

DEVELOPMENT REVIEW MANUAL AND APPLICATION MATERIALS

On November 19, 2024, the Chaffee County Board of County Commissioners approved a new Land Use Code and Zoning Map per Resolution 2024-78, Reception No. 496737. The County authority may be found in Colorado Revised Statutes (C.R.S.) Section 30-28-101 *et seq.*

The Chaffee County Development Review Manual contains detailed information on application submittal requirements, plat notes, public noticing, and other technical matters to assist in the review of development applications. This manual is a guide only; in the event of an inconsistency or conflict with the Chaffee County Land Use Code, the Land Use Code shall control.

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APPENDIX A

1. APPLICATION REQUIREMENTS

The below description of the application review steps is for illustration only, to assist applicants with navigating the review process. In the event of any inconsistency with the Land Use Code, the Land Use Code shall control.

- A. PRE-APPLICATION: All applications (except a zoning permit for a single unit dwelling or duplex) to the Chaffee County Community Planning and Natural Resources Department require a pre-application conference.

a. PRE-APPLICATION SUBMITTAL REQUIREMENTS

The applicant for a proposed land use change shall contact the Planning Department to schedule an in-person or virtual meeting. The below materials may be submitted in advance of the meeting.

- Presubmittal application form
 - Available on the County Planning and Zoning website
 - Letter of intent
 - A narrative statement describing the proposed project, change in land use, number of lots, etc.
 - Site Plan
 - A conceptual site plan showing the boundaries of the property, physical features including buildings, driveways, slopes, waterways, utilities.
 - No fee is required
- b. Following the meeting, Planning staff will generate a summary of the discussion points, concerns, and appropriate review process within 8 business days. The pre-application summary is generally valid for 6 months.

B. NEIGHBORHOOD MEETING (IF REQUIRED) See LUC Section 5.2.5.3

- a. The applicant is responsible for noticing, conducting, and documenting a neighborhood meeting for the following application types: Rezoning, Preliminary Plans, Conceptual PD, and Conditional Use permit.

C. APPLICATION:

All applications to the Chaffee County Community Planning and Natural Resources Department require the below items:

- ☐ Application Form
 - Provided by Chaffee County Community Planning and Natural Resources Department on its website: www.chaffeecounty.org/Planning-and-Zoning-Application-Forms
- ☐ Application narrative/description of project
 - The narrative should include a description of the project physical elements, such as the existing and proposed use, how the application will comply with the requirements of the zone district and use specific criteria, proposed access, wastewater treatment, water supply, and fire protection, referencing other sections of the application as necessary.
- ☐ Fees
 - These are listed in the Fee Schedule and application form. Payments may be made by mailed check or online payment.
- ☐ Evidence of Ownership
 - For Conditional Use, Planned Development, Rezoning, Subdivision, or Subdivision Exemption applications, this should be a title policy dated within 90 days of the submittal date.
- ☐ Proof of taxes paid
 - Obtain certification from the County Treasurer's office. Certification may be in the form of a PDF of the latest tax statement, available on the Treasurer's website.
- ☐ Adjacent Property Owner Information
 - The applicant is responsible for mailing notices to adjacent property owners prior to the deadlines stipulated in this Code (normally a minimum of 15 days prior to the hearing).
- ☐ Subsurface Mineral Interests, easements, ditches, utilities
- ☐ Site Plan

The below items may be required, depending on the location and scope of the proposed land use.

- ☐ Recording Fees
 - Recording fees assessed by the Chaffee County Clerk and Recorder's Office shall be paid by the applicant.
- ☐ Referral Agency Fees
 - The applicant may be required to pay any fees assessed by referral agencies in advance of their review and comment. Failure to obtain comments from

referral agencies due to failure to pay review fees may result in delay or denial of an application.

- ☐ Neighborhood Meeting (5.2.5.3)
- ☐ Escrow payment for Consultant Review

2. APPLICATION PROCESSES

Pre-Application (all except single unit/duplex zoning permit)

Neighborhood Meeting (Rezoning, Preliminary Plans, Conceptual PD, and Conditional Use permit only)

Application submittal

Completeness Review (12 business days) 5.2.5.6

- ☐ Staff review that all required items included in the application
- ☐ Incomplete applications will be returned to the applicant.

Technical Sufficiency Review (16 business days) 5.2.5.7

- ☐ Staff perform a substantive review of the application materials. For example, ensuring that any professional studies are completed by qualified professionals and address relevant topics.
- ☐ Applicant shall provide sufficient materials within 12 business days of notification.

Agency Referral

- ☐ Staff send the application to relevant County departments and review agencies. These are normally local, state, and federal government agencies.

Staff review comments and revisions

- ☐ Staff will provide a written summary of revisions needed to meet the Land Use Code requirements.

Resubmittal

- ☐ The applicant provides corrected plans, studies and other materials.

Staff re-review

- ☐ Staff reviews the resubmitted materials
- ☐ Application may be approved or scheduled for a public hearing, as appropriate.

Staff Approval

- ☐ Applicant provides any needed materials for final approval (Mylar, etc.)
- ☐ Staff generates any needed materials for final approval (Approval letter, Subdivision Improvements Agreement, etc.)

Public Hearing

- ☐ If a public hearing is required, the applicant shall provide mailed notice and notice by posted sign on the property. The County shall provide newspaper notice and website notice.
 - Notice
 - Applicant shall provide affidavits/certifications of the above notice.
- ☐ The applicant should attend all public hearings concerning their application, in person or online.
- ☐ Ex parte contacts are prohibited.

After the hearing or approval action

- ☐ The applicant is responsible for fulfilling all conditions of approval and providing any documents needed to close out an application. This may include:
 - Revised application materials and subject matter studies
 - Signed Mylars
 - Legal Agreements
 - Recording fees

3. STANDARD PLAT NOTES AND CERTIFICATES

The below plat notes are intended to assist applicants in preparing draft subdivision plats. Notes may be modified to meet specific circumstances or conditions placed upon an application. In the event of any inconsistency with the Chaffee County Land Use Code, the Land Use Code shall control.

Plat Certificates, Signature Blocks and Notes

For all Dedication statements, use the following items:

1. Certification of Ownership with owners notarized signature **and** Approval and Acceptance Statement for BOCC signature
2. Other Signature Blocks/Space for Reception Numbers
3. Notes

IF THERE IS A PUBLIC ROAD DEDICATION:

CERTIFICATION OF OWNERSHIP AND OWNER'S PUBLIC DEDICATION OF ROADWAYS

The undersigned certify/certifies that _____ is/are the owner(s) of the following described property:

(LEGAL DESCRIPTION OF PROPERTY)

Have laid put, platted and subdivided the same into (NUMBER OF LOTS, TRACTS, or PARCELS) roadways and easements, having dimensions and being located as shown on this plat under the name and style of:

OR Do amend and replat said lots, as shown on this plat, under the name and style of:

(SUBDIVISION NAME)

(DESCRIBE ALL EASEMENTS AND ENCUMBRANCES)

The undersigned owner(s) of the above-described subdivision hereby dedicate and grant in fee simple absolute to Chaffee County as a public right-of-way, perpetual, unrestricted use of all subdivision roadway(s) shown hereon. Unless otherwise indicated on this plat, such dedication shall include 30-feet on either side of the centerline of the roadway. The undersigned owner(s) acknowledge(s) that acceptance of such right-of-way by the County does not constitute acceptance of any obligation to complete the roadway(s) or any maintenance obligation by the County and accepts responsibility for such completion and perpetual maintenance unless and until the right-of-way is placed on the county road system under C.R.S. § 43-2-110.

By: _____

Owner of _____

Subscribed and sworn to me before this ____ day of ____, 20__, by

Notary Public

My commission expires: _____
(Seal)

APPROVAL AND ACCEPTANCE BY [THE BOARD OF COUNTY COMMISSIONERS OF] CHAFFEE COUNTY:

[The Board of County Commissioners of] Chaffee County, Colorado does hereby approve and accept this plat of (INSERT SUBDIVISION NAME), subject to the conditions of Resolution [Decision] _____, recorded at Reception # _____, and the dedication to the public of all roadways and easements shown on this plat is hereby approved and accepted by [the Board of County Commissioners of] Chaffee County, Colorado on the ____ day of ____, 20__. Public notice is hereby given that acceptance of this platted subdivision by Chaffee County does not constitute an acceptance of the roads and other improvements for maintenance by the County until the right-of-way is placed on the county road system under C. R. S. § 43-2-110 and specifically accepted for maintenance by the County.

OR, replace the last sentence in the above paragraph with the following: Public notice is hereby given that Chaffee County Road No. ____ is currently maintained and is a roadway in the Chaffee County road system.

Chair/Director

.....
IF THERE IS A PRIVATE ROAD DEDICATION:

CERTIFICATION OF OWNERSHIP AND OWNER'S DEDICATION OF ROADWAYS FOR PRIVATE USE

The undersigned certify/certifies that _____ is/are the owner(s) of the following described property:

(LEGAL DESCRIPTION OF PROPERTY)

Have laid out, platted and subdivided the same into (NUMBER OF LOTS, TRACTS, or PARCELS) (roadways and easements), having dimensions and being located as shown on this plat under the name and style of:

(SUBDIVISION NAME)

(DESCRIBE ALL EASEMENTS AND ENCUMBRANCES)

The undersigned owner(s) of the above-described subdivision hereby dedicate and grant in fee simple to Chaffee County, for public use by the property owners of the above-described subdivision and their guests, perpetual, unrestricted use of all subdivision right of ways shown hereon. The undersigned owner(s) acknowledge(s) that acceptance of such dedication does not constitute acceptance of any obligation to complete the roadway(s) or any maintenance obligation by the County and accepts responsibility for completion and perpetual maintenance of such roadway(s).

By: _____
Owner of

Subscribed and sworn to me before this ____ day of ____, 20__, by

Notary Public

My commission expires: _____
(Seal)

APPROVAL AND ACCEPTANCE BY [THE BOARD OF COUNTY COMMISSIONERS OF] CHAFFEE COUNTY:

[The Board of County Commissioners of] Chaffee County, Colorado does hereby approve and accept this plat of (INSERT SUBDIVISION NAME), subject to the conditions of Resolution _____, recorded at Reception # _____, and the dedication and grant for public use by the property owners of the above-described subdivision and their guests, perpetual, unrestricted use of all subdivision roadway(s) and easements shown on this plat is hereby approved and accepted by the Board of County Commissioners of Chaffee County, Colorado on the ____ day of ____, 20__. Public notice is hereby given that acceptance of this platted subdivision by Chaffee County does not constitute an acceptance of the roads and other improvements for maintenance by the County.

Chair/Planning Director

.....
IF THERE IS NO ROAD DEDICATION AND/OR NO EASEMENT DEDICATION:
CERTIFICATION OF OWNERSHIP AND DEDICATION

The undersigned certify/certifies that _____ is/are the owner(s) of the following described property:
(LEGAL DESCRIPTION OF PROPERTY)

Do amend and replat said lot(s) for the purpose of _____ as shown on the plat, to be known as:

(SUBDIVISION NAME OR PLAT TITLE)

(ADD PLAT NOTES AND/OR DESCRIBE ALL EASEMENTS AND ENCUMBRANCES)

ACKNOWLEDGEMENT:

In witness hereof, the undersigned owner(s) of the above-described subdivision has caused these presents to be executed on this ____ day of _____, 20__.

By: _____

Owner of

Subscribed and sworn to me before this ____ day of _____, 20__, by

Notary Public

My commission expires: _____

(Seal)

APPROVAL AND ACCEPTANCE BY THE BOARD OF COUNTY COMMISSIONERS OF CHAFFEE COUNTY:

[The Board of County Commissioners of] Chaffee County, Colorado does hereby approve and accept this plat of (INSERT SUBDIVISION NAME), subject to the conditions of Decision/Resolution _____, recorded at Reception # _____, and the fee simple dedication and grant for public use by the property owners of the above-described subdivision and their guests, perpetual, unrestricted use of all subdivision roadway(s) and easements shown on this plat is hereby approved and accepted by the Board of County Commissioners of Chaffee County, Colorado on the ____ day of _____, 20__. Public notice is hereby given that acceptance of this platted subdivision by Chaffee County does not constitute an acceptance of the roads and other improvements for maintenance by the County.

Chair/Planning Director

IF THERE IS NO ROAD DEDICATION BUT HAS EASEMENT DEDICATION:

APPROVAL AND ACCEPTANCE BY [THE BOARD OF COUNTY COMMISSIONERS OF] CHAFFEE COUNTY:

The Board of County Commissioners of Chaffee County, Colorado does hereby approve and accept this [plat OR plat amendment] of (INSERT SUBDIVISION NAME), and the dedication to the public of all easements shown on this plat **is/are** hereby approved and accepted by

the Board of County Commissioners of Chaffee County, Colorado on the ____ day of _____, 20__.

Chair

FOR A PLAT AMENDMENT WITH UTILITY EASEMENT DEDICATION:

APPROVAL AND ACCEPTANCE BY THE BOARD OF COUNTY COMMISSIONERS OF CHAFFEE COUNTY:

The Board of County Commissioners of Chaffee County, Colorado does hereby approve and accept this for Lot __ of _____ Subdivision, and the dedication of public utility easements as shown and described on this plat are hereby approved and accepted by the Board of County Commissioners of Chaffee County, Colorado on the ____ day of _____, 20__.

Chair

FOR A PLAT WITH A RESOLUTION:

APPROVAL AND ACCEPTANCE BY THE BOARD OF COUNTY COMMISSIONERS OF CHAFFEE COUNTY:

The Board of County Commissioners of Chaffee County, Colorado does hereby approve and accept this plat of (INSERT SUBDIVISION NAME), subject to the conditions of Resolution _____, recorded at Reception # _____, and this plat is hereby approved and accepted by the Board of County Commissioners of Chaffee County, Colorado on the ____ day of _____, 20__.

Chair

PLANNING DEPARTMENT APPROVAL (PDs ONLY)

APPROVAL AND ACCEPTANCE BY THE CHAFFEE COUNTY COMMUNITY PLANNING AND NATURAL RESOURCES DEPARTMENT

The Community Planning and Natural Resources Department of Chaffee County, Colorado does hereby approve and accept this Planned Development subject to the conditions of Resolution _____, recorded at Reception # _____, on the ____ day of _____, 20__.

Planning Director

Date

2 - OTHER SIGNATURE BLOCKS:

CERTIFICATE OF TITLE INSURANCE

I, _____, a (Land Title Attorney or Abstractor or other qualified) licensed in the State of Colorado, certify that I have examined title to all the property included on this plat on _____ and found vested in (OWNERS) free of any recorded mortgages, liens, judgements, easement, contracts and agreements, except as follows:

ACKNOWLEDGEMENT OF LIEN HOLDER

_____ as lien holder, hereby acknowledges and approves the terms, conditions and dedication as disclosed upon this plat.

Representative

Date

SURVEYOR'S CERTIFICATE

I, _____ (SURVEYOR'S NAME), a Professional Land Surveyor in the State of Colorado, do hereby state that this Land Survey Plat was prepared under my direction and supervision.

Dated the _____ day of _____, 20__.

_____ (signature) (SEAL) (PLS Number)

CHAFFEE COUNTY CLERK AND RECORDER'S CERTIFICATE

This Plat was accepted and filed for record in the Office of the Clerk and Recorder of Chaffee County, Colorado at _____. . M. this _____ day of _____, 20__, at Reception No. _____.

Chaffee County Clerk and Recorder

3 - NOTES WHICH MAY BE ADDED TO THE PLAT:

OTHER: The following items may need to be listed for Reception numbers to be added:

- Covenants
- Maintenance Agreement
- Subdivision Improvement Agreement
- Water Covenant

ROAD AND OPEN SPACE MAINTENANCE

The ____ (name of HOA) ____ home owner's association (HOA) shall be responsible for maintenance of the roads, right of ways, and open spaces platted herein. In the absence of an HOA, the lot owners shall be individually and severally responsible for maintenance, repair and replacement of improvements.

AIRPORT NOTICE/NOTICE OF PROXIMITY

Due to the proximity of the subdivision to (AIRPORT NAME), there will be aircraft passing over the property. Aircraft passage may result in noise and other impact on the property. Aircraft may cross above the property at low altitude in accordance with FAA Regulations. The type of aircraft passing over the property may change and the frequency may increase in the future. The owners, their heirs, successors, and assigns, specifically acknowledge the right of passage over the property for aircraft and agree to hold harmless the (GOVERNING ENTITIES) for aircraft operations conducted in accordance with FAA Regulations.

COLORADO PARKS AND WILDLIFE (CPW)

CPW recommends that any ground disturbance be reclaimed to native grass species using NRCS seeding guidelines. Any plants or decorative landscaping that is used should consist of materials that are wildlife friendly and do not attract deer, bears or any other big game species. CPW recommends wildlife resistant trash storage and consistent removal to minimize conflicts with wildlife. If any fencing needs to be constructed, CPW recommends using wildlife-friendly fences.

RESTRICTION OF FUTURE CHANGES TO APPROVED SUBDIVISION

The Subdivision's plans for sewage disposal, water supply, drainage, density, and other similar material requirements of the subdivision submitted with the application for subdivision are interdependent with the County's approval of the subdivision. Any subsequent change to the approved subdivision, including but not limited to lot splits, changes in the water supply (including without limitation augmentation plans), sewage disposal plans or drainage systems, is prohibited without review by and approval of the Board of County Commissioners, consistent with procedures and criteria set forth in the County Land Use Code.

