities, and not required to be located on a building lot or to comply with the minimum lot size requirements for the district in which it is located.

A. Maintenance. The collection center shall be kept in proper repair and the exterior shall have a neat and clean appearance, with a provision for containment of windblown debris.

B. Small Recycling Collection Centers. A small recycling collection and drop-off center shall be considered customary and incidental to commercial or retail uses.

1. A small recycling collection center located in a parking lot shall not occupy required parking spaces. The collection center shall be located so as to not impede traffic flow.
2. A small recycling collection center shall not include power driven processing equipment unless in a Commercial or Industrial zone.

7.8.29 Shooting Range (Commercial); Indoor or Outdoor.

A. Design by NRA Standards. The shooting range shall be designed in accordance with standards established in the NRA document entitled "The Range Manual". The Board may require modifications to the design and operating hours to address public safety concerns and to ensure adequate safety measures, based upon public input received during the application review and approval process.

B. On-Site Sanitary Facilities Required. The shooting range shall have on-site sanitary facilities that are approved by Director of Development Services.

C. Alcoholic Beverages Prohibited. Alcoholic beverages shall be prohibited on-site.

7.8.30 Small Scale Renewable Energy Systems. As a means of providing renewable energy, the installation of small scale renewable systems for private use (residential and non-residential use) is encouraged in all zones. Small scale renewable systems that are incidental and subordinate to a principal use established and located on a property shall be permitted as a use by right on all properties. Small scale renewable energy systems include, but are not limited to: small scale hydroelectric, small scale wind turbines, and small scale solar energy systems.

A. Dimensional Standards.

1. **Height.** The height of small scale renewable energy systems shall not exceed height limitations for structures, except that solar panels placed on roofs may exceed the maximum permitted building height by 10%, which shall include roofs of a legal, non-conforming structure. A variance is

required for any system in excess of the maximum permitted height, as set forth in **Section 4.5.1**.

2. **Setback.** The setback shall be the same as the height of the structure but not less than the minimum zoning or plat setbacks.

B. Hydroelectric Systems. Small-scale hydroelectric systems shall comply with all state and federal laws, including water law.

7.8.31 Solid Waste Disposal Site.

A. Lot Size. A minimum lot size of five (5) acres, not part of a platted residential subdivision shall be required.

B. Certificate of Designation. Solid waste disposal sites shall require a Certificate of Designation pursuant to **C.R.S. 30-20-102**.

7.8.32 Storage Areas and Facilities, Salvage Yards, Junk Yards.

A. Storage of Hazardous Materials. Flammable or explosive solids or gases shall be stored according to the manufacturer's standards and shall comply with the national, state and local fire codes.

B. Materials and Wastes Contained on Property. No materials or wastes shall be deposited on the property in a form or manner that may be transferred off the property by any reasonably foreseeable natural cause or force.

C. Outdoor Storage Enclosed or Concealed. Outdoor storage facilities shall be enclosed or have adequate provisions to conceal these facilities from adjacent property.

D. Use and Storage of Heavy Equipment.

1. Loading and unloading activity shall not be conducted on any public right-of-way.
2. Repair and maintenance activity requiring use of equipment that will generate noise, odors or glare beyond the property boundaries shall be conducted within a building, or may be conducted outdoors during the hours of 8 am to 6 pm Monday through Friday.
3. Storage area shall not be located any closer than 300 ft from an existing residential dwelling on an adjacent property.
4. Equipment storage will be enclosed in area with screening at least 8 feet in height and obscured from view at the same elevation or lower.
5. A minimum lot size of 5 acres that is not a platted residential subdivision shall be required.
6. The storage area for uses other than those for natural resources shall not exceed ten (10) acres in size.

- E. Agriculture Exempt.** Outdoor storage of agricultural products and agricultural equipment is exempt from the requirements of this Section.

7.8.32 Telecommunications Facilities. The intent of these criteria is to limit the proliferation of telecommunication towers and encourage co-location of telecommunication facilities. Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own shall be utilized unless it can be demonstrated to the satisfaction of the Board of County Commissioners that shared use/co-location is not feasible or practical.

A. New Towers and Facilities. No new transmission tower or facility shall be allowed unless the applicant demonstrates to the satisfaction of the County that no existing tower, structure or utility facility can be used by the applicant. To gain approval to construct a new transmission tower or facility, the applicant must demonstrate that:

1. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements or sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment.
2. No owner of existing towers, structures or utility structures, within a distance that meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon.

B. Interference. The transmission tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

C. Health Standards. Transmission towers and telecommunication facilities shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.

D. Design, Materials and Color. Transmission towers and telecommunication facilities shall be designed and maintained to minimize visual impact; carry gravity and wind loads required by law; and shall use concealment or stealth methods, such as camouflaging transmission towers to look like light poles or trees. At a minimum, the transmission towers and facilities shall meet the following design standards:

1. Architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape.
2. Located on existing vertical infrastructure such as utility poles and public building or utility structures.
3. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building.

- E. Landscaping and Screening.** The telecommunication facility or tower should be located in areas where the existing topography, vegetation, buildings or other structures provide screening to the extent possible.
- F. Lighting and Signage.** Only lighting required by a federal agency is allowed. Only signage that is required by state or federal law is allowed. No advertising shall be allowed.
- G. Telecommunication Facility Equipment Buildings.** Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than four hundred (400) square feet of gross floor area, shall not be more than twelve (12) feet in height, and shall maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.
- H. Review.** Each new tower or facility shall be subject to a two (2)-year review by the Director to determine compliance with the terms and conditions of the permit.
- I. Federal Aviation Agency ("FAA") Form.** The applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, except that such form shall not be required for the following:
1. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae.
 2. Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of this Code.
 3. Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities.
 4. Any antennae used for Federal Communications Commission (FCC) licensees engaged in AM, FM or television broadcasting.
- J. Telecommunications Act.** All telecommunications facilities shall comply with the standards of this Code, all applicable standards of the Federal Telecommunications Act of 1996, as amended, and all applicable requirements of the Federal Aviation Administration (FAA).
- K. Removal.** Towers shall be removed within 30 days following expiration of the permit or following 365 days of non-use for telecommunications purposes. Failure to remove the tower shall be a zoning violation subject to enforcement under this Land Use Code.

7.8.33 Utility Transmission Lines and Pipelines. The following standards shall apply to all utility transmission lines and pipelines:

- A. Height.** Major impact review is not required for electric transmission lines with towers less than 40 feet in height.
- B. Location.** All off-site collection and distribution pipelines shall, to the extent practicable, share existing dedicated rights-of-way. All surface pipelines shall be painted and/or landscaped to blend with the environment.

C. Underground. All transmission lines for local service shall, whenever possible, be constructed underground and in existing rights-of-way or easements.

7.8.34 Short Term Rentals. The following standards shall apply to all short-term rentals:

A. Definitions. The following definitions shall apply to this section:

Chaffee County Resident Owner means a natural person who intends to lease or leases the property or a portion thereof as a short-term rental unit and has their primary residence in either the incorporated or unincorporated portions of Chaffee County and whose name appears on the deed of the property. For the purpose of determining full-time residency the property owner must show legal proof of primary residence; such requirements will be established by staff but should include documentation of a current tax return (redacted) showing residency within Chaffee County and two of the following items: current and valid voter registration, current and valid vehicle registration, or a current and valid Colorado identification card, reflecting a physical address located within Chaffee County.

Chaffee County Resident Owner Entity means an owner of a property that is either an entity registered with the Colorado Secretary of State (such as an LLC, LLP corporation or similar) or a trust, within the unincorporated portions of Chaffee County who intends to lease or leases the property or a portion thereof as a short-term rental unit and is one hundred (100) percent owned by a Chaffee County Resident Owner or, for the purposes of a trust, the beneficiary of the trust is a natural person that is a Chaffee County Resident Owner and who shall show proof of full-time residency as required for a Chaffee County Resident Owner. Chaffee County Resident Owner Entity's name must appear on the deed of the property seeking a short-term rental license.

Local agent means a management company or a full-time resident who is identified by an applicant as the responsible agent in the application for a short-term rental license and who is physically based in Chaffee County. The local agent may be the owner of the short-term rental unit or a property manager and must have access to the short-term rental unit, authority to assume management of the short-term rental unit, and the ability to take remedial measures as necessary.

Long-Term Rental means the rental or leasing of properties for thirty (30) or more consecutive calendar days to a single renter or lessee.

Owner means the owner of a property within the unincorporated portions of Chaffee County who intends to lease or leases the property or a portion thereof as a short-term rental unit.

Renter means the party to a written lease or rental agreement that has obtained the temporary right to use and occupy a short-term rental unit or a portion thereof for a term of fewer than thirty (30) consecutive calendar days or less.

Short-term rental means rental or lease of all or a portion of a residential structure for fewer than thirty (30) consecutive calendar days.

- B. Applicability.** This section does not apply to hotels, motels, lodges, hostels, bed-and-breakfast establishments, long-term rental units, guest ranches, agritourism, or campgrounds as a primary use. Approved agritourism/agritainment operations are required to obtain a license from the County, but are exempt from and do not count towards the Maximum Number of Licenses Per Year as defined in this Section 7.8.34 and/or updated by Resolution. Historic vacation rental sites that can verify that they have been operating as short-term rentals for more than fifty (50) years prior to the year 2022 are exempt from the permit issuance requirement and shall not count against the maximum number of licenses available as set forth herein, but shall still be required meet the use standards or receive applicable exemptions.

This section does not supersede any PUDs with approved short-term rentals, private covenants, or restrictions prohibiting short-term rental units. This section shall not regulate a short-term rental unit during periods when the property is not being used as a short-term rental unit and is instead being used solely for personal use by the owner of such property.

- C. Maximum Number of Licenses Per Year.** There shall be a maximum of three hundred ten (310) short-term rental licenses available per year. The Board of County Commissioners shall receive, during a public meeting no later than September 15th of a calendar year unless otherwise noticed, a report from the Planning Department's short-term rental program facilitator. Following such report, the Board of County Commissioners may, at its discretion, revise by resolution approved no later than November 1st of the same calendar year, the maximum number of short-term rental licenses available, to take effect beginning January 1st of the upcoming year.
- D. Maximum Number of Licenses Per Ownership Interest.** The Board of County Commissioners may, at its discretion by resolution, establish a maximum number of licenses any owner or owner entity with an ownership interest may possess at a time. For purposes of this limitation, an ownership interest is defined as any financial, fiduciary, legal, or functional interest in a property associated with a short-term rental license, whether whole or partial, and taking into account all forms of real or potential ownership interests, including as an individual owner or as part of an owner entity.
1. Any owner or owner entity with an ownership interest in a property for which a short-term rental license has been applied shall not be permitted to apply for another short-term rental license within one (1) year of the submission of a short-term rental license application.
- E. Eligibility.** The short-term rental property shall either be owned by a local resident or owned by a non-resident owner or owner entity and rented long term to the local workforce for a period of three (3) years prior to eligibility for application for a short-term rental license.
1. Where a property contains both principal and accessory dwelling units on- site, only one dwelling shall be eligible for a short-term rental license.
- F. Use Standards.** All short-term rentals shall comply with the following standards in addition to the licensing requirements in this section:

1. Quiet Hours. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m.
2. Nuisance. No short-term rental shall be operated in such a way as to constitute a nuisance.
3. Occupancy. The maximum number of occupants permitted in a short-term rental shall be established at the time of initial unit licensing and shall be determined by the Planning Department based on factors including, but not limited to, unit size, number of bedrooms, water adequacy, and septic capacity.
4. Events, such as concerts and wedding events, are prohibited.

G. Licenses Required. It is unlawful for an Owner to lease or rent, advertise for lease or rent, or permit the leasing or renting of any short-term rental unit within the County without a valid license issued by the County pursuant to this section. During the term of the license, license holder shall include the specific license number for the short-term rental unit on any and all rental advertisement listings. A physical copy of the valid license shall be conspicuously posted inside the property such that it is visible to guests.

1. It shall be a violation of the Land Use Code for an Owner without a valid license to rent or lease a property as a Long-Term Rental with the intent for the occupancy of the renter or lessee to resemble that of a Short-Term Rental.

