LUDC 2013

GARFIELD COUNTY, COLORADO

Article 7: Standards

ARTICLE 7
STANDARDS

TABLE OF CONTENTS

DIVISION 1. GENERAL APPROVAL STANDARDS. 1
7-101. ZONE DISTRICT USE REGULATIONS. 1
7-102. COMPREHENSIVE PLAN AND INTERGOVERNMENTAL AGREEMENTS. 1
7-103. COMPATIBILITY. 1
7-104. SOURCE OF WATER. 1
A. BOCC Determination. 1
B. Determination of Adequate Water. 1
7-105. CENTRAL WATER DISTRIBUTION AND WASTEWATER SYSTEMS. 2
A. Water Distribution Systems. 2
B. Wastewater Systems. 2
7-106. PUBLIC UTILITIES. 2
A. Adequate Public Utilities. 2
B. Approval of Utility Easement by Utility Company. 2
C. Utility Location. 3
D. Dedication of Easements. 3
E. Construction and Installation of Utilities. 3
F. Conflicting Encumbrances. 3
7-107. ACCESS AND ROADWAYS. 3
A. Access to Public Right-of-Way. 3
B. Safe Access. 3
C. Adequate Capacity. 4
D. Road Dedications. 4
E. Impacts Mitigated. 4
F. Design Standards. 4
7-108. USE OF LAND SUBJECT TO NATURAL HAZARDS. 6
7-109. FIRE PROTECTION. 6
A. Adequate Fire Protection. 6
B. Subdivisions. 7
DIVISION 2. GENERAL RESOURCE PROTECTION STANDARDS. 7
7-201. AGRICULTURAL LANDS. 7
A. No Adverse Effect to Agricultural Operations. 7
B. Domestic Animal Controls. 7
C. Fences. 7
D. Roads. 7
E. Ditches. 7
7-202. WILDLIFE HABITAT AREAS. 8
A. Buffers. 9
B. Locational Controls of Land Disturbance. 9
C. Preservation of Native Vegetation. 9
D. Habitat Compensation. 9
E. Domestic Animal Controls. 9
7-203. PROTECTION OF WATERBODIES. 9
A. Minimum Setback. 9
B. Structures Permitted In Setback. 10
C. Structures and Activity Prohibited in Setback. 10
D. Compliance with State and Federal Laws. 10
7-204 DRAINAGE AND EROSION. 10
A. Erosion and Sedimentation. 10

B. Drainage....10
C. Stormwater Run-Off....10
7-205. ENVIRONMENTAL QUALITY....12
A. Air Quality....12
B. Water Quality....12
7-206. WILDFIRE HAZARDS....12
A. Location Restrictions....12
B. Development Does Not Increase Potential Hazard....12
C. Roof Materials and Design....12
7-207. NATURAL AND GEOLOGIC HAZARDS....12
A. Utilities....12
B. Development in Avalanche Hazard Areas....13
C. Development in Landslide Hazard Areas....13
D. Development in Rockfall Hazard Areas....13
E. Development in Alluvial Fan Hazard Area....14
F. Slope Development....14
G. Development on Corrosive or Expansive Soils and Rock....15
H. Development in Mudflow Areas....15
I. Development Over Faults....16
7-208. RECLAMATION....16
A. Applicability....16
B. Reclamation of Disturbed Areas....16
DIVISION 3. SITE PLANNING AND DEVELOPMENT STANDARDS....17
7-301. COMPATIBLE DESIGN....17
A. Site Organization....17
B. Operational Characteristics....17
C. Buffering....17
D. Materials....17
7-302. OFF-STREET PARKING AND LOADING STANDARDS....17
A. Off-Street Parking Required....17
B. Off-Street Loading Required....18
C. Continuing Obligation....18
D. Location of Required Parking Spaces....19
E. Loading and Unloading....19
F. Parking and Loading Area Surface....19
G. Minimum Dimensions of Parking Areas....19
H. Compact Car Spaces....19
I. Minimum Dimensions of Loading Berths....19
J. Handicapped or Accessible Parking....20
K. Unobstructed Access....20
L. Tandem Parking....20
M. Backing Onto Public Streets Prohibited....20
N. Access Driveways....20
O. Parking and Loading Area Landscaping and Illumination....20
7-303. LANDSCAPING STANDARDS....20
A. General Standards....20
B. Multi-Family Development....21
C. Subdivision, PUD, and Rural Land Development Exemption....21
D. Plants Compatible with Local Conditions....21
E. Existing Vegetation....21
F. Minimum Size....21
G. Minimum Number of Trees and Shrubs....21
H. Parking and Storage Prohibited....21

I. Clear Vision Area. 22
J. Landscaping Within Off-Street Parking Areas. 22
7-304. LIGHTING STANDARDS. 23
A. Downcast Lighting. 23
B. Shielded Lighting. 23
C. Hazardous Lighting. 23
D. Flashing Lights. 23
E. Height Limitations. 23
7-305. SNOW STORAGE STANDARDS. 23
A. Minimum Area. 23
B. Storage in Parking Spaces Prohibited. 23
C. Storage in Yards and Open Space Permitted. 24
D. Storage on Public Roadways Prohibited. 24
E. Drainage. 24
7-306. TRAIL AND WALKWAY STANDARDS. 24
A. Recreational and Community Facility Access. 24
B. Safety. 24
C. Maintenance. 24
DIVISION 4. SUBDIVISION STANDARDS AND DESIGN SPECIFICATIONS. 24
7-401. GENERAL SUBDIVISION STANDARDS. 24
A. Maintenance of Common Facilities. 24
B. Domestic Animal Control. 25
C. Fireplaces. 25
D. Development in the Floodplain. 25
7-402. SUBDIVISION LOTS. 25
A. Lots Conform to Code. 25
B. Side Lot Line Alignment. 25
C. Lots Configuration, Cul-de-Sacs. 25
D. Lot Division by Boundaries, Roads, or Easements Prohibited. 26
7-403. SURVEY MONUMENTS. 26
A. Monuments Located Within Streets. 26
B. Setting by Standard Construction Techniques. 26
7-404. SCHOOL LAND DEDICATION. 26
A. General. 26
B. Amount of School Land Dedicated. 26
C. Payment-In-Lieu of Dedication of School Land. 27
7-405. ROAD IMPACT FEES. 29
A. General Requirements. 29
B. Road Impact Fee Schedule by Development Type. 29
C. Benefit Districts. 30
7-501. DESIGN STANDARDS FOR CONSERVATION SUBDIVISIONS. 30
A. Density. 30
B. Open Space Plan Standards. 32
DIVISION 6. ADDITIONAL STANDARDS FOR AGRICULTURAL AND ANIMAL RELATED USES. 33
7-601. ANIMAL SANCTUARY. 33
A. Facility. 33
B. Noise. 33
C. On-site Wastewater Treatment System Required. 33
D. Drainage Impacts. 33
7-602. ANIMAL PROCESSING. 33
7-603. KENNELS. 33
A. Enclosed Building and Noise Prevention. 33

B. Noise. 33
C. Waste and Sewage Disposal System. 33
D. State Licensing Required. 34
7-604. VETERINARY CLINIC. 34
DIVISION 7. ADDITIONAL STANDARDS FOR RESIDENTIAL USES. 34
7-701. ACCESSORY DWELLING UNIT. 34
A. Maximum Floor Area. 34
B. Ownership Restriction. 34
C. Compliance with Building Code. 34
D. Minimum Lot Area. 34
E. Entrance to Dwelling Unit. 34
F. One per Lot. 34
7-702. HOME OFFICE/BUSINESS. 34
A. Activities Incidental and Secondary. 34
B. Activity Contained. 35
C. Provision of Mandatory Parking Spaces. 35
D. Activities Conducted by Resident. 35
E. Disturbances. 35
F. Display of Goods and Retail Sales. 35
G. Signage. 35
7-703. MANUFACTURED HOME PARK. 35
A. Park Layout. 35
B. Foundation and Anchors. 35
C. Landscaping. 35
D. Certification of Manufactured Homes. 35
7-704. GROUP HOME FACILITIES. 36
A. Required Permits. 36
B. Location Restrictions. 36
C. Overnight Shelter. 36
7-705. TEMPORARY EMPLOYEE HOUSING FACILITIES, MAJOR. 37
A. Adequate Site Plan. 37
B. Water Systems. 37
C. Wastewater Systems. 37
D. Inhabitants. 38
E. Clean, Safe, and Sanitary Condition. 38
F. Fire Protection General Requirements. 38
G. Trash and Food Storage. 38
H. Notification of Site Development. 38
I. No Domestic Animals Allowed. 38
J. Reclamation and Revegetation Plan. 39
K. Expiration or Revocation of Land Use Change Permit. 40
7-706. TEMPORARY EMPLOYEE HOUSING FACILITIES, MINOR. 40
A. Federal, State, and Local Laws and Regulations. 40
B. Notification of Facility Installation and Removal. 40
C. Water Systems. 40
D. Wastewater Systems. 41
E. Clean, Safe, and Sanitary Condition. 41
F. Trash and Food Storage. 41
G. Fire Protection. 41
H. No Domestic Animals Allowed. 41
I. Removal of Facility. 41
7-707. TEMPORARY EMPLOYEE HOUSING FACILITIES, SMALL. 41
A. Notification of Occupation and Removal. 41

B. General Information to be Provided. 41
C. Federal, State, and Local Laws and Regulations. 42
D. Water System. 42
E. Wastewater Systems. 42
F. Clean, Safe, and Sanitary Condition. 42
G. Trash and Food Storage. 42
H. Fire Protection. 42
I. No Domestic Animals Allowed. 42
J. Third Party Inspection. 42
DIVISION 8. ADDITIONAL STANDARDS FOR PUBLIC/INSTITUTIONAL USES. 42
7-801. AIRCRAFT, ULTRALIGHT OPERATIONS. 42
7-802. AIRCRAFT LANDING STRIP OR HELISTOP, PRIVATELY OWNED. 42
7-803. AIRPORTS AND HELIPORTS. 43
A. Standards for Site Selection of Airport or Heliport Location or Expansion. 43
B. Fabrication, Service, and Repair Operations. 44
C. Storage of Materials. 44
7-804. FAMILY CHILD CARE HOME AND CHILD CARE CENTER. 44
A. Required Permits. 44
B. Parking. 44
DIVISION 9. ADDITIONAL STANDARDS FOR COMMERCIAL USES. 44
7-901. BROADCASTING STUDIO. 44
A. FCC and FAA Approval. 44
B. Co-Location Communication Facilities. 44
7-902. NURSERY/GREENHOUSE. 45
A. Accessory Dwelling Unit. 45
B. Storage of Materials and Equipment. 45
7-903. OPTIONAL PREMISES CULTIVATION OPERATION. 45
A. Signs. 45
B. Odor. 45
C. Visual. 45
D. Location. 45
E. On-Site Use. 46
F. Other Applicable Licenses. 46
G. On-Site Notice. 46
H. Compliance with Other Laws and Regulations. 46
7-904. SHOOTING GALLERY/RANGE. 46
A. Design. 46
B. Sanitary Facilities. 46
7-905. CAMPGROUND/RECREATIONAL VEHICLE PARK. 46
DIVISION 10. ADDITIONAL STANDARDS FOR INDUSTRIAL USES. 46
7-1001. INDUSTRIAL USE. 46
A. Residential Subdivisions. 46
B. Setbacks. 46
C. Concealing and Screening. 46
D. Storing. 47
E. Industrial Wastes. 47
F. Noise. 47
G. Ground Vibration. 47
H. Hours of Operation. 47
I. Interference, Nuisance, or Hazard. 47
7-1002. GRAVEL EXTRACTION. 47
A. Water Quantity and Quality Impacts/Floodplain Impacts. 47
B. Air Quality. 48