FOR USE WITH MINOR SUBDIVISIONS:

Further subdivision of lots platted through the Minor Subdivision process shall only be further subdivided using the Major Subdivision process (Section 5.2.7.1.B.) of the Chaffee County Land Use Code).

FAIR CONTRIBUTIONS TO SCHOOLS

Fair contributions to schools shall be paid by the owner of any lot within this subdivision at the time a new residential building permit is obtained, based on Section _____ of the Chaffee County Land Use Code.

RIGHT TO FARM AND RANCH REGULATIONS & CHAFFEE COUNTY'S CODE OF THE WEST

This property is subject to Chaffee County Right to Farm and Ranch Regulations in the Chaffee County Land Use Code and to the Chaffee County Code of the West.

SUBDIVISION FOR PUBLIC BENEFIT

This subdivision is restricted for the lot created for public benefit (Lot __) which legally restricts the use of the public benefit lot to _____. The public benefit lot cannot be changed to another use unless reviewed under the applicable Land Use Code regulations and approved by the Board of County Commissioners.

AGRICULTURAL SUBDIVISION EXEMPTION:

The remainder lot (the parcel not conveyed, which is greater than 35 acres) is subject to the regulations in the Chaffee County Land Use Code when developed. If the remainder parcel is developed, it shall also be reviewed under the 1041 regulations.

RURAL OPEN SPACE INCENTIVE (ROSI)

It is intended that the open spaces will be retained predominantly in their natural, scenic and open space condition and that development is restricted so as to preserve and protect in perpetuity the wildlife, aesthetic, ecological and environmental values and the rural characteristics of the property. This open space designation and restriction on development are interdependent with the County's approval of this plat. Any subsequent change to the designation or use of the open space, whether by plat amendment or otherwise, which would diminish the value of the open space as a mechanism for protecting, preserving and conserving the rural landscape and viewscape of Chaffee County is prohibited.

GEOTECH REPORT

A geotechnical report by a licensed professional geotechnical engineer shall be completed for (any new construction, or applicable lots) and submitted as part of the building permit application, to characterize subsurface conditions such as depth to groundwater and bedrock, and soil engineering properties such as density, strength and swell-consolidation potential for design of foundations, floor slabs, surface and subsurface drainage, and retaining walls.

DRAINAGE REPORT

A drainage report by a licensed professional engineer shall be completed for Lot __ and submitted as part of the building permit application.

WETLANDS

U.S. Army Corps of Engineers Nationwide Permit SPA_____ is verified for this property, valid until __ (date).

ALTERNATE WETLANDS NOTE (if none exist on the property).

Plat Note for Hunting – Drafts/Examples

Notice of Traditional Hunting Activates

For properties adjacent to State Wildlife Areas or other public/private rural lands (US Forest Service, Bureau of Land Management, State Wildlife Areas, Colorado State Trust lands open for hunting, and other private property where hunting lawfully occurs):

Examples:

- Big game, small game, and waterfowl hunting are allowed on portions of property owned by Colorado Parks & Wildlife such as [*Franz Lake State Wildlife Area, Mount Ouray State Wildlife Area located north and west of Longhorn Subdivision*]. The sound of gunshots will be clearly audible at the subdivision. There are no plans to further limit hunting in the area. Wildlife friendly fencing is recommended to prevent animal entanglement. Homeowners are encouraged to review the Colorado Parks & Wildlife website for living with wildlife.
- This property is located adjacent to or near an area which is traditionally utilized by lawful hunters. Noise and activity associated with lawful hunting is normal and may be expected.
- Notice is hereby given that Centerville Ranch is in close proximity to the Chaffee County Landfill and the Chaffee County Shooting Range and activities related to both will continue. Any changes to the shooting range requested by the Centerville Ranch HOA or the developer and agreed to by Colorado Parks and Wildlife and Chaffee County shall be funded by the requesting entity.

Notice is hereby given to the owners of lots in Centerville Ranch that hunting activities may occur on adjacent private and public lands.

Railroad/Wastewater Treatment Plant Notice

- Notice is hereby given that _____ is in close proximity to the _____ Salida/Buena Vista Sanitation District Wastewater Treatment Plant and railroad line, and activities related to both will continue. Impacts to the subject property may include, but are not limited to, odor, vibration, fumes, noise, smoke, and dust

4. a. Model Subdivision Improvements Agreement

SUBDIVISION IMPROVEMENTS AND MAINTENANCE AGREEMENT AND COVENANT

SUBDIVISION: _____ Major/Minor Subdivision

I. PARTIES

The parties to this Agreement are the below-referenced subdivider ("Subdivider") and the Board of County Commissioners of Chaffee County (the "County").

II. BACKGROUND

- A. Colorado Revised Statutes, §30-28-137 prohibits the recording of any final plat of any subdivision until the subdivider has submitted, and the board of county commissioners has approved, an agreement setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgment of such board, will make reasonable provision for completion of the improvements in accordance with design and time specifications.
- B. Pursuant to the provisions of Colorado Revised Statutes, §30-28-101(11) the sale, conveyance, or transfer of any lot or tract of land can be restricted until the improvements required for a subdivision have been completed.
- C. Subdivider has received conditional approval from the County for the Final Plat of the below-referenced subdivision (the "Subdivision"), and this Agreement and Covenant is intended to fulfill a condition of that approval. Specifically, Subdivider has agreed to make certain improvements and has agreed to certain maintenance obligations.
- D. Pursuant to the provisions of Colorado Revised Statutes, §30-28-101(11), Subdivider is willing to provide security for the completion of certain improvements in the form of a Lot Sales Restriction and certain other security.
- E. Subdivider acknowledges a benefit from approval of the Subdivision and installation and maintenance of the improvements. Accordingly, Subdivider is willing to permanently maintain the improvements in accordance with the terms and conditions of this Covenant.
- F. This Agreement and Covenant is not executed for the benefit of third parties such as, but not limited to, materialmen, laborers or others providing work, services or material for the Subdivision improvements or buyers in the Subdivision.

III. AGREEMENT

1. Responsibility for Construction of Improvements.

- a. Subdivider shall, within eighteen months of execution of this Agreement and Covenant, construct and install at Subdivider's sole expense, those public improvements agreed to by Subdivider in connection with the final plat approval for the Subdivision, including improvements detailed in construction drawings submitted to the County and cost contributions and/or guarantees of payment, if any. Such improvements include, without limitation, those improvements set forth on the attached Exhibit A (the "Improvements").
 - b. The County, in its sole discretion, may grant an extension of the eighteen-month time limit. If the Improvements are not completed and the eighteen-month time limit is not extended in accordance with the provisions herein, the County may, at any time, give Subdivider 60 days' notice of the breach and an opportunity to respond. If, after 60 days, Subdivider has not corrected its violations, the County may, in its discretion, take steps to see that the Improvements are made and Subdivider shall be obligated to the County for all associated expenses, or may revoke its approval of the Final Plat or take any other action or pursue any other remedy permitted by law. The County's failure to take action under this Section shall not prevent it from later enforcing its rights hereunder.
2. Security. Subdivision and all Improvements are subject to a Lot Sales Restriction, prohibiting the sale, conveyance or transfer of any interest in any of the lots comprising the Subdivision ("the Restricted Lots"). Such Lot Sales Restriction may be separately recorded with the County Clerk and Recorder. The County or any purchaser of any of the Restricted Lots may bring an action in district court to compel the enforcement of this Agreement and Covenant. **Such authority shall include the right to compel rescission of any sale, conveyance, or transfer of title of any of the Restricted Lots made contrary to the provision of this Agreement and Covenant.** Pursuant to the Chaffee County Land Use Code, failure to comply with this Agreement and Covenant may result in revocation of vested rights of the Subdivision. This Lot Sales Restriction shall be valid until released by a written document duly authorized and signed by the County and recorded with the County Clerk and Recorder. Until so released, this Lot Sales Restriction shall run with the title of the Restricted Lots and shall be binding upon and inure to the benefit of any transferees, heirs, successors and assigns of the Subdivider.
3. Excess Capacity. If any of the improvements installed by Subdivider exceed the requirements and are sized in contemplation of serving additional filings, Subdivider acknowledges that such excess is installed at Subdivider's risk and cannot be the basis for requiring the County to approve additional filings.
4. Construction Requirements. All Improvements shall be constructed in compliance with the following:
 - a. All final plat documents submitted prior to or at the time of final plat approval.
 - b. All laws, regulations and ordinances of the United States, State of Colorado, Chaffee County, and applicable agencies, affected special districts, and servicing authorities.

- c. All designs, drawings, maps, specifications, construction plans, sketches and other matter submitted to and approved by any of the above-stated governmental entities or agencies.
5. Inspections and Approvals. Any utility system included in the Improvements must be designed and inspected, at Subdivider's expense, by a licensed professional engineer, and, prior to release of security, certified in writing by such engineer as complying with the approved plans and specifications. Subdivider shall also provide a written statement from the contractor(s) responsible for utility installation, confirming completion of all utilities. The County may require that any other Improvements be inspected, at Subdivider's expense, by a licensed professional engineer, and certified by such engineer as complying with the approved plans and specifications. The County may require that any or all of the Improvements be inspected and approved by any affected governmental entity or agency. At all times during construction, the County shall have the right to test and inspect, or to require testing and inspection of material and work, at Subdivider's expense. Any material or work not conforming to the approved plans and specifications shall be removed and replaced to the satisfaction of the County at Subdivider's expense.
6. Roads. Subdivider shall be responsible for and obtain the necessary access permits from the County, the Colorado Department of Transportation, and any affected municipality. Subdivider or his contractor is also responsible for obtaining a county road construction permit prior to the start of any road construction to include bridges, ditch crossings and embankment cuts. All road improvements must be in accordance with the County's specifications. The contractor shall notify the county road and bridge supervisor when it intends to commence construction of any roads so that the supervisor may observe such construction. Such notice shall be given at least 24 hours before commencement of initial road construction.
7. Weed Management, Erosion Control and Revegetation. Subdivider shall deposit into the "Chaffee County Weed Mitigation Fund" and separate revegetation fund, maintained by the Chaffee County Treasurer's Office, the amount listed in Exhibit A, which Subdivider represents is sufficient to complete revegetation, erosion control and weed mitigation. The full amount deposited will be refunded to Subdivider upon completion of revegetation and weed mitigation to the satisfaction of the Chaffee County Weed Department and the Community Planning and Natural Resources Department. Subdivider shall not be entitled to interest on such deposit.
8. As-built Drawings. Subdivider shall provide as-built drawings of all subdivision improvements prior to release of security.
9. Completion Procedure. Subdivider will notify the County of the status of the work to be completed under this Agreement and Covenant at least 30 days prior to the expiration of the time period referred to in paragraph III.1. If the work is not complete at such time, and a new agreement is to be tendered, it must be tendered at least 15 days prior to the expiration of this Agreement and Covenant.
10. Release of Security. Improvements may be approved and the lot sales restriction released on a filing-by-filing basis, however improvements affecting all filings, such as

access and county road improvements, ditch improvements and fire cisterns, must be fully completed prior to release of a lot sales restriction for any filing. Upon inspection and approval and compliance with this Agreement and Covenant, the County may, by a duly signed statement attested to by the County Clerk, authorize the release of the Lot Sales Restriction.

- a. If Subdivider has requested release of all or part of the security, and the County determines that any of such improvements are not constructed in accordance with this Agreement and Covenant, it shall furnish Subdivider a list of specific deficiencies and shall be entitled to withhold release of the Lot Sales Restriction to ensure such substantial compliance.
- b. If the County determines that Subdivider will not construct any or all the improvements in accordance with all of the specifications or timeframes, the County may continue to impose a lot sales restriction. Alternatively, the County may vacate the plat approval. Subdivider acknowledges that any vested rights which may result from approval of the final plat are subject to compliance with this Agreement.

11. Warranty. Subdivider represents and warrants that the Improvements shall be installed in accordance with the terms of this Agreement and Covenant in a good and workmanlike manner, shall be substantially free of defects in material and workmanship and shall be in good working order for the period ending one-year following final approval of all the Improvements by the County. Subdivider shall promptly remedy any deficiencies arising during the warranty period and shall indemnify the County for any expenses incurred in enforcing this provision or correcting such deficiencies.

12. Creation of Homeowners' Association. Subdivider shall create a homeowners' association as a Colorado Non-profit Corporation (the "Association") to manage the affairs of the Subdivision and this Covenant. The Association shall have a perpetual existence and may not be terminated without the express prior written approval of the County. Upon formation, the Association shall enter into an agreement with the County expressly assuming all of Subdivider's maintenance obligations set forth below and expressly binding the Association to the terms of the below maintenance obligations. Any such assumption, however, shall not relieve Subdivider (and successor lot owners) of its maintenance obligations, subject to the Association's primary obligation to perform, as discussed below. If Subdivider fails to create a homeowner's association or the Association dissolves or otherwise fails to adequately assume the Subdivider's rights and obligations as contemplated above, the below maintenance obligations of the Association shall become the joint and several obligations of Subdivider and Subdivider's successors and assigns (including the lot owners).

13. Maintenance Obligation and Covenant.

- a. Subdivider expressly covenants and agrees that this Covenant shall be perpetual

and shall run with the title of each tract, parcel and lot comprising the Subdivision and shall be binding upon and inure to the benefit of the transferees, heirs, successors and assigns of Subdivider, including all future lot owners and the homeowners Association described above.

- b. Subdivider covenants and agrees, for itself, the Association, and all future owners of the Subdivision, that it will, at no cost to the County maintain the Improvements set forth in the attached Exhibit B and keep them functional and in good working order. Roads shall be maintained (including snow removal) in accordance with the County's specifications. Each owner of any parcel comprising all or a portion of the Subdivision, by acceptance of title to such parcel, agrees to be bound by the terms of this Covenant and the terms of this Covenant shall be binding upon and inure to the benefit of the transferees, heirs, successors and assigns of each party hereto, including the Association and all owners of parcels comprising the Subdivision.
- c. If Subdivider or the Association fails to fully accomplish the maintenance contemplated by this Covenant, or breaches any other provision of this Covenant, then the County shall have available to it the following remedies, which shall be cumulative and not exclusive, and may be exercised alone or in conjunction with any other remedy.
 - i. Upon an instance of default, the County shall provide the Association with oral or written notice itemizing the instances of default. The County shall not be required to provide notice to each lot owner or successor to Subdivider. The Association shall have 10 days from the notice to cure the default itemized by the County or to challenge the County's allegation of default. To fulfill its obligations hereunder, the Association shall either directly perform the obligations or ensure Subdivider's performance of an obligation. If the Association does not cure a default in a timely manner, then the County shall have the right to specifically enforce this Covenant by (1) obtaining an order, including a mandatory injunction, from the Chaffee County or District Court requiring the Association and/Subdivider perform the defaulted obligation; or (2) the County may perform the defaulted obligation without further notice and bill the Association and/or Subdivider for the costs, expenses and fees associated with such performance by the County. The Association and/or Subdivider shall promptly reimburse the County for all such costs and expenses when billed by the County.
 - ii. In the event of default, the Association and/or Subdivider shall be obligated to reimburse the County for all fees, costs and expenses, including actual attorney and engineering fees, incurred as a result of the

default. All damages, fees, costs and expenses shall be assessed interest at the rate of 8%, compounding annually, from the date the charge is incurred by the County through the date of payment in full.

- iii. The County shall have a lien upon the Subdivision or any parcel comprising the Subdivision in the amount of the County's damages, costs and expenses, resulting from the default. The lien may be foreclosed in the manner of a mechanics lien (C.R.S. 38-22-101, et. seq.,) except that the Lien shall be valid for a period of 5 years from the date of assessment.
- iv. The County may obtain reimbursement of damages, costs, fees and expenses incurred as a result of any default in this Covenant by collection of such amounts by the County Treasurer with the annual or semi-annual property tax payments.
- v. The Association shall be required to make such assessments against the parcels comprising the Subdivision as are necessary to fulfill its obligations hereunder.
- vi. Should the County seek recovery of any costs, expenses or fees pursuant to this Covenant, such recovery may be made against a particular lot owner, only for such owner's proportion of parcels owned compared to the total number of parcels comprising the Subdivision at the time of breach. To illustrate, if the Subdivision is comprised of ten parcels at the time of breach (and each parcel is owned by a separate owner), each owner shall be personally liable to the County for 1/10th of the expenses, costs and fees incurred by the County as a result of the breach. Said liability of each separate owner will be in addition to and joint with the overall liability of the Association.
- vii. Notwithstanding any provision of this Covenant to the contrary, the Association shall bear primary responsibility for the performance of any obligation required to be performed either by the Association and /or Subdivider and any or all successors including lot owner(s). Subdivider (including successor lot owners) shall be required to specifically perform any maintenance, repair and/or improvement obligations contained in this Covenant only after the expiration of the 10-day cure period specified in Paragraph 13.c.i above. This paragraph does not in any way limit, hinder or delay the County's right to lien, tax, assess and/or levy against any parcel comprising the Subdivision, as discussed above.

- d. The parties acknowledge that the County may grant third parties easements within publicly-dedicated rights-of-way, even though the County is not obligated to maintain such rights-of-way. Notwithstanding any other provision contained in this Agreement and Covenant, the County, for itself and its successors, covenants to require all parties that intend to perform work within any of the Subdivision roads to obtain a permit that will mandate restoration or improvement of all impacted roads in accordance with applicable regulations. This Agreement and Covenant, however, does not obligate the County to pursue persons or entities doing work within any Subdivision roads without first obtaining a permit. All third-party obligations provided for in this Section shall not constitute part of the Association's or the Subdivider's (or successor lot owner's) maintenance obligations pursuant to this Covenant.