H. Application Requirements. A complete application for a short-term rental license must be submitted to the County. The application shall be in writing on forms provided and approved by the County or submitted through any on-line application process approved by the County. In addition to any other requirements in the Land Use Code, the following documents and information must be included with the application for the application to be considered complete:

1. The name, address, and contact information of the local agent for the proposed short-term rental unit;
2. A copy of the approved Certificate of Occupancy for the proposed short-term rental unit, or a completed Attestation form and inspection for properties deemed ineligible for a Certificate of Occupancy;
3. Any requirements of the Land Use Code, including but not limited to:
 - a. A site plan showing the location of the buildings on the property including off-street parking spaces;
 - b. A scaled floor plan noting the location of necessary egress windows, fire extinguishers, smoke alarms, and carbon monoxide detectors;
 - c. Verification of adequate wastewater treatment system that is adequately sized for the maximum possible number of renters for the short-term rental unit as stated in the application;
 - d. Fire safety inspection if required by the fire protection district;

- e. If necessary for a Chaffee County Resident Owner or Chaffee County Resident Owner Entity, proof of primary residence within Chaffee County; and
 - f. Payment of any applicable application fee.
- I. License Fee.** All license fees, as set forth by the Board of County Commissioners by resolution, as amended, shall be due at the time of short-term rental unit license approval.
- J. Application Approval.** Short-term rental license applications shall be administratively reviewed and approved by the County’s designee(s), following the process outlined in herein and in Section 4 of this Land Use Code. The County’s designee(s) shall not approve an application for a short-term rental license or issue a short-term rental license unless:
1. Applicant has submitted a complete application, including payment of all applicable fees, including, but not limited to the application fee and the license fee;
 2. Applicant has provided proof of a current filing of a Personal Property Declaration with the Chaffee County Assessor’s Office detailing all personal property in the short-term rental unit;
 3. Applicant has provided proof the short-term rental unit is currently up to date on all assessed property taxes;
 4. Applicant has obtained any required sales and lodging tax license;
 5. The proposed short-term rental unit does not exceed the maximum number of licenses available per year or per ownership interest, as stated and enumerated in this Section 7.8.34; and
 6. The proposed short-term rental unit is in compliance with all applicable County codes and ordinances and State of Colorado regulations.
- K. Term of License.**
1. **Term.** All short-term rental licenses shall be effective for a period of one (1) year from the date of issuance. County staff shall process all applications by the final business day of the calendar month following the submission of a complete application.
 2. **Renewal.** All short-term rental licenses must be renewed or will automatically lapse. All renewal applications must be submitted no later than twenty-one (21) days prior to the expiration of the valid license on forms provided and approved by the County, or submitted through any on-line application process approved by the County, and will be reviewed and processed in the order received based on date and time stamp of submission.
 - a. All short-term rental licenses and renewals shall be subject to the maximum number of licenses as set forth herein.
 - b. Notwithstanding the foregoing, if the short-term rental license maximum number of licenses is met for a given year, applicants will be placed on a waiting list on a first-come, first- served basis in the order of the receipt of a complete application, which will be rolled over to the subsequent year. Chaffee County Resident

Owners and Chaffee County Resident Owner Entities will be given priority over non-resident applicants to apply for a short-term rental license for the following license year if the following year's maximum number of licenses is not met. (As an example, if Jane Doe, a Chaffee County Resident Owner, applies for a short-term rental license in 2021 and the cap in 2021 is ten and all ten license have already been issued, Jane Doe will be placed on the waiting list. If in 2022 only nine of the ten prior short-term rental licenses are renewed, Jane Doe will be allowed to apply for the one available license.)

L. Limitations and Requirements.

- 1. Local Agent.** The Local Agent shall be available to respond to complaints or violations of any applicable law, code or regulation regarding the property twenty-four (24) hours a day, seven (7) days a week. Local Agents must respond to complaints, regardless of the source of the complaint, involving the short-term rental unit within twenty-four (24) hours and shall respond to emergencies at the short-term rental unit within one (1) hour of the agent's receipt of notice of the emergency.
- 2. Non-Transferability.** No short-term rental license granted pursuant this Land Use Code shall be transferable to a different applicant, natural person, owner, entity, or property.
- 3. Capacity.** The use of the property shall not exceed in practice or in advertisement the capacity as set forth in the license.

M. Appeal. An applicant may appeal a denial of their application to the Board of County Commissioners and shall be entitled to a public hearing before the Board. An appeal must be made in writing, stating the grounds for appeal, and delivered to the County within five (5) business days of the date of the notice of denial.

N. Revocation and Suspension. The County may revoke or suspend any license at any time for any violation of this Land Use Code, any adopted County code, resolution, or ordinance, or any State of Colorado regulation.

7.8.35 Special Event Facility.

[PER CHAFFEE COUNTY RESOLUTION 2022-67, SECION 7.8.35 – SPECIAL EVENT FACILITY IS NOT EFFECTIVE UNTIL THE EXPIRATION OF THE MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS REQUIRING A LIMITED OR MAJOR IMPACT REVIEW AS SET FORTH IN RESOLUTION 2022-41, AND THE ADOPTION OF NEW LIMITED AND MAJOR IMPACT REVIEW PROCESSES AND STANDARDS]

A. Definitions. A Special Event Facility is a facility or property used by groups of people to congregate for such purposes as education, meetings, conferences, social gatherings, religious or spiritual activities, seminars, or weddings and which may provide meals, services, and recreation for participants during the period of the event or program only. Examples of facilities could include fairgrounds, hot springs, concert venues, outdoor

theaters, or convention centers. Events held at a county-approved special event facility shall be exempt from acquiring a Special Event Permit for each event held at the facility and shall not be limited to the minimum number of events per section 4.2.7.

1. Small Special Event Facilities shall be those that are designed to host only such events that are anticipated to have lesser impact as indicated by a score of three (3) points or less in the Special Event Scoring Matrix in Section 4.2.7, or as otherwise specifically outlined in the approval of the application for the Special Event Facility. Any Special Event occurring at a small Special Event Facility that would score more than three (3) points on the Special Event Scoring Matrix in Section 4.2.7 shall require a Special Event Permit pursuant to Section 4.2.7.
2. Large Special Event Facilities shall be those that are designed to host events anticipated to have a larger impact on surrounding properties as indicated by a score of more than three (3) points in the Special Event Scoring Matrix in Section 4.2.7.

B. Use standards for all Special Event Facilities.

1. All vehicular parking shall be provided entirely on-site.
2. Hours during which the normal activity of a Special Event may take place shall be between 7 a.m. and 10 p.m. unless otherwise specified in the Special Event Facility Permit. The approved permit may allow for an extension of the hours of operation for up to one hour due to a weather event that causes delay.
3. Quiet hours for the Special Event Facility shall be from 10:00 pm to 7:00 am unless otherwise specified in the approval permit.
4. All lighting and illumination of outdoor facilities shall be turned off within one (1) hour of conclusion of the event.
5. The applicant will need to provide verification of wastewater treatment system based on Colorado Department of Health and Public Environment (CDPHE). Applicant is responsible for any fees associated with reviews.
6. The Special Event Facility shall comply with all requirements of the local fire district, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
7. A commercial kitchen facility requires additional review and approval from the state and local health departments. Applicant is responsible for any fees associated with reviews.
8. Overnight accommodations may be allowed with prior approval and in conformance with applicable sections of this Land Use Code.

[Note: Duplicate Section number due to October 2022 update]

7.8.35 License, Transferability, and Revocation. The approval for use of a property or portion thereof as a Special Event Facility shall be considered a license granted by the County. Any such granted license shall be granted to the property and, as such, shall be transferrable with the property. The County reserves the right to suspend or revoke the Special Event Facility license for failure to comply with the license's conditions of approval, the Land Use Code, or any other adopted County codes, resolutions, or ordinances, or State of Colorado regulations.

7.8.36 Bed and Breakfast

A. Definition. A Bed and Breakfast is a primary dwelling unit that is owner-occupied where short-term lodging is provided through the rental of rooms to the general public for compensation, with common dining and cooking facilities.

B. Use standards

- 1.** Verification of wastewater treatment system adequacy based on Colorado Department of Public Health and Environment (CDPHE) standards. Applicant is responsible for any fees associated with reviews.
- 2.** The Bed and Breakfast must maintain the residential character of the area in which it is located by including physical characteristics indicative of a residential area such as residential-scaled building features, landscaped yards, and porches.
- 3.** No storage or warehousing of business material, supplies, or equipment is allowed outside.
- 4.** Off-street parking must be provided on-site for all residents, visitors, guests, and employees.
- 5.** On-premises signs identifying or advertising the Bed and Breakfast are limited to one unlit wall sign no larger than nine (9) square feet in area.
- 6.** Central dining facilities shall be provided for guests.
- 7.** The Bed and Breakfast shall comply with all requirements of the local fire district, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.

ARTICLE 8 SIGNS

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ARTICLE 8 SIGNS

8.1 GENERAL PROVISIONS

8.1.1 Purpose. Adequate signage is necessary to direct the traveling public to places of business or interest in a safe manner.

- A. Identification.** To enable places of residential development and of commerce to be easily identified and allow the communication of information necessary and appropriate to the conduct of business.
- B. Compatibility.** To permit signs that are compatible with their surroundings, but preclude placement in a manner that conflicts with the principal uses of the site, adjacent land uses or adjacent signs, or that interferes with or distracts or obstructs the vision of motorists, bicyclists or pedestrians.
- C. Prevent Hazards.** To prevent hazardous situations, confusion and visual clutter caused by unrestricted proliferation of signs and by improper placement or installation, improper illumination, animation, and excessive height, area and bulk of signs.
- D. Safety.** To promote public health, safety and general welfare by prohibiting signs that have not been constructed, installed or maintained in a safe manner.
- E. Appearance.** To protect the natural aesthetic character and scenic beauty of the community.

8.1.2 Applicability. The regulatory provisions of this Article shall apply to the display, construction, erection, alteration, use, maintenance and location of all signs within the unincorporated areas of Chaffee County.

8.1.3 Sign Permit Required. Unless specifically exempted by provisions of these Regulations, all signs require a Sign Permit, issued by the Director, prior to installation or placement. Modification or deviation from the terms or conditions of an approved Sign Permit are prohibited without approval of the Director.

8.1.4 Temporary Signs.

A. Temporary Signs Do Not Require Permit. The following temporary signs and advertising devices are allowed in all zone districts and do not require a sign permit. Temporary signs shall be subject to compliance with the restrictions set forth in **Section 8.1.6**.

- 1. Construction Sign.** Individual signage for the participating building contractors, subcontractors, participating professional firms, participating lending institution and property owners located on the construction site. Each sign shall not exceed 32 square feet total area of signage. All signs

shall be removed no later than seven (7) days after the issuance of the Certificate of Occupancy for the project.

2. **Temporary Political Campaign Signs.** Signs announcing candidates seeking public office, with pertinent data, and signs relating to ballot issues, with pertinent data, subject to the following limitations:
 - a. Political campaign signs shall not exceed 32 square feet per sign face.
 - b. Political campaign signs shall be setback a minimum of eight (8) feet from the nearest pavement edge, and shall not be placed in the County Right-of-way.
 - c. Political campaign signs shall be removed no later than fifteen (15) days after the election for which they are intended.
3. **Real Estate Signs.** One (1) real estate sign on the lot being offered for sale, rent or lease. The real estate sign shall be removed no later than seven (7) days after the closing of the real estate conveyance.
4. **Garage Sale Signs.** One (1) garage sale sign not exceeding six (6) square feet of sign area for all sign faces, which is installed on the lot or series of contiguous lots under the same ownership on which the garage sale is located, and which is installed not more than seven (7) days prior to the garage sale. Garage sale signs shall be removed no later than two (2) days after the garage sale.
5. **Community Event and Non-Profit Fund Raising Signs.** Signs announcing any public, charitable, educational, or religious event or function, with a total sign area of not more than 32 square feet for all sign faces. These signs shall be removed not later than seven (7) days after the event.
6. **Temporary Decorations and Displays.** Temporary decoration or displays which are clearly incidental to and are customarily associated with any national, local or religious holiday or celebration.