C. Noise/Vibration. 48
D. Visual Mitigation. 48
E. County Road System. 49
F. Compatibility with Surrounding Land Uses. 49
G. Revegetation. 49
H. Reclamation. 50
I. Enforcement. 52
7-1003. MINING AND OTHER EXTRACTION USES. 52
A. Roads. 52
B. Routing. 53
C. Emergency Preparedness. 53
7-1004. RECYCLING COLLECTION CENTERS. 53
A. Customary and Incidental. 53
B. Parking Lot Location. 53
C. Stored Products. 53
D. Maintenance. 53
E. Organic Materials. 53
7-1005. SEWAGE TREATMENT FACILITY. 53
A. Exempt from Minimum Lot Size. 53
B. Accessory to the Primary Use. 53
7-1006. SOLID WASTE DISPOSAL SITE AND FACILITY. 53
7-1007. VEHICLE SAFETY AREAS. 54
A. Continuing Obligation. 54
B. Prohibited Uses. 54
DIVISION 11. ADDITIONAL STANDARDS FOR UTILITIES. 54
7-1101. SOLAR ENERGY SYSTEMS. 54
A. Signage. 54
B. Solar Energy Systems, Accessory. 54
7-1102. TELECOMMUNICATIONS FACILITIES. 55
A. New Towers and Facilities. 55
B. Structural and Engineering Standards. 55
C. Public Utility Structures. 55
D. Design, Materials, and Color. 55
E. Lighting and Signage. 56
F. Non-Interference. 56
G. Federal Aviation Agency Form. 56
H. Telecommunications Act. 56
7-1103. WATER RESERVOIR. 56
DIVISION 12. ADDITIONAL STANDARDS FOR ACCESSORY USES. 56
7-1201. ACCESSORY USE. 56
A. Accessory Building. 56
B. Accessory Structure. 57
C. Marijuana, Personal Use, Medical Use or Caregiver 57

ARTICLE 7: STANDARDS

DIVISION 1. GENERAL APPROVAL STANDARDS.

The following standards apply to all proposed Land Use Changes, including divisions of land, unless elsewhere in this Code a use is explicitly exempt from one or more standards.

7-101. ZONE DISTRICT USE REGULATIONS.

The Land Use Change shall comply with Article 3, Zoning, including any applicable zone district use restrictions and regulations.

7-102. COMPREHENSIVE PLAN AND INTERGOVERNMENTAL AGREEMENTS.

The Land Use Change is in general conformance with the Garfield County Comprehensive Plan and complies with any applicable intergovernmental agreement.

7-103. COMPATIBILITY.

The nature, scale, and intensity of the proposed use are compatible with adjacent land uses.

7-104. SOURCE OF WATER.

All applications for Land Use Change Permits shall have an adequate, reliable, physical, long-term, and legal water supply to serve the use, except for land uses that do not require water, or that contain Temporary Facilities served by a licensed water hauler.

A. BOCC Determination.

The BOCC, pursuant to C.R.S. § 29-20-301, *et seq.*, shall not approve an application for a Land Use Change Permit, including divisions of land, unless it determines in its sole discretion, after considering the application and all of the information provided, that the Applicant has satisfactorily demonstrated that the proposed water supply will be adequate. Nothing in this section shall be construed to require that the Applicant own or have acquired the proposed water supply or constructed the related infrastructure at the time of the application.

B. Determination of Adequate Water.

The BOCC's sole determination as to whether an Applicant has an Adequate Water Supply to meet the water supply requirements of a proposed development shall be based on consideration of the following information:

1. The documentation required by the Water Supply Plan per section 4-203.M.;

2. A letter from the State engineer commenting on the documentation provided in the Water Supply Plan per section 4-203.M.;

3. Whether the Applicant has paid to a Water Supply Entity a fee or charge for the purpose of acquiring water for or expanding or constructing the infrastructure to serve the proposed development; and

4. Any other information deemed relevant by the BOCC to determine, in its sole discretion, whether the water supply for the proposed development is adequate, including without limitation, any information required to be submitted by the Applicant pursuant to this Code or State statutes.

7-105. CENTRAL WATER DISTRIBUTION AND WASTEWATER SYSTEMS.

A. Water Distribution Systems.

The land use shall be served by a water distribution system that is adequate to serve the proposed use and density.

1. Where water service through a Water Supply Entity is not physically or economically feasible, a central well and distribution system is preferred over individual wells.

2. A Central Water Distribution System is required if:

a. The property is located within 400 feet of a Central Water System, the system is available and adequate to serve the proposed development, and connection is practicable and feasible; or

b. The residential development consists of 15 or more dwelling units.

B. Wastewater Systems.

The land use shall be served by a wastewater system that is adequate to serve the proposed use and density.

1. Every effort shall be made to secure a public sewer extension. Where connections to an existing public sewer are not physically or economically feasible, a central collection system and treatment plant is preferred.

2. A central wastewater system is required if

a. The property is located within 400 feet of a Sewage Treatment Facility, the system is available and adequate to serve the proposed development, and connection is practicable and feasible.

b. The property is not suitable for an OWTS. Septic systems are not permitted on parcels less than 1 acre in size.

Table 7-105: Sewage Disposal System Minimum Lot Requirements

Type of Disposal	Method of Disposal	Lot Area		
		Less than 1 Acre	1 to 2 Acres	Over 2 Acres
On Lot[1]	Septic Tank (Subsurface) or Dispersal Method	Prohibited[2]	Allowed[3]	Allowed
Off Lot[4]	Non-discharging: Subsurface Disposal	Allowed	Allowed	Allowed
	Discharging: Ground Surface or Waters of the State	Allowed	Allowed	Allowed

Notes:
1. Shall comply with County OWTS regulations and applicable State requirements.
2. Prohibited for new development; may be allowable for legal nonconforming lots.
3. Domestic water shall be supplied from an approved source.
4. Shall be approved by the State.

7-106. PUBLIC UTILITIES.

A. Adequate Public Utilities.

Adequate Public Utilities shall be available to serve the land use.

B. Approval of Utility Easement by Utility Company.

Utility easements shall be subject to approval by the applicable utility companies and, where required, additional easements shall be provided for main switching stations and substations. The Applicant shall work with the utility companies to provide reasonably-sized easements in appropriate locations.

C. Utility Location.

Unless otherwise provided in this Code, the following conditions shall apply to the location of utility services.

1. Underground Location. All utilities except major power transmission lines, transformers, switching and terminal boxes, meter cabinets, and other appurtenant facilities shall be located underground throughout the development unless it is demonstrated to the satisfaction of the BOCC that compliance is impractical or not feasible and will result in undue hardship.

2. Easement Location. As applied to Subdivisions and Exemptions, all utility lines, including appurtenances, shall be placed either within roads or public rights-of-way.

3. Dimensional Requirements.

a. Easements centered on common Rear Lot Lines shall be at least 16 feet wide.

b. Where an easement abuts a Rear Lot Line that is not the Rear Lot Line of another lot, or that is on the perimeter of the development, the easement width shall be a minimum of 10 feet.

c. Where inclusion of utilities within the Rear Lot Line is impractical due to topographical or other conditions, perpetual unobstructed easements at least 10 feet in width shall be provided alongside Lots Lines with satisfactory access to the road or Rear Lot Line.

d. Where easements are combined with a water course, drainage way, channel, or stream and the use would be in conflict with drainage requirements or Wetlands, an additional utility easement of at least 10 feet in width shall be provided.

e. Multiple use of an easement is encouraged to minimize the number of easements.

D. Dedication of Easements.

All utility easements shall be dedicated to the public. Drainage easement may be dedicated to either the public or to an HOA.

E. Construction and Installation of Utilities.

Applicants shall make the necessary arrangements with each service utility for the construction and installation of required utilities. Utilities shall be installed in a manner that avoids unnecessary removal of trees or excessive excavations, and shall be reasonably free from physical obstructions.

F. Conflicting Encumbrances.

Easements shall be free from conflicting legal encumbrances.

7-107. ACCESS AND ROADWAYS.

All roads shall be designed to provide for adequate and safe access and shall be reviewed by the County Engineer.

A. Access to Public Right-of-Way.

All lots and parcels shall have legal and physical access to a public right-of-way.

B. Safe Access.

Access to and from the use shall be safe and in conformance with applicable County, State, and Federal access regulations. Where the Land Use Change causes warrant(s)

for improvements to State or Federal highways or County Roads, the developer shall be responsible for paying for those improvements.

C. Adequate Capacity.

Access serving the proposed use shall have the capacity to efficiently and safely service the additional traffic generated by the use. The use shall not cause traffic congestion or unsafe traffic conditions, impacts to the County, State, and Federal roadway system shall be mitigated through roadway improvements or impact fees, or both.

D. Road Dedications.

All rights-of-way shall be dedicated to the public and so designated on the Final Plat. They will not, however, be accepted as County roads unless the BOCC specifically designates and accepts them as such.

E. Impacts Mitigated.

Impacts to County roads associated with hauling, truck traffic, and equipment use shall be mitigated through roadway improvements or impact fees, or both.

F. Design Standards.

Roadways, surfaces, curbs and gutters, and sidewalks shall be provided as follows:

Table 7-107: Roadway Standards

Design Standards	Major Collector	Minor Collector	Secondary Access	Rural Access	Semi Primitive	Primitive/ Driveway	Public Land Access
Design Capacity (ADT)	2501+	401 - 2500	201 – 400	101-200	21 – 100	0 – 20	No Access to DU
Minimum ROW Width (Feet)	80	60	50	50	40	15 to 30[1]	30
Lane Width (Feet)	12	12	11	11	8	Single Lane 12	Single Lane 12
Shoulder Width (Feet)	8 6 Min. Paved	6 4 Min. Paved	6 4 Min. Paved	4 2 Min. Paved	2	0	0
Ditch Width (Feet)	10	10	6	6	4	3[2]	0
Cross Slope	2%	2%	2%	2% Chip/Seal 3% Gravel	2% Chip/Seal 3% Gravel	2%	n/a
Shoulder Slope	3%	3%	5%	5%	5%	n/a	n/a
Design Speed	35 mph	35 mph	n/a	n/a	n/a	n/a	n/a
Minimum Radius (Feet)	425	185	80	80	50	40	n/a
Maximum % Grade	8%	8%	10%	12%	12%	12%	12%
Surface	Asphalt or Chip/Seal	Chip/Seal	Chip/Seal or Gravel	Gravel	Gravel	Native Material	n/a

[1] As determined adequate in an engineering review. Primitive road shall be dedicated ROW, driveway can be dedicated as either an easement or ROW.
[2] If determined necessary for adequate drainage.