- 14. Indemnification. Subdivider shall indemnify and defend the County and hold the County harmless for any loss relating to or resulting from: (a) Subdivider's negligent or willful act, omission or error; (b) Subdivider's breach of this Agreement and Covenant; (c) the design and construction of improvements; (d) actions, omissions or errors related to the above maintenance obligations and Covenant. All contractors and other employees engaged in construction or maintenance of the improvements shall maintain adequate worker's compensation insurance and public liability insurance coverage, and shall operate in strict accordance with the federal and state laws and regulations governing occupational safety and health. This Section shall survive termination of the Agreement and Covenant.
- 15. Title Insurance. Subdivider shall provide the County with a title insurance commitment at time of final platting evidencing that fee simple title of all lands in the Subdivision is vested totally with the Subdivider free of any and all liens and encumbrances, except as noted on the final plat.
- 16. Entire Agreement. This Agreement and Covenant and Subdivider's submittals to the County (including all designs, drawings, maps, specifications, construction plans, and sketches) embody the entire understanding between all of the parties with respect to its subject matter and supersede all previous communications, representations or understandings, either oral or written. No amendment or modification of this Agreement and Covenant will be valid or binding unless signed by all the parties. If there is a conflict between Subdivider's submittals and this Agreement and Covenant, this Agreement shall govern.
- 17. Severability. Unless it materially affects the entire intent and purpose of this Agreement and Covenant, the invalidity or unenforceability of any provisions of this Agreement and Covenant shall not affect the other provisions of this Agreement, and the Agreement and Covenant shall be construed in all respects as if such invalid or unenforceable provision were omitted.
- 18. Waiver. The County's failure to insist upon strict compliance with any of the provisions of this Agreement and Covenant shall not be construed as a waiver of any of the

County's rights or privileges or of the governmental immunity set forth in the Colorado Governmental Immunity Act, C.R.S. §24-10-101, et seq.

19. Successors and Assigns. This Agreement and Covenant shall be binding upon the heirs, executors, personal representatives, successors and assigns of the of the Subdivider, and upon recording by the County, shall be deemed a covenant running with the land herein described, and shall be binding upon the successors, in ownership of said land. Until the improvements are accepted by the County, Subdivider shall remain liable for its obligations under this Agreement and Covenant, regardless of any assignment, subject to the provisions in this Agreement and in paragraph 11 'Warranty' and paragraph 13 'Maintenance Obligation and Covenant'.
20. No Third Party Beneficiary Enforcement. Enforcement of the terms and conditions of this Agreement and Covenant, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties, and nothing contained in this document shall give or allow any claim or right of action whatsoever by any other person. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement and Covenant shall be deemed an incidental beneficiary only.

As a condition of obtaining the County's approval of the Subdivision, Subdivider has agreed to a lot sales restriction which may be recorded with the County Clerk and Recorder, as specified below.

LOT SALES RESTRICTION RECEPTION NO: _____

EFFECTIVE DATE OF AGREEMENT AND COVENANT: _____

NAME OF SUBDIVISION: _____

SUBDIVIDER: _____

By: _____

Printed Name: _____

Title: _____

STATE OF COLORADO)
) ss.
County of Chaffee)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by
_____.

Witness my hand and official seal:

Notary Public

My commission expires: _____.

CHAFFEE COUNTY COLORADO

By:_____

Printed Name: _____

Chair, Board of County Commissioners

ATTEST:

County Clerk

EXHIBIT A

SUMMARY OF IMPROVEMENTS

SUBDIVIDER: _____

SUBDIVISION: _____

☒ if applies	Brief Description of Improvement*
✓	
	<i>Site Work:</i>
	Site grading
	<i>Roads and Trails:</i>
	Interior/access road grading
	Interior/access road base
	Interior/access road paving
	Interior/access road curbs & gutters
	Culverts
	County road grading
	County road base
	County road paving
	Highway access improvements
	Trails
	<i>Drainage:</i>
	Storm sewer facilities
	Detention/Retention basins

	Ditch improvements
	Subsurface drainage
	Culverts
	<i>Sewer/Septic:</i>
	Sanitary sewers and laterals
	Trunk and forced lines
	On-site sewage facilities
	<i>Utilities:</i>
	Telephone
	Gas
	Electric
	<i>Water and Fire Suppression:</i>
	Water mains and laterals
	On-site water supply and storage
	Hydrants or fire cisterns
	Water transfer/augmentation
	Aquifer recharge ponds
	Fire mitigation (Fee In Lieu Paid)

	<i>Monuments and Signage:</i>
	Survey and street monuments and boxes
	Street lighting
	Street name signs and traffic control signage
	Subdivision and other signage
	<i>Noxious Weeds and Erosion:</i>
	Weed Control, AMT: \$_____
	<i>Revegetation:</i> Re-vegetation & Erosion Control Escrow funds held for 2 growing seasons (730 days) AMT \$_____

	<i>Miscellaneous:</i>
	Fencing
	Landscaping
	Park improvements
	Swales/Ditch
	Proportionate share of prior public improvements - AMT: \$____
	Other:

***Details and additional or related Improvements may be set forth in the Subdivider's submittals to the County, including all designs, drawings, maps, specifications, construction plans, and sketches.**

SUBDIVIDER:

By: _____

Date: _____

Name: _____

Title: _____

EXHIBIT B

SUMMARY OF IMPROVEMENTS REQUIRING PERPETUAL MAINTENANCE

SUBDIVIDER: _____ SUBDIVISION: _____

☒ if applies	Brief Description of Improvement Requiring Maintenance*
✓	
	<i>Roads and Trails:</i>
	All interior roads and trails created by the final plat.
	All culverts installed or improved in connection with the Subdivision
	The following access roads (Specify):
	<i>Drainage:</i>
	Storm sewer facilities
	Detention/Retention basins
	Ditch improvements
	Subsurface drainage
	Ditch New
	<i>Sewer/Septic:</i>
	Sanitary sewers and laterals
	Trunk and forced lines
	On-site sewage facilities

	<i>Water and Fire Suppression:</i>
	Water mains and laterals
	On-site water supply and storage
	Hydrants or fire cisterns
	Water transfer/augmentation
	Aquifer recharge ponds
	Fire mitigation (Fee In Lieu Paid)
	<i>Monuments and Signage:</i>
	Street lighting
	Street name signs and traffic control signage
	Subdivision and other signage
	<i>Noxious Weeds and Erosion:</i>
	Weed Control, Re-vegetation & Erosion Control
	<i>Miscellaneous:</i>
	Fencing
	Landscaping
	Park improvements
	Swales/Ditch
	<i>Other:</i>

***Details and additional or related maintenance obligations may be set forth in the Subdivider's submittals to the County, including all designs, drawings, maps, specifications, construction plans, and sketches.**

SUBDIVIDER:

By: _____ Date: _____

Name: _____

Title: _____

5. MYLAR STANDARDS

A. REQUIREMENTS FOR MYLARS TO BE RECORDED AND MYLARS FOR PERMANENT PWD RECORDS

1. Final approved plans and plats shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The mylar ink must be on the front of the sheet.
2. Mylars shall contain the information and be prepared according to the requirements established in the section of this Manual corresponding to the application being considered.
3. Any blanks (typically reception numbers for easements) must be filled in before mylars are submitted.
4. Mylar sheets shall have original signatures, notary stamps and Colorado Professional Land Surveyor (P.L.S.) seals on the cover sheet.
5. Mylars must be fully executed by owner(s), notaries, surveyors, attorneys, etc. before submittal. Signatures MUST be signed with a black, fine tip non-ball point pen that does not smudge. All seals and stamps shall be black, non-smear ink and shall be legible.
6. Mylars must be made in black and white or grayscale. Color mylars will not be accepted.
7. Submit addresses on subdivision plat mylars as required.

6. PUBLIC NOTICE GUIDELINES

Public notice requirements are fundamental to meeting legal requirements for procedural due process. Below are mailing and sign templates to be used for mailings to neighbors and the posted sign. The applicant is responsible for these notices. Chaffee County is responsible for publishing notice of the public hearing on its website and, when required, in a newspaper of record for the County.

PUBLIC NOTICE MAILING

PUBLIC NOTICE MAILING TEMPLATE

- **Public Hearing Notice**
- **Administrative Decision Notice**

CERTIFICATION OF MAILING

PUBLIC NOTICE SIGNS

SIGN TEMPLATE

CERTIFICATION OF SIGN POSTING

The template below is to be used for both the public notice mailing and the sign. The public notice mailing shall be mailed to adjacent property owners at least 15 days prior to the hearing. An affidavit of mailing is provided below and shall be provided to Chaffee County prior to the hearing. For purposes of notice requirements, please refer to Table 5.2.5.11.A of the LUC.

The sign must be posted 15 days prior to the hearing, with photo confirmation required showing the sign. Signs are available for check-out at the Planning and Zoning office.

a. PUBLIC NOTICE MAILING TEMPLATE

FOR USE WITH BOTH PUBLIC NOTICE MAILING AND SIGNS

Please use the templates below and notice certifications for the public hearing and neighborhood meeting. A neighborhood meeting is required prior to submitting applications for rezoning, preliminary plans, conceptual PD plans, and conditional use permits.

b. PUBLIC NOTICE LETTER (PUBLIC HEARING)



CHAFFEE COUNTY
Community Planning and Natural Resources Department
P.O. BOX 699 PHONE (719) 530-5630
SALIDA, CO 81201

WEBSITE www.chaffeecounty.org

**NOTICE OF PUBLIC HEARING BEFORE THE <CHAFFEE COUNTY PLANNING
COMMISSION> AND/OR <BOARD OF COUNTY COMMISSIONERS>**

Application Type: ____

County Case Number:

County Planner Contact:

Project Name:

Project Address:

Vicinity Map (mailed and internet notice only):

Legal description:

Existing Zoning (and proposed zoning, if applicable):

Brief Summary the proposed development:

- Example 1: To subdivide ____ acres into ____ lots with an average lot size of _____. An open space lot of _____ acres is proposed at the north end of the property. Wells and on-site wastewater treatment systems (OWTS) will serve the property. Right of way dedication of _____ acres is proposed.
- Example 2: To rezone ____ acres from ____ existing zone to ____ proposed zone.
- Example 3: To request a Conditional Use Permit for a _____ use in the ____ zoning district.

Applicant Contact:

URL for project information: chaffeecoco.portal.civicclerk.com

Time, date and location of public hearing as applicable:

Planning Commission Hearing: Tuesday, ____ (date) ____ at 6:00 PM in the Commissioners Meeting Room, 104 Crestone Ave., Salida. Connect to the Zoom Meeting: <https://zoom.us/j/4328290633>.

Board of Commissioners Hearing: Tuesday, ____ (date) ____ at 9:00AM in the Commissioner's Meeting Room, 104 Crestone Ave., Salida. Connect to the Zoom Meeting: <https://zoom.us/j/109079543>.

- Or if 3rd Tuesday of the month – Chaffee County Public Safety Complex, 200 Steele Drive, Buena Vista. Connect to the Zoom Meeting: <https://zoom.us/j/109079543>

Written comments must arrive by noon Thursday before the hearing to allow sufficient time to be included in the meeting packet. Written comments may be emailed to chaffeeplanning@chaffeecounty.org, or dropped off in person at 104 Crestone Ave., Salida.

Please note that it is inappropriate to personally contact individual County Commissioners or Planning Commission members while an application is pending.

Approval of the subject application or development may result in the establishment of a vested property right. Appeals of administrative or public hearing decisions may be filed per Section 5.2.14.1 of the Chaffee County Land Use Code.

Chaffee County publishes the newspaper notice.

c. PUBLIC NOTICE LETTER (ADMINISTRATIVE)



CHAFFEE COUNTY
Community Planning and Natural Resources Department
P.O. BOX 699 PHONE (719) 530-5630

SALIDA, CO 81201

WEBSITE www.chaffeecounty.org

NOTICE OF PENDING ADMINISTRATIVE DECISION

Name of Project: _____

Applicants: _____

Location: (address, parcel number, intersection)

Zoning District: _____

Request: To subdivide ____acres into ____ lots with an average lot size of _____. An open space lot of _____ acres is proposed at the north end of the property. Wells and on-site wastewater treatment systems (OWTS) will serve the property. Right of way dedication of _____ acres is proposed.

Planner: Name/email/phone

Administrative Decision: The public is invited to comment on this application. Comments are due prior to _____ (date)_____. Written comments may be emailed to chaffeeplanning@chaffeecounty.org, or dropped off in person at 104 Crestone Ave., Salida.

Following review of the application including public comments, the Planning Director will render a decision on ____ (date)_____. The decision will be recorded in the County records.

An appeal from the Director's decision to the Board of County Commissioners is available pursuant to Section 5.2.14.1., *Administrative Appeals Chaffee County Land Use Code*. See *C.R.S. § 30-28-133.5(1)(c)*.

Additional information regarding the specifics of this application is available for public inspection in the Planning and Zoning Office, 104 Crestone Ave.

If you have questions or comments, you may email chaffeeplanning@chaffeecounty.org.

Approval of the subject application or development may result in the establishment of a vested property right.

Chaffee County publishes the newspaper notice (if applicable)

d. NEIGHBORHOOD NOTICE LETTER/SIGN/PUBLICATION

NOTICE OF NEIGHBORHOOD MEETING

Name of Project: _____

Applicants: _____

Applicant contact information: Address/email/phone:

Location: (address, parcel number, intersection)

Zoning District: _____

Request: (describe the size, the use, number of lots, buildings, utility service, etc.)

- Please attach a vicinity map to help neighbors locate the property.

Neighborhood Meeting: _____ at (time) ____ (location) _____
(Zoom/Google Meet Link) _____

If you have questions or comments, you may call at _____, email at _____ or attend the meeting.

CERTIFICATE OF MAILING

Applicants shall submit the following certification to the Planning Department as soon as the mailing is completed. For rules of calculation of dates, please refer to Section 6.2.2.3 of the Land Use Code.

CERTIFICATION OF MAILING

I hereby certify under oath that the attached letter was sent via certified U.S. Mail to all property owners on (date), as described in the mailing list included with this application and on file with the Planning Department.

Signature _____ Printed Name: _____

Date _____

State of Colorado)

) ss.

County of _____)

Subscribed and sworn before me by _____ this __ day of _____, 20__.

Witness my Hand and Official Seal.

My commission expires: _____

CERTIFICATE OF SIGN POSTING

Applicants shall submit the following certification to the Planning Department as soon as the sign is posted. For rules of calculation of dates, please refer to Section 6.2.2.3 of the LUC.

A time-stamped photograph is required for the sign(s).

CERTIFICATION OF SIGN POSTING

I hereby certify under oath that the public notice sign was posted on-site, on (date), as described with this application and on file with the Planning Department.

Signature _____ Printed Name: _____

Date _____

State of Colorado)

) ss.

County of _____)

Subscribed and sworn before me by _____ this __ day of _____, 20__.

Witness my Hand and Official Seal.

My commission expires: _____

e. Notice Requirements and Notice Periods by Application Type

Table 5.2.5.11.A., Notice Requirements and Notice Periods by Application Type

Application Type	Published Notice	Posted Notice	Mailed Notice / Notice Radius	Internet Notice
Conditional Use Permit	-	15 days	15 days (600 foot radius)	15 days
Conditional Use Permit with Certificate of Designation	-	45 days	45 days (2,640 foot radius)	45 days
Final Plat (Major Subdivision)	-	15 days	15 days (600 foot radius)	15 days
Final Plat (Minor Subdivision)	-	15 days	15 days (adjacent property owners)	15 days
Location and Extent	-	15 days	-	15 days
Camping on Private Land Permit (Commercial)	-	15 days	15 days (adjacent property owners)	15 days
PD Plan (Conceptual)	15 days	15 days	15 days (600 foot radius)	30 days
PD Plan (Final)	-	15 days	15 days (600 foot radius)	15 days
Preliminary Plan (Major Subdivision)	-	15 days	15 days (600 foot radius)	15 days
Rezoning	15 days	15 days	15 days (600 foot radius)	15 days
Rural Land Use Process	-	15 days	15 days (adjacent property owners)	15 days
Public Hearing Special Event Permit	-	7 days	-	7 days
Public Hearing Subdivision Exemption	-	15 days	15 days (300 foot radius)	15 days
Vacation of Right-of-Way	30 days	30 days	30 days (all property owners adjacent to right-of-way and whose access may be affected)	30 days
Variance	-	15 days	15 days (adjacent property owners)	15 days
Administrative Subdivision Exemption (see § 5.2.6.1.A.1.a. to d., inclusive)	-	15 days	15 days (adjacent property owners)	15 days
Vacation of Recorded Subdivision Plat / Lot Line Eliminations (see § 5.2.6.1.A.1.e. and C.R.S. § 30-28-139)	15 days prior to hearing, if requested	15 days prior to hearing, if requested	120 days' notice of County's intent (from receipt, not postmark); 15 days prior to hearing, if requested (directly affected property owners)	15 days prior to hearing, if requested
Vacation of Established Road or Alley	10 days	10 days	10 days (to last-known address of all owners of adjacent properties that are one acre or larger in area)	10 days

7. REQUIRED REPORTS, PLANS, AND STUDIES

Name of Report, Plan or Study	Code Citation	Reviewed by	Appendix A App Manual	Appendix C Engineering Manual
Site Plan	5.2.3.2	County Planning	X	
Drainage Report (Preliminary)	4.2.3.1	County Engineer		X
Drainage Report (Final)	4.2.3.2	County Engineer		X
Emergency Response Plans	4.1.4.1	County Planning, Emergency Manager	X	
Fire Protection Plan and Defensible Space Plan	4.1.3.2 4.1.3.3	Fire District	X	
Fire Protection Report	4.1.3.1	Fire District	X	
Fluvial Hazard Assessment	3.7.4.3	County Engineer		X
Geologic Hazard Study	3.7.3.3	County Engineer		X
Geotechnical Report	4.2.2.2	County Engineer		X
Grading, Erosion, Sediment Control Plan	4.2.4.1	County Engineer		X
Habitat, Range, Migration Corridor Report	4.1.5.1	County Planning-CPW	X	
Impact Analysis	5.2.8.7	County Planning	X	
Land Suitability Analysis	5.2.8.7	County Planning	X	
Landscape Plan	3.5.2	County Planning	X	
Lighting Plan	3.9.2.2	County Planning	X	

Septic Suitability Report	4.3.3.2.B	County Building Dept.	X	
Soils Suitability Study	4.2.2.1	County Engineer		X
Visual Resource Analysis	3.6.8.2	County Planning	X	
Water Supply Report	4.1.1.2.A; 4.3.2.5.B.2	County Engineer		X
Weed Management Plan	4.1.6.1	County Planning	X	
Wetlands Study	3.6.4	County Planning/State of Colorado		X
Wildlife Habitat Report	3.6.3.4	County Planning/CPW	X	

a. EMERGENCY RESPONSE PLANS

Adapted from Land Use Code Section 4.1.4.1.