B. No Illumination. Temporary signs shall not be illuminated.

C. Restricted Location. Unless otherwise allowed by these Regulations, temporary signs must be placed only on private property, located outside any right-of-way or easement, and placed to avoid any sight obstruction for motorists, cyclists and pedestrians.

8.1.5 Permanent Signs That Do Not Require a Sign Permit. The following permanent signs and advertising devices do not require a sign permit. Signs and advertising devices that do not require a sign permit shall comply with the restrictions set forth in **Section 8.1.6, Prohibited Signs.**

A. Government Signs and Notices.

1. Government signs for local, state and federal agencies, including "Neighborhood Watch" signs.
2. Official government notices posted by government officers in the performance of their duties.

B. Signage for Hazardous or Dangerous Conditions.

1. Temporary or permanent signs erected by a public utility company or construction company to warn of dangerous or hazardous conditions.
2. Warning signs such as "No Trespassing," "Danger," and "Do Not Enter."

C. Building Identification and Commemorative Signs. Building name, date of erection, monumental citations and commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type construction and located as an integral part of the structure.

D. Residential Signs. Personal identification signs for places of residence, provided that there is a maximum of one (1) per residence and the sign does not exceed a maximum sign area of two (2) square feet.

E. Vehicle Signs and Advertising Devices. Signs permanently affixed to a vehicle, such as advertisements painted on trucks and cars, unless the vehicle is parked specifically for advertising purposes.

F. Directional Traffic Signs. Directional traffic signs which do not exceed four (4) square feet per sign face, do not exceed six (6) feet in height above ground level, and which do not carry any commercial messages or advertisements.

G. Structural Maintenance and Changes to Advertising Copy. Painting, repairing and cleaning of an advertising structure or changing the advertising copy or message on an advertising structure, unless a structural change is made.

8.1.6 Prohibited Signs. The following signs and advertising devices are prohibited in all zone districts.

A. Structurally Unsafe Signs. Signs that are structurally unsafe or hazardous.

B. Signs Blocking Ingress or Egress. Signs that prevent free ingress or egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape, except those signs that may be required by other codes, regulations, or ordinances for public safety.

C. Signs Obstructing Visibility. Signs that obstruct or interfere with traffic signs or signals, or that impair visibility in the public right-of-way, or that are located within a clear vision area (shown as an example in **Figure 7.4.6 C**) required for intersections of streets, roads, driveways, or other accesses.

D. Signs with Moving Parts. Signs with visible moving, revolving or rotating parts, flashing or fluttering lights or other illuminating devices that have a changing brightness or intensity or color, or any mechanical movement or apparent movement achieved by electrical, electronic or mechanical means, except time, temperature and date signs, community service announcements, or holiday decorations.

E. Displays With Open Light Bulbs. External displays, other than temporary decorative holiday lighting, consisting of unshielded or open light bulbs.

F. Off-Premises Signs. Signs not located upon the property or business identified or advertised by the sign, and signs located in the public right-of-way or easement, unless the Board of Adjustment determines that an off-site sign is necessary to promote the interests of the use to which it relates. An off-site sign shall otherwise conform to these regulations and the regulations applicable for the zone district in which the sign is located. Off-premises signs shall only be permitted in the RCR, COM, and IND zones, subject to Board of Adjustment approval.

G. Vehicle Signs. Signs placed on vehicles or trailers that are parked or located for the sole apparent purpose of advertising a product, service or activity.

H. Obsolete Signs. Signs that are located on property that becomes vacant and unoccupied for a period of six months or more, or signs that pertain to a time, event or purpose that no longer applies. The sign face of an obsolete sign shall be removed by the owner of the sign or the owner of the property. The following types of signs shall be excepted from these provisions.

1. **Exception for Change of Ownership.** Signs displayed on a business temporarily suspended because of a change of ownership or management of the business shall not be construed to be obsolete unless the property remains vacant or the business is closed for a period of six (6) months or more.
2. **Exception for Seasonal Business.** Permanent signs displayed on a business that is open only on a seasonal basis shall not be construed to be obsolete unless the property remains vacant or the business is closed for a full season based upon the history and nature of use.

I. Signs Imitating or That May Be Construed To Be Traffic Signals.

1. Signs which imitate an official traffic sign or signal or which contain the words "stop," "slow" or other similar words.
2. Signs which are of a size, location, movement, content, coloring or manner of illumination that may be confused with or construed as a traffic-control device.

J. Signs of Obscene Character. Signs or pictures of an obscene, indecent or immoral character that will offend public morals or decency, based upon constitutional standards.

K. More than One Sign Per Lot. More than one sign per lot, unless otherwise allowed by these Regulations.

8.1.7 Development Identification Signs, Industrial and Commercial PD or Subdivision Signs.

A. New Development. A sign proposed to identify a development, and signage proposals for industrial and commercial uses located in a commercial and industrial PD or subdivision, are subject to review and approval by the Board of County Commissioners as part of the PD or subdivision review and approval process. An approved plan establishing compliance with the regulatory provisions and restrictions

for signage in the commercial or industrial PD or subdivision shall be required for final plat approval, and recorded with the final plat.

B. Existing Development. Existing commercial and industrial uses that are legally platted as PDs or subdivisions under previous Chaffee County land use regulations shall be allowed one (1) freestanding sign per development and one (1) identification sign for each business located in the development. The sign height and area of the sign face shall be in compliance with the sign code provisions applicable to the underlying zone district, or no larger than 32 square feet, whichever is greater. A plan establishing compliance with the regulatory provisions and restrictions for signage in the PD or subdivision development shall be approved by the Board of County Commissioners and recorded with the County Clerk and Recorder.

8.1.8 Nonconforming Signs.

A. Legally Nonconforming Signs. Signs legally erected prior to adoption of these Regulations and lawfully maintained in accordance with the provisions of prior regulations, but which do not conform with the provisions of these Regulations, shall be allowed to continue as a legally nonconforming sign, under the following conditions:

1. **Sign May Not be Changed.** The nonconforming sign shall not be structurally altered in any manner that increases the nonconformity of such sign.
2. **Sign May Not Be Relocated or Replaced.** The nonconforming sign shall not be relocated or replaced in a manner that continues the nonconformity.
3. **Burden Rests Upon Owner.** The burden of establishing a sign to be a legally nonconforming sign under these Regulations shall rest entirely upon the owner.

B. Termination of Legally Nonconforming Signs.

1. **Abandonment.** Legally nonconforming signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises within six (6) months after the associated activity or occupant has vacated the premises.
2. **Destruction, Damage or Obsolescence.** The right to maintain any legally nonconforming sign shall terminate whenever the sign sustains damage in excess of fifty (50) percent of its replacement cost, or becomes obsolete or substandard to the extent that the sign becomes a hazard.
3. **Failure to Maintain.** The right to continue use of a legally nonconforming sign shall terminate if the sign is not maintained in compliance with the maintenance requirements set forth in **Section 8.3.3.**
4. **Violation of Current or Prior Sign Regulations.** Any violation of these Regulations or the prior regulations under which a nonconforming sign has been legally allowed shall immediately terminate the right to continue use of the nonconforming sign.

8.2 SIGN PERMIT APPLICATION, REVIEW, AND APPROVAL

8.2.1 Application and Review Process.

A. Application Materials. Any application for a sign permit shall include the following materials. The Director may require additional materials or information as deemed necessary to properly evaluate the proposed sign.

- 1. Application Form and Fees.** The application for a sign permit shall be made by the owner of the property on which the sign is to be located, or the owner's authorized agent. The permit fee shall be established by resolution of the Board of County Commissioners and the fee schedule provided to the applicant by the Director. Application shall be made on forms provided by the Director and shall include the following information.
 - a.** The name, address and phone number of the applicant.
 - b.** The physical address of the property.
 - c.** Zoning of the property.
 - d.** The nature of the principal use to be identified by the proposed sign.
- 2. Scale Drawing of the Sign.** A scale drawing of the proposed sign, that includes exact dimensions and area calculations, text, and color and materials proposed for the sign.
- 3. Site Plan.** A site plan, drawn to scale, showing the proposed location and orientation of the sign. The plat plan shall include all easements and rights-of-way of record that may affect or be affected by the location of the proposed sign.
- 4. Description of Sign Illumination.** A detailed description of the sign illumination. This may be shown on the scale drawing of the proposed sign. Description of illumination shall include target illumination levels, hours of operation, control methods, lamp and luminaire information, and manufacturer description.
- 5. Electrical and Engineering Data.** Electrical and engineering data sufficient to prove the safety and reliability of the proposed sign.
- 6. Insurance or Bond Coverage.** The owner of a freestanding sign or a sign which extends over public right-of-way shall provide insurance or bond coverage that is acceptable to the Board of County Commissioners for purposes of indemnifying the County from liability in the event of damage or injury due to collision or structural failure.
 - a.** The required insurance or bond coverage shall be maintained as long as the sign extends over the public right-of-way.
 - b.** Insurance or bond coverage is required for the life of a freestanding sign.
 - c.** Annual evidence of insurance or bond coverage shall be provided to the Director. The owner of a sign extending over a state highway right-of-way shall provide the Director with evidence that the sign is in compliance with Colorado Department of Transportation standards and restrictions.

B. Review and Approval.

1. **Determination of Completeness.** Within five (5) calendar days of receiving an application for Sign Permit, the Director shall determine whether the application is complete, based upon the requirements for application materials set forth in **Section 8.2.1 A**. If the application is not complete, the Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.
2. **Evaluation.** Upon determination of completeness, the Director shall review the application for compliance with **Section 8.2.3**.
3. **Director's Decision.** Within fifteen (15) calendar days of the date of determination of completeness, the Director may approve, approve with conditions or deny the application for Sign Permit. The Director's decision shall be based upon compliance with **Section 8.2.3**. If the application satisfies all of the applicable standards, the application shall be approved. The application may be approved with conditions determined necessary for compliance with applicable standards. If the application fails to satisfy all of the applicable standards, the application shall be denied.
4. **Written Notice of Decision.** The Director shall issue the permit in writing, or basis for denial in writing within five (5) working days of the date of decision.

8.2.2 Variance. The applicant for a sign permit may apply to the Board of Adjustment for a variance from provisions of these Regulations, or to appeal a decision by the Director regarding a sign permit application or interpretation of these Sign Regulations. The process for application and review of a variance request is set forth in **Section 4.5.1**.

8.2.3 Sign Permit Review Criteria.

- A. On-Premises Advertising.** The sign identifies or advertises the legally established principal use of the lot on which the sign is located.
- B. Dimensions.** The size and height of the sign complies with standards set forth in **Table 8.1**.
- C. Illumination.** Neither the direct or reflected light from any light source illuminating the sign shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares. Colored lights shall not be used at any location or in a manner so as to be confused with or construed as a traffic control device.
- D. Location.** The sign foundation shall be entirely located on private property, and shall not create an obstruction for traffic or create any hazard for motorists, cyclists or pedestrians.
- E. Safety.** The sign shall be constructed in a manner that does not present a hazard situation.

1. **Wind Load.** Free-standing signs with any portion of the sign six feet or more above the ground surface shall be engineered to withstand a wind loading of a minimum of thirty (30) pounds per square foot of sign area without failure of the face retention system or sign structure.
2. **Electrical Wiring.** Electrical wiring for the sign shall be underground in the case of freestanding signs, and behind the sign cabinet in the case of wall or projecting signs.
3. **Protection of Anchors and Supports.** Anchors and supports shall be protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by a parapet wall that is not braced.

8.3 SIGN MAINTENANCE. Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or constructed of rust resistant metals.

8.4 ENFORCEMENT OF SIGN PERMIT REGULATIONS.

8.4.1 General Provisions. Unless otherwise provided by these Regulations, violations of the regulatory provisions in this Article are subject to the applicable provisions for inspection, notice of violation, abatement of violation and penalty set forth in **Section 1.4**.

8.4.2 Remedies. In addition to the Remedies provided for in **Section 1.4.1 B**, the following remedies may be applied specifically to violations of these sign regulations.