1. Circulation and Alignment. The road system shall provide adequate and efficient internal circulation within the development and provide reasonable access to public highways serving the development. Roads shall be designed so that alignments will join in a logical manner and combine with adjacent road systems to form a continuous route from 1 area to another.

2. Intersections. No more than 2 streets shall intersect at 1 point, with a minimum of 200 feet between off-set intersections, unless otherwise approved by the County.

3. Street Names. Street names shall be consistent with the names of existing streets in the same alignment. There shall be no duplication of street names in the County.

4. Congestion and Safety. The road system shall be designed to minimize road congestion and unsafe conditions.

5. Continuation of Roads and Dead-End Roads. Roads shall be arranged to provide for the continuation of major roads between adjacent properties when appropriate and necessary for traffic movement, effective fire protection, or efficient provision of utilities.

a. If the adjacent property is undeveloped and the road must be temporarily dead-ended, right-of-way shall be extended to the property line and the BOCC may require construction and maintenance of a turnaround for temporary use. The Final Plat shall include a Plat notation that land outside the normal road right-of-way shall revert to abutting property owners when the road is continued, after compliance with the County road vacation process.

b. Dead-end streets may be permitted provided they are not more than 600 feet in length and provide for a cul-de-sac or a T-shaped turnaround based on the following design standards. The BOCC may approve longer cul-de-sacs for topographical reasons if adequate fire protection and emergency egress and access can be provided.

(1) Cul-de-sacs shall have a radius of at least 45 feet measured from the center of the cul-de-sac, and

(a) Nonresidential development shall have at least a 75-foot right-of-way where tractor trailer trucks will enter the property; and

(b) Residential development shall have a 50-foot right-of-way;

(2) T-shaped Turnaround.

(a) Nonresidential development shall have a minimum turning radius of 75 feet where tractor trailer trucks will enter the property; and

(b) Residential development shall have a minimum turning radius of 50 feet.

c. Dead-end streets shall be discouraged, except in cases where the dead-end is meant to be temporary with the intent to extend or connect the right-of-way in the future. If a dead-end street is approved, room for plowed snow storage shall be included by providing a T-shaped turnaround with a minimum turning radius of 50 feet for residential development and 75 feet for commercial/industrial development where tractor trailer trucks will enter the property. A dead-end street is different from a cul-de-sac in that a dead-end street has no permanent turnaround at the end of the street.

6. Relationship to Topography. Streets shall be designed to be compatible with the topography, creeks, wooded areas, and other natural features. Combinations of steep grades and curves should be avoided. When, due

to topography, hazards or other design constraints, additional road width is necessary to provide for the public safety by cut and/or fill area, drainage area, or other road appurtenances along roadways, then dedication or right-of way in excess of the minimum standards set forth in this Code shall be required.

7. Erosion and Drainage. The road system shall minimize erosion and provide for efficient and maintainable drainage structures.

8. Commercial and Industrial. The roads and access in commercial and industrial developments shall be designed to minimize conflict between vehicular and pedestrian traffic.

9. Emergency Access and Egress. Roads shall be designed so as to provide emergency access and egress for residents, occupants, and emergency equipment. Emergency access shall comply with provisions of the International Fire Code and requirements of applicable emergency services, such as fire protection, ambulance, and law enforcement.

10. Traffic Control and Street Lighting. Traffic control devices, street signs, street lighting, striping, and pedestrian crosswalks are to be provided as required by the County Road and Bridge Department or other referral agencies.

11. Drainage Structures.

a. Roadway drainage structures such as bridges, culverts, cross pans, inlets, and curbs and gutters shall be provided as determined by design and in conformance with the County road standards.

b. Culverts are required where driveways connect to roadways unless specifically exempted by the County Road and Bridge Department. It is the responsibility of the property owners to maintain their culverts free and clear of mud, silt, debris, and ice. Water that flows out of driveways must be diverted to ditches. Damage to a road caused by a blocked culvert, lack of culvert, or driveway Runoff is the responsibility of the property owner and costs of repairs by the County may be billed to the property owner as authorized by C.R.S. Title 43, Article 5.

12. Roadside Ditches. Water flowing in roadside ditches shall be diverted away from the road as quickly as possible. In no case shall water travel in a roadside ditch for a distance greater than 800 feet or have a flow greater than 5 cubic feet per second during a 25-year, 24-hour storm event.

7-108. USE OF LAND SUBJECT TO NATURAL HAZARDS.

Land subject to identified Natural and Geologic Hazards, such as falling rock, landslides, snow slides, mud flows, radiation, flooding, or high water tables, shall not be developed unless it has been designed to eliminate or mitigate the potential effects of hazardous site conditions as designed by a qualified professional engineer and as approved by the County.

7-109. FIRE PROTECTION.

A. Adequate Fire Protection.

Adequate fire protection will be provided for each land use change as required by the appropriate fire protection district.

B. Subdivisions.

All divisions of land must be reviewed and approved by the appropriate fire protection district for adequate primary and secondary access, fire lanes, water sources for fire protection, fire hydrants, and maintenance provisions.

DIVISION 2. GENERAL RESOURCE PROTECTION STANDARDS.

The following resource protection standards apply to all proposed Land Use Changes, including divisions of land unless elsewhere in this Code a use is explicitly exempt from 1 or more standards.

7-201. AGRICULTURAL LANDS.

A. No Adverse Effect to Agricultural Operations.

Land Use Changes on lands adjacent to or directly affecting agricultural operations shall not adversely affect or otherwise limit the viability of existing agricultural operations. Proposed division and development of the land shall minimize the impacts of development on Agricultural Lands and agricultural operations, and maintain the opportunity for agricultural production.

B. Domestic Animal Controls.

Dogs and other domestic animals that are not being used to assist with the herding or the care of livestock shall not be permitted to interfere with livestock or the care of livestock on Agricultural Lands. The County shall require protective covenants or deed restrictions as necessary to control domestic animals.

C. Fences.

The County is a Right to Farm County consistent with section 1-301. Fences shall be constructed to separate the development from adjoining Agricultural Lands or stock drives as required to protect Agricultural Lands by any new development and to separate new development from adjoining agricultural operations. All parts of the fencing including such items as gates, cattle guards, boards, posts, and wiring shall be maintained by the owner, HOA, or other responsible entity.

D. Roads.

Roads shall be located a sufficient distance back from the property boundaries so that normal maintenance of roads, including snow removal, will not damage boundary fences. Dust control shall be required, both during and after construction, to minimize adverse impacts to livestock and crops.

E. Ditches.

1. Colorado State Statutes, C.R.S. 37-86-102, provides that "any person owning a water right or conditional water right shall be entitled to a right-of-way through the lands which lie between the point of diversion and point of use or proposed use for the purpose of transporting water for beneficial use in accordance with said water right or conditional water right." A plat note shall be placed on all final plats and site plans for land use change permits for properties that are impacted by, or contain, irrigation ditches.

2. The Colorado Constitution Article XVI, Section 7 provides that all persons and corporations shall have the right-of-way across public, private and corporate lands for the construction of ditches for the purposes of conveying water for domestic, agricultural, mining, manufacturing and drainage purposes upon just compensation.

3. Rights-of-Way. The land use change shall not interfere with the ditch rights-of-way.

4. Maintenance. Where irrigation ditches cross or adjoin the land proposed to be developed, the developer shall insure that the use of those ditches, including maintenance, can continue uninterrupted.

5. Maintenance Easement. A maintenance easement shall be indicated on any Final Plat for the division of land or for the final development plan for any other land use. The Applicant shall provide a letter from the ditch owner accepting that the development proposal will have no impact on their ability to maintain the ditch and that an adequate maintenance easement is possible. No structure or fence shall be placed within the right-of-way or easement without written permission from the appropriate ditch owner.

6. Ditch Crossings. Ditch crossings shall respect the rights of ditch owner(s) to operate and maintain their ditch without increased burden of maintenance or liability. Development shall minimize ditch crossings. At a minimum all irrigation ditch crossings shall:

- **a.** Require the crossing be sized to not interfere with ditch operations or change existing hydraulic flow characteristics;
- **b.** Provide vehicle and maintenance equipment access to the ditch from both sides of the ditch crossing from all roads for use by the ditch owner(s);
- **c.** Prior to permit application, or construction within the ditch right-of-way the Applicant shall provide a letter from the ditch company regarding agreement with standards contained in the proposed crossing;
- **d.** The BOCC may require specific improvements to ditch crossings if determined to be necessary in the review process, particularly if these improvements are required to address safety concerns;

7. Referral to Ditch Owner. Application for Division of Land or Land Use Change Permit that may affect or impact any ditch right-of-way shall include the name and mailing address of the ditch owner. (This information may be obtained by contacting the Water Commissioner at the Colorado Division of Water Resources to determine the ditch owner for purposes of requesting review and comment on the development proposal).

8. Drainage. Application for Division of Land or Land Use Change Permit that includes any improvements located adjacent to or below grade of an irrigation ditch shall address and mitigate potential impacts to the irrigation ditch in a drainage plan. The drainage plan shall demonstrate that the drainage will not impair operation of the ditch.

9. Water Quality and Stormwater Management. No development or changes in land use shall channel surface waters into any irrigation ditch without the written consent of the ditch owner.

7-202. WILDLIFE HABITAT AREAS.

The Applicant shall consult with the Colorado Parks and Wildlife or a qualified wildlife biologist in determining how best to avoid or mitigate impacts to wildlife habitat areas. Methods may include, but are not limited to, 1 or more of the following:

A. Buffers.

Visual and sound buffers shall be created through effective use of topography, vegetation, and similar measures to screen structures and activity areas from habitat areas.

B. Locational Controls of Land Disturbance.

Land disturbance shall be located so that wildlife is not forced to use new migration corridors, and is not exposed to significantly increased predation, interaction with vehicles, intense human activity, or more severe topography or climate.

C. Preservation of Native Vegetation.

1. Proposed Land Use Changes are designed to preserve large areas of vegetation utilized by wildlife for food and cover, based upon recommendations by the Colorado Parks and Wildlife.
2. When native vegetation must be removed within habitat areas, it shall be replaced with native and/or desirable nonnative vegetation capable of supporting post-disturbance land use.
3. Vegetation removed to control noxious weeds is not required to be replaced unless the site requires revegetation to prevent other noxious weeds from becoming established.

D. Habitat Compensation.

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

E. Domestic Animal Controls.

The County may require protective covenants or deed restrictions as necessary to control domestic animals by fencing or kenneling.

7-203. PROTECTION OF WATERBODIES.