Purpose: Emergency response plans may be required for land uses that involve atypical risks involving fire, explosion, release of hazardous materials, hazardous substances, or biohazards, personal injury, and similar hazards, or that otherwise require specialized emergency preparedness and response methods.

Applicability: Any use meeting the above conditions may be required to submit an Emergency Response Plan.

MINIMUM REQUIREMENTS FOR EMERGENCY RESPONSE PLANS

A. *Generally.* Emergency response plans shall provide the following information, as a minimum:

1. Name, address and phone number, including a 24-hour emergency number for at least two people who are responsible for emergency field operations.
2. A facilities map that identifies, locates, and describes all facilities that may create atypical risks, and provides a brief summary of the nature of the risk and the recommended emergency response measure.
3. A written response plan for the potential emergencies that may be associated with the operation of the facilities (*e.g.*, explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills).

B. *Additional Informational Requirements.* Based on the nature of the potential emergencies, the fire protection district with jurisdiction, the emergency operations manager, or the Chaffee County Sheriff may request such additional information as they may determine necessary to evaluate and response to potential emergencies.

Sec. 4.1.4.3 ADDITIONAL TRAINING AND EMERGENCY RESPONSE EQUIPMENT

If the agency that is principally responsible for providing emergency response does not have the training or specialized equipment necessary to safely provide an appropriate applicant to provide such training and specialized equipment at the applicant's expense.

b. Fencing Plan

Detailed fencing standards are in Section 2.6.1 of the Land Use Code. Specific submittal requirements are below. In the event of any inconsistency with the Land Use Code, the Land Use Code shall control.

Fencing Plan

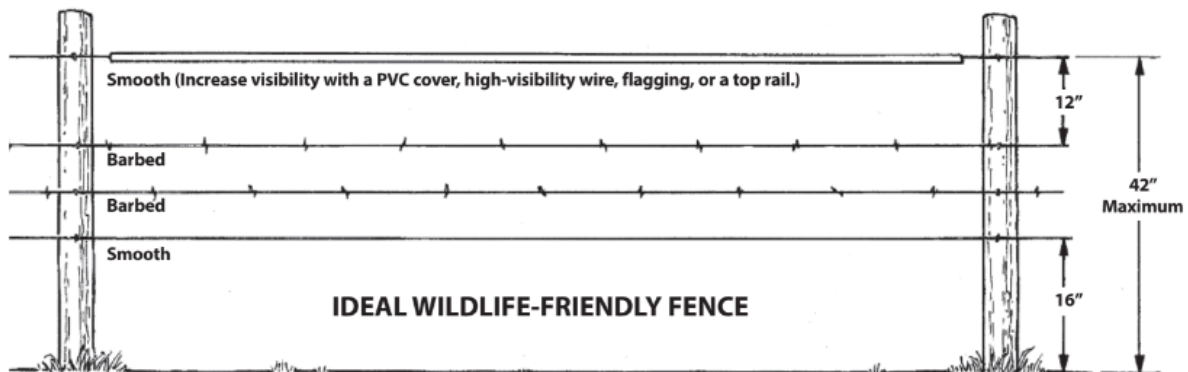
A. Contents.

1. Fencing plans shall be prepared in accordance with the drawing requirements of a site plan and in accordance with fencing standards.
 - a. Boundaries of the parcel(s) proposed for development and any abutting rights-of-way that will not be surfaced with street or driveway improvements.
 - b. Location of existing improvements (curb, gutter, sidewalk, structures, parking areas, etc.) and existing vegetation including all trees with a diameter of two (2) inches or greater. Groves of five (5) trees or more may be shown in clusters.
 - c. Location of proposed structures, parking areas, circulation ways, pedestrian ways, signs, and areas to be landscaped.
 - d. Proposed fencing showing the location, height, and design, with graphics, both plan view and side views, i.e., what the fencing will look like.
 - e. Graphic depiction with notes showing materials, size, below-ground anchoring method and any other details needed to evaluate compliance with the Land Use Code.
 - f. If applicable, description and/or illustration of the method(s) of reclamation for repair of cut-and-fill areas and other landform disruptions caused by construction.
 - g. Per LUC 2.6.1.1.B., as a condition of development approval, the County may require a covenant, enforceable by the County, regarding to the location, design, installation, and ongoing maintenance of fencing.

2.6.1.1.C of the Land Use Code specifies where wildlife fencing is required. Examples of wildlife fencing are included below.

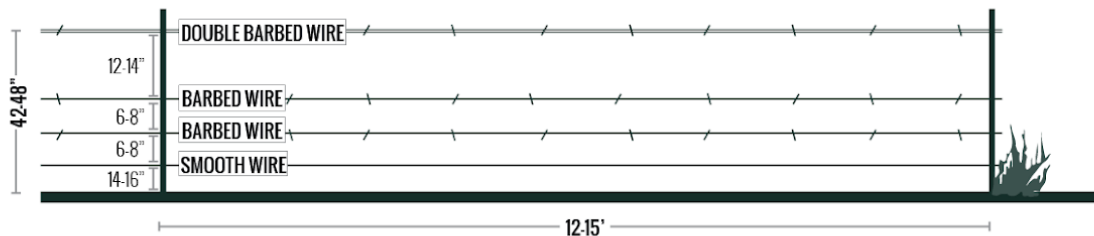
Wildlife Fencing Illustrations

Below is the best practice in wildlife fencing:



Below may be approved by the County on a case-by-case basis:

Wildlife Fencing



c. Fire Protection Plan and Defensible Space Plans

The below information is intended as a guide for the development review process. In the event of any inconsistency with the Land Use Code, the Land Use Code shall control. See Land Use Sections 4.1.3.2 and 4.1.3.3.

Sec. 4.1.3.2 FIRE PROTECTION PLAN

A. *Generally.* If all or part of the subject property is located within the wildland urban interface, a fire protection plan shall be prepared in accordance with IWUIC § 405.

B. *Approval of Fire Protection Plan.* The fire protection plan shall be submitted to the fire protection district with jurisdiction for review and approval.

IWUIC § 405 mentions a site specific risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

Sec. 4.1.3.3 DEFENSIBLE SPACE PLANS

A. *Generally.* If all or part of the subject property is located within the wildland urban interface, a defensible space plan shall be prepared.

B. *Requirements.* The defensible space plan shall demonstrate how the arrangement of buildings, structures, improvements, and landscaping on the subject property complies with IWUIC § 603, *Defensible Space*, and how defensible space will be maintained in accordance with IWUIC § 604, *Maintenance of Defensible Space*.

C. *Approval of Fuels Mitigation Plan.* The defensible space plan shall be reviewed and approved by the Director upon consultation with the fire protection district with jurisdiction.

A Guide to the International Wildland-Urban Interface Code and Defensible Space Plans

Overview

Chaffee County has adopted the International Wildland-Urban Interface Code in order to foster a built environment that is less susceptible to wildfire damage and better-equipped to respond to wildfire crises. The Planning Department primarily uses the IWUIC to ensure that there is proper defensible space surrounding a property and adequate emergency access to a property in the case of an emergency. **Compliance with defensible space and driveway standards will be verified by a third-party agency prior to the Building Safety Department granting final approval.**

Defensible Space

The degree of modification and landscaping of a space around a home or other building is a determining factor in how susceptible that building is to ignition during a wildfire event. Defensible space is the space created by intentionally managing and reducing the fuel sources around the perimeter of a building. The amount of defensible space required by the IWUIC varies depending on the distance from your home or building and the severity of wildfire risk on the site in which you are building. You can use the “Wildfire Risk Map,” layer on the [County Assessor’s map](#) and the “Legend,” tab to view the area of risk your site occupies. The resources at the end of this guide will also help you determine the extent of defensible space that a site requires. **Defensible space must be shown on a site plan by a circle around the perimeter of the applicable structure that designates the amount of defensible space needed depending on your hazard zone.**

ACCESS

Below are access standards excerpted from Chaffee County Ordinance 2023-02 amending the IWUIC access standards.

403.2.1 Dimensions.

Driveways shall provide a clear minimum width of 14 feet and a minimum unobstructed height of 14 feet.

403.2.2 Length.

[Delete this subsection in its entirety and amend to read as follows:]

Driveways in excess of 150 feet in length shall be provided with turnarounds for emergency vehicles as specified in 403.2.4 of the IWUIC Code. Driveways in excess of 400 feet in length shall be provided with turnouts as specified in 403.2.5 in addition to turnarounds.

403.2.5 Turnouts.

Driveways in excess of 400 feet and at every 400 feet thereafter shall be provided with turnouts. Turnouts shall be a minimum of 10 feet in width and shall be a minimum of 30 feet in length. Driveway turnouts shall be comprised of such material and be constructed to support the weight requirements of a fire apparatus vehicle.

403.6 Address markers. All buildings, new and existing (when required) shall be provided with an approved permanent address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address signage placed at the roadway, street or driveway shall be placed a minimum of thirty (30) inches above the grade. Address identification characters shall contrast with their background and be reflective. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches in height with a stroke width of not less than ½ inch. Where required by the code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign shall be used to identify the structure. Address identification shall be posted at the start of construction (prior to the first required inspection.) The permanent address identification shall be completed and installed prior to the final building inspection and shall thereafter be maintained by the property owner.

Exception:

1. Alteration of the character height and stroke width requirements may be approved by the Fire Protection District having jurisdiction authority.

403.7 Grade.

403.7.1 Fire apparatus access roads.

The gradient (slope) for fire apparatus access roads shall not exceed the maximum approved per the Chaffee County Land Use Code, as adopted by the Chaffee County Board of County Commissioners.

403.7.2 Driveways.

The average gradient (slope) for driveways shall not exceed eight percent (8%).

Certification of the driveway gradient must be provided to the code official prior to or as part of a certificate of completion. This certification shall be prepared, signed and sealed by a Colorado Professional Licensed Surveyor, a Colorado licensed Engineer or Architect or by an approved third-party agency. The code official is authorized to accept reports of approved third-party agencies, provided that such agencies satisfy the requirements as to qualifications and reliability and have the approval of the code official. Where this requirement cannot be met due to site restrictions, internal fire sprinklers shall be installed

within the habitable space of the structure. Automatic fire sprinkler systems that are installed in one- and two-family dwellings and townhouses shall comply with the regulations and requirements of Section P2904.

TO MANAGE YOUR HOME, LEARN THE THREE ZONES

ZONE 1 0-5 FEET FROM THE HOME

The area nearest the home. This zone requires the most vigilant work in order to reduce or eliminate ember ignition and direct flame contact with your home.

ZONE 2 5-30 FEET FROM THE HOME

The area transitioning away from the home where fuels should be reduced. This zone is designed to minimize a fire's intensity and its ability to spread while significantly reducing the likelihood a structure ignites because of radiant heat.

ZONE 3 30-100 FEET FROM THE HOME

The area farthest from the home. It extends 100 feet from the home on relatively flat ground. Efforts in this zone are focused on ways to keep fire on the ground and to get fire that may be active in tree crowns (crown fire) to move to the ground (surface fire), where it will be less intense.



Illustration: Bonnie Palmistry, Colorado State University

ZONE 1

GOAL: This zone is designed to prevent flames from coming in direct contact with the structure. Use nonflammable, hard surface materials in this zone, such as rock, gravel, sand, cement, bare earth or stone/concrete pavers.

CRITICAL STEPS

- ❑ Remove all flammable vegetation, including shrubs, slash, mulch and other woody debris.
- ❑ Do not store firewood or other combustible materials inside this zone.
- ❑ Prune tree branches hanging over the roof and remove all fuels within 10 feet of the chimney.
- ❑ Regularly remove all pine needles and other debris from the roof, deck and gutters.
- ❑ Rake and dispose of pine needles, dead leaves, mulch and other organic debris within 5 feet of all decks and structures. Farther than 5 feet from structures, raking material will not significantly reduce the likelihood of ignition and can negatively affect other trees.
- ❑ Do not use space under decks for storage.

ZONE 2

GOAL: This zone is designed to give an approaching fire less fuel, which will help reduce its intensity as it gets nearer to your home or any structures.

CRITICAL STEPS

- ❑ Mow grasses to 4 inches tall or less.
- ❑ Avoid large accumulations of surface fuels such as logs, branches, slash and mulch.
- ❑ Remove enough trees to create at least 10 feet* of space between crowns. Measure from the outermost branch of one tree to the nearest branch on the next tree.
- ❑ Small groups of two or three trees may be left in some areas of Zone 2. Spacing of 30 feet* should be maintained between remaining tree groups to ensure fire doesn't jump from one group to another.
- ❑ Remove ladder fuels under remaining trees. This is any vegetation that can bring fire from the ground up into taller fuels.
- ❑ Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.
- ❑ Remove stressed, diseased, dead or dying trees and shrubs.

This reduces the amount of vegetation available to burn and improves forest health.

- ❑ Common ground junipers should be removed whenever possible because they are highly flammable and tend to hold a layer of flammable material beneath them.
- ❑ You can keep isolated shrubs in Zone 2, as long as they are not growing under trees. Keep shrubs at least 10 feet* away from the edge of tree branches.
- ❑ Periodically prune and maintain shrubs to prevent excessive growth. Remove dead stems annually.
- ❑ Spacing between clumps of shrubs should be at least 2 1/2 times* their mature height. Each clump should have a diameter no more than twice the mature height of the vegetation. Example: For shrubs that grow 6 feet tall, space clumps 15 feet apart or more (measured from the edge of the crowns of vegetation clumps). Each clump of these shrubs should not exceed 12 feet in diameter.

*Horizontal spacing recommendations are minimums and can be increased to reduce potential fire behavior, particularly on slopes. Consult a forestry, fire or natural resource professional for guidance with spacing on slopes.

ZONE 3

GOAL: This zone focuses on mitigation that keeps fire on the ground, but it's also a space to make choices that can improve forest health. Healthy forests include trees of multiple ages, sizes and species, where adequate growing room is maintained over time.

If the distance of 100 feet to the edge of Zone 3 stretches beyond your property lines, it's encouraged to work with adjoining property owners to complete an appropriate defensible space. If your house is on steep slopes or has certain topographic considerations, this zone may be larger.

STEPS TO CONSIDER

- ❑ Mowing grasses is not necessary in Zone 3.
- ❑ Watch for hazards associated with ladder fuels. The chance of a surface fire climbing into the trees is reduced in a forest where surface fuels are widely separated and low tree branches are removed.
- ❑ Tree crown spacing of 6-10 feet is suggested. Consider creating openings or meadows between small clumps of trees so fire must transition to the ground to keep moving.
- ❑ Any approved method of slash treatment is acceptable in this zone, including removal, piling and burning, log and scatter, or mulching. Log-and-scatter or mulching treatments should be minimized in favor of treatments that reduce the amount of woody material in the zone. The farther this material is from the home, the better.

d. Fire Protection Report

Land Use Code Section 4.1.3.1.B – Fire Protection Report Requirements

Sec. 4.1.3.1 FIRE PROTECTION REPORT

- B.** *Generally.* Applications for conceptual PD plans, preliminary plans, and site plan approvals shall be accompanied by a fire protection report that details how fire protection will be provided to the subject property.
- C.** *Requirements.* The fire protection report shall demonstrate:
 - 1. Adequate water quantity and pressure for fire suppression and fire protection;
 - 2. Appropriate placement and spacing of fire hydrants; and
 - 3. Adequate primary and secondary access to provide for fire protection and avoid fire entrapment.
- D.** *Approval of Fire Protection Report.* The fire protection report shall be submitted to the fire protection district with jurisdiction for review and approval.

f. Habitat, Range, and Migration Corridor Report

The below information is excerpted from Section 4.1.5.1 of the Land Use Code and is intended as a guide to the development process. In the event of any inconsistency with the Land Use Code, the Land Use Code shall control.

Generally. If deemed necessary by the County pursuant to Section 3.6.3.2., *Identification of Wildlife Habitat, Ranges, and Corridors*, a habitat, range, and migration corridor report shall be prepared by a qualified biologist as provided in this Section. The report shall be prepared in consultation with the Colorado Parks and Wildlife (“CPW”) personnel and resources and shall document all CPW recommendations.