A. Repair or Removal of Hazardous Signs. The Director shall order the repair, alteration, painting or removal, at the owner's expense, of any sign that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence and abandonment. The Director may cause the immediate removal of any sign that endangers the public or is structurally, materially, electrically or otherwise defective, without notice, at the expense of the owner of the sign or premises.

B. Removal of Abandoned or Obsolete Sign. The Director shall order the removal of any sign that has been abandoned or determined to be obsolete.

C. Removal of Prohibited Sign. The Director shall order the removal of any prohibited sign(s) within two (2) days of receipt of written notification.

D. Revocation of Sign Permit. If the Director finds that the sign under any permit issued does not comply with the information supplied in the permit application and/or is in violation of these Regulations, or finds that there has been any misrepresentation in connection with the application for the permit, the Director shall

revoke the permit. The permit holder shall have five (5) calendar days in which to reply to the notice of violation.

E. Preservation of Remedies. The remedies as provided in this Article, and as may be available under other applicable regulations of the County or pursuant to state or federal law, are not exclusive in any way, and may be pursued by the County singularly or in combination to achieve the most expeditious abatement of a violation.

**Table 8.1
Sign Table.**

Zone District	Types of Signs Allowed	Structural Types of Signs Allowed	Maximum Height	Maximum Total Sign Area Per Face
RES	Business Construction Identification Real Estate	FREESTANDING (for the purpose of subdivision identification)	6'	32 square feet
		WALL	N/A	6 square feet
RCR, COM & IND	Business Construction Identification Multiple Identification Real Estate	FREESTANDING	30'	150 square feet
		WALL	NA	2 square feet per lineal foot of building frontage, not to exceed 60 square feet.
		PROJECTING	NA	
		SUSPENDED	NA	
		ROOF	not to exceed roof peak	
RUR & REC	Business Construction Identification Real Estate	FREESTANDING	20'	64 square feet
		WALL	NA	2 square feet per lineal feet of building frontage not to exceed 30 square feet
		PROJECTING	NA	
		SUSPENDED	NA	
		ROOF	not to exceed roof peak	

1. Definition of Types of Signs and Structural Types of Signs. Definition of the terms identifying types of signs and structural types of signs is set forth in **Article 15, Definitions.**

2. Multiple Property Frontage. If the lot on which a building is located has multiple property frontage, then the sign limitation for that zone district shall be applied for each lineal foot of property frontage along the longest adjacent public right-of-way, plus an additional sign area of one-half (1/2) the zone district limitation for each additional lineal foot of property frontage along each separate, additional public right-of-way.

3. Air Space Requirement for Freestanding Signs. Freestanding signs shall maintain free air space between a height of forty-two (42) inches above any adjacent street elevation and a height of seventy-two (72) inches above said elevation.

ARTICLE 15

DEFINITIONS

15.1**ACRONYMS**

AADT	Average annual daily traffic
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AF	acre-feet
AHRA	Arkansas Headwaters Recreation Area
BLM	Bureau of Land Management
BMPs	Best Management Practices
BOR	Bureau of Reclamation
CAA	Clean Air Act CAA
CAAA	Clean Air Act Amendments of 1990
CCFPD	Chaffee County Fire Protection District
CDNR	Colorado Department of Natural Resources
CDOT	Colorado Department of Transportation
CDOW	Colorado Division of Wildlife
CDPHE	Colorado Department of Public Health and Environment
CDSP	Colorado Discharge System Permits
CDWR	Colorado Division of Water Resources
cfs	cubic feet per second
CGS	Colorado Geological Survey
CNHP	Colorado Natural Heritage Program
CR	County Road
CWA	Federal Water Pollution Control Act (Clean Water Act)
CWCB	Colorado Water Conservation Board
D&RG	Denver and Rio Grande Railroad
dB	decibel
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FAA	Federal Aviation Administration

FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FLPMA	Federal Land Policy and Management Act
FONSI	Finding of No Significant Impact
HCM	Highway Capacity Manual
IGA	Intergovernmental Agreement
Ldn	Day Night Level (DNL/LDN).
LOS	Level of Service
MGD	million gallons per day
MOU	Memorandum of Understanding
MUTCD	Manual for Uniform Traffic Control Devices
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
OHV	Off-highway vehicle
OSHA	Occupational Safety and Health Administration
OWTS	On-site Wastewater Treatment Systems (Updated Resolution 2017-01)
PCA	Potential Conservation Areas
PD	Planned Development
ppm	parts per million
RCRA	Resource Conservation and Recovery Act
ROWs	rights-of-way
SAFPD	South Arkansas Fire Protection District
SARA	Superfund Amendments and Reauthorization Act
SH	State Highway
SLB	Colorado State Land Board
sq ft	square feet
State Parks	Colorado State Parks
STIP	State Transportation Improvement Plan

SWMP	Stormwater management plan
T&E Species	Threatened and Endangered Species
TIP	Transportation Improvement Program
TPRs	Transportation Planning Regions
UPRR	Union Pacific Railroad
US 50	U.S. Highway 50
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USDOT	U.S. Department of Transportation
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WSA	Wilderness Study Area
WUI	wildland urban interface

15.2 Definition of Words and Phrases. Words contained in this section are those having a special meaning relative to the purposes of this Land Use Code. Words not listed in this section shall be defined by a reference to a published standardized dictionary. For the purposes of this Land Use Code, the following words and phrases are defined as follows:

100-Year Flood. A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

100-Year Floodplain. The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-Year Flood. A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

500-Year Floodplain. The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

1041 Regulations. The Chaffee County 1041 Regulations, which provide regulatory oversight for Area and Activities of State Interest.

Accessory Building or Structure. A subordinate building or structure located on the same lot as the principal structure, the use of which is incidental to the principal use.

Accessory Dwelling Unit. A dwelling unit considered secondary to a primary dwelling unit

for use as a complete independent living facility on the same parcel as a permitted principal use and which meets dimensional and other requirements applicable to the principal use.

Accessory Dwelling Unit, Agricultural. An accessory agricultural dwelling unit shall not exceed 1500 square feet, shall only be in the RURAL zone, and shall be subject to all other limitations of an accessory dwelling unit. An Agricultural Accessory Dwelling Unit is used to house a person and their family that is significantly employed for agricultural work on the property.

Accessory Use. A use which is customarily supportive, secondary and subordinate to the principal use on the parcel.

Addition. Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adjacent. Meeting, abutting or touching at some point, or located across a street, alley or other right-of-way.

Adjacent Property Owner. An owner of record of any estate, right, or interest in real property which shares all or a part of a common boundary line with another lot or parcel of land. Parcels shall also be considered adjoining when they are only separated from each other by an alley, easement or right-of-way.

Administrative Review. The land use change permit application and review process, described in **Article 4, Section 4.1.4** of this Code, by which the Director approves applications for land uses.

Adult Oriented Business. Any establishment which excludes minors, including movie and book stores, cabarets, and theaters, in which a substantial portion (25 percent or greater) of the proceeds or floor area is devoted to such use that depicts, describes, or relates to specified sexual activities.

Adverse. Unfavorable, harmful.

Agriculture. The science, art and practice of producing plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, aquiculture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm and ranch production.

Agricultural Accessory Dwelling Unit. See *Accessory Dwelling Unit, Agricultural*

Agricultural Building. Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, not restricted to, barns, silos, water towers, windmills, greenhouses.

Agricultural Educational or Research Facilities. Use related to the agriculture, horticulture and animal husbandry including facilities for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences. Includes also Demonstration Farm.

Agricultural Machinery Repair. A business specializing in service and repair of equipment used for agricultural operations.

Agricultural Products. Products grown or raised on a property, intended for direct human or animal consumption or use, such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants and wool. These products include but are not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, domestic elk, bison, mules, ducks, emus, horses, goats, llama, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds and vegetables.

Agricultural Products Store (Wholesale or Retail). A place where agricultural products are received and/or stored for delivery for the end consumer who directly receives products on site utilizing a permanent structure. Products may be brought onto site by other vendors or producers, but may also be produced on site. Use does not include trucking operations, slaughterhouses or processing facilities.

Agricultural Related Operations. Include but is not limited to field preparation, planting, fertilizing, cultivating, harvesting, tilling, herbicide/pesticide spraying, haymaking, bush hogging, crop storage, hauling, fencing, barn construction, ditching, snowplowing, tarping stacks, and equipment storage.

Agritourism, agritainment. An activity related to the normal course of agriculture, as defined in C.R.S. § 35-1-102(1) (as amended), which is engaged in by participants for entertainment, pleasure, or other recreational purposes, or for educational purposes, regardless of whether a fee is charged to the participants. Agritourism or agritainment does not include any activity related to or associated with medical or retail marijuana as defined in C.R.S. § 12-43.3-104 and C.R.S. § 12-43.4-103 (as amended).

Airport. The land used by aircraft to take off and land, together with all facilities and adjacent land used in connection with the operation of aircraft.

- 1. Airports and Heliports, Publicly Owned.** The area comprising airports or heliports, located primarily on land owned by a public agency such as the County or a municipal government.
- 2. Landing Strips and Helistops, Privately Owned.** The area comprising landing strips or helistops located primarily on land owned by a private land owner(s).

Airport / Heliport, Building Restriction Line. A line which identifies suitable building area locations.

Alley. A public right-of-way providing secondary access to the rear of a property and not intended for general travel.

Alluvial Fan Flooding - A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently

abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Alteration (Structural). A change, rearrangement or addition to the structural parts or in the existing facilities of a building or structure, or the moving from one location or position to another.

Animal Sales Yard. A commercial establishment wherein livestock is collected for sale, consignment or auctioning.

Animal Shelter. A facility used to temporarily house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, or other organization for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals.

Applicant. A person or entity submitting an application for land use subject to these Regulations.

Approach Surface (Airport). See Airport Imaginary Surfaces.

Appurtenances. The visible, functional, or ornamental objects accessory to and part of a building.

Archeological Resource, Cultural Resource, or Historical Resource. Resources that have been designated by the County or are recognized or historically known to the County; that are on the National Register of Historic Places (National Register) and/or that may be considered under the National Historic Preservation Act; or that are included in an established list of places compiled by the state historical society, or any local historic preservation program.

Area of Shallow Flooding. A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. Land located within the designated floodplain, that is subject to a one percent (1%) or greater chance of flooding in any given year.

Auto Filling Stations. An establishment where gasoline and other petroleum products are sold as the principal use of the property. Accessory uses may include convenience stores, car washes, and restaurants. Light maintenance activities such as engine tune ups, lubrication, and minor repairs may also be provided.

Auto Salvage. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. Also, the presence on any lot or parcel of land of six or more motor vehicles, which for a period exceeding 30 days have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale.

Auto Service and Repair. An establishment that operates as the principal use of the property auto maintenance activities, including tune-ups, auto body collision repair, and automobile painting. Accessory uses may include towing services.

Auto Sales and Service. The use of any building or lot for the storage and display for sale, rental, or lease of new or used motor vehicles or any type of trailer for either retail or wholesale sales, where repair or body work is incidental to the operation of vehicle sales.

Auto Wash and Polish. An area of land and/or a structure with machine- or hand-operated facilities used principally for cleaning, washing, and polishing or waxing motor vehicles.

Average Daily Traffic (ADT). The average number of one-way vehicular trips that are generated from a particular land use during a 24-hour period.

Bars and Lounges. An establishment devoted primarily to serving alcoholic beverages and in which the service of food is only incidental. Establishments include taverns, night clubs, private clubs, bottle clubs and similar facilities serving intoxicating beverages for consumption on the premises.

Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year. The term is used interchangeably with intermediate regional flood, one hundred year flood, and one percent chance flood.

Base Flood Elevation (BFE). The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement. Any area of a building having its floor sub-grade (below ground level) on all sides.

Batch Plant. An industrial facility used for the production of asphalt or concrete (greater than three cubic yard capacity), used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Batch Plant, Temporary. A temporary facility that produces or processes concrete or asphalt (greater than three cubic yard capacity) only for use in a particular construction project and only for the duration of that project.

Bed and Breakfast. A Bed and Breakfast is a primary dwelling unit that is owner-occupied where short-term lodging is provided through the rental of rooms to the general public for compensation, with common dining and cooking facilities. A Bed and Breakfast is considered a commercial use.