A. Minimum Setback.

1. A setback of 35 feet measured horizontally from the Typical and Ordinary High Water Mark (TOHWM) on each side of a Waterbody is required.
2. In the case of entrenched or incised streams, where the vertical distance from the bank exceeds 25 feet, all activities, except for those referenced in section 7-203.A.3, will adhere to a setback of 2.5 times the distance between the TOHWMs or 35 feet, whichever is less.
3. A minimum setback of 100 feet measured horizontally from the TOHWM shall be required for any storage of hazardous materials and sand and salt for use on roads.

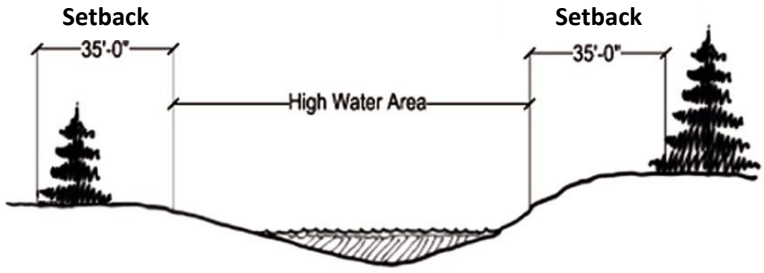

Figure 7-203: Minimum Setback Distance

B. Structures Permitted In Setback.

Irrigation and water diversion facilities, flood control structures, culverts, bridges, pipelines, and other reasonable and necessary structures requiring some disturbance within the 35 foot setback may be permitted.

C. Structures and Activity Prohibited in Setback.

Unless otherwise permitted or approved, the following activities and development shall be prohibited in the 35 foot setback:

1. Removal of any existing native vegetation or conducting any activity which will cause any loss of riparian area unless it involves the approved removal of noxious weeds, nonnative species, or dead or diseased trees.

2. Disturbance of existing natural surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means, including without limitation grading and alteration of existing topography. Measures taken to restore existing topography to improve drainage, flow patterns, and flood control must be approved.

D. Compliance with State and Federal Laws.

Any development impacting a Waterbody shall comply with all applicable state and federal laws, including, but not limited to, CDPHE water quality control division regulations and the Army Corp of Engineers regulations and permitting for waters of the U.S.

7-204 DRAINAGE AND EROSION.

A. Erosion and Sedimentation.

Excluding Grading activities for agricultural purposes, development disturbing 1 acre or more is subject to the CDPHE National Pollutant Discharge Elimination System Permit, unless otherwise exempted by CDPHE.

B. Drainage

1. Site Design to Facilitate Positive Drainage. Lots shall be laid out to provide positive drainage away from all buildings.

2. Coordination With Area Storm Drainage Pattern. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

a. Drainage ditches shall have a minimum Slope of no less than 0.75%. Energy dissipaters or retention ponds shall be installed in drainage ditches where flows are in excess of 5 feet per second. Ditches adjacent to roads shall have a maximum Slope of 3:1 on the inside and outside edges, except where there is a cut Slope on the outside edge, in which case the edge of the ditch shall be matched to the cut Slope.

b. Subdrains shall be required for all foundations where possible and shall divert away from building foundations and daylight to proper drainage channels.

c. Avoid Drainage to Adjacent Lots. Drainage shall be designed to avoid concentration of drainage from any lot to an adjacent lot.

C. Stormwater Run-Off.

These standards shall apply to any new development within 100 feet of a Waterbody and to any other development with 10,000 square feet or more of impervious surface area.

1. Avoid Direct Discharge to Streams or Other Waterbodies. Stormwater Runoff from project areas likely to contain pollutants shall be managed in a manner that provides for at least 1 of the following and is sufficient to prevent water quality degradation, disturbance to adjoining property, and degradation of public roads.

a. Runoff to Vegetated Areas. Direct run-off to stable, vegetated areas capable of maintaining Sheetflow for infiltration. Vegetated receiving areas should be resistant to erosion from a design storm of 0.5 inches in 24 hours.

b. On-Site Treatment. On-site treatment of stormwater prior to discharge to any natural Waterbody by use of best management practices designed to detain or infiltrate the Runoff and approved as part of the stormwater quality control plan prior to discharge to any natural Waterbody.

c. Discharge to Stormwater Conveyance Structure. Discharge to a stormwater conveyance structure designed to accommodate the projected additional flows from the proposed project, with treatment by a regional or other stormwater treatment facility.

2. Minimize Directly-Connected Impervious Areas. The site design shall minimize the extent of directly-connected impervious areas by including the following requirements:

a. Drainage Through Vegetated Pervious Buffer Strips. Runoff from developed impervious surfaces (rooftops, Parking Lots, sidewalks, etc.) shall drain over stable, vegetated pervious areas before reaching stormwater conveyance systems or discharging to Waterbodies.

b. Techniques Used in Conjunction with Buffer Strip. The requirement that all impervious areas drain to vegetated pervious buffer strips may be reduced if the outflow from the vegetated pervious buffer strip is directed to other stormwater treatment methods. Examples of other potential techniques to be used in conjunction with vegetated pervious buffer strip are: infiltration devices, grass depressions, constructed Wetlands, sand filters, dry ponds, etc.

c. Grass Buffer Strip Slope Design. When impervious surfaces drain onto grass buffer strips, a Slope of less than 10% is encouraged, unless an alternative design is approved by the County.

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

a. Detention facilities shall ensure the post-development peak discharge rate does not exceed the pre-development peak discharge rate for the 2-year and 25-year return frequency, 24-hour duration storm. In determining Runoff rates, the entire area contributing Runoff shall be considered, including any existing off-site contribution.

b. To minimize the threat of major property damage or loss of life, all permanent stormwater detention facilities must demonstrate that there is a safe passage of the 100-year storm event without causing property damage.

c. Channels downstream from the stormwater detention pond discharge shall be protected from increased channel scour, bank instability, and erosion and sedimentation from the 25-year return frequency, 24-hour design storm.

d. Removal of pollutants shall be accomplished by sizing dry detention basins to incorporate a 40-hour emptying time for a design precipitation event of 0.5 inches in 24 hours, with no more than 50% of the water being released in 12 hours. If retention ponds are used, a 24-hour emptying time is required. For drainage from Parking Lots, vehicle maintenance facilities, or other areas with extensive vehicular use, a sand and oil grease trap or similar measures also may be required. To promote pollutant removal, detention basins length-to-width ratio should be not less than 2, with a ratio of 4 recommended where site constraints allow. A sedimentation "forebay" is recommended to promote long-term functioning of the structure. Access to both the forebay and pond by maintenance equipment is required.

e. Culverts, drainage pipes, and bridges shall be designed and constructed in compliance with AASHTO recommendations for a water live load.

7-205. ENVIRONMENTAL QUALITY.

A. Air Quality.

Any Land Use Change shall not cause air quality to be reduced below acceptable levels established by the Colorado Air Pollution Control Division.

B. Water Quality.

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

7-206. WILDFIRE HAZARDS.

The following standards apply to areas subject to wildfire hazards as identified on the County Wildfire Susceptibility Index Map as indicated in the County's Community Wildfire Protection Plan.

A. Location Restrictions.

Development associated with the land use change shall not be located in any area designated as a severe wildfire Hazard Area with Slopes greater than 30% or within a fire chimney as identified by the Colorado State Forest Service.

B. Development Does Not Increase Potential Hazard.

The proposed Land Use Change shall be developed in a manner that does not increase the potential intensity or duration of a wildfire, or adversely affect wildfire behavior or fuel composition.

C. Roof Materials and Design.

Roof materials shall be made of noncombustible materials or other materials as recommended by the local fire agency.

7-207. NATURAL AND GEOLOGIC HAZARDS.

A. Utilities.

Above-ground utility facilities located in Hazard Areas shall be protected by barriers or diversion techniques approved by a qualified professional engineer. The determination

to locate utility facilities above ground shall be based upon the recommendation and requirements of the utility service provider and approved by the County.

B. Development in Avalanche Hazard Areas.

Development may be permitted to occur in Avalanche Hazard Areas if the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer, or qualified professional geologist, and the plan approved by the County.

1. Building construction shall be certified to withstand avalanche impact and static loads and otherwise protected by external avalanche-defense structures that have been similarly certified.

2. Driveways and Subdivision roads shall avoid areas where avalanches have return periods of fewer than 10 years.

3. Clear-cutting or other large-scale removal of vegetation is prohibited in avalanche path starting zones, or in other locations that can increase the potential avalanche hazard on the property.

4. Extractive operations in Avalanche Hazard Areas are prohibited when snow is on the ground unless a program of avalanche control and defense measures has been approved by the County to protect the operation.

C. Development in Landslide Hazard Areas.

Development may be permitted to occur in Landslide Hazard Areas only if the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer, or qualified professional geologist, and as approved by the County.

1. Development shall comply with recommended construction practices to artificially stabilize, support, buttress, or retain the potential slide area and to control surface and subsurface drainage that affects the slide area.

2. The following development activities shall be prohibited in Landslide Hazard Areas:

a. Activities that add water or weight to the top of the Slope, or along the length of the Slope, or otherwise decrease the stability of the Hazard Area. Measures and structural improvements to permanently control surface and subsurface drainage from the development shall be required.

b. Activities that remove vegetation or other natural support material that contributes to its stability.

c. Activities that increase the steepness of a potentially unstable Slope.

d. Activities that remove the toe of the landslide, unless adequate mechanical support is provided.

D. Development in Rockfall Hazard Areas.

Development shall be permitted to occur in rockfall Hazard Areas only if the Applicant demonstrates that the development cannot avoid such areas and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer, or a qualified professional geologist, and as approved by the County.

1. Development shall comply with recommended construction practices to minimize the degree of hazard. Construction practices may include:

a. Stabilizing rocks by bolting, gunite application (cementing), removal of unstable rocks (scaling), cribbing, or installation of retaining walls.

b. Slowing or diverting moving rocks with rock fences, screening, channeling, damming, or constructing concrete barriers or covered galleries.

c. Installation of structural barriers around vulnerable structures to prevent rock impact.

2. The following development activities shall be prohibited in rockfall Hazard Areas:

a. Activities that add water or weight to, or otherwise decrease the stability of, cliffs or overhanging strata.

b. Activities that will reduce stability, including activities that remove vegetation or other natural support material, or that require excavation, or cause erosion that will remove underlying support to a rockfall Hazard Area.

E. Development in Alluvial Fan Hazard Area.

Development shall only be permitted to occur in an alluvial fan if the Applicant demonstrates that the development cannot avoid such areas, and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer, or qualified professional geologist, and as approved by the County:

1. Development shall be protected using structures or other measures on the uphill side that channel, dam, or divert the potential mud or debris flow.

2. Disturbance shall be prohibited in the drainage basin above an alluvial fan, unless an evaluation of the effect on Runoff and stability of the fan and on the ground water recharge area shows that disturbance is not substantial or can be successfully mitigated.