Contents. The habitat, range, and migration corridor report shall identify the locations and essential attributes of high quality and highest quality habitat, big game winter ranges, and big game migration corridors across and adjacent to the subject property, and articulate the general means (*e.g.*, arrangement of buildings and infrastructure, use of building envelopes, installation of improvements, construction timing, operational limitations, signage, landscaping, etc.) by which the extent and function of such areas will be preserved, protected, and subsequently managed.

Generally. If recommended by the report prepared pursuant to this section, *Habitat, Range, and Migration Corridor Reports*, a habitat, range, and migration corridor plan shall be prepared by a qualified biologist as provided in this Section. The plan shall be prepared in consultation with the Colorado Parks and Wildlife (“CPW”) personnel and resources and shall document all CPW recommendations.

B. Contents. The habitat, range, and migration corridor plan shall provide the information set out in the habitat, range, and migration corridor report, and further identify the specific measures that will be implemented through site design, landscaping, and operations, and the legal means by which ongoing compliance will be assured.

A list of qualified professionals may be obtained by contacting the Chaffee County Planning Department.

g. Wildlife Habitat Report

The information below is excerpted from the Land Use Code, Section 3.6.3.4. In the event of any inconsistency with the Land Use Code, the Land Use Code shall control.

A. Generally. The wildlife report shall consist of narrative and maps necessary to identify wildlife habitat areas, winter ranges, and migration corridors and describe proposed avoidance, minimization, and mitigation measures (including building envelopes, fencing locations, easements, and designated conservation areas) for the protection of wildlife, their habitats, and migration corridors, and for the avoidance of human-wildlife and vehicular-wildlife conflicts.

B. Qualifications of Preparer. The wildlife report shall be prepared by a wildlife biologist, ecologist, or similar qualified expert approved by the County, who shall consult with CPW.

C. Specific Requirements. The wildlife report, at a minimum, shall identify the relevant physical features of the subject property, make site-specific determination of the locations of wildlife habitat on the subject property, describe how the proposed development complies and/or conflicts with the requirements of this Code, and provide the following:

1. A map of the subject property, in context, depicting wildlife activity patterns including migration routes, travel corridors, nesting, feeding, watering and production areas, and any critical connections or relationships with adjoining areas. The map shall also depict property ownership and generalized land use surrounding the subject property.
2. A map that delineates high-quality and highest-quality habitat, with sufficient precision such that it may be shown on plats and site plans.
3. Identification of any species that use the subject property that are listed by the US Department of the Interior or the State of Colorado as endangered, threatened, or are species of special concern.
4. Identification of priority aquatic species that are present on the subject property or in waters at a boundary of the subject property.
5. A description of the activity patterns of identified wildlife currently and historically using the identified habitat on the subject property.
6. An evaluation of the discrete and cumulative impacts of the proposed development on the identified wildlife species (including stress due to human presence, interference with

reproduction, change of migration routes, etc.) and the time periods during which wildlife may be affected.

7. Specifications for wildlife movement across, over, or under roadways, trails, or multi-use pathways associated with the development.

8. A description of the optimal approach to avoiding and minimizing impacts on identified wildlife.

9. A mitigation plan that describes how the proposed development will comply with Table 3.6.3.2., *Required Mitigation Actions*, to mitigate impacts of development on identified wildlife that cannot feasibly be further avoided or minimized.

Table 3.6.3.2., Required Mitigation Actions

Habitat Quality	Required Mitigation Actions
Not high or highest	• Undeveloped areas shall be designed and maintained to minimize disturbances to wildlife. • Subdivision covenants shall include a no feeding wildlife policy.
High	• Undeveloped areas shall be designed and maintained to minimize disturbances to wildlife. • Subdivision covenants shall include a no feeding wildlife policy. • Subdivision development shall conform to the conservation subdivision standards set out in Division 3.1.4., <i>Conservation Subdivision Design Principles</i>, using the Wildlife Report to identify the location and treatment of the conservation area(s) • New roads shall be located outside the mapped high and highest quality habitat areas, or where same is not feasible, designed for wildlife crossings at appropriate locations. • Visual and sound buffers shall be used to screen structures and activity areas from habitat areas through use of topography, screening, vegetation, or similar measures. • Mitigation recommendations articulated in wildlife report shall be implemented
Highest	• All required mitigation actions for high quality habitats. • Seasonal limitations on human activities shall be imposed during periods of sensitive wildlife activity, such as breeding or migration seasons, as appropriate to avoid harms to wildlife and avoid human-wildlife conflicts.. • Development shall avoid direct and indirect disturbances of watering holes, springs, streams, rivers, wetlands, and ponds.

h. Impact Analysis

The information below is adapted from the 2014 Land Use Code, Section 4.6.2.E. In the event of any inconsistency, the 2024 Land Use Code Section 5.2.8.7 shall control.

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.

2014 Land Use Code, Section 4.6.2.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.

i. Land Suitability Analysis

The below information is adapted from the 2014 Land Use Code – 4.6.2.F - Land Suitability Analysis. In the event of any inconsistency with the 2024 Land Use Code Section 5.2.8.7, the 2024 Land Use Code shall control.

The Land Suitability Analysis is a written analysis of conditions onsite 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 details 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.

j. Landscape Plan

Detailed landscaping standards are in Section 3.5.2 of the Land Use Code. Specific submittal requirements are below. In the event of any inconsistency with the Land Use Code, the Land Use Code shall control.

Landscape Plan

B. Contents.

1. Landscaping plans shall be prepared in accordance with the drawing requirements of a site-specific development plan and in accordance with landscaping standards and parking area/lot standards. These plans may be incorporated, in whole or in part, in a site-specific development plan, a composite improvement plan, a public improvement plan, or be prepared separately. All landscaping plans, in any form, shall illustrate the following information:
 - a. Boundaries of the parcel(s) proposed for development and any abutting rights-of-way that will not be surfaced with street or driveway improvements.
 - b. Location of existing improvements (curb, gutter, sidewalk, structures, parking areas, etc.) and existing vegetation including all trees with a diameter of two (2) inches or greater. Groves of five (5) trees or more may be shown in clusters.
 - c. A statement pertaining to disposition of existing vegetation.
 - d. Location of proposed structures, parking areas, circulation ways, pedestrian ways, signs, and areas to be landscaped.
 - e. Proposed landscaping showing the location, size, species and spacing of trees and shrubs and the identification of the type of groundcover or ground treatment in all areas not covered by structures or pavement.
 - f. Size, species, and spacing shall be shown by direct labeling or by a legend.
 - g. The locations and size of all flower, shrub, tree and/or groundcover areas shall be shown.

- h. The locations and size of ground treatment areas, other than plantings, shall be shown and the type of material(s) to be installed shall be noted.
- i. A description of the proposed method of planting.
- j. A schematic drawing and description of the proposed irrigation system.
- k. If applicable, description and/or illustration of the method(s) of reclamation for repair of cut-and-fill areas and other landform disruptions caused by construction.
- l. Additional landscape and/or vegetation measures may be required in Overlay zones, if applicable.
- m. An estimate of the cost of supplying and installing the materials depicted in the landscape plan.
- n. A description of the proposed program to maintain the landscaping after it has been installed.

Landscaping shall comply with Colorado Revised Statutes (CRS) 37-99:

On and after January 1, 2026, the act prohibits local governments from allowing the installation, planting, or placement of nonfunctional turf, artificial turf, or invasive plant species on commercial, institutional, or industrial property, common interest community property, or a street right-of-way, parking lot, median, or transportation corridor. The act also prohibits the department of personnel from allowing the installation, planting, or placement of nonfunctional turf, artificial turf, or invasive plant species as part of a project for the construction or renovation of a state facility, which project design commences on or after January 1, 2025. Artificial turf on athletic fields of play is exempted from the prohibitions.

k. Outdoor Lighting Plan

The below information is adapted from Section 3.9.2.3 of the Land Use Code. In the event of any inconsistency with the Land Use Code, the Land Use Code shall control.

Purpose: Except as specifically provided herein (*e.g.*, subsection C.1.), outdoor lighting shall be limited to functional uses (*e.g.*, illumination of doorways, garage doors, decks, terraced levels, walkways, and recreational areas when in use).

Applicability: All building and development permits

Exceptions: single unit detached dwellings, duplexes are exempt from submitting a lighting plan. They are subject to the lighting standards in the Land Use Code.

Submittal requirements:

- ☐ Location, direction, and height of all fixtures
- ☐ Manufacturers product details including lumen output, mounting angle, and shielding information
- ☐ Photometric report with candela distribution

Exceptions:

Exceptions. The following are exceptions to the requirements of this Section:

1. Outdoor lighting fixtures existing or legally installed prior to the effective date of this Section shall be considered legally nonconforming.
2. Outdoor lighting that is essential for the safety of workers or the security of property, or the efficient functioning of farms, ranches, dairies, or commercial/industrial operations.
3. Outdoor lighting that is necessary for public safety, such as runway lighting of airports, traffic-control signals, and construction projects.
4. Emergency lighting used by first responders and that remains on while the emergency exists.
5. Lighting that is specifically approved as part of a temporary use permit.

6. Lighting required by state or federal regulations (*e.g.*, Federal Aviation Administration (“FAA”) regulations).

Prohibitions:

The following are prohibited in all zoning districts:

1. Blinking, flashing, rotating or strobing lights, or other illuminated devices that have a changing light intensity, brightness, or color, except temporary lighting during the period from October 15 each year to the following January 15;
2. Direct or reflected light from any light source that may tend to interfere with the safe movement of motor vehicles (*e.g.*, illumination adjacent to public rights-of-way that may cause contrast or glare that presents a safety hazard);
3. Colored lights that may be confused with or construed as traffic control devices;
4. High-intensity sodium vapor lighting, mercury vapor lighting, and similar lighting, including floodlights and lasers;
5. Searchlights.

D. Shielding Required; Light Trespass Prohibited.

1. All outdoor luminaires that emit more than 500 initial lumens shall be fully shielded as described by DarkSky International (“DSI”) and directed toward the ground or downward, except:

- a. Noncommercial flags, statues, and other objects mounted on a pole (except signs), pedestal, or platform, may be illuminated by luminaires directed horizontally or upward, provided that they cast a narrow beam of light that does not extend beyond the illuminated object.
- b. Commercial flags and signs may be illuminated by luminaires directed horizontally or upward, provided that they cast a narrow beam of light that does not extend beyond the illuminated object, and provided further that illumination of the flags or signs is permitted by Section

2.7.2.2., Sign Illumination.

2. Unshielded outdoor illumination of any building, landscaping, or sign, regardless of the intensity of the lighting, is prohibited.

3. Luminaires shall be arranged and directed such that the lighting source is not directly visible outside of the boundaries of the subject property (*i.e.*, light trespass is prohibited).

4. Luminaires shall be DSI-certified dark-sky friendly lighting products, or products that are demonstrated to meet DSI “dark-sky friendly” criteria (regardless of whether they are listed by DSI as “dark-sky friendly”).

E. Lighting Design.

1. The height, number, placement, and fixture type shall suit the purpose of the lighting (*e.g.*, bollards to illuminate walking surfaces instead of pole mounted lights) and to appropriately distribute light across the illuminated area.

2. Except as provided in subsection B., above, and subsection H., below:

a. No pathway, step, and stair lighting shall be installed more than 36 inches above adjacent grade;

b. No other pole-mounted luminaire shall be installed more than 20 feet above adjacent grade; and

c. Luminaires shall not be installed more than 35 feet above adjacent grade.

F. Lighting Intensity.

1. Surface parking lots and other background spaces shall be illuminated with the least intensity that is practicable (smallest aggregate number of lumens as possible with fully shielded fixtures) while meeting the functional needs of safe circulation and protection of people and property. Lighting of such areas at ground level shall not exceed 10 footcandles at any given point, and shall not exceed one footcandle on average, unless additional lighting is necessary to satisfy a demonstrated need for security or accessibility.

2. Lighting that is attached to unenclosed or partially enclosed roofed structures (*e.g.*, covered porches, canopies, porte cocheres, and gazebos) shall be:

a. Shielded by roof elements, or effectively recessed so that concentrated rays of light will not shine directly onto other properties or materially interfere with the enjoyment of the night sky from adjacent properties, roads, or public areas;

b. Emit light that is substantially confined to the ground surface directly beneath the perimeter of the canopy; and

c. Shall not exceed 50 footcandles at any given point at ground level, and shall not exceed 10 footcandles on average.

3. Foreground spaces, such as building entrances and outside seating areas, shall use localized lighting with the least intensity that defines the space and provides for safe activity.

G. *Color Temperature.* Lighting must have a color temperature below 2,700 Kelvins (yellow to warm white).

H. *Governmental, Sport, and Recreation Lighting.*

1. Public Safety. The U.S. government, the State of Colorado, the County, or another unit of local government or special purpose local government that controls property within the unincorporated County may install new lighting fixtures on said property where it determines that a hazardous nighttime situation exists and the lighting is necessary to mitigate the hazard.

2. Sports and Athletic Fields. Lighting for sports and athletic fields may exceed illumination standards found elsewhere in this Division, provided that illumination levels do not exceed nationally recognized Illuminated Engineering Society standards according to the appropriate class of play and:

- a. The number of poles more than 50 feet in height are minimized;
- b. If floodlights are used, they are not aimed above 62 degrees (measured from the pole, with the angle facing downward), and use internal louvers and external shields to minimize light pollution.
- c. Luminaires shall be designed and aimed so that:
 - i. Their beams fall within the primary playing area and the immediate surroundings;
 - ii. Off-site direct illumination is significantly restricted, and does not exceed: 0.3 foot candles at any property line of a parcel used for an agricultural, conservation, or residential purpose; and 1.0 footcandle at any property line of a parcel used for commercial or public right-of-way purposes.

3. Curfew. All outdoor lighting that is not designed to serve a public safety function shall be extinguished by the latest of one hour after:

- a. Local sunset; or
- b. Occupancy of public facility ceases.

I. *Lighting Controls.*

1. All site lighting, except low-output (2,000 lumens or less) lighting, shall be equipped with an on-off switch.

2. The use of adaptive controls such as motion activated lights are encouraged to limit the duration and intensity of lighting, specifically for commercial, industrial, or residential access or security, but where used, such fixtures shall be oriented so that the sensor will be triggered only within the boundaries of the subject property. Unless a longer period is required to address a demonstrated safety or security need, the duration of illumination after each sensor activation shall not exceed five minutes.

3. Any illumination between one hour after local sunset and one hour before local sunrise shall be dimmed to the minimum levels that are necessary for security or safe use of property.

I. Septic Suitability Report

Chaffee County's adopted onsite wastewater treatment system (OWTS) regulations are detailed in Resolution 2018-02 and State Regulation 43, as amended by Chaffee County Resolution 2018-02. In the event of any inconsistency with the Land Use Code Section 4.3.3.2.B., the Land Use Code shall control.

Sec. 4.3.3.2 ONSITE WASTEWATER TREATMENT SYSTEMS

A. Generally. Where OWTS are proposed, a septic suitability report shall be provided in conformance with this Section. The report shall be prepared by a registered professional engineer licensed to practice in Colorado. The purpose of the report is to provide information about the soil suitability for the purpose of OWTS, and the relationship of individual OWTS to one another.

B. Contents. The septic suitability report shall consist of the following:

1. A map locating all lots, drainage ways, floodplains, steep slopes, surface and subsurface soil hazards, geologic hazards, depth to bedrock, water table depth and other potential hazards.
2. Test pits for no fewer than 20 percent of the total number of lots within the proposed final plat, except that additional tests may be required if there are variable geologic, topographical, or soil conditions that justify them.
3. All locations not suited for placement of OWTS due to soils, geologic, topographic or hazard conditions shall be indicated.
4. A description of the relationships among OWTSs, wells, buildings, structures, lakes, streams, irrigation systems, and other waterbodies on the subject property and adjoining properties. *See C.R.S. § 30-28-133(4)(c).*

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**CHAFFEE COUNTY COLORADO
BOARD OF COUNTY COMMISSIONERS
ACTING AS THE CHAFFEE COUNTY BOARD OF HEALTH
RESOLUTION BOH 2018-02 - *Amended***

**ADOPTING NEW CHAFFEE COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM
REGULATIONS INCLUDING REGULATIONS CONCERNING THE PERMITTING,
LOCATION, CONSTRUCTION, PERFORMANCE, INSTALLATION, ALTERATION AND USE
OF ON-SITE WASTEWATER SYSTEMS IN THE UNINCORPORATED AREAS OF THE
COUNTY AND REPEALING ALL ORDINANCES AND RESOLUTIONS
IN CONFLICT WITH THIS RESOLUTION**

FINDING AND CONCLUSIONS:

- A. Pursuant to C.R.S. §25-1-506 *et. seq.* and §25-10-101 *et. seq.*, the Board of County Commissioners, acting as the Board of Health, is authorized to adopt regulations concerning individual sewage disposal systems (onsite wastewater systems or OWTS) and the licensing of system contractors and cleaners.
- B. The current version of the Counties OWTS regulations was adopted pursuant to Resolution BOH 2014-01. In 2013, the State of Colorado adopted new regulations governing OWTS and mandated that all Colorado counties adopt new regulations which were at least as stringent as the State regulations. The State of Colorado determined that several sections throughout the new regulations needed clarification. These items were defined and addressed in 2017 and 2018 modifications to the state regulations. Such changes are required to be reflected in the county regulations.
- C. On August 7, 2018 a public hearing was held following publication of the hearing on July 12, 2018 in the Mountain Mail and Chaffee County Times, both newspapers of general circulation within Chaffee County, for the purpose of receiving public comments with respect to the adoption of the proposed OWTS regulations.
- D. A draft of the proposed regulations was sent to the Colorado Department of Public Health and Environment on June 23, 2018 at least thirty days prior to the public hearing. The Department had no comments on the proposed regulations.
- E. The people of Chaffee County have had an opportunity to review the proposed regulations and have had an opportunity to make public comment for or against adoption of the proposed regulations.
- F. The Board has had an opportunity to review public comments with respect to the proposed code regulation and finds that publication of notice of the public hearing has been properly published and the requirements have been satisfied with respect to the public hearing.
- G. The Board has determined that it will better promote the health, safety, and welfare of the citizens of and visitors to Chaffee County if it adopts the proposed regulations.