Block. A portion of land enclosed by mapped roads or other bounds and contained within subdivided or mapped land.

Board of Adjustment. The body appointed by the Board of County Commissioners whose authority and procedures are described in C.R.S. 30-28-117 and 30-28-118, and in **Section 1.3.3** of this Code.

Board or Board of County Commissioners. The Board of County Commissioners of Chaffee County, as described in **Section 1.3.1** of this Code.

Boat Launch Site. An improved location designed to launch and retrieve recreational boats from the river which may include rafts, canoes, kayaks or motorized boats and which may utilize trailers.

Boundary Line Adjustment. A type of subdivision exemption in which the property boundaries of adjacent parcels may be adjusted to correcting survey errors or exchanging small portions of property. See **Section 5.2.2** of this Code.

Building. Any structure having a roof supported by columns or walls and intended for supporting, enclosing, sheltering or protecting any use or occupancy. The term "building" shall include modular or prefabricated buildings that do not fall within the definition of manufactured housing or mobile homes.

Building Envelope. A designated area on a lot or parcel in which all structures and development shall be constructed or occur, unless specifically excepted or exempted, including but not limited to excavation, landscaping, building, grading, demolition or filling.

Building Footprint. The outline of the total area which is covered by a building's perimeter at ground level.

Building Height (Structure Height). Height is measured from average of finish grade to highest point of roof.

Building Permit. A permit which is issued by the County prior to the erection, construction, alteration, moving, or relocation of a building or structure.

Business, Office or Personal Service. Examples of these types of use include physicians, medical clinics and specialty inpatient hospitals, dentists, lawyers, realtors, architects, engineers, musicians, designers and accountants, barber or beauty shops, optometrist shops, photographic studios, travel bureaus, broadcast and other studios. These uses include only incidental storage or sale of merchandise.

Camp Cabin. A structure in a Campground/Recreational Vehicle Park which is constructed on a permanent foundation but does not meet the minimum size requirements of this Land Use Code.

Campground. A parcel of land in single ownership (non-subdivided), that has been developed for occupancy by guest-owned tents and recreational vehicles on a temporary basis for recreational purposes.

Camper Trailer. A wheeled vehicle without motive power which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

Cemetery. A place designated for the burial or keeping of remains of the dead, human or animal, and appurtenant facilities including mausoleums, and columbaria operated within the boundaries of the cemetery. Accessory uses may include mortuary and crematory facilities. Family Cemeteries are excluded.

Change in Land Use. Any development, grading, construction, activity or operation that changes the basic character, configuration or use of land or structures after the enactment of this Land Use Code constitutes a change in land use.

Channel. The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization. The artificial creation, enlargement or realignment of a stream channel.

Church, Religious Institution. A building for public worship having more than 25 seats where religious services may be held and individuals may perform religious ceremonies, such as marriages or baptisms, or services relating to a specific religious denomination, such as for Easter Sunday or Hanukah.

Cluster, Cluster Development. The concentration of development, including buildings, driveways, and water supply and wastewater treatment facilities on one or more compact areas of a development parcel, preserving the remainder as productive agricultural land or undeveloped open space, and avoiding impacting areas of identified value for wildlife habitat, scenic features of a rural landscape, historical agricultural uses, and significant environmental features.

Commercial Mineral Deposits. Oil, gas, gravel and other natural deposits that may be extracted from the land for economic benefit.

Commercial Recreation Facilities. A facility which offers entertainment, recreation, or games of skill for a fee, where activities takes place inside or outside and may include lighted areas for use after dusk. This includes but is not limited to health and swim clubs, golf driving range, boating facility, tennis facility, or a miniature golf course. The facility is operated as a business and open to the public for a fee.

Commercial Use or Activity. Any use or activity primarily devoted to business such as the purchase, sale, lease or exchange of goods and/or the provision of services.

Communication Facility. A non-inhabitable structure or tower and accessory building, supporting antennas, and microwave dishes that send and/or receive radio frequency signals, including television and data impulses, through space by means of electromagnetic waves. Individual/personal direct-to-home satellite services are not included in the definition of "Communication Facility".

Community Meeting Facility, Recreation Hall or Auditorium. A facility for public gatherings and holding events such as wedding receptions, community meetings and meetings and events sponsored by neighborhood groups, religious groups, philanthropic organizations and so forth. Food service is typically incidental and allowable to the community meeting facility.

Composting Facility, Commercial. A facility where organic matter that is derived

primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing or use of compost.

Conditional Letter of Map Revision (CLOMR). FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Conservation Easement. An easement for the purpose of preserving the property's value for recreation, education, habitat, open space, or historical importance.

Conservation Parcel. A parcel of land greater or equal to a negotiated or defined acreage, which can no longer be subdivided.

Contiguous. Sharing an edge or boundary, touching.

Contractor Equipment Storage. The storage of three or more pieces of heavy equipment or machinery commonly used in commercial, industrial or construction enterprise, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts and earth movers. Excludes agricultural use equipment.

Corrections Facility. A use which provides housing, treatment or care for individuals legally confined or placed as a result of convictions and designed to incarcerate or rehabilitate individuals in either a secured or non-secured setting.

Correction Plat. Revision of a previously approved plat, which is intended to correct minor surveying, drafting or wording errors in the plat.

Country Club. A club organized and operated primarily for social and outdoor recreation purposes, including incidental accessory uses and structures, without overnight lodging facilities. Uses and activities at the club may include golf, swimming, tennis, riding, restaurant, locker rooms, pro shop, and spa services.

County. The County of Chaffee, State of Colorado. County may also refer to its elected officials, appointed boards, and staff in this Land Use Code.

Critical Facility. A structure or related infrastructure, but not the land on which it is situated, as specified in Article 5, Section H, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Dairies, Milk & Cheese Production, Commercial. An area of land where animals are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings associated with producing milk and milk products.

Day Care Center. A residence, facility or preschool which provides regular care and supervision for thirteen or more children at any one time during the day for compensation.

Day Care Home. A residence which provides regular care and supervision for four to twelve children at any one time during the day for compensation. The care and supervision

of the three or less children at any one time during the day shall be considered to be in-home babysitting, and not subject to this land use code.

Decibel. The basic unit for measuring the difference of sound pressure levels from a sound event to a reference pressure. To approximate the range of frequencies of sound most audible to the human ear, an "A-weighting" factor is applied. Sound levels are usually reported in A-weighted decibels, abbreviated dBA.

Deed Restriction. A limitation on the use or sale of the property written in the deed.

Demonstration Farm. An area of agricultural land used to demonstrate farming, ranching, and agricultural practices, to assist in the evaluation of farming practices and technologies, and to increase public awareness of food production and preparation practices.

Density. A unit of measurement, specific to development, to be interpreted as the number of dwelling units per acre of land.

Development. Any activity or construction, excluding normal agricultural activities, that changes the existing character or use of the land. Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development Agreement. The agreement between the owner and the County which specifies the terms and conditions of the land use permit approval. This agreement implements the site specific development plan which establishes vested rights under C.R.S. Title 24, Article 68.

DFIRM Database. Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

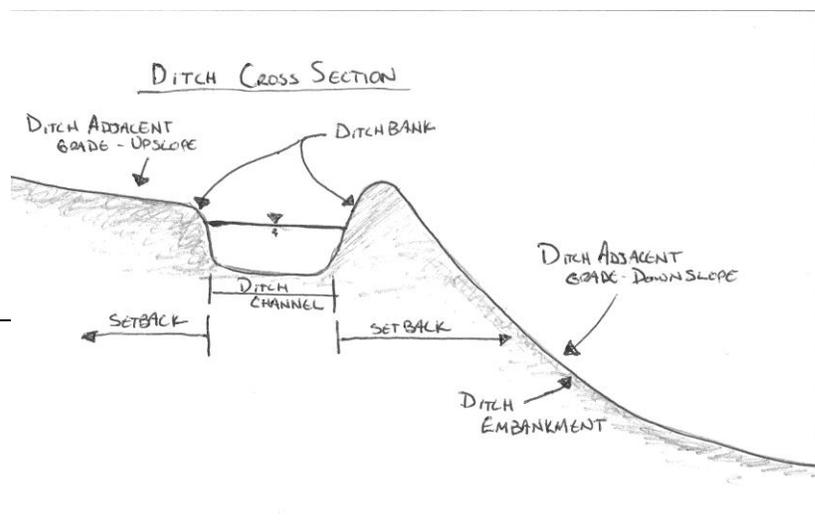
Digital Flood Insurance Rate Map (DFIRM). FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Director. The County Director of Development Services, Planning, Building and Environmental Health or authorized representative.

Ditch; Irrigation Ditch. A man-made open channel constructed for the purpose of conveying water. A ditch may flow year-round or intermittent depending on water rights.

Ditch, Adjacent Grade. The average grade of the area between the ditch bank and the site of a proposed structure or setback area.

Ditch Bank. The outer edge of the excavated or constructed ditch channel, which contains



ditch flows.

Ditch Channel. The cross-sectional area formed by the bottom and sides of the ditch, and the water surface of the maximum permitted flow of the ditch.

Dude Ranch. See *Guest Ranch*.

Dwelling, Dwelling Unit. One or more rooms designed to function as a single living facility and containing only one kitchen plus living, sanitary and sleeping facilities.

1. *Dwelling, single family.* A stand-alone building designed exclusively for and occupied exclusively by one family, also known as a single-family residence. Single family dwellings may be built on-site or off-site.
2. *Dwelling, duplex or townhome,* means a building that contains two (2) dwelling units, each with primary outside access; and that are attached to each other.
3. *Dwelling, multi-unit* means a building that contains three (3) or more dwelling units, each with primary outside access; and that are attached to each other; but does not include hotels, motels, fraternity houses and sorority houses and similar group accommodations.
4. *Dwelling, Accessory.* See *Accessory Dwelling Unit*.

Eating or Drinking Establishment. An establishment for the sale and consumption of food and beverages on the premises, or with drive-thru accommodations.

Educational Facility, Public School. Buildings and uses for instruction or research activities associated with an academic institution which has curriculum for primary or secondary schools, technical or vocational training, including but not limited to kindergarten, elementary, secondary, or higher education. Educational facilities may include residential facilities for faculty, staff, and students.

Electric Power Distribution Lines and Facilities. Structures, lines and appurtenant facilities used for the distribution of electric energy in voltages less than 69,000 volts.

Electric Power Generation Facility. Any electric power generating facility and appurtenant facilities with generating capacity of ten (10) megawatts or more.

Electric Power Transmission Line. Any power line designed for or capable of transmitting electric energy in voltages of 69,000 volts or more, and which emanates from an electrical power plant or electric substation and terminates at a substation.

Elevated Building. A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Employee Housing / Dormitory. A building or household of unrelated individuals intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions. Dormitories do not include kitchen facilities and shall be accessory and incidental to the principal use on the property.

Equestrian Center/Arena. A defined, improved area that serves fifteen (15) or more individuals per month that may include amplified sound or lighted outdoor riding, driving or showing of horses. The facility involves horse riding, training, practice, exhibition or driving, and may include competitive events open to participants outside of those who board or train at the facility.

Expansive Soil. Rock or soil that shrinks or expands excessively with changes in moisture content.

Excavation. The removal of earth material by artificial means, also referred to as a cut.

Extraction, Natural Resource. The on-site extraction of surface or subsurface mineral or natural resource materials, including but not limited to solids, such as coal and ores;; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying and gravel pit operations, such as the removal of sand and gravel and crushing, screening, washing and flotation.

Farm Stand, Temporary. A farm stand that operates out of a temporary structure for a period that does not exceed 90 days in any calendar year.

Feedlot, Commercial. A place of confinement by fences, pens, corrals, or other structures serving as enclosures for more than 500 head of cattle, swine, sheep, fur bearing animals or other livestock for the primary purpose of fattening and providing for the ultimate sale of the animals. Food is supplied by other than grazing, foraging or other natural means. Pastures shall not be considered feedlots. Educational agricultural projects are excepted from this definition.

Fish Farm. See *Hatchery*.