F. Slope Development.

Development on Slopes 20% or greater shall only be permitted to occur if the Applicant demonstrates that the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer, or qualified professional geologist, and as approved by the County:

1. Building lots with 20% or greater Slope shall require a special engineering study to establish the feasibility of development proposed for the site. The study shall address feasibility of construction required for the use and describe the mitigation measures to be used to overcome excessive Slope problems.

2. Development shall be permitted to occur on Slopes greater than 30% only if the Applicant demonstrates that the development cannot avoid such areas and the development complies with the following minimum requirements:

a. Cutting, filling, and other Grading activities shall be confined to the minimum area necessary for construction.

b. Development shall be located and designed to follow natural grade, rather than adjusting the site to fit the structure. Roads and driveways built to serve the development shall follow the contours

of the natural terrain and, if feasible, shall be located behind existing landforms.

3. Development on Unstable or Potentially Unstable Slopes. If a site is identified as having moderate or extremely unstable Slopes, then development shall be permitted only if the Applicant demonstrates that the development cannot avoid such areas and the development complies with certified geotechnical design and construction stabilization and maintenance measures.

a. Cutting into the Slope is prohibited without provision of adequate mechanical support.

b. Adding water or weight to the top of the Slope, or along the length of the Slope, is prohibited.

c. Vegetation shall not be removed from the Slope unless the integrity of the Slope can be adequately maintained.

4. Development on Talus Slopes. Development shall be permitted to occur on a Talus Slope only if the Applicant demonstrates that the development cannot avoid such areas, and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer, or a qualified professional geologist, and as approved by the County:

a. The development shall be designed to withstand down Slope movement.

b. The design shall include buried foundations and utilities below the active Talus Slope surface.

c. Site disturbance shall be minimized to avoid inducing slope instability.

d. The toe of a Talus Slope shall not be removed unless adequate mechanical support is provided.

G. Development on Corrosive or Expansive Soils and Rock.

Development in areas with corrosive or expansive soils and rock shall be designed based upon an evaluation of the development's effect on Slope stability and shrink-swell characteristics. Development shall be permitted only if the Applicant demonstrates that the development cannot avoid such areas and the development complies with design, construction stabilization, and maintenance measures certified by a qualified professional engineer, or qualified professional geologist, and is approved by the County.

1. Surface drainage shall be directed away from foundations.

2. Runoff from impervious surfaces shall be directed into natural drainages or otherwise on-site in a manner that does not create or increase adverse impacts to the development site or to adjacent or other property.

H. Development in Mudflow Areas.

Development shall be permitted in a mudflow area only if the Applicant demonstrates that the development cannot avoid such areas, and the development adequately employs, construction stabilization, and mitigation and maintenance measures as designed by a qualified professional engineer, or qualified professional geologist, and as approved by the County.

I. Development Over Faults.

Development shall be permitted over faults only if the Applicant demonstrates that such areas cannot be avoided and the development complies with mitigation measures based on geotechnical analysis and recommendations, as certified by a qualified professional engineer, or qualified professional geologist, and approved by the County.

7-208. RECLAMATION.

A. Applicability.

These standards shall apply to any development that requires a Land Use Change Permit, including divisions of land, as well as to the following activities:

1. Installation of ISDS. Installation of a new or replacement ISDS.
2. Driveway Construction. Any driveway construction that requires a Garfield County Access Permit or a CDOT Access Permit.
3. Preparation Area. All areas disturbed during development that do not comprise the longer-term functional areas of the site but are those areas used for the short-term preparation of the site.

B. Reclamation of Disturbed Areas.

Areas disturbed during development shall be restored as natural-appearing landforms that blend in with adjacent undisturbed topography. When the final landform is achieved, the surface shall be stabilized by vegetation or other means to reduce further soil erosion from wind or water, provide forage and cover, prevent fugitive dust as required by State Statute, and reduce visual impacts.

1. Contouring and Revegetation. Abrupt angular transitions and linear placement on visible Slopes shall be avoided. Areas disturbed by Grading shall be contoured so they can be revegetated, and shall be planted and have vegetation established. A uniform vegetative cover shall be established with an individual plant density of at least 70% of pre-disturbance levels within 4 growing seasons. Revegetation cover shall consist of a diversity of native and/or beneficial nonnative vegetation species capable of supporting the post-disturbance land use. State or County listed noxious weeds, as well as alien annual invasive species, do not count as part of the 70% cover. To the maximum extent feasible, disturbed areas shall be revegetated to a desired plant community with composition of weed-free species and plant cover typical to that site.
2. Weed Management. A management plan with appropriate strategies shall be employed for all Garfield County listed noxious weeds, State of Colorado listed noxious weeds that are targeted for statewide eradication and any other invasive species.
3. Application of Top Soil. Top soil shall be stockpiled and placed on disturbed areas and managed for later use in reclamation. Provisions for salvaging on-site topsoil, a timetable for eliminating topsoil and/or aggregate piles and a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more shall be reviewed and accepted by the Garfield County Vegetation Manager.
4. Retaining Walls. Retaining walls made of wood, stone, vegetation, or other materials that blend with the natural landscape shall be used to reduce the steepness of cut Slopes and to provide planting pockets conducive to revegetation.
5. Slash Around Homes. To avoid insects, diseases, and wildfire hazards, all vegetative residue, branches, limbs, stumps, roots, or other such

flammable lot-clearing debris shall be removed from all areas of the lot in which such materials are generated or deposited, prior to final building inspection approval.

6. Removal of Debris. Within 6 months of substantial completion of soil disturbance, all brush, stumps, and other debris shall be removed from the site.

7. Time Line Plan. Every area disturbed shall have a time line approved for the reclamation of the site.

DIVISION 3. SITE PLANNING AND DEVELOPMENT STANDARDS.

Unless a use is explicitly identified elsewhere in this Code as being exempt from 1 or more standards, the following standards shall apply to all uses, divisions of land and PUDs. Single-family dwelling units, are specifically exempt from these Division 3 standards.

7-301. COMPATIBLE DESIGN.

The design of development associated with the land use change shall be compatible with the existing character of adjacent uses.

A. Site Organization.
The site shall be organized in a way that considers the relationship to streets and lots, solar access, parking, pedestrian access, and access to common areas.

B. Operational Characteristics.
The operations of activities on the site shall be managed to avoid nuisances to adjacent uses relating to hours of operations, parking, service delivery, and location of service areas and docks.

1. Dust, odors, gas, fumes, and glare shall not be emitted at levels that are reasonably objectionable to adjacent property.

2. Noise shall not exceed State noise standards pursuant to C.R.S., Article 12 of Title 25, unless the use is regulated by the COGCC. In this case, the use shall be subject to COGCC Rules regarding noise abatement.

3. Hours of operation shall be established to minimize impacts to adjacent land uses.

C. Buffering.
Buffering shall be installed to mitigate visual, noise, or similar impacts to adjacent property whenever adjacent uses are in a different zone district.

D. Materials.
Exterior facades shall be constructed with materials that do not detract from adjacent buildings or uses.

7-302. OFF-STREET PARKING AND LOADING STANDARDS.

A. Off-Street Parking Required.
All land uses shall be required to provide the number of off-street parking spaces set forth in Table 7-302.A. Any use not specifically listed in Table 7-302.A. shall be determined by the Director.

1. A parking or loading space that is required by this Code shall not be a required parking or loading space for another use unless it can be shown that the shared use will not result in a shortage of parking at any time. Use of approved shared parking or loading spaces, based upon the

following conditions, may reduce the number of off-street parking spaces by up to 20% of the total required for all uses.

a. The peak use periods for the required parking or loading space will not overlap with one another.

b. The shared use arrangement for parking or loading spaces shall be for 2 or more uses located on the same site or adjoining sites.

2. When any calculation of the number of required off-street parking spaces results in a fractional space being required, such fraction shall be rounded up to the next higher number of spaces.

Table 7-302.A.: Minimum Off-Street Parking Standards By Use

Use Type	Parking Standard
RESIDENTIAL USES	
Single-Unit	2 Spaces Per Unit
2-Unit	2 Spaces Per Unit
Multi-Unit	2.5 Spaces Per Unit
Manufactured Home Park	2 Spaces Per Unit
Transitional Housing	1 Space Per Unit
Overnight/Emergency Shelter	1 Space Per Staff[1]
PUBLIC/INSTITUTIONAL USES	
Auditorium/Public Assembly Areas	1 Space Per 100 Square Feet of Seating Area
Public Facility	1 Space Per 300 Square Feet of Floor Area[2]
Health Facility	1 Space Per 300 Square Feet of Floor Area[2]
COMMERCIAL USES	
Lodging	1 Space Per Room
Restaurant and Tavern	1 Space Per Every 4 Seats
Retail, Service, or Office	1 Space Per 250 Square Feet of Leasable Floor Area
Wholesale Establishment, Warehouse, Rail or Truck Freight Terminals	1 space per 2,000 square feet of Floor Area
Recreational Vehicle Park	1 Space per Recreational Vehicle
INDUSTRIAL USES	
Manufacturing Establishments	1 Space Per 1,000 Square Feet of Floor Area

1. Computed on the basis of the estimated maximum number of employees and volunteers on the site at any given time.
2. Net leasable areas include only those areas that are designed to be leased to a tenant and occupied for commercial or office purposes, exclusive of any area dedicated to foyers, bathrooms, stairways, circulation corridors, mechanical areas, and storage areas used solely by tenants on the site.

B. Off-Street Loading Required.

Buildings or structures that are designed or that are substantially altered so as to receive and distribute materials and merchandise by truck shall provide and maintain off-street loading spaces in sufficient number to meet their need. Where the property or use is served or designed to be served by tractor-trailer delivery vehicles, the standards in Table 7-302.B. shall be used in establishing the minimum number of off-street loading berths required.

Table 7-302.B: Off-Street Loading Requirements

Gross Floor Area of Building	Required Berths or Spaces
Up to 10,000 Square Feet	1 Space
Greater Than 10,000 Square Feet	2 Spaces

C. Continuing Obligation.

The provision and maintenance of off-street parking and loading spaces that comply with this Code shall be a continuing obligation of the property owner.

D. Location of Required Parking Spaces.

Required off-street parking spaces shall be located on the same lot or the adjacent lot proximate to the business they are intended to serve.

E. Loading and Unloading.

Loading and unloading of vehicles serving commercial and industrial uses shall be conducted in a manner that does not interfere with the proper flow of traffic.

F. Parking and Loading Area Surface.

1. Surface Materials. Off-street parking areas, loading areas, aisles, and access drives shall have a durable, all-weather surface made of materials that are suitable for the uses to which the parking area will be put.
2. Grading and Drainage. Parking and loading surfaces shall be design by an engineer to ensure proper drainage off surface and stormwater.
3. Striping. Paved surfaces shall be striped to demarcate the parking spaces for all commercial lots and for residential lots containing over 4 contiguous spaces.