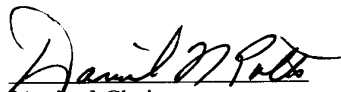
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Chaffee County Clerk**RESOLUTION:**

The Board of County Commissioners of Chaffee County, acting as the Chaffee County Board of Health (the "Board"), resolves as follows:

1. Adoption. The Board hereby adopts the attached regulations, to be known as the "Chaffee County On-Site Wastewater Treatment System Regulations." Such regulations consist of: (a) the local OWTS Regulations, which incorporate by reference the Colorado OWTS Regulation 43 (5 CCR 1002-43 effective June 30, 2017) and (b) Appendix A to OWTS Regulations. The Environmental Health Department staff is hereby authorized to prepare and revise from time to time any necessary permit forms or other documents necessary for the implementation of the regulations.
2. Safety. The adoption of this Resolution is necessary for the immediate preservation of public health, safety, and welfare.
3. Severability. All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.
4. Repealer. All resolutions or parts thereof, in conflict with this Resolution, including without limitation BOH Resolution 2014-01, are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such resolutions nor revive any resolution thereby. The permit fees adopted via BOH Resolution 2012-01 shall remain in full force and effect.
5. Effective Date. This Resolution shall be in full force and effect October 1, 2018 (at least forty-five days after final adoption). The County Environmental Health Department staff shall cause a copy of this Resolution and the attached regulations to the Department of Public Health and Environment of the State of Colorado within five days after final adoption.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners, acting as the Chaffee County Board of Health, on August 21, 2018.

BOARD OF COUNTY COMMISSIONERS


[Acting] Chairman

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Chaffee County Clerk

The vote on the above Resolution was as follows:

Commissioner Dave Potts yes

Commissioner Keith Baker yes

Commissioner Greg Felt yes

STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:

The above is a true and correct record of BOH Resolution 2018-02 duly adopted by the Chaffee County Board of County Commissioners, acting as the Chaffee County Board of Health, by a 3-0 vote at a regular meeting, properly noticed and held on August 21, 2018.

Julia Rivera, Deputy
Chaffee County Clerk



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Chaffee County Clerk

Chaffee County Development Services Department
ON-SITE WASTEWATER TREATMENT SYSTEM
Chaffee County OWTS Regulations

1.1 Title and Authority

These requirements will be known as the "Chaffee County OWTS Regulations, On-site Wastewater Treatment Systems Regulations."

These requirements have been adopted by the Chaffee County Board of County Commissioners, acting as a Board of Health pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S. and has designated the Chaffee County Development Services Department to implement these regulation on behalf of the Board of Health.

1.2 Scope and Purpose**A. Declaration**

1. This regulation applies to On-site Wastewater Treatment Systems as defined in section 25-10-103(12), C.R.S.

B. Purpose

1. The purpose of these Chaffee County OWTS Regulations is to establish the minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS with a design capacity less than 2,000 gallons per day within Chaffee County.

C. Jurisdiction

1. These Chaffee County OWTS Regulations apply to all OWTS in the unincorporated areas of the county and over all municipal corporations within the territorial limits of Chaffee County.

D. Prohibition of OWTS Where Public Sewer Service is Available and Feasible

1. An OWTS permit must not be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district. [43.4(B)(11)]

E. Severability

1. Should any section, clause, or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of these Regulations as a whole, or any part thereof other than the part declared to be invalid.

1.3 Incorporation of Regulation 43**A. Included By Reference**

1. The requirements of the Colorado Water Quality Control Commission's "On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43, Effective date, June, 30, 2017", are made a part of these Chaffee County OWTS Regulations and will apply except where identified as an option of the local public health agency or where these regulations are more stringent than Regulation 43, 5 CCR 1002-43, and included in these Chaffee County OWTS Regulations. All aspects of an On-site Wastewater Treatment System including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance and use must be as provided in

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On-site Wastewater Treatment System

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Regulation 43 and any additional requirements contained in these Chaffee County OWTS Regulations.

2. Allowable local options identified in Regulation 43 and the designated decisions for these Chaffee County OWTS Regulations are identified in the attached "Appendix A to OWTS Chaffee County OWTS Regulations Appendix A is made a part of these Chaffee County OWTS Regulations.

1.4 Variances (Chaffee County Land Use Code Article 4)**A. Variances Allowed**

1. The Board of Health may approve a variance from a requirement of this Regulation. Variances cannot be granted by staff.
2. Approval of a variance must be based upon evidence presented by the applicant, or their designee, showing that the variance: *a) would not be injurious to the public health, water quality, or environment.*
3. Variances must not be granted under the items identified in section 43.4(N)(5) of Regulation 43.

B. Variance Procedure

1. Submittal Requirements.
 - a. The application materials required for a request for variance are as follows:
 - i. Basic Application Materials (Land Use Code ("LUC") Section 4.6.2 B)
 - ii. Narrative (LUC Section 4.6.2 C1); including written statement of variance requested and description of hardship
 - iii. Vicinity Map (LUC Section 4.6.2 D2)
 - iv. Site Plan (LUC Section 4.6.2 D3)
 - v. Impact Analysis (LUC Section 4.6.2 E)
 - b. Schedule Public Hearing. Upon determination of completeness by staff (LUC Section 4.1.3 C), the Director shall schedule the application for consideration by the Board of Health.
 - i. Public hearing by the Board of Health shall be held within forty-five (45) calendar days of the date of determination of completeness.
 - ii. Notice of the hearing shall be made pursuant to LUC Section 1.3.5.
 - c. Evaluation and Staff Review. The staff shall review the application for compliance with the applicable approval standards set forth in LUC Section 4.5.1 B and Section 1.4.B.3. below and prepare a staff report per Section 4.1.3 E.
2. Variance requests must include all items identified in section 43.4(N)(2)(d) of Regulation 43.
3. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting these Regulations. The Board of Health must determine if this item has been addressed prior to granting a variance.
4. The Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.

C. Variances Requiring Public Hearings

1. Variances are deviations from the OWTS requirements 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

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of the property. Variance requests are heard by the Board of Health with appeals heard by the District Court.

2. Variance requests and appeals of an Administrative Interpretation are considered by the Board of Health. The process and review criteria are outlined in Section 4.5.1 of the Chaffee County Land Use Code for Variances, and for Section 4.5.1 Appeals.

1.5 Permits and Fees**A. Permits [43.4(B)]**

1. Prior to installing, altering, expanding or repairing an OWTS, the applicant must obtain a permit from Chaffee County Development Services Department.
2. The permit application must include information identified in section 43.4(B)(3) of Regulation 43.
3. An OWTS permit expires one year after the date of issuance if construction has not commenced. After expiration, a new application must be required to begin construction.
4. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from the Chaffee County Development Services Department. After a permit is invalidated, a new application and subsequent permit is required to begin construction.
5. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.
6. Application for a product development permit may be approved by the Chaffee County Development Services Department consistent with requirements of section 43.4(I) of Regulation 43.

B. Board of Health Review [43.4(B)(9)]

1. When an application is denied by Chaffee County Development Services Department, an applicant may request review by the local board of health.

C. Fees [43.4(B)(4)]

1. Permit fees and fees for other services and tests associated with OWTS will be set by the Board of Health, in conformance with section 43.4(B)(4) and (5) of Regulation 43 and 25-10-107, C.R.S.
2. Waiver of fees [43.4(B)(4)(c)] is only applicable if approved by the BOCC sitting as the Board of Health but does not waive the \$20.00 state fee.

D. Surcharge [43.4(B)(5)]

1. A surcharge of \$23.00 will be collected for each permit issued by Chaffee County Development Services Department. Of that fee, the Chaffee County Development Services Department will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer.

1.6 Inspections**A. Septic Tank [43.9(B)(3)(c)]**

1. The applicant must notify the local public health agency or its designee 1 day prior to inspection so the local public health agency or its designee can conduct a field inspection of the septic tank before backfilling.

B. Soil Treatment Area and Related Components [43.4(F)(3)]

1. The applicant must notify the local public health agency or its designee 1 day prior to so the local public health agency or its designee can conduct a final field inspection of the soil treatment area and all related components of the OWTS before backfilling.

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1.7 Licensing**A. Systems Contractors [43.4(K)(1)]**

1. Licensing requirements: a Chaffee County license is required, which requires the successful completion of an OSWS examination.

B. Systems Cleaners [43.4(K)(3)]

1. Licensing requirements: a Chaffee County license is required, which requires the successful completion of an OSWS examination.

C. Others, as may be required; i.e.; Competent Technicians, Designers, etc.

1. Design engineers must be a certified engineer in the state of Colorado.
2. Competent technicians are required to be certified through NAWT (National Association of Wastewater Technicians).

1.8 Oversight program of inspections, maintenance, recordkeeping and enforcement for higher level treatment systems.**A. This program will be administered and enforced by the Chaffee County Development Services Department per requirements as stated in Regulation 43, section 43.14D. The Chaffee County Development Services Department has designated the Development Engineer to administer this oversight program. However, the enforcement of the requirements of this regulation will remain with the Chaffee County Development Services Department.****B. Indicate the type of permit that may be required: General OWTS permit is required.****C. Monitoring, sampling or reporting requirements, if any:**

Prior to final approval and acceptance, all requirements as stated in Regulation no. 43, section 43.4 F and the Chaffee County "ON-SITE WASTEWATER TREATMENT SYSTEM (OWTS)" application, are required to be submitted to the Chaffee County Development Services Department. Inspection and maintenance reports are required to be submitted as follows:

1. 2 inspections at 6-month intervals for the first year of operation for higher level treatment systems with or without mechanical parts;
2. Followed by annual inspections for higher level treatment systems with or without mechanical parts.

It is the owner's responsibility to ensure the system is operating, being maintained and performing to the required standards for the designated treatment level. An active service contract with a maintenance service provider shall be maintained at all times. Each time a contract with a maintenance provider is renewed or replaced, a copy must be submitted to Chaffee County Development Services within thirty (30) days of signing.

Failure by the owner of the OWTS to comply with the standards set in Regulation 43 shall result in enforcement actions as described in Regulation 43, section 43.4.

D. Items necessary for enforcement or recordkeeping:

1. Requirements for legal documents attached to deed, as required

1.9 Privies**A. Vault Privies**

1. A local board of health may prohibit the new construction of vault privies.

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- a. To be granted the installation of a new vault privy the applicant must follow the Chaffee County variance procedure, which is heard by the Chaffee County Board of Health. The Chaffee County Board of Health will decide whether a new vault privy is granted.

Appendix A to OWTS Regulations for Chaffee County Development Services Department

Attached

REGULATION NO. 43 - ON-SITE WASTEWATER TREATMENT SYSTEM REGULATION

5 CCR 1002-43

Rev. May/2017

Appendix A to OWTS

Chaffee County OWTS Regulations

Local Public Health Agency:

Chaffee County Development Services Department

CROSSWALK				
ITEM	REQUIREMENTS See Check Box for Decision Chosen.		Citation Reg #43	Citation Local Reg
Occupancy – Residential	Bedrooms 1 through 3: 2 people per bedroom	☐	43.6.A.2e	
	All additional Bedrooms: 1 person per bedroom			
	All bedrooms: 2 persons per bedroom	☒	43.6.A.2.f	
How the number of bedrooms in a home will be defined for flow requirements	Bedrooms: flow estimates will be determined from the number of bedrooms originally finished.	☐		
	If unfinished area is present in house, system must also be sized for 1 or 2 more bedrooms based on an assumption that 150 square feet of unfinished space can be converted into a bedroom, if the space can meet applicable code requirements for a bedroom.	☒	43.6.A.2.h	
Effluent Screen	May be used (<i>owner's option</i>)	☐	43.9.J.1	
	Required in all new septic tanks	☒	43.9.J.1	
Length of Distribution Laterals (e.g., trenches or beds)	Limit the length of distribution lines to a maximum of 100 feet.	☐	43.10.E.2.c	
	100 feet maximum for gravity fed from one end, and up to 150 feet if pressure dosed or effluent applied at center of lateral or chamber	☒	43.10.E.2.b & c	
Inspection ports at initial (front) end of distribution line (e.g., lateral or chamber)	Not required	☒		
	Required	☐	43.10.F.6.d	
Vault Privies – new	Allow new vault privies	☒	43.12.D.1.a	Section 1.9.A.1.a
	Prohibit new vault privies	☐	43.12.D.1.a	
Vault Privies - existing	Allow continued use of existing vault privies	☒	43.12.D.1.b	
	Require abandonment of existing vault privies	☐	43.12.D.1.b	
Pit Privies - new	Allow new pit privies	☐	43.12.D.2.c	
	Prohibit new pit privies	☒	43.12.D.2.a	
Pit Privies - existing	Allow continued use of existing pit privies	☒	43.12.D.2.c	
	Require abandonment of existing pit privies	☐	43.12.D.2.b	
Slit trenches	Allow slit trenches	☐	43.12.F	
	Prohibit slit trenches	☒	43.12.F	
Reductions in STA size or separation distances for higher level treatment systems; OWTS O/M and LPHA oversight required	Allow reductions for higher level treatment.	☒	43.14.D.2	
	Reductions for higher level treatment not allowed	☐	43.14.D.3	
Transfer of Title inspections	Inspection of OWTS required prior to transfer of title	☐	43.4.L.1	
	Inspection of OWTS NOT required	☒	43.4.L.1	

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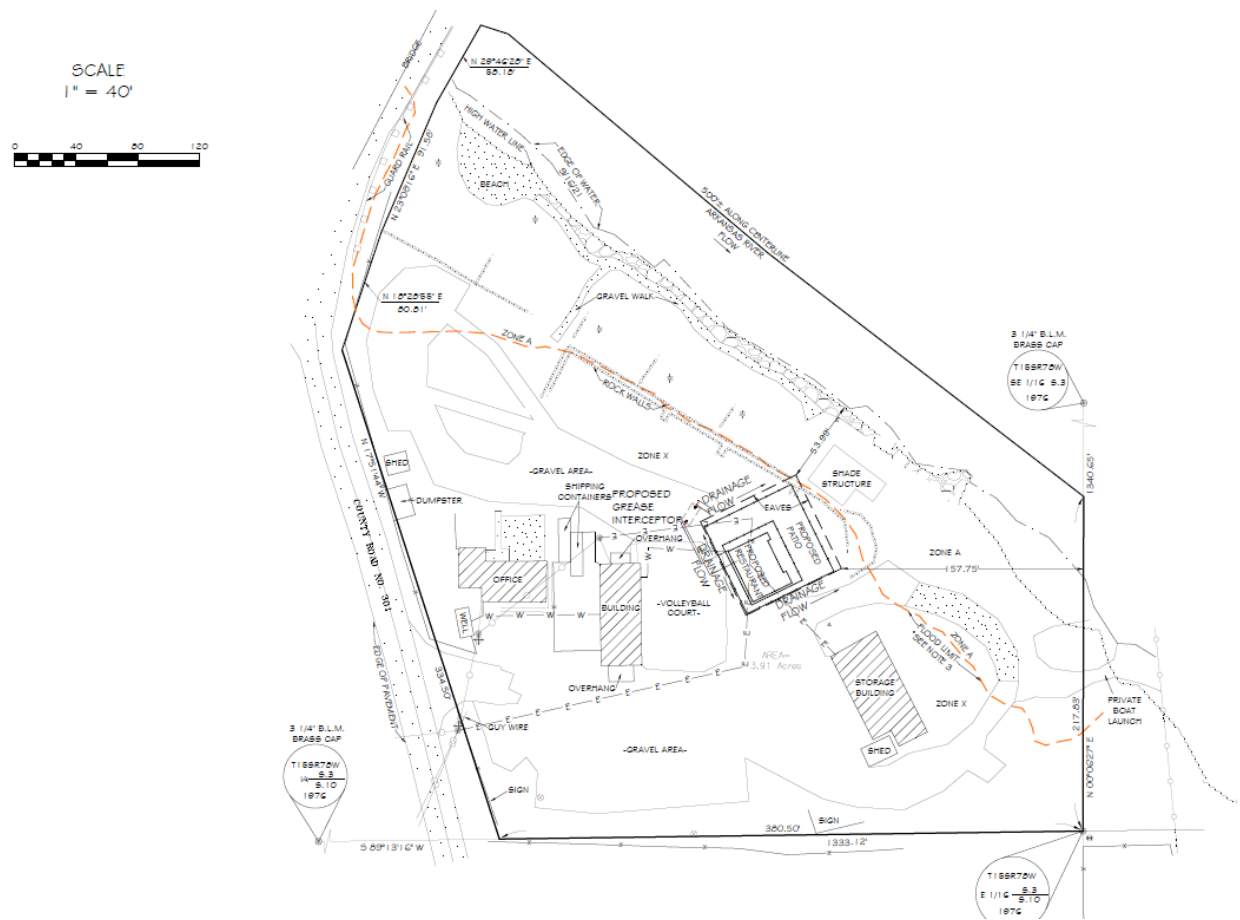
m. Site Plan Requirements

The below information is intended as a guide to assist with the development process. In the event of any inconsistency, the Land Use Code shall control. See Section 5.2.3.2.