Fire Station. A facility operated by a municipality, fire district, or department which houses fire equipment. The facility may be used for housing personnel and for associated meetings.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of watercourses, or the unusual and rapid accumulation or runoff of surface waters from any source; or Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Fringe. Areas within the floodplain that constitute the low hazard areas between the outer boundary of the floodway and the outer limit of the floodplain. Within the flood fringe area, the depth and velocity of the flood waters do not present as serious a threat to life and property as that within the floodway.

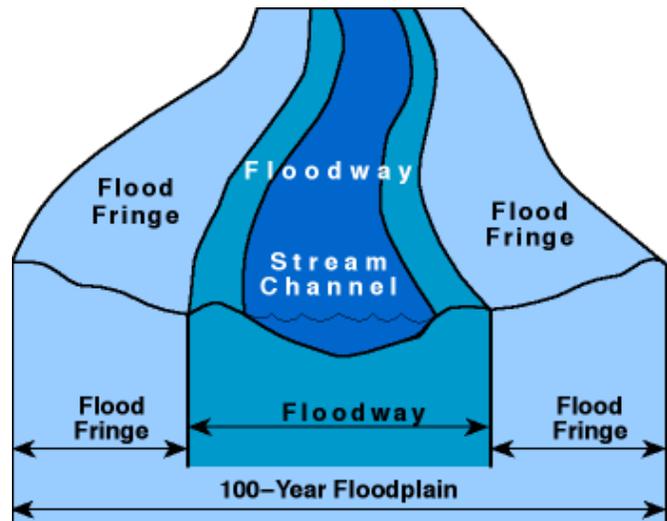
Flood Insurance Rate Map (FIRM). An official map of the Federal Emergency Management Agency (FEMA), on which the area subject to flooding by the base flood has been delineated either by approximate or detailed engineering study. These maps also delineate flood insurance rate zones and may include the delineation of water surface elevations and floodway boundaries.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Floodplain or Flood-prone Area. Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain. An area including and adjacent to the stream channel, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. Mainstream floodplains;
2. Debris-fan floodplains; and
3. Dry wash channels and dry wash floodplains.



Floodplain Administrator. The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit. A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

Floodplain Encroachment. Any development, stockpile, refuse, or matter in, along, across, or projecting into any floodplain which might impede, retard, or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water. The term floodplain encroachment shall not include any device or structure reasonably necessary for flood control or prevention.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Control Structure. A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing. Any combination of structural and/or non-structural additions, changes, or adjustments to structures moveable objects, or properties which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway). The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floodway. The areas within the floodplain which are required for the passage or conveyance of the base flood, in which waters will flow at significant depths or with significant velocities. These areas include the channel of a river or creek and any adjacent floodplain areas that must be kept free of development and other encroachments so the base flood can be conveyed without substantial increase in flood height. Specifically, the floodway is defined according to the following criteria:

1. Areas of the floodplain that must be kept free of development and other encroachments so the base flood is conveyed with no more than a one foot increase in the water surface elevations.
2. Where the floodway has not been identified, areas of the floodplain where floodwater from the base flood is eighteen (18) inches or greater in depth.
3. The area that comprises a minimum of twenty-five (25) feet from the banks of the river or creek, unless the bank consists of an impervious natural rock wall or cliff which is higher than the flood elevation.

Floor Area. The sum of the square footage of all the floors of a structure excluding unfinished basements and attached garages.

Food Processing. Operations in which mineral, vegetable, animal meats, fowl or fish products are prepared and/or packaged as consumable food for sale through commercial or

wholesale outlets, but excludes those food preparation processes deemed normal for a family unit or home occupation. Butchering, canning, food drying and freezing and similar processes are examples considered home and family operations when done to process food for family consumption, within a dwelling or on a family dwelling site and no commercial compensation is involved. Also excludes mobile slaughter units and similar operations. Includes brewery, roastery, distillery, and similar uses.

Forestry. The growing or harvesting of forest tree species trees used for commercial or related purposes.

Frontage. See Lot Frontage.

Freeboard. The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Geologic Hazard. A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. Avalanches, landslides, rock falls, mudflows, unstable or potentially unstable soils, and unstable or potentially unstable slopes;
2. Seismic effects;
3. Radioactivity; and
4. Ground subsidence.

Geologic Hazard Area. An area that contains or is directly affected by a geologic hazard including avalanche, landslide area, mudflow debris area, radioactive area, and potentially unstable soils.

Grade, finished. The final elevation of the ground surface after development.

Grade, Highest Adjacent. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Grade, Lowest Adjacent. The lowest elevation of the ground surface next to the walls of a structure.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alterations.

Greenhouse, Commercial. A structure or premises used to grow flowers, shrubs, trees, vegetables or plants which does not qualify as a Private Greenhouse.

Greenhouse, Private. A structure or premises totaling 2,000 square feet or less used to grow, without the aid of employees and for personal use or consumption, flowers, shrubs, trees, vegetables and plants and up to six marijuana plants. Sale of flowers, shrubs, trees, vegetables and plants at an off-premises Temporary Farm Stand will not disqualify a

greenhouse from Private Greenhouse status

Group Home Facilities. A state-licensed facility operated by a public, nonprofit, or private agency, which provides day or overnight supervision of persons who are not related by blood, marriage or adoption, to the facility's owner, operator, or manager. These facilities are governed by **C.R.S. 30-28-115**, and are authorized to house up to eight (8) individuals. Types of these facilities include community residential homes for the developmentally disabled; homes for the aged; and homes for the mentally ill.

Guest Ranch. A ranch that provides multi-night accommodations for guests, provides a recreational activity or immediate access to recreational activities, has dining facilities on-site, and has barns, associated outbuildings, corrals, pastures, and livestock related to a working ranch and the recreational activities available to guests.

Guidance Document. A non-regulatory document adopted or recognized by the County as having relevance in guiding land use policy and decisions.

Hatchery. A facility for aquaculture operations.

Hazard. A natural or manmade phenomenon or condition, which is a significant source of risk, danger or peril.

Heliport. A structure or area of land or water used or intended to be used by helicopters for takeoff and landing, and the appurtenant buildings and facilities, including: necessary passenger and cargo facilities, fueling and emergency service facilities

Helistop. A minimally developed heliport for landing and discharging passengers or cargo, and not intended for refueling or maintaining itinerant helicopters.

Historic Site. A structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.

Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;

- b. Directly by the Secretary of the Interior in states without approved programs.

Home Business. The conduct of a business, occupation, or trade as an accessory use entirely within a residential building or accessory structure for gain or support by residents of the dwelling and employees residing off-premises, which serves patrons on the premises.

Home Occupation. The conduct of a business, occupation, or trade as an accessory use entirely within a residential building or accessory structure for gain or support, only by residents of the dwelling and which does not serve patrons on the premises, except in an incidental manner.

Horticultural. Having to do with the growing of fruits, vegetables, flowers, or ornamental plants.

Horse Boarding. A building or structure and/or land whose operator keeps equines, primarily for breeding and boarding.

Hospital. An institution providing health services for inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training and central services facilities and staff offices.

Hotels and Motels. Structures that provide lodging and/or boarding for paying guests. See also *Resort, Guest Ranch, Vacation Rental by Owner, and Bed and Breakfast.*

1. **Minor Hotel or Motel.** A facility with ten (10) rooms or fewer available for nightly or long term rental on a seasonal or year-round basis.
2. **Major Hotel or Motel.** A facility with more than ten (10) rooms available for nightly or long term rental on a seasonal or year-round basis.

Illumination, Direct. Lighting by means of an unshielded light source which is effectively visible when the light travels directly from the source to the viewer's eye.

Illumination, Indirect. Lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front or a light source that is primarily designed to illuminate without direct travel from the source to the viewer's eye.

Impact. The direct or indirect effect or consequence resulting from a development upon land, the environment, the community or any part or segment thereof. The term shall include, but not be limited to, physical, environmental, economic, visual, auditory or social consequences or effects.

Impervious Materials. Materials that do not readily allow water to infiltrate into the ground. The term "Impervious Materials" shall include building roof surfaces and overhangs, concrete or asphalt pavement surfaces, and compacted gravel.

Individual Sewage Disposal System (ISDS). An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing or disposing of sewage that is not part of or connected to a sewage treatment works as that term is defined in C.R.S. 25-10-103 (20), as amended.

Junk. Any material unfit for its original intended use, discarded, worn out, dismantled, or deteriorated to such condition that it is not useable, safe or fit for human use or habitation.

Kennel. Any lot, parcel, tract or structure in which more than seven dogs, six months old or older, are bred, or are kept, raised, trained, housed or boarded for longer than two weeks. This definition shall not apply to a properly permitted pet shops or veterinary hospital.

Landing Strip. A minimally developed airport for landing and discharging passengers or cargo, and not intended for refueling or maintaining itinerant aircraft.

Land Use Change. Any land use or development activity that changes the basic character, configuration or use of land or buildings and structures after the enactment of this Land Use Code.

Land Use Code. The Chaffee County Land Use Code. The terms "Code" and "Regulations" also refer to the Chaffee County Land Use Code.

Laundry and Dry-Cleaning Plant, Commercial. An industrial facility for cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

Levee. A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Letter of Map Revision (LOMR). FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F). FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Light Manufacturing. The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring properties.

Ldn. Day Night Level (DNL/LDN). A 24-hour average noise level with a 10-decibel (dB) penalty for nighttime.

Limited Impact Review. A shortened land use change permit application and review

process, described in **Article 4, Section 4.2.2** of this Land Use Code, by which the Planning Commission approve permits for uses being allowed on the basis of their limited impact with regard to compatibility with the site and surrounding land and uses, and the adequacy of required services.

Livestock. Domestic animals that are used for food for human or animal consumption, breeding, draft or profit.

Lot Double Frontage. Lots which front on one public street with a side or a back lot line fronting another public street.

Lot Frontage. The lot line abutting a public right-of-way, measured along the front lot line.

Lot Line. The external boundary of a lot.

Lot Line, Front. The boundary of a lot dividing it from all adjacent streets, and applies to corner lots.

Lot Line, Rear. The boundary of a lot opposite the front line lot. On lots with multiple frontage, the rear lot line is established opposite the front access of the structure.

Lot Line, Side. Any boundary of a lot other than the front or rear lot line.

Lot Size or Area. The total horizontal area within the lot lines.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

Major Electrical or Natural Gas Facilities. Major electrical or natural gas facilities include one or more of the following:

1. Substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity.
2. Transmission lines operated at a nominal voltage of sixty-nine thousand volts or above.
3. Structures and equipment associated with such electrical generating facilities, substations, or transmission lines.
4. Structures and equipment utilized for the local distribution of natural gas service including, but not limited to, compressors, gas mains, and gas laterals.

Manufactured Home.

1. A structure, transportable in one or more sections, which when erected on site is 320 or more square feet, and which is built on a permanent chassis. These homes are designed to be used for residential purposes, with or without a permanent foundation when connected to the required utilities, and contain the necessary plumbing, heating, air-conditioning, and electrical systems. A home which does not meet the minimum size requirements stated above, is a manufactured home if: (i) it is certified as such by HUD pursuant to the federal Manufactured Home Construction and Safety Standards Act, 41 U.S.C. 778 5401, et seq., as amended; or, (ii) it complies with the NFPA 501b/ANSI a119.1 (1973, 1974 and 1975 editions).
2. The term "manufactured home" also means a residential building which, whether or not a manufactured home as defined in paragraph 1 above (and which under the County's prior regulations may have been defined as a mobile home), is either:
 - a. located in a legally existing manufactured home park in the unincorporated County on the effective date of these Regulations; or
 - b. proposed to be relocated onto a legal manufactured home space in a manufactured home park; predates the certification requirements of the Federal Manufactured Home Construction and Safety Standards Act and NFPA 501b/ANSI a119.1 (1973 through 1975 editions); and is inspected by the Chief Building Official and determined to be in a safe, sound physical condition and to meet any other requirements for such homes as may be specified in the County's Building Code.
3. The term manufactured home shall not include travel trailers, camper trailers, campers or self-contained motor homes or camper buses.

Manufactured Home Park. A parcel upon which two or more manufactured homes, occupied or intended to be occupied for dwelling purposes, are located.