G. Minimum Dimensions of Parking Areas.

The minimum dimensions of parking spaces, aisles, and back-up areas are specified in Figure 7-302. The length of a parking space may be reduced to 18 feet, including wheel stop, if an additional area of 2 feet in length is provided for the front overhang of the car, provided that the overhang shall not reduce the width of the adjacent walkway to less than 4 feet.

H. Compact Car Spaces.

In parking areas containing more than 10 spaces, up to 20% of the number of spaces over the first 10 spaces may be designed and designated for compact cars.

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

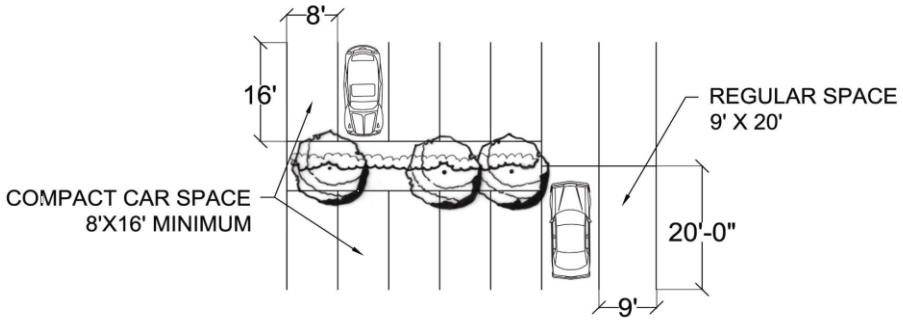

Figure 7-302: Parking Space Dimensions

I. Minimum Dimensions of Loading Berths.

The minimum dimension of any loading berth shall be 10 feet wide by 35 feet long, with a vertical clearance of 14 feet. If the typical size of vehicles used in connection with the proposed use exceeds these standards, the dimensions of these berths shall be increased.

J. Handicapped or Accessible Parking.
Accessible parking shall comply with the County's construction codes and the adopted or most recent edition of CABO/ICC ANSI A 117.1.

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

L. Tandem Parking.
Tandem parking (a vehicle parking directly behind another) that meets the following conditions may be applied to meet the off-street parking standards of this Code:

1. The space does not impede the movement of other vehicles on the site;

2. Tandem spaces serving multi-family dwelling units are assigned to the same dwelling unit; and

3. Valet parking shall be provided for tandem spaces serving commercial uses.

M. Backing Onto Public Streets Prohibited.
All parking areas shall be located and designed in conjunction with a driveway so that vehicles exiting from a parking space shall not be required to back onto a public road. Vehicles exiting from a parking space for a single-family or duplex dwelling unit may back onto a residential street. Vehicles exiting from a parking space for any use may back onto the right-of-way of an Alley adjacent to the property.

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

1. Minimum Width.

a. The minimum width of the access driveway for a commercial or industrial use shall be 12 feet for a 1-way drive and 24 feet for a 2-way drive.

b. The access driveway for a residential use shall be 10 feet for a 1-way drive and 20 feet for a 2-way drive.

2. Clear Vision Area. Access driveways shall have a minimum clear vision area as described and illustrated in section 7-303.I.

O. Parking and Loading Area Landscaping and Illumination.
Off-street parking and loading areas for nonresidential uses located adjacent to residential uses or Residential Zoning Districts shall be landscaped to minimize disturbance to residents, including installation of perimeter landscaping, proper screening of loading areas with opaque materials, and control of illumination.

7-303. LANDSCAPING STANDARDS.

Single-Family Dwelling Units, Accessory Dwelling Units, Industrial Uses and all uses located fully within a parcel of land in an Industrial Zone District are exempt from this section.

A. General Standards.

1. All portions of the site where existing vegetative cover is damaged or removed, that are not otherwise covered with new improvements, shall be successfully revegetated with a mix of native, adaptive, and drought-tolerant grasses, ground covers, trees and shrubs. The density of the re-

established vegetation must be adequate to prevent soil erosion and invasion of weeds after 1 growing season.

2. Landscaping shall not obstruct fire hydrants or utility boxes and shall be installed so it will not grow into any overhead utility lines. Trees and shrubs shall not be planted within 4 feet of existing overhead or underground lines

B. Multi-Family Development.

Lots in a Residential Zone District that contain multi-family dwellings shall be landscaped in the areas not covered by impervious materials.

C. Subdivision, PUD, and Rural Land Development Exemption.

Landscaping in a residential Subdivision, Planned Unit Development, or Rural Land Development Exemption shall be consistent with the character of the development, the unique ecosystem, and specific environment in which the development is located.

D. Plants Compatible with Local Conditions.

All plants used for landscaping shall be compatible with the local climate and the soils, drainage, and water conditions of the site. When planting occurs on hillsides, Slopes, drainage ways, or similar natural areas, plant material should duplicate adjacent plant communities both in species composition and special distribution patterns. Whenever possible, drought-resistant varieties of plant materials shall be utilized. Xeriscape design principles and the use of native plant species shall be used when appropriate.

E. Existing Vegetation.

Healthy trees, native vegetation, natural or significant rock outcroppings, and other valuable features shall be preserved and integrated within planting areas.

F. Minimum Size.

To ensure healthy plant materials are installed in new development, trees and shrubs shall comply with the quality standards of the Colorado Nursery Act, 1973 C.R.S. Title 35, Article 26.

3. Deciduous Trees. Deciduous trees shall be a minimum of 1-1/2 inches in caliper, measured at a point 4 inches above the ground.

4. Coniferous Trees. Coniferous trees shall be a minimum of 4 feet in height, measured from the top of the root ball to the top of the tree.

5. Ornamental Trees. Ornamental trees shall be a minimum of 1-1/2 inches in caliper, measured at a point 4 inches above the ground.

6. Shrubs and Vines. Shrubs shall be a minimum of 1 foot in height at time of planting. Vines shall be in a minimum 1 gallon container.

G. Minimum Number of Trees and Shrubs.

Trees and shrubs must be grouped in strategic areas and not spread thinly around the site. Where screening is required, plant materials must be sufficient to create a semi-opaque wall of plant material between the property and the adjoining area to be screened.

H. Parking and Storage Prohibited.

Areas required as landscaping shall not be used for parking, outdoor storage, and similar uses, but may be used for snow storage if designed in compliance with section 7-305, Snow Storage Standards.

I. Clear Vision Area.

A Clear Vision Area is the area formed by the intersection of the driveway centerline road right-of-way, the other road right-of-way line, and a straight line joining said lines through points 20 feet from their intersection as illustrated in Figure 7-303.A. Within a Clear Vision Area, plant materials shall be limited to 30 inches in height to avoid visibility obstructions or blind corners at intersections as illustrated in Figure 7-303.B.

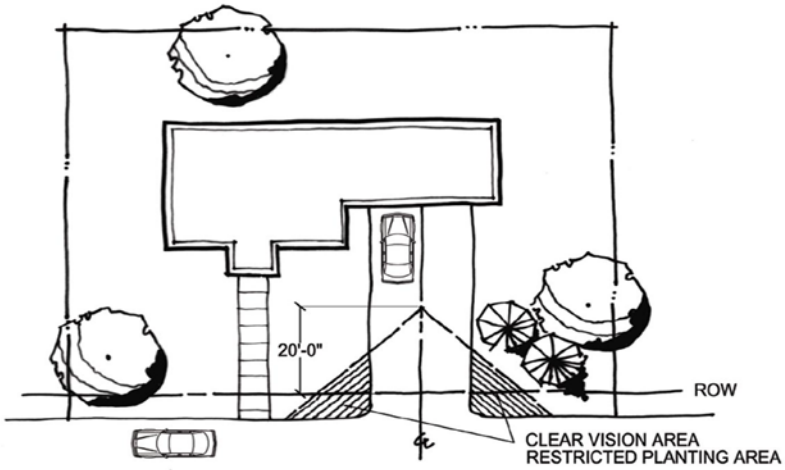

Figure 7-303 A: Clear Vision Area Space.

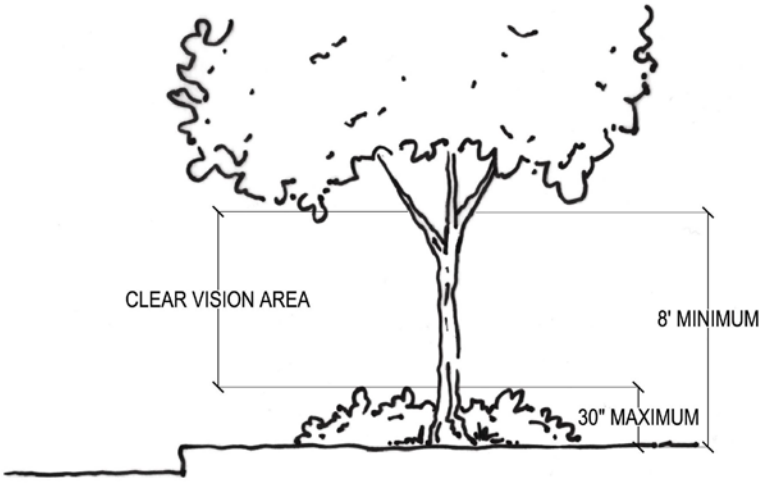

Figure 7-303 B: Plant Material in a Clear Vision Area.

J. Landscaping Within Off-Street Parking Areas.

1. All off-street parking areas containing 15 or more spaces shall provide landscape buffers when adjacent to a public road. Landscape buffers may be achieved through the use of earthen berms, shrubs, trees, or other appropriate materials to effectively screen the parking area from the right-of-way.

2. Interior Parking Areas. Planting shall be established to break up the interior of all parking areas. Landscape planting islands shall be a minimum of 8 feet in width, as shown in Figure 7-303.C, to ensure adequate room for planting.

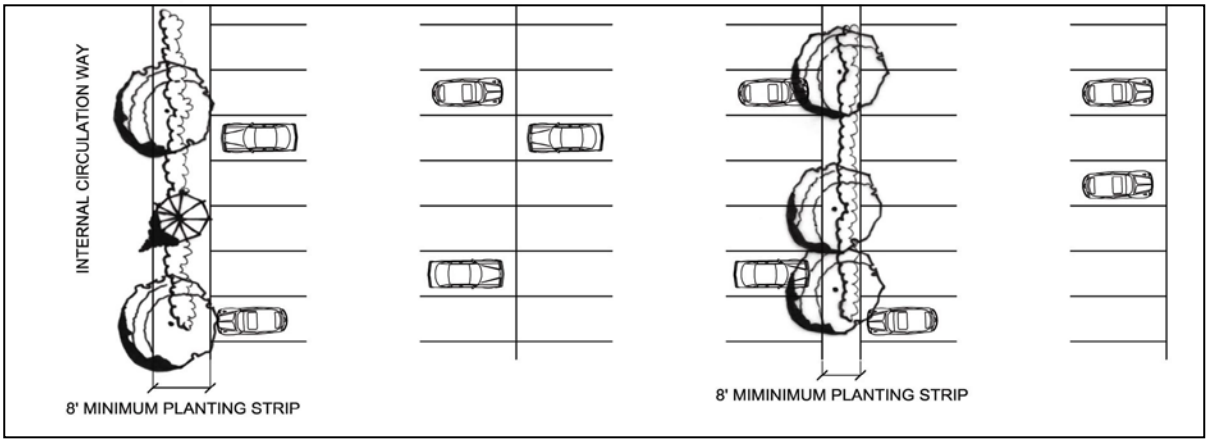

Figure 7-303 C: Planting Strip

7-304. LIGHTING STANDARDS.