A site plan is a graphic description of existing and proposed features of a plot of land. It should incorporate the below elements, so the land use staff can understand what exists on a property and what is proposed. These basic elements should also be included in any survey document, such as a subdivision plat.

- ☐ **Site Plan:** The site plan shall include the following elements:
 - ☐ Format: .pdf and .dwg
 - ☐ Site Plan– Drawn to scale. All relevant dimensions shall be labeled on the site plan. 1" = 20' or as approved by County.
 - ☐ Property lines, property corner monuments, north arrow, name of project, address
 - ☐ Proposed and existing buildings, driveways, parking lots, curbs, gutters, swales, storm inlets/outlets, sidewalks, pedestrian pathways, bike racks, fencing, walls
 - ☐ Signage locations
 - ☐ Existing or proposed well locations
 - ☐ Existing or proposed septic locations
 - ☐ Location of free-standing light fixtures
 - ☐ Above ground and underground Utilities (Utility Notification Center Call 811)
 - ☐ Legal access and access roads within 300'
 - ☐ Driveway length, surface material and any required turnouts. Indicate grades ensuring water runoff. Provide cross-sections.
 - ☐ Ditches, streams, rivers, lakes, and any drainages
 - ☐ Slopes (2 foot contour lines). These may be on a separate site plan exhibit if needed.
 - ☐ Identification of areas greater between 15%-30% slopes, and areas greater than 30% slopes.
 - ☐ Flood zones, fluvial hazard zones
 - ☐ Existing and proposed overhead utilities.
 - ☐ Any additional requirements required by IWUIC (International Wildland Urban Interface Code)
 - ☐ Approval block for County

Below is an example of a scaled site plan fulfilling many of the items listed above.



n. Visual Impact Analysis

Excerpted from Land Use Code Section 3.6.8.2. In the event of any inconsistency with the Land Use Code, the Land Use Code shall control.

A. Generally. The following scenic resource vantage points are identified for protection pursuant to this Division:

1. Views from the Arkansas River;
2. The view from Westbound U.S. Hwy. 24/285, towards Mt. Princeton, just west of Johnson Village;
3. Views of the Sawatch mountain range from U.S. Hwy. 285 along the segment of the highway between Chalk Creek and C.R. 150, where such views are not obstructed by existing topographical features or forested areas.

B. Visual Impact Analysis Required. If a subject property that is proposed for development that is subject to this Division and there is an unobstructed view of the subject property from a scenic resource vantage point, the applicant shall provide a visual impact analysis, which shall contain the following information and analysis:

1. A graphic illustration of the impact of the proposed development on the views from the pertinent scenic resource vantage point;
2. An illustration of ground elevations, existing buildings and structures, and vegetative cover before development (the “pre-development condition”), in plan-view and elevation view, taking into account the elevation of the road and the distance to the scenic resource;
3. An illustration of the proposed development (the “post-development condition”) in plan-view, and in elevation view from the same vantage points that were used to illustrate the pre-development condition;
4. A narrative that describes the site design (see Section 3.6.8.3., Site Design) and building and structure design (see and Section 3.6.8.4., Building and Structure Design) measures that are proposed to mitigate the impact of the proposed development on the scenic resource; and

5. Recommendations regarding methods for ensuring the long-term maintenance of the site design, building design, and structure design mitigation measures (e.g., subdivision design parameters, architectural controls, or CCRs).

Sec. 3.6.8.3 SITE DESIGN

A. Generally. Development shall be designed to optimize the screening effect of existing vegetation and landforms in a manner that is consistent with natural resource stewardship and natural and man-made hazard mitigation. Existing vegetation may be supplemented with comparable vegetation to augment the screening effect.

B. Roads and Driveways. Roads and driveways shall be designed to minimize impacts on existing vegetated areas, and so that the visual impact of their surfaces are screened from view from scenic resource vantage points.

C. Building Envelopes. Building envelopes shall be designated where necessary to maintain the optimized screening effect of site design choices.

Sec. 3.6.8.4 BUILDING AND STRUCTURE DESIGN

A. Generally. Buildings and structures shall be designed to blend into the surrounding area to minimize the impact to the scenic resources.

B. Methods. Methods of minimizing the visual impact of buildings and structures may include:

1. Minimization of building footprints and building height;
2. Muted, earth-toned exterior colors and materials with natural textures;
3. Architectural techniques that break up building mass, such as variations in height and offsets to interrupt long wall planes; and
4. Architectural styles for principal and accessory buildings that are reminiscent of traditional agricultural buildings in Chaffee County.

Scenic Standards and Visual Resource Analysis

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. Visual resources, including views of natural landforms, waterbodies, the Arkansas River and its tributaries, and dark skies are vital to the community's natural character. Interruption of these natural forms by buildings and structures detracts from the County's scenic character and should be avoided whenever possible. The purpose of this section is to provide standards for new development to mitigate the impact of new development on the scenic resources in Chaffee County.

Requirements. Structures shall be sited, designed, shaped, oriented, screened, lighted and constructed to be compatible with these standards when viewed from one of the applicable locations. Structures shall 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:

Site Planning. Site layout that utilizes existing topographic and natural features of the property and existing vegetation. Increased setbacks, specific building envelopes, and locating parking behind structures may also reduce the impact. Screening a structure from view using existing vegetation or approved landscaping is also an acceptable mitigation.

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.).

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. Inclusion in the covenants, conditions, and restrictions of a homeowner's association alone is not sufficient to satisfy this requirement.

Visual Resource Analysis

Applicability. If a proposed development is visible from one of the applicable locations, the application shall contain a visual analysis narrative, provide a photographic simulation or other comparable visual analysis of the proposed development, compare the visual impacts of alternative site designs, if any, and include plans identifying how the proposal complies with the standards of this Section.

Content. A visual resource analysis shall demonstrate and document for review the visual impact of the proposed development on surrounding designated scenic corridors and viewpoints. The analysis shall show, in accurate perspective format, what portions of the proposed development are visible from various points along the scenic corridor or from

critical viewpoints. Multiple perspectives may be required along scenic corridors to accurately reflect the appearance of the development as the viewpoint is moved along the corridor.

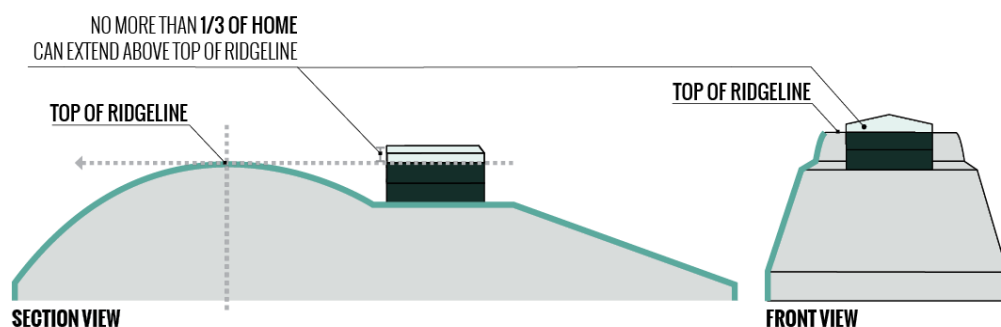
Illustrations. For development which is shown to be visible from the designated corridors or viewpoints, the analysis shall demonstrate, in accurate perspective format, the measures proposed to blend the development into the context of the setting. The setting shall include the view frame of the picture when viewing the development from a particular viewpoint and will typically include the backdrop of natural topography, existing vegetation as well as surrounding vegetation and structures. Development features which shall be shown to be compatible with the setting include: bulk and scale of buildings, building and roof forms, texture of materials used on the buildings, colors, and proposed plantings for screening.

Ridgeline Protection.

Ridgeline Setback. So that structures blend more naturally into the landscape rather than being a prominent focal point, no development shall intrude into any ridgeline protection area. For the purposes of this subsection, a designated ridgeline protection area shall include the crest of any hill or slope so designated, plus the land located within one hundred (100) horizontal feet (plan view) on either side of the crest of the hill or slope.

Structures shall not extend more than one third of the height of the structure above the associated ridgeline.

Figure 5.04-1 Ridgeline Protection Illustration



Building Height and Profile. Multilevel buildings shall follow the general slope of the site to keep the building height and profile in scale with surrounding natural features.

o. Revegetation and Weed Management

Revegetation Standards excerpted from the Land Use Code Section 3.5.4.1.

Sec. 3.5.4.1 PROTECTION OF EXISTING TREES, SHRUBS, AND NATURAL FEATURES

- A. Generally. Development shall be designed so that existing healthy trees (except prohibited trees), native vegetation, natural or significant rock outcroppings, and other valuable features (in terms of natural resource or aesthetic values) are preserved and left undisturbed or integrated within larger planting areas to the extent practicable.
- B. Preservation of Native Vegetation.
 - 1. Brandegee wild buckwheat and Arkansas canyon stickleaf shall not be disturbed or negatively impacted by development.
 - 2. When native vegetation must be removed within habitat areas, the impact shall be fully mitigated by way of revegetation with comparable native species, or augmentation of vegetation in nearby habitat areas to provide comparable functional value to wildlife.
 - 3. If revegetation with native species is not feasible, desirable non-native vegetation capable of supporting post-disturbance land use may be used if approved by the County's Weed Management Department.

Sec. 3.5.4.2 RESTORATION AND REVEGETATION OF DISTURBED AREAS.

- A. Generally. Where existing vegetative cover is damaged or removed (whether on the subject property or off-site, in cases where off-site improvements are also required to support development of the subject property), and not otherwise replaced with new improvements or landscaping, the impacted areas shall be revegetated with a mix of native, adaptive, and drought tolerant vegetation, grasses, and ground covers that are capable of supporting the post-disturbance condition and sufficiently dense to prevent soil erosion and invasion of weeds after two growing seasons (730 days) after the date of project completion.
- B. Re-Use of Topsoil. Topsoil shall be stockpiled and reused as practical.

The below information is excerpted from Land Use Code Section 4.1.6. In the event of inconsistency with the Land Use Code, the Land Use Code shall control.

DIVISION 4.1.6 WEED MANAGEMENT AND REVEGETATION PLANS

Sec. 4.1.6.1 WEED MANAGEMENT PLANS

- A. Generally. Weed management plans shall include an evaluation of the subject property with regard to noxious weeds, identify appropriate methods for weed management and control to be used on the subject property (e.g., education and specific cultural, mechanical, chemical, or biological controls) and the timing for the use of those management or control methods, and identify a funding mechanism for ongoing weed monitoring, management, and control.
- B. When Required. A weed management plan shall be required for all development that disturbs more than one acre of land and requires a special event permit, camping on private land permit (commercial), site plan, final FD plan, final plat, condominium plat, or rural land use process subdivision exemption.
- C. Plan Consistency. Weed management plans shall implement the Chaffee County Weed Department Noxious Weed Management Plan, adopted by Resolution 2017-61, as amended, as it may be germane to the subject property.

Sec. 4.1.6.2 REVEGETATION PLANS

- A. Generally. Revegetation plans shall identify areas of a subject property that require revegetation; seed mixes and other vegetation that will be planted; soil preparation and seeding techniques; phasing of plantings; irrigation methods and water sources; and standards for evaluation of successful revegetation.
- B. When Required. A revegetation plan shall be required for:
 - 1. All property upon which the implementation of a weed management plan requires revegetation;
 - 2. All land disturbance activities, except agriculture and ranching, that result in the removal of riparian vegetation; and
 - 3. All land disturbance activities for which an approved GESC plan requires revegetation as an interim or permanent stormwater BMP.

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**CHAFFEE COUNTY COLORADO
RESOLUTION 2017-61**

**ADOPTING AN AMENDED AND RESTATED
CHAFFEE COUNTY NOXIOUS WEED MANAGEMENT PLAN**

FINDINGS AND CONCLUSIONS:

A. C.R.S. § 35-5.5-105(1), requires the Board of County Commissioners of each County in the State of Colorado to adopt a Noxious Weed Management Plan ("Noxious Weed Plan") for all unincorporated lands within the County to take effect no later than January 1, 1992.

B. Pursuant to C.R.S. § 35-5.5-106(3), the Board of County Commissioners may cooperate with other local governments for the exercise of all of the powers and authorities granted by Article 1 of Title 29. Pursuant to an Intergovernmental Agreement dated January 1, 2017, Lake County has appointed the Board of County Commissioners of Chaffee County ("BoCC") as the local authority required by the Act for Chaffee and Lake Counties.

C. Chaffee County has adopted a Noxious Weed Plan and approved updates at its meeting held on June 13, 2017. It would be in the best interest of the County to further update the Noxious Weed Plan.

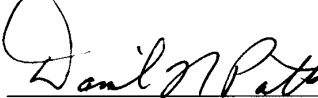
D. Pursuant to C.R.S. § 35-5.5-105(1), the Board may adopt and provide for the enforcement of the Noxious Weed Plan by resolution. An amended and restated Noxious Weed Plan is attached as Exhibit A.

RESOLUTION:

The BoCC resolves that the Noxious Weed Management Plan, attached as Exhibit A, is hereby adopted for all the unincorporated lands within the County of Chaffee, State of Colorado, pursuant to the provisions of the Plan.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on October 3, 2017.

BOARD OF COUNTY COMMISSIONERS



[Acting] Chairman

The vote on the above Resolution was as follows:

Commissioner Dave Potts yes

Commissioner Keith Baker yes

Commissioner Greg Felt yes

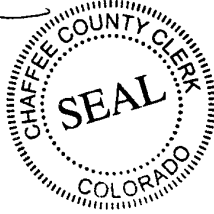
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STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:

The above is a true and correct record of Resolution 2017-61 duly adopted by the Chaffee County Board of County Commissioners by a 3-0 vote at a regular meeting, properly noticed and held on October 3, 2017.


Chaffee County Clerk



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Exhibit A
to Chaffee County Resolution 2017-61
Effective October 3, 2017

**Chaffee County Weed Department
Noxious Weed Management Plan**

ARTICLE I - NOXIOUS WEED MANAGEMENT PLAN

I. Introduction

A. This management plan is meant to accomplish two objectives, first to be in compliance with C.R.S. § 35-5.5-101, *et seq* (the “Colorado Noxious Weed Act”) concerning the management of undesirable plants and second, the management of those plants identified by Chaffee County as undesirable under C.R.S. § 35-5-108(3). Pursuant to an Intergovernmental Agreement dated January 1, 2017, this Plan shall apply to all unincorporated lands within Chaffee County and Lake County.

B. The Colorado Noxious Weed Act was signed into law on May 7, 1990 and amended in 1996 and 2003. The general assembly found and declared that there is a need to ensure that all the lands of the State of Colorado, whether in private or public ownership, are protected by and subject to the jurisdiction of a local government empowered to manage undesirable plants as designated by the State of Colorado and the local governing body. In making such determination the general assembly declared that certain undesirable plants constitute a present threat to the continued economic and environmental value of the lands of the State and if present in any area of the state must be managed. The Act directs local governments (cities and counties) to take the necessary steps to manage the undesirable plants in their respective jurisdictions. Local governments are required to appoint advisory commissions whose responsibilities shall include:

1) Develop undesirable plant management plans, considering the elements of integrated management as defined in the article, as well as all appropriate and available control and management methods, seeking those methods which are least environmentally damaging and which are practical and economically reasonable.

II. Statement of the Noxious Weed Problem

A. All the weeds listed under C.R.S. § 35-5.5-108 fall under 3 categories.

List A – Contains rare noxious weed species that are subject to eradication wherever detected statewide in order to protect neighboring lands and the state as a whole.

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List B – Contains noxious weed species with discrete statewide distributions that are subject to eradication, containment or suppression in portions of the state designated by the commissioner [Colorado Department of Agriculture] in order to stop the continuing spread of these species.

List C – Contains widespread and well-established noxious weed species for which control is recommended but not required by the state, although local governing bodies may require management.

List A Species: Required to be managed by the State of Colorado.

AFRICAN RUE
BOHEMIAN KNOTWEED
CAMELTHORN
COMMON CRUPINA
CYPRESS SPURGE
DYER'S WOAD
ELONGATED MUSTARD
FLOWERING RUSH
GIANT KNOTWEED
GIANT REED
GIANT SALVINIA
HAIRY WILLOW-HERB
HYDRILLA
JAPANESE KNOTWEED
MEADOW KNAPWEED
MEDITERRANEAN SAGE
MEDUSAHEAD RYE
MYRTLE SPURGE
ORANGE HAWKWEED
PARROTFEATHER
PURPLE LOOSESTRIFE
RUSH SKELETONWEED
SQUARROSE KNAPWEED
TANSY RAGWORT
YELLOW STARHISTLE

Chaffee and Lake County's undesirable plant list under 35-5.5-108 (3), CRS: includes these List B and Watch list species as well as all List A species.

BABY'S BREATH – *Gypsophila paniculata*: Baby's Breath is an aggressive upright perennial forb which flowers from summer through fall. Once established it forms dense stands, outcompetes desirable species, and impacts pasture and rangeland health. Designated as a Watch List Species by the Colorado Department of Agriculture.