1. **Existing Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
2. **Expansion to an Existing Mobile Home Park or Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured Home Space. A portion of ground within a manufactured home park designated for the permanent location of one manufactured home. This applies only to non-subdivided manufactured home parks.

Manufacturing/Fabricating. The processing of raw materials or substances into new products, including the assembling of component parts and the blending of materials. Activities may include the fabrication of metal products, motor vehicle manufacturing, chemical manufacturing, lumber milling, ship/boat construction or the utilization of

lubricating oils, plastics and resins, etc.

Mass Transit Facility. A station or terminal constructed to provide and facilitate passenger access and egress to: a rapid or mass transit system; fixed guideways; dedicated highway lanes restricted to use by only mass transit vehicles; restricted dedicated flyovers and restricted dedicated access to terminals or stations; or highway access and egress facilities restricted to use only by mass transit vehicles.

Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Meat Processing, Small Scale. A facility for butchering and processing of wild game, livestock, or poultry on a limited scale. See also *Mobile Slaughter Unit*. Excludes butchering done by a family for that family's consumption.

Medical Marijuana Related Facilities.

1. **Medical Marijuana Patient.** A person registered by the State of Colorado for the use of medical marijuana products.
2. **Medical Marijuana Caregiver.** A person registered with the State of Colorado as a medical marijuana caregiver.
3. **Medical Marijuana Center (MMC).** A retail business that sells Medical Marijuana or Medical Marijuana-Infused Products to registered patients or primary caregivers, but is not a primary caregiver, in accordance with C.R.S. 12-43.3-104 (8), as amended.
4. **Optional Premises Cultivation Facility (OPC).** A cultivation business that grows and cultivates Medical Marijuana plants for a specific Medical Marijuana Center or for a specific Medical Marijuana- Infused Products Manufacturing Facility, in accordance with C.R.S. 12-43.3-104 (11 & 12), as amended.
5. **Infused Products Manufacturing Facility (IPM).** A manufacturing business that exclusively manufactures and prepares Medical Marijuana-Infused products for consumption, other than smoking, (i.e. edible products, ointments and tinctures), in accordance with C.R.S. 12-43.3-104 (9 & 10), as amended.

Mineral Estate. A mineral interest in real property that may be severed from the surface estate of the subject real property; which if severed, is shown in the real estate records of the county in which the real property is situated; and which is not owned as part of the full fee title to the real property, per C.R.S. 24-65.5-102.

Mining, Mine. In accordance with State Regulations, any area of land from which minerals in excess of 1000 cubic yards in any calendar year are extracted and removed from the site in non-liquid form or are extracted in a liquid form, and including any accessory support facilities; ways and roads appurtenant to such area; and lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property, including impoundments, retention dams, and tailing ponds, on the surface or underground, used in, or to be used in, or resulting from the work of extracting such minerals from their natural deposits in non-liquid form or, if in liquid form, or used or to be used in the milling of such minerals or the work of preparing coal or other minerals. Excludes required for construction activity on the same site. Excludes prospecting.

Mitigation. An action which will have one or more of the following effects:

1. Avoiding an impact by not taking a certain action or parts of an action;
2. Minimizing an impact by limiting the degree or magnitude of the action or its implementation;
3. Rectifying an impact by repairing, rehabilitating, or restoring the impact area, facility or service;
4. Reducing or eliminating an impact over time by preservation and maintenance operations; and
5. Compensating for an impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.

Mobile Home. See *Manufactured Home*.

Mobile Home Park. See *Manufactured Home Park*.

Modular Home. An Off-site built single-family residence, which is installed on a permanent foundation and meets all requirements of the Chaffee County Building Code, as adopted. See also *Dwelling, Single Family*. Modular Home does not include manufactured homes meeting HUD specifications; see instead *Manufactured Home*.

Mobile Slaughter Unit. Self-contained slaughter facility that can travel between locations, which provides slaughter services to regional small producers at host farms.

Mortuary. A facility in which the deceased are prepared for burial or cremation, which may include a chapel where funeral services may be conducted and sales of funeral equipment.

Municipality. An incorporated city or town.

National Flood Insurance Program (NFIP). FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

Natural Hazards. Mudslides, subsidence areas, avalanches, fires, floodplains, seismic faults, rockslides, erosion and other naturally occurring phenomena that can pose hazards to life or property.

No-Rise Certification. A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Nonconforming Use. A building, structure, or use of land legally existing at the time of enactment of this land use code or lawful amendments to this Code and which does not conform to the regulations of the zoning district in which it is situated or used.

Nursery / Tree Farm. Land uses that involve the planting, growing, cultivating, cutting, and harvesting of trees or other plants growing on the site, and the wholesale operations related thereto.

Nursing Facility. A facility, or a distinct part of a facility certified under state and federal regulations to provide care and treatment for inpatients under the direction of a physician. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the developmentally disabled.

Oil and Gas Drilling and Production. Any operation utilizing equipment which advances a borehole into substrata for the purpose of discovery, development and/or production of oil or gas.

Open Space. Any land or water area which serves the specific use of: providing park and recreation opportunities, conserving natural areas and environmental resources, or protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land or yards as part of a platted lot.

Outfitting Facilities. The improved structures and facilities related to guiding services for outdoor expeditions, including fishing, camping, biking, motorized recreation and similar.

Overlay District. A special district or zone which addresses special land use circumstances and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay district or zone.

Parks, Public or Private. Land retained for recreational use, that may be improved with playground apparatus, public tennis courts, public golf courses (with or without a clubhouse), picnic areas, shelters, riding, biking or hiking trails, skateboard areas, other game courts or pits, art, memorials and historic structures. Parks may include greenways and natural areas and features that are subject to minimal maintenance, generally open to the public, and subject to seasonal closure.

Peak Hour. A term used in traffic engineering and analysis that identifies the 60-minute period where a segment of road or intersection experiences, or is projected to experience, the greatest number of through and turning vehicles in an average 24-hour period.

Person. Any individual, corporation, governmental entity, estate, trust, partnership, association, or other legal entity.

Physical Map Revision (PMR) - FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Pipeline. Any conduit and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives or other liquid.

Plat. A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder, per C.R.S. 30-28-101 (5).

Planned Development (PD). A flexible type of development authorized by Colorado statutes, and described in **Article 6** of this Code.

Poultry & Egg Production, Large Scale. Maintaining an inventory of chickens and roosters for the purpose of commercial egg production and wholesale or retail sales of eggs and/or chickens. Activities may also include the preparation, processing, canning and packing of raw chicken.

Poultry & Egg Production, Small Scale. The keeping of chickens for the purpose of egg production, with a maximum of 50 hens.

Power Plant. A facility that converts one or more energy sources, including but limited to water power, geothermal resources, fossil fuels, nuclear, wind, or solar power into electrical energy or steam, for commercial uses. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy from the generation facility or the transmission to the final consumers.

Principal Use. The primary purpose or function for which the land, building or structure was originally intended or built. The principal use may be commercial, residential or industrial, but is typically not defined as "mixed" use.

Prospecting. Exploration for minerals or gems by non-extractive means, in place, with no mechanical crushing or screening.

Public Gatherings. Any group of 25 or more persons assembled for a meeting, festival, social gathering, or other similar purpose for a period of time which exceeds 10 hours.

Public Hearing. A meeting called by a public body, for which public notice has been given in compliance with the provisions of this Code and which is held in a place where the general public may attend, with the principal purpose of receiving testimony or public comment on a specific application or issue.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.

Public Utilities. Electricity, natural gas, water and wastewater service, wire telephone service, and similar public services. The term "public utilities" does not include wireless telecommunication facilities.

Rafting Enterprise. The commercial businesses of providing paying customers with guided river trips using inflatable rafts, kayaks, canoes or providing rental gear to customers so they may float the river without a guide. The enterprise may involve shuttling to and from boat launch sites, renting equipment such as boats, life jackets, helmets, and providing food or meals.

Receiving Area. In a Transfer of Development Rights program, the land area that will be more densely developed than is currently allowed.

Recreation, Outdoor, Active. Outdoor activities for the purpose of play, exercise, leisure

or amusement that is typically accomplished with vehicles, large equipment or animals and can impact the natural areas. Active recreation includes activities such as four-wheeling, mountain biking, and horseback riding.

Recreation, Outdoor, Passive. Outdoor activities for the purpose of play, exercise, leisure or amusement that can be accomplished without motorized vehicles, large equipment or animals and with little to no alteration to the natural area, such as bird watching, fishing, picnicking and backpacking. This activity can be done alone and with little to no equipment or animals.

Recreational Vehicle (RV). A vehicle primarily designed as temporary living quarters, not for permanent dwelling, for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples of recreational vehicles include, but are not limited to: camping trailer or tent trailer; motorized camper, motor home, recreational conversion van or bus; pick-up camper; tent; travel trailer.

1. Camping trailer or tent trailer means a folding structure constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and to be used as a temporary shelter for travel and recreation purposes.
2. Motorized camper, motor home, recreational conversion van or bus means a self-propelled vehicle consisting of a portable, temporary shelter to be used for travel and recreation purposes.
3. Pick-up camper means a structure designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary shelter for travel and recreation purposes.
4. Tent means a portable, temporary cover or shelter made of canvas, plastic or similar materials supported by poles, with or without side panels, used for travel and recreation purposes.
5. Travel trailer means a towed vehicle designed as a temporary shelter used for travel and recreation purposes.

Recreational Vehicle While Building. The use of a recreational vehicle or travel trailer as a temporary residence while building on a vacant lot.

Recyclable Materials. Reusable materials including, but not limited to, metals, glass, plastic, wood, and paper which are intended for remanufacturing or reconstitution. Recyclable materials do not include junk, rubbish, refuse, or hazardous waste.

Recycling Collection Center. A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing or composting facility.

1. **Recycling Collection Center, Small.** A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing facility. Small Recycling Collection Centers shall involve no more than ten (10) collection containers up to sixty (60) total cubic yards in size.
2. **Recycling Collection Center, Large.** A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred

to a processing or composting facility.

Recycling Processing Facility. A facility where recyclable and organic materials are collected and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

Repeater, Low Power Mobile Radio Service Telecommunications Facility. A telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

Resort. Dude ranch, boating base camp, hunting or fishing camp, cross-country or trail skiing lodge or other similar facility for the purpose of recreation which recreational activities, dining facilities, parking, storage facilities and restrooms or other needs operated on the site for guests or members. The facility provides lodging, may or may not provide separate cabins for overnight stays of guests, and includes backcountry cabins or huts. See also *Guest Ranch*.

Restaurant. A commercial establishment designed primarily to serve prepared food to customers. Includes Drive-through restaurants.

Retail Sales Establishment. An establishment, structure or parcel for the retail sale of merchandise to the general public. A Retail Sales Establishment includes antique shops, art galleries, grocery stores, clothing and dry good stores, shoe stores, sporting goods stores, hardware and paint stores, drugstores, florists, furniture stores, gift shops, hobby and office supply stores, package liquor stores, pet stores, feed stores, toy stores, book stores, music and video stores, equipment rental stores, and similar establishments.

- 1. Large scale:** A large-scale retail establishment may have a large structural footprint and include multiple retail outlets under one roof structure. They may also utilize outdoor storage space, such as for trailers, campers or truck toppers or goods warehoused and retailed at the same location. Examples are furniture stores, large appliance stores, lumberyards, home improvement centers, department stores, discount stores, electronic stores and similar establishments.

Ridgeline Vantage. A specified road or river from which a topographic ridge is formed and ridgeline structures would be visible.

Ridgeline Visibility. When viewed from any ridgeline vantage point, no structure shall be visible on a ridgeline that is more than 150 feet vertically higher than the ridgeline vantage, and where the natural skyline is silhouetted behind the ridgeline.

Riding Stable, Commercial. A lot or establishment where horses are boarded and cared for, where instruction in riding, jumping and showing is offered and where horses may be hired for riding that is open to the public and/or training involving groups of six or more students. Use does not involve amplified sound or lighting. (See Equestrian Center/Arena.)

Right-of-Way. An area of land that is not included on any lot or lots, that is dedicated for public use to accommodate a transportation system and necessary public utility infrastructure, including but not limited to water, sewer, gas, electric and telephone lines.