Any exterior lighting shall meet the following conditions:

A. Downcast Lighting.
Exterior lighting shall be designed so that light is directed inward, towards the interior of the Subdivision or site.

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

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

D. Flashing Lights.
Blinking, flashing, or fluttering lights, or other illuminated device that has a changing light intensity, brightness, or color, shall be prohibited in all zone districts.

E. Height Limitations.
Light sources which exceed 40 feet in height shall not be permitted except for temporary holiday displays or as required by local, State or Federal regulations.

7-305. SNOW STORAGE STANDARDS.

All residential uses except for multi-family are exempt from this section, unless the residential use includes a common outdoor parking area.

A. Minimum Area.
A designated area sufficient to store snow from the entire parking area shall be provided. As a general guideline, and considering the varying elevations and snowfall amounts throughout the County, it is anticipated that a minimum area equivalent to 2.5% of the total area of the required off-street parking and loading area, including access drives, shall be designated to serve as a snow storage area.

B. Storage in Parking Spaces Prohibited.
Required off-street parking and loading areas shall not be used for snow storage.

C. Storage in Yards and Open Space Permitted.
Snow stored in a yard or Open Space shall not be located in a manner that restricts access or circulation, or obstructs the view of motorists.

D. Storage on Public Roadways Prohibited.
Public roads shall not be used for snow storage.

E. Drainage.
Adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property.

7-306. TRAIL AND WALKWAY STANDARDS.

A. Recreational and Community Facility Access.
A multi-modal connection, such as a trail or sidewalk, shall be provided in a development where links to schools, shopping areas, parks, trails, greenbelts, and other public facilities are feasible.

1. Trail Dedication Standards. Trail rights-of-way for dedicated park lands and Open Space shall conform to the following criteria:

a. The land required for trails or walkways shall be set aside as an easement or separate fee interest.

b. All easements for trails and walkways will be dedicated to the public.

c. The width of the easement shall be adequate to handle the proposed use based on the particular reasonable needs of the trail, its location, the surrounding terrain, and the anticipated usage. The minimum width for the trail easement shall be 8 feet.

d. Public access to the trail shall be provided within the subject property.

e. Any easement may overlap and include property previously included in other easements, such as ditch, canal, utility and Conservation Easements, and public or private open space. However, the trail easement shall not compromise the functional use of any other easement.

B. Safety.
Special structures and/or traffic control devices may be required at road crossings to avoid unsafe road crossings.

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

DIVISION 4. SUBDIVISION STANDARDS AND DESIGN SPECIFICATIONS.

The following standards apply to all divisions of land unless elsewhere in this Code a division of land is explicitly exempt from 1 or more standards.

7-401. GENERAL SUBDIVISION STANDARDS.

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

B. Domestic Animal Control.

In each residential unit within the Subdivision, domestic animals shall be confined within the owner's property boundaries and kept under control when not on the property. This requirement for domestic animal control shall be included in the protective covenants for the Subdivision, with enforcement provisions acceptable to the County.

C. Fireplaces.

Any new solid-fuel burning stove, as defined by C.R.S. § 25-7-401, *et seq.,* shall be limited to 1 per lot within a Subdivision. Open hearth, solid-fuel fireplaces shall be prohibited. All dwelling units shall be allowed natural gas burning stoves and appliances.

D. Development in the Floodplain.

1. All Subdivision proposals shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

2. BFE data shall be generated by the Applicant for Subdivision proposals and other proposed development which are greater than 50 lots or 5 acres, whichever is less.

3. All Subdivision proposals, including the placement of Manufactured Home Parks, shall have adequate drainage provided to reduce exposure to flood hazards.

4. All Subdivision proposals, including the placement of Manufactured Home Parks and Subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

7-402. SUBDIVISION LOTS.

All lots in any Subdivision shall conform to the following specifications:

A. Lots Conform to Code.

Lot area, width, frontage, depth, shape, location, and orientation shall conform to the applicable zone district requirements and other appropriate provisions of this Code.

1. The Lot Size may be increased for lots developed in areas posing a potential hazard to health or safety due to soil conditions or geology.

2. Lot characteristics shall be appropriate for the location of the development and the type of use allowed.

a. Depth and width of lots shall be adequate to provide for the required off-street parking and loading facilities required by the type of use and development contemplated.

b. The width of residential corner lots shall be sufficient to accommodate the required building setback from both roads.

3. For lots less than 1 acre in size, the original and undisturbed Slope in excess of 30% shall not be credited toward lot area in determining whether the minimum lot area requirements will be met.

B. Side Lot Line Alignment.

Side Lot Lines shall be substantially at right angles or radial to road right-of-way lines.

C. Lots Configuration, Cul-de-Sacs.

Wedge-shaped lots or lots fronting on cul-de-sacs shall be a minimum of 25 feet in width at the front property line.

D. Lot Division by Boundaries, Roads, or Easements Prohibited.
No lots shall be divided by municipal boundaries, County roads or public rights-of-way.

7-403. SURVEY MONUMENTS.

Permanent Survey Monuments shall be set within all Subdivisions pursuant to C.R.S. §§ 38-51-104 and 38-51-105. Prior to selling or advertising the sale of lots, No. 5 steel rebar, 18 inches or longer in length, shall be set at all lot corners. The registration number of the responsible land surveyor shall be fixed securely to the top of all monuments, markers, and benchmarks.

A. Monuments Located Within Streets.
Monuments located within streets shall be No. 5 rebar steel, 36 inches or longer in length, placed so that their tops are 6 inches below the final street surface. When a street is paved or otherwise surfaced, all such monuments within the paved or surfaced area shall be fitted with monument boxes of sturdy construction. Monuments set after paving or surfacing shall also be provided with sturdy monument boxes.

B. Setting by Standard Construction Techniques.
All monuments, markers, and benchmarks shall be set or witnessed according to standard construction techniques and in a fashion that is satisfactory to the BOCC.

7-404. SCHOOL LAND DEDICATION.

A. General.
The BOCC shall require reservation, dedication, or payment in lieu for school land. The BOCC may require payment of a sum of money not exceeding the fair market value of such sites and land areas, or a combination of land dedication and payment in lieu of dedication.

B. Amount of School Land Dedicated.
The proportion of land to be reserved or dedicated for school land shall be based upon the size, location, and characteristics of the proposed Subdivision, the current and likely future uses of the surrounding area, and the impact of the Subdivision on public services and facilities. The amount of land dedicated for public purposes shall be roughly proportionate to the impacts of the Subdivision.

1. Property Within RE-1 School District. For all property located in the RE-1 School District, the subdivision of land for residential use shall include reservation and dedication of sites and land areas for schools determined in accordance with the following calculations:

2. Land Dedication Standard.

a. Application of the formula for land dedication standard described below results in the following land dedication standards:

(1) Single Family: 870 square feet per unit, or .020 acres.

(2) Multi-Family: 675 square feet per unit, or .015 acres.

(3) Manufactured Home: 1,261 square feet per unit, or .029 acres.

b. If dedication of all or portions of the required school lands is not deemed feasible or in the public interest, the school district may recommend to the BOCC 1 of the following options:

(1) Guarantee of future land dedication. The Applicant shall submit a letter guaranteeing future dedication of land for school sites and proposing a method of guarantee acceptable to the BOCC or the receiving agency.

(2) The Applicant provide cash-in-lieu of lands in accordance with the provisions of section 7-404.C.

3. Final Plat Requirements.

a. All dedicated lands shall be designated on the Final Plat and deeded to Garfield County or the appropriate agency at the time of recordation of the Final Plat.

b. Title insurance, provided by a title insurance company authorized to do business in the State of Colorado and acceptable to the BOCC, shall be required at the time of recordation of the Final Plat.

c. A certificate of representations and warranties concerning title and usability of the property, in a form acceptable to the BOCC, shall be required at the time of recordation of the Final Plat.

4. Formula for Land Dedication Standard.

Land Area Provided Per Student x
Students Generated Per Dwelling Unit =
Land Dedication Standard.

a. Land Area Provided Per Student. The district has determined that 1,776 square feet of land per student shall be provided for future school sites, based on Table 7-404.

b. Students Generated Per Dwelling Unit. The number of students generated per type of dwelling unit shall be based on the following:

(1) Single Family 0.49

(2) Multi-Family 0.38

(3) Manufactured Home 0.71

Table 7-404: Land Area Provided Per Student

	Reasonable Capacity	Recommended Acreage[1]
School Type		
Elementary School	550 students	15.5 acres
Middle School	600 students	26.0 acres
High School	800 students	38.0 acres
Total	1950 students	79.5 acres
Average Summary		
Acres Per student		0.04077 acres
Square Feet Per Student		1,776 square feet

1. Based on the Guide for Planning Educational Facilities, Council of Education Facility Planners International, 1991.

C. Payment-In-Lieu of Dedication of School Land.

Based upon recommendation from the potential receiving body, the BOCC may accept a cash payment from the Applicant in lieu of dedicated land ("Payment"), in whole or part.

1. Property Not Within RE-1 School District. For all property not located in the RE-1 School District, the Applicant will pay $200 per dwelling unit to the appropriate school district, unless previous agreements have been made between the Applicant and the school district to pay for school impacts.

2. Property Within RE-1 School District. Payment shall be based on the unimproved fair market value of the land.

a. Not to Exceed Market Value. Payment shall not exceed the current market value of the land that would have been dedicated to the County or other public entity. If a combination of land dedication and payment is applied, the combination of both land dedication and payment shall not exceed the fair market value of the total required dedication of sites and land areas

b. Minimum Payment. Minimum payment shall be $500.00 for any required dedication.

c. Payment for Schools. Based upon the RE-1 School District's recommendation, the BOCC can require a cash payment-in-lieu of dedicating land, or a cash payment in combination with a land dedication, to comply with the requirements for public sites and Open Space set forth in this Code.

3. Formula for Payment.

Unimproved Per Acre Market Value of Land x

Land Dedication Standard x

Number of Units =

Payment

a. Unimproved Market Value of Land. Unimproved market value of the land shall be determined by an appraisal performed within the last 6 months for the Applicant, by an individual qualified in the State of Colorado to establish the unimproved market value of the property just prior to the approval of a Final Plat. Any dispute of the market value would be based upon a separate appraisal by an individual qualified in the State of Colorado to establish the value, which shall be paid for by the school district. In the event the school district declines to conduct a separate appraisal, the Applicant's appraisal will be used.

b. Land Dedication Standard. The land dedication standard set forth in section 7-404.B.

c. Number of Units. The number of dwelling units proposed.