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BLACK HENBANE – *Hyoscyamus niger*: Black Henbane is an annual, sometimes biennial species reproducing by seed. Mature plants reach 1 – 4 feet in height with shallowly lobed to coarsely toothed leaves with sticky hairs. It is an escaped ornamental that is toxic to both wildlife and humans. Designated for Elimination by the Colorado Department of Agriculture.

BOUNCING BET- *Saponaria officinalis*: Bouncing Bet is upright perennial forb, up to three feet tall, with the ability to reproduce by seeds and by roots. Flowers have five petals, which are notched and can range in color from pink to white. This plant is considered unpalatable, but if seeds are toxic if consumed. It has escaped cultivation and can invade roadways, travel corridors, pastures and other wild areas. Designated for Elimination by the Colorado Department of Agriculture.

BRAZILLIAN ELODEA – *Egeria densa*: Brazillian Elodea is a dense, submerged, aquatic perennial, with the ability to live as either a rooted plant, or a free-floating speices. Leaves develop in brught green whorls of 4. Fragmented pieces of this plant have the ability to develop into new plants. Designated as a Watch List species by the Colorado Department of Agriculture.

BULL THISTLE – *Cirsium vulgare*: Bull Thistle is a tall, biennial forb that was introduced as a seed contaminant and is now widespread. Bright pink to purple flowers are produced at the apex of the stems. This species invades a range of sites from wet to dry in Colorado and has the ability to reduce forage value and hay value Designated for Elimination by the Colorado Department of Agriculture.

CANADA THISTLE - *Cirsium arvense*: Canada thistle is a colony forming perennial, which reproduces from seed and extensive horizontal roots. It is the most widespread and economically important weed in Chaffee County. This aggressive weed is difficult to control and thrives in a variety of conditions. Designated for Suppression by the Colorado Department of Agriculture.

CHINESE CLEMATIS – *Clematis orientalis*: Chinese clematis is a perennial woody vine that has escaped cultivation and thrives on open rocky faces, wetland areas, and right of ways. It is identified by the small, yellow flowers with four petals. Not to be confused with native clematis species. Designated for Elimination by the Colorado Department of Agriculture.

COMMON TANSY – *Tanacetum vulgare*: Common tansy is an escaped perennial, upright flower with semi-woody stems. Leaves are highly divided and have a stong pungent odor when crushed. Indiviudal flowers

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are small, yellow and button like and grow in a flat-topped cluster at the apex of the stems. Designated for Elimination by the Colorado Department of Agriculture.

COMMON TEASEL – *Dipsacus spp.*: Common teasel is a biennial, sometimes short lived perennial plant, that develops as rosette with strikingly veined leaves, stiff prickles on the midrib, and appear to be wrinkled. This species produces unique, spiny flowers with extended bracts on flower stems up to 6 feet tall. This species is common along travel corridors and irrigation ditches Designated for Elimination by the Colorado Department of Agriculture.

DALMATION TOADFLAX - *Linaria dalmatica*: Dalmation Toadflax is a perennial plant reproducing by seed and underground rootstalks. It is a most aggressive plant and can be found along roadsides and in rangeland where it crowds out desirable forage. It's extensive and deep root system and waxy leaf make this an extremely difficult plant to manage. Designated for Elimination outside of established containment zones by the Colorado Department of Agriculture.

DAMES ROCKET – *Hesperis matronalis*: Dames rocket is an escaped ornamental biennial or short lived perennial flower. Flowers are white to purple with four clustered petals. It invades woodlands, ditches, roadsides, rangelands, pastures, and other moist, but well drained soils. Designated for Elimination by the Colorado Department of Agriculture.

DIFFUSE KNAPWEED - *Centaurea diffusa*: Diffuse Knapweed is a non-native, biennial to short lived perennial plant that reproduces by seed. It spreads rapidly by the mature plant breaking off at ground level and being blown with the wind, dispersing seed. It will quickly invade disturbed, dry sites. It is a highly competitive plant. Designated for Elimination by the Colorado Department of Agriculture.

EURASIAN WATERMILFOIL – *Myriophyllum spicatum*: Eurasian Watermilfoil is an aggressive, aquatic species with the ability to reproduce from stem fragmentation, runners, and from seed. It has the ability to survive as either a free-floating or rooted plant. This species begins spring growth earlier than native aquatic plants, and forms dense mats of vegetation that negatively impact recreation, agriculture and water uses. Designated for Elimination by the Colorado Department of Agriculture.

HOARY CRESS – *Cardaria draba*(L.)Desv. Hoary Cress is a perennial plant that reproduces by seed and creeping roots. It is one of the earliest perennials to emerge in the spring invading waste areas, cultivated fields and pastures. Designated for Elimination outside of established containment zones by the Colorado Department of Agriculture.

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HOUNDSTONGUE – *Cynoglossum officinale* L. Houndstongue is a biennial 1 to 4 feet tall. It forms a rosette the first year and produces seed the next. The seeds are covered with tiny spines and cling to clothes and animal fur, aiding in seed dispersal. Houndstongue is toxic to animals, causing their liver cells to stop reproducing and eventually causing death. Designated for Elimination by the Colorado Department of Agriculture.

LEAFY SPURGE - *Euphorbia esula*: Leafy Spurge is a deep-rooted perennial plant that spreads by seeds and creeping rootstalks. It has a vast underground root system, which makes it difficult to control with any one-management technique. It is found in a variety of soils and areas including irrigation ditches, range and pastures, roadsides and other non-crop areas. Designated for Elimination by the Colorado Department of Agriculture.

MUSK THISTLE – *Carduus nutans*: Musk thistle is a biennial flower that reproduces by seed. The first-year Musk thistle develops a low growing rosette, the second year the plant develops flowers, produce seed, and die. This species invades roadsides, open areas, pastures, gravel pits, and rangeland. Designated for Elimination by the Colorado Department of Agriculture.

OXEYE DAISY – *Chrysanthemum leucanthemum*. Oxeye daisy is a perennial plant that reproduces by seed and underground rhizomes. It is an escaped ornamental and invades right-of-ways, rangeland, mountain meadows and waterways. Designated for Elimination by the Colorado Department of Agriculture.

PERENNIAL PEPPERWEED – *Lepidium latifolium*: Perennial pepperweed is an extremely invasive perennial flower. It reproduces by seed, roots and shoots. This species alters ecosystems by absorbing salts from the soil and depositing on the surface, increasing saline concentration in the soil. Designated for Elimination by the Colorado Department of Agriculture.

PLUMELESS THISTLE – *Carduus acanthoides*: Plumeless thistle is a winter annual or biennial flower that reproduces by seed. Mature plants can be over five feet tall with bright pink to purple flowers on each stem. Preventing seed production is the key to successful management. Designated for Elimination by the Colorado Department of Agriculture.

RUSSIAN KNAPWEED - *Centaurea repens*: Russian Knapweed is a non-native perennial plant that spreads by seeds and creeping rootstalks. It has the ability to release chemicals into the environment as foliage decays, which inhibits the growth of surrounding vegetation. Once established, Russian Knapweed can colonize an area rapidly. Russian Knapweed forms

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colonies in cultivated fields, orchards, pastures and roadsides. Designated for Elimination outside of established containment zones by the Colorado Department of Agriculture.

RUSSIAN OLIVE – *Elaeagnus angustifolia*: Russian olive is a perennial tree when mature and perennial bush when immature. It has light green leaves, with a silvery white undersurface. It reproduces by seed and roots, and develops 1-2 inch thorns. Designated for Elimination outside of established containment zones by the Colorado Department of Agriculture.

SALT CEDAR – *Tamarix sp.*: Salt Cedars are a group of non-native deciduous evergreen shrub or small tree 5 – 20 ft tall. Leaves are small, scale-like and blue green in color. Tiny pink to white flowers grow on slender racemes and are produced April-August. Tamarix reproduces from seeds and from root systems. Designated for Elimination by the Colorado Department of Agriculture.

SCENTLESS CHAMOMILE – *Matricaria perforate*. Scentless chamomile is an annual or short lived perennial plant. It reproduces only by seed and infests right-of-ways, ditches and disturbed areas. Designated for Elimination outside of established containment zones by the Colorado Department of Agriculture.

SCOTCH THISTLE – *Onopordum acanthium*: Scotch thistle is an upright biennial flower that reproduces solely by seeds. Rosettes develop the first year and can be 1 -2 feet in diameter. During the second year, the plant matures, flowers, sets seed, and dies. Seed prevention is the key to successful control. Designated for Elimination by the Colorado Department of Agriculture.

SPOTTED KNAPWEED - *Centaurea maculosa*: Spotted Knapweed is a non-native perennial plant that reproduces by seed. It is highly competitive in rangeland sites and will exclude most grasses and Forbs in time. Spotted Knapweed quickly invades disturbed sites. Designated for Elimination by the Colorado Department of Agriculture.

YELLOW TOADFLAX - *Linaria vulgaris*: Yellow Toadflax is a perennial plant reproducing by seed and underground rootstalks. It can be found in a variety of soils and areas and is an aggressive invader displacing desirable vegetation. An extensive root system makes this an extremely difficult plant to manage. Designated for Elimination by the Colorado Department of Agriculture.

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- B. Current problem areas include but are not limited to roadsides, railroad right-of-ways, utility right-of-ways, riparian areas, municipal areas, private property, national forests, parks as well as other county, state and federal land.

III. Objectives and Goals

A. Weed Management Priorities

- 1) Education must play a major role in implementing any weed management plan. Most noxious weeds, when detected early, can be easily managed. The Chaffee County Weed Department will work with any individual or group requesting assistance in the education process or in the development and/or implementation of a noxious weed management plan.

B. Statement of Objectives

- 1) Develop and implement an integrated noxious weed management plan on County right-of-ways and other County owned or controlled land.
- 2) Develop and implement a weed management plan for any state or federal entity in the form of an intergovernmental agreement.
- 3) Develop and distribute educational and informational material through various means that will communicate the impact noxious weeds present and the need for management of these weeds.
- 4) Identify non-informed or negligent landowners that are not carrying out noxious weed management practices on their property and provide technical support for establishing noxious weed management programs or enforce the weed laws on landowners/properties if necessary.

C. Goals

- 1) Incorporate a spraying program into the management plan.
- 2) Conduct treatment of known noxious weed infestations along county roads and right-of-ways and any other property deemed to be under the county's control as far as noxious weed management.
- 3) Continue a computer-mapping program on noxious weeds on all county roads and right-of-ways and any other property deemed to be under the county's control as far as noxious weed management is concerned.
- 4) Continue development of biological control sites as appropriate and feasible for species designated for containment by the Colorado

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Department of Agriculture. Biological controls will not be utilized for species designated for eradication or elimination.

- 5) Establish contact with Local, State, and Federal agencies to assist in developing noxious weed management plans, and where appropriate enter into cooperative intergovernmental agreements to implement such plans.
- 6) Administer the applicable Colorado Noxious Weed Act.
- 7) Cooperate with other weed departments, Local, State and federal agencies regarding weed department operations.
- 8) Coordinate with local government entities spraying operations, mowing operations, etc., to provide timely control methods.

IV. Plan of Work - Implementation

A. Operational Weed Management Methods

1) All spraying operations will be performed with the most advanced equipment reasonably available. Computer controlled chemical injection spray units will insure that the accuracy and environmental integrity of the weed departments operation will not be compromised. All applicators will be licensed by the State of Colorado, Department of Agriculture in all categories required applicable to the County's operation. All safety and label instructions mandated by the manufacturer, State of Colorado or the EPA will be followed when using any pesticides at all times.

B. Integrated Weed Management Techniques

The weed species designated as undesirable and mandated for control are to be managed through integrated management methods. (C.R.S. § 35-5.5-107(4)). Integrated management means the planning and implementation of a coordinated program utilizing a variety of methods for management of noxious weeds which include but are not limited to education, preventive measures, good stewardship, and techniques, such as the following descriptions:

- 1) Cultural Control means those methodologies or management practices conducted to favor the growth of desirable plants over noxious weeds. This includes but is not limited to maintaining an optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area, and planting species most suited to an area. Reseeding will be encouraged on disturbed soils or other appropriate areas with desirable vegetation, proper mowing

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Procedures, proper turf maintenance, and proper range and pasture management techniques will be stressed to prevent infestations beginning and or spreading.

2) Mechanical Control means those methodologies or management practices that physically disrupt plant growth, including but not limited to tilling, mowing, burning, flooding, mulching, pulling and hoeing. Mechanical control methods will be used where practical to prevent seed head formation and dissemination.

3) Biological Control means the use of an organism to disrupt the growth of noxious weeds. Biological management methods such as insects, fungus, or-livestock grazing programs will be utilized where practical. Biological test plots have been established and will continue to be a part of the county noxious weed management program.

4) Chemical management means the use of herbicides or plant growth regulators to disrupt the growth of noxious weeds.

C. Prioritizing Weed Management Areas

Weeds are spread rapidly through the dispersal of weed seeds in air and water. High seed dispersal areas are associated with road right-of-ways, railroad right-of-ways and along waterways including irrigation ditches. The Chaffee County Weed Department will determine priority when control measures are required on any areas deemed to be under its control whether it is on County property or right-of-ways or any other area where it may be responsible for noxious weed management. These areas may include but are not limited to State and Federal land, State right-of ways, private land, municipal land or other neighboring county's right-of-ways where Chaffee County has entered into an intergovernmental agreement or contract for noxious weed management.

D. Evaluation of Program

The goals and plan of work of this document will be reviewed and evaluated at the end of each year.

The Chaffee County Noxious Weed Management Plan shall be reviewed and amended, as needed, at least every three years. (C.R.S. §35-5.5-107(4)(a)).

ARTICLE II - ENFORCEMENT OF NOXIOUS WEED MANAGEMENT PLAN

- I. Cooperation from all landowners (private, state or federal) will be encouraged through education and positive communication by mail, the media and personal contact. If noxious weed management is not carried out by a landowner, enforcement measures shall be instituted. All procedures as established by the Colorado Noxious

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- J. Weed Act, including C.R.S. § 35-5.5-109 and any and all federal, state and local regulations will be followed for enforcement on private or public property. Integrated weed management plans will be requested from certain landowners and subdivisions, as determined by the county weed department supervisor and the Noxious Weed Advisory Board. Work priorities must be established due to the size and scope of the County's responsibilities and the number of landowners with existing noxious weed infestations. The following is a list of prioritizes where enforcement activities will be carried out in order of importance.
- A. Lands bordering waterways (rivers and irrigation ditches) and lands bordering forested areas.
 - B. Complaint properties.
 - C. Landowners identified as being negligent in the past.
 - D. Landowners with five or more acres of noxious weeds.
- II. Authorized Agent for Enforcement: Pursuant to C.R.S. § 35-5.5-105(2), the Chaffee County Weed Department Supervisor, their employees and agents, are hereby authorized to enforce this Noxious Weed Management Plan in the unincorporated areas of Chaffee County, Colorado or any other area deemed to be under its responsibility through intergovernmental agreements (see C.R.S. § 35-5.5-106(3)). Such enforcement shall be through utilizing those procedures set forth in C.R.S. § 35-5.5-109 and any and all applicable State and Federal statutes, rules, regulations and ordinances, including the remaining provisions of this Plan. If a landowner refuses to comply with the conditions set forth in C.R.S. § 35-5.5-109, in addition to any other remedy, the Board of County Commissioners reserves the right to seek an injunction in district court seeking appropriate judicial remedy in the enforcement of all applicable weed laws.
- III. Right of Entry: Prior to entering private lands for the purpose of inspecting or enforcing the Noxious Weed Management Plan, the Chaffee County Weed Department Supervisor shall first provide written notice to notify the property owner of the inspection or of the presence noxious weeds. If the property owner fails to comply with the notice after ten days, the County may seek from the appropriate county or district court an inspection warrant or order to comply, in addition to other remedies.
- IV. Mailing of Assessments: All assessments for the cost of enforcement work performed by the Chaffee County Weed Department Supervisor or their designee(s) upon private lands, including up to 15% for inspection and other incidental costs in connection therewith, shall be mailed to the landowner or occupant by certified mail. Failure to receive said assessment shall not act as a defense to said assessment.\

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- V. Failure to Pay Assessment: Any assessment which is not paid within thirty-three days after the date of mailing by certified mail to the landowner or occupant of private lands upon which the Chaffee County Weed Department Supervisor or their designee(s) have performed enforcement work, shall constitute a lien against each lot or tract of land until paid and may be certified by resolution of the Board of County Commissioners to the Chaffee County Treasurer's Office to be collected in the same manner as provided for collection of taxes upon private lands in accordance with C.R.S. § 35-5.5-109(5)(a).

ARTICLE III - SEVERABILITY

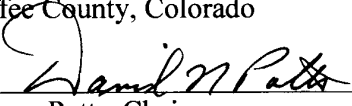
- I. If any section, subsection, paragraph, sentence, clause or phrase of this Plan is, for any reason, held or decided to be invalid or unconstitutional, such decision shall not effect the validity of the remaining portions.
- II. The Board of County Commissioners of Chaffee County, Colorado, hereby declares that it would have adopted this Plan and in each and every section, subsection, paragraph, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

ARTICLE IV - LIABILITY

This Plan shall not be intended to create a civil cause of action against the Board of County Commissioners of Chaffee County or Lake County, Colorado, or any other person that may administer this resolution in any manner.

Board of County Commissioners
Chaffee County, Colorado

By: _____


Dave Potts, Chairman