Riparian/Riparian Areas. Related to, living or located on the bank of a natural watercourse or lake. Riparian areas include groups of plants, animals and aquatic

communities whose presence is either directly or indirectly attributed to water-influenced or water-related factors. Areas exempt from this definition are manmade agricultural structures and devices including irrigation ditches, sprinklers and artificial ponds and irrigated fields.

Road, Arterial. Arterials provide direct service to major centers of activity and provide roadway continuity for trans-regional, inter-regional and interstate trips, connecting urban areas to surrounding regions

Road, Collector. Collector roads deliver traffic from local streets to arterials.

Road, Local. Local roads deliver traffic to mainly residential uses and provide transportation routes for the internal network of neighborhoods.

Road, Peripheral. Private access roads used in conjunction with agricultural activities, such as internal driveways to barns, hay sheds or other miscellaneous outbuildings and uses. These roads are not intended to develop into public rights of way.

Rubbish. Garbage and trash, including but not limited to: unwanted or discarded household items; waste from building construction, remodeling and repair including used lumber and building materials; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; newspapers, magazines, packaging materials, waste paper or cardboard, boxes and crates, rags; dead animal carcasses; and any other unsightly or discarded material including scrap metal, scrap material, bottles and tin cans, which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Salvage Yard, Junk Yard. A commercial building, structure, or parcel of land used for the collecting, storage, dismantling, salvage, recycling, demolition or sale of material that is unfit for its original intended use, discarded, worn out, dismantled, or deteriorated in such condition that it is not useable or not safe or fit for human use or habitation.

Saw Mill. A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Saw Mill, Accessory. Sawmill which is operated (1) as temporary and incidental to a construction site, (2) as a separate and subordinate use on agricultural parcels.

Sending area. In a Transfer of Development Rights program, the land area that will be developed to a lesser density due to factors such open space preservation, wildlife habitat, heritage significance or other valuable feature of the land that the owner would like to preserve.

Setback. The required minimum distance between the point that the facing wall intersects with the finished grade of the building and the related front, side, or rear lot line.

Shooting Range. An area or structure specifically designed for the safe discharge and use

of rifles, shotguns, pistols, skeet, trap, black powder, or any other firearm for the purpose of sport shooting or law enforcement training.

Sign. A name, identification, description, display or illustration which is affixed to or painted, or represented directly or indirectly upon a building, structure, or object, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

Significant: Deserving to be considered; important; notable and not trifling.

Single Family Residence. See *Dwelling*.

Site Specific Development Plan. The approved plan which has been submitted to the County to establish a vested right pursuant to C.R.S. Title 24, Article 68, as amended, and set forth in **Section 1.2.2 B** of this Code.

Ski Area. An area developed for the purpose of alpine and Nordic skiing, including: ski trails, lifts, operational and maintenance facilities, equipment storage, snowmaking facilities, restaurants, warming huts and ski schools. A ski area may be part of a ski resort that provides base area facilities, including: hotels, motels and dwellings, retail establishments and year-round recreational uses.

Slope. Change in vertical elevation of a property over a specified horizontal distance, measured between contour intervals.

Small Scale Renewable Energy System. A renewable energy system including wind, solar, hydro-electric or geothermal sources that are primarily intended to serve the on-site use, but which may be grid-connected.

Solar Access. The ability to receive sunlight across real property.

Solar Energy Device. A device which converts the sun's radiant energy into thermal, chemical, mechanical, or electric energy.

Solar Energy System. A system composed of a solar energy collector, an energy storage facility, and components for the distribution of transformed energy, which may be attached to a residence or other structures.

Solid Waste. The term "solid waste" includes: garbage or refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; solid, liquid, semisolid, or contained gaseous material discarded from industrial operations, commercial operations or community activities. "Solid waste" does not include: any solid or dissolved materials in domestic sewage; agricultural wastes; solid or dissolved materials in irrigation return flows; industrial discharges which are point sources subject to permits under the provisions of the Colorado Water Quality Control Act, C.R.S. Title 25, Article 8; materials handled at facilities licensed pursuant to the regulatory provisions under the Radiation Control Act, C.R.S. Title 25, Article 11; and scrap metal that is being recycled or shredded circuit boards that are being recycled.

Solid Waste Disposal. The storage, treatment, utilization, processing, or final disposal of solid wastes.

Solid Waste Disposal Site or Facility. The location and/or facility at which the deposit and final treatment of solid wastes occur.

Special Event. Those events that are temporary, are held no more than once per calendar year, and are held for a public or commercial purpose. Examples of Special Events include but are not limited to: bicycle or vehicle races or rides; foot race or walk; gatherings of private groups for fundraising or other activities.

Special Flood Hazard Area (SFHA). The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Spot Zoning. A change in the zoning code or map to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the Comprehensive Plan. Persons applying for a zone change need to be aware that Colorado laws prohibit spot-type zoning in elements contained in the District Court of Chaffee county decision #83-CV-121 in 1983, a portion of which is quoted:

"Because stability in zoning regulations has such great importance, the law has restricted and limited even the authority of county commissioners to change or amend their own zoning plan. A change or amendment to the zoning plan which has been adopted for a community can be justified only if the proposed amendment fits within one of two broad categories:(1) where the property owner seeking the change can demonstrate that without a change in zoning his property is worthless for any purpose whatsoever, or (2) where conditions in the zoned area have changed to such an extent that rezoning is required for the public good."

Start of Construction. The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or the other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage. An area or structure used or intended for the storage of materials, refuse, or vehicles and equipment not in service. Includes the outside placement of items which are customary and incidental to the principal use of the property.

Structure. A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as manufactured home. The term "structure" includes: buildings, decks, solid fences, retaining walls, signs, towers, antennas, smokestacks, and overhead transmission lines.

1. *Permanent structure.* A permanent structure is constructed in a manner which would be expected to have a lengthy useful life, for a purpose expected to be long-term in duration.
2. *Temporary structure.* A temporary structure is constructed in a manner which would be expected to have a relatively short useful life, for a purpose expected to be short-term in duration.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; any substantial change in the roof or in the exterior walls. For purposes of these Regulations, "structural alterations" do not include alterations required for public safety.

Subdivision or Subdivided Land. The division of land into two (2) or more lots, tracts, sites, parcels, separate interests or interests in common, unless exempted from the term subdivision by C.R.S. 30-28-110, or by regulatory provisions of this Code.

Substantial Change. A change in land use resulting in one or more of the following:

1. A change in site design that:
 - a. increases or decreases the number of dwelling units;
 - b. increases or decreases the number of structures which, by size or nature of use, require a building permit;
 - c. increases or decreases the minimum square footage of structures if a minimum or maximum square footage has been specified in the permit or approval;
 - d. increases the projected traffic such that a highway access permit or an amendment to a highway access permit is required as a result of the change;
 - e. increases or decreases the area of land which is the subject of the permit or approval.
2. A change that creates, increases or decreases incompatibility or nonconformity.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial Improvement.

1. Any repair, reconstruction or improvement of a building or other structure, the market value of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.
2. The term substantial improvement does not include:
 - a. Any improvement of a structure to comply with existing state or local health, sanitation, safety, or building code specifications which are solely necessary to assure safe living conditions.

- b. Any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society's list of historic places.

Telecommunication Facility. All devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed or mounted on poles, other structures or buildings. Telecommunication facilities include radio, television, telephone and microwave towers or antennas for commercial transmission to consumers.

Telecommunication Facility, Public Safety. A facility owned and/or operated by a governmental agency and utilized for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses.

Telecommunication Facility, Noncommercial. A facility or facilities utilized for the transmission or reception of electromagnetic or electro-optic information, which is accessory to a residential use and not commercial in nature.

Temporary Construction Office. A structure intended and installed, not to exceed one (1) year's duration, which shall be allowed by permit only, during the time a residence or commercial structure is under construction, and the sole purpose of which is to provide an administration office for the contractor.

Theater. A structure which may have indoor or outdoor seating used for dramatic, musical, motion pictures, or other performances, for which admission may be charged and food and / or beverage service may be included. Includes outdoor amphitheatres.

Trailhead. An area set aside with parking, staging areas and appropriate structures including, but not limited to: parking areas; corrals for horses and stock; parking for trailered vehicles such as snowmobiles and OHV's; restroom facilities, or space for portable toilets; interpretive and informational signage; and trash collection bins.

Transfer Station. A facility at which refuse, awaiting transport to a disposal site, is transferred from one type of containerized collection receptacle into another or is processed for compaction.

Unsafe Structure. A structure or building which is determined to present a substantial danger or hazard to the general public health and safety, including:

1. A structure or building which is dilapidated, unused or uninhabited because of deterioration or decay;
2. A structure or building that constitutes a fire hazard;
3. A structure or building that subjects adjacent or adjoining properties to a danger of property damage by storms, soil erosion or rodent infestation, or is a place frequented by trespassers and transients seeking a temporary shelter.

Utility Substation. Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity at levels of sixty-nine (69) kilovolts or greater.

Utility Storage Area. Any surface facility designed to store 50 million cubic feet or more

of natural gas; or, 35,000 barrels or more of petroleum derivatives.

Vacation Rental by Owner. The short-term rental (30 days or less) rental of all or a portion of a residential structure.

Variance (Floodplain). A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

Vested Property Right. The right to undertake and complete the development and use of property under the terms and conditions of a County-approved site specific development plan, as defined in C.R.S.24-68-102(5).

Veterinary Hospital. A place where animals are provided care and veterinary services, which may include livestock or other farm animals, and may provide animal grooming, and which provides services on a short-term basis, and which is not a kennel.

Violation (Floodplain Overlay District). The failure of a structure or other development approved after December 7, 2017, to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the NFIP regulations (44 CFR 59, etc.) is presumed to be in violation until such time as that documentation is provided.

Warehouse and Distribution Center. A building used primarily for the inside storage and distribution of goods and materials. This term includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

Water and Sewer Projects. The Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, Major Extensions of Existing Domestic Water and Wastewater Treatment Systems, and Efficient Utilization of Municipal and Industrial Water Projects, including any proposed land development directly related to such Project if such development is to be located wholly or partially within this County and if such development specifically generates the need for the Project.

Waterbody. The area between the banks of a lake, pond, river, perennial, or fish-bearing intermittent stream, excluding man-made farm ponds or irrigation ditches.

Watercourse. A natural or artificial channel, depression, slough, dry wash, gulch, arroyo, stream, creek, drainage way, pond, reservoir, or lake in which water flows either continuously, intermittently, or periodically.

Water Reservoir. Detention or retention of water in wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds or other similar water features, and characterized as follows:

1. A single impoundment designed for a capacity of at least one (1) acre foot; or a number of smaller impoundments on one lot with an aggregate capacity of

at least one (1) acre foot.

2. Impoundment of: surface runoff, streamflow, and extracted groundwater; water that is a by-product of extraction or processing of mineral resources; water that is a by-product of energy generation, agricultural water supply, municipal or industrial water supply; and water that is a by-product of a sewage treatment installation.

Water Storage Reservoir. A reservoir created by a man-made dam structure that is used to store water for public consumption or fire protection, with a dam height of at least ten (10) feet above the stream bed or adjacent natural grade.

Water Storage Tank. Any enclosed structure that is used to store water either above or below ground for public consumption or fire protection, with a storage capacity of five thousand (5,000) gallons of water or more.

Water Treatment Facility. A facility, excluding community cisterns, designed to provide and hold a potable water supply, at a capacity of five thousand (5,000) gallons per day or more.

Weeds and Brush. Any underbrush, brush, shrub or plant material greater than twelve (12) inches in height which:

1. Ordinarily grows without cultivation; not in planting beds or otherwise in a controlled manner; or not for the purpose of food production; and
2. Is allowed to grow in such a manner or extent that it causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics; and
3. Is not an undesirable plant designated under the County's Noxious Weed Management Plan, pursuant to the "Colorado Noxious Weed Act" the removal of which shall be governed by that Plan and not this Article.

Wetland. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, fens, bogs, marshes, and similar areas.

Wildlife Habitat. That natural or man-made environment which contains the elements of food, shelter, water and land area in a combination and quantity necessary for the survival of one or more wildlife species.