4. Payments Held in Escrow. Payments received by the BOCC shall be held in an escrow account by the County for the purposes allowed by C.R.S. § 30-28-133.

5. Release of Land or Payment. After Final Plat approval and receipt of dedications, the BOCC shall give written notification to the appropriate receiving body.

a. Following notice by the BOCC, the receiving body may request the dedication, and the BOCC shall transfer the lands to the appropriate receiving body.

b. Funds may be released to the appropriate receiving body if the BOCC finds that the proposed use of funds is compatible with the intent of the payment or sale of the land.

c. The County shall retain a reasonable management fee for the holding and maintenance of escrow accounts for payments,

provided that the management fee does not exceed the amount of interest generated by the account.

7-405. ROAD IMPACT FEES.

Except as otherwise provided in this section, Road Impact Fees shall be implemented and administered consistent with the Road Impact Fee Update study dated July 1, 2015.

A. General Requirements.

1. The County shall collect Road Impact Fees for new development prior to the issuance of a building permit consistent with the adopted fee schedule.

2. All Road Impact Fees collected will be put into a separate interest-bearing account in the County Treasurer's Office for the specific Benefit Areas from which fees are collected. All fees collected and interest accrued must be spent on growth-related improvements within the specific Benefit Area from which the fees were collected within 10 years of the date that the fee is established. If, after 10 years, the fees collected have not been spent on development-related capital improvements, all fees will be returned to the land owner of the property assessed an impact fee, with interest accrued.

3. Any fees collected after the completion of growth-related improvements for a road project may be credited to the appropriate project and will be used to reimburse the County for the funds advanced to complete the project.

4. The BOCC may determine that certain portions of improvements to a road are critical to complete before there are any additional traffic generating uses added to the road. If a development is proposed before the County has scheduled to make the necessary improvements, the developer may be required to pay the total cost of the needed improvements prior to the County's schedule. Impact fees that would be due by the developer shall be credited against the cost of the needed improvements.

B. Road Impact Fee Schedule by Development Type.

Development shall pay the following impact fees per development type at the time of building permit. The Development Type categories are defined as follows:

1. Industrial includes the processing or production of goods, along with warehousing, transportation, communications, and utilities.

2. Commercial includes retail development and eating and drinking establishments, along with entertainment uses often located in a shopping center

3. Institutional includes public and quasi-public buildings providing educational, social assistance, or religious services, and government buildings.

4. Office and Other Services includes offices, health care and personal services, business services (e.g. banks), and lodging.Division 5. Standards Applicable to Conservation Subdivision.

Table 7-405: Road Impact Fees

Development Type	Square Feet	Fee	
		East Benefit Area	South and North Benefit Areas

Residential (Per Dwelling by Square Feet of Finished Floor Areas			
Residential	900 or Less	$726	$486
	901 to 1,400	$1,474	$986
	1,400 to 1,900	$1,988	$1,332
	1,901 to 2,400	$2,385	$1,598
	2,401 and greater	$2,703	$1,811
Non-residential (Per 1,000 square feet of Floor Area)			
Industrial	Per 1,000 sq.ft	$564	$379
Commercial	Per 1,000 sq.ft	$3,766	$2,523
Institutional	Per 1,000 sq.ft	$1,505	$1,008
Office & Other Services	Per 1,000 sq.ft	$1,630	$1,092

C. Benefit Districts.

The Road Impact Fee will be collected at a rate as established in Table 7-405: Road Impact Fees for development within each Benefit District the County and shall be spent within the corresponding Benefit District from which they are collected.

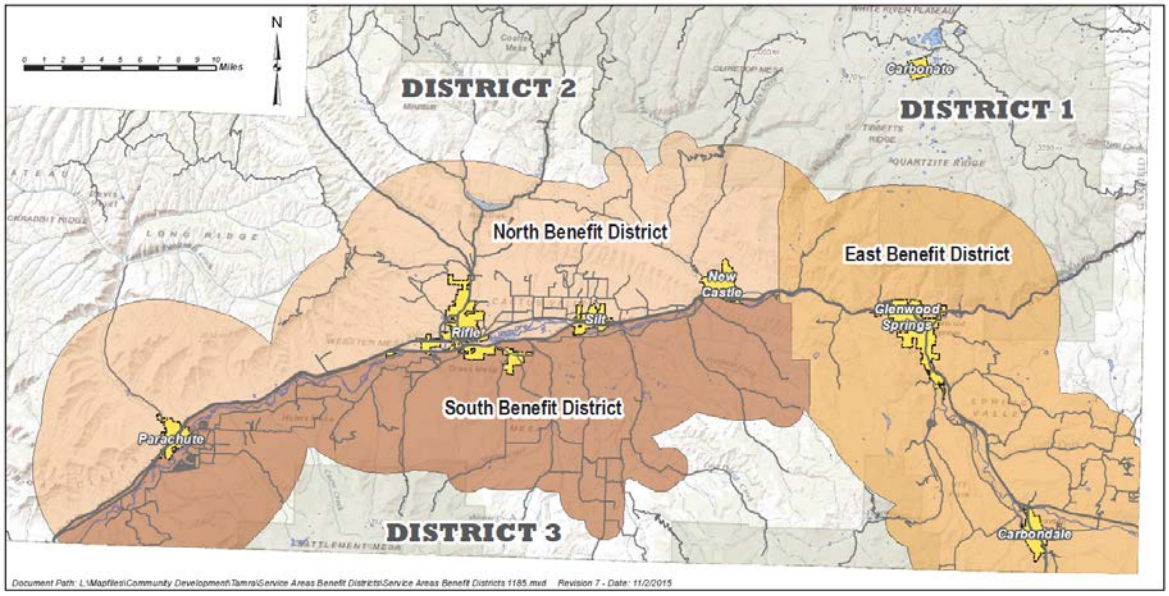

Figure 7-405: Benefit Districts

7-501. DESIGN STANDARDS FOR CONSERVATION SUBDIVISIONS.

A. Density.

For the purposes of this Code, densities proposed in either the Density Neutral Development Plan or the Increased Density Development Plan shall be determined by the maximum of lots that can practicably be created within the confines of the minimum Lot Size of the underlying zone district for a particular parcel of land as demonstrated in the Yield Plan.

1. Density Neutral Development Plan (DNDP). The DNDP allows a development plan to propose the same maximum number of lots allowed in the underlying zone district for a parcel as defined in a Yield Plan except that the plan may reduce the Lot Size for individual lots below the minimum Lot Size contemplated in the underlying zone district. All setbacks for the underlying zone district shall be maintained for all proposed lots. This allows for the density established in the Yield Plan to be transferred in the form of smaller lots to a portion of the same parcel

leaving the remainder of the parcel as Open Space. There are no bonus lots available under this option.

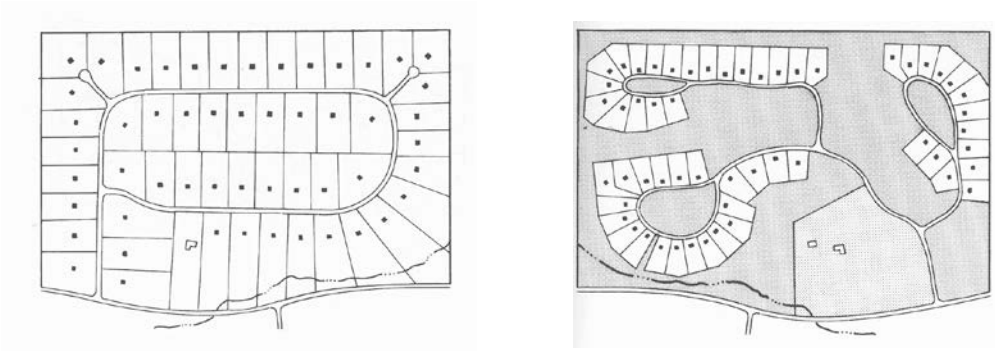

Figure 7-501: This illustration provides an example of a DNDP where the lots achieved in the Yield Plan on the left have been reduced in size and clustered into pods in the plan on the right. There is no net increase in density.

2. Increased Density Development Plan (IDDP). The IDDP allows a development plan to propose an increase in the number of residential lots as contemplated in the underlying zoning district (determined in a Yield Plan), as well as reducing the minimum Lot Size from what is currently allowed in the underlying zone district. All setbacks for the underlying zone district shall be maintained for all proposed lots. Any increase in density (also referred to as bonus lots) is a function of the percentage of Open Space proposed in a development plan. More specifically, as the amount of proposed Open Space increases, so does the percentage of bonus lots awarded. The percentage of Open Space proposed in a development plan is multiplied by 0.5, which results in the percentage increase in the number of lots configured in the Yield Plan. The calculation is figured in the following way:

Table 1.0

% of Open Space (.5)	**=**	**% Increase**	**x**	**Lots in Yield Plan**	**=**	**# Bonus Lots**	**+**	**Lots in Yield Plan**	**=**	**Total Lots Available**

For example, if a Yield Plan indicates a total of 38 lots are possible on a parcel and a developer proposes to convert 40% of the parcel into Open Space, the conversion calculation will show that 50% of that percentage is 20%, which represents a 17% increase in the number of lots attainable in the Yield Plan for a total of 45.6 lots or 7.6 bonus lots as shown in

Table 2.0. For bonus lots that result in a fraction, they are to be rounded such that if a number is 5.5, it will be rounded up to 6.

Table 2.0

(40%).5	**=**	**0.2**	**x**	**38**	**=**	**7.6**	**+**	**38**	**=**	**45.6**

3. Residential Lot Design. The proposed lot layout shall locate the proposed residential lots such that they are clustered together in specific areas of the parcel. There may be more than 1 separate pod of clustered lots located throughout the parcel. A design that provides for a majority of lots being directly adjacent to Open Space is encouraged. Not all residential lots can contain site constraints identified in the Land Suitability Analysis such as steep Slopes, Wetlands, etc. While there is no minimum Lot Size requirement, all lots shall show the proposed lot area and setbacks on each lot.

4. Infrastructure and Project Location.

a. All Conservation Subdivision proposals, containing 15 or more dwelling units or that have lots 1 acre or less in size shall be required to provide centralized water and sewer systems through either a special district or municipal service. .

b. All Conservation Subdivision designs containing fewer than 15 dwelling units or that propose lots less than 2 acres but greater than 1 acre in size and utilize OWTS, shall be required to provide a Central Water System. OWTS leach fields and well systems may be located in land designated as Open Space.

B. Open Space Plan Standards.

Open Space shall be defined as a parcel of land, an area of water, or a combination of land and water within a development designed and intended primarily for the use or enjoyment of residents, occupants, and owners within that development. For purposes of this Code, Open Space may include areas of land and water that exist in a natural undeveloped state and are intended to preserve natural areas, environmentally sensitive resources, and existing wildlife habitat. In designing a Conservation Subdivision, the Open Space:

1. Shall be designed as large contiguous tracts where small “islands” of Open Space are discouraged.

2. Shall be designed to connect to available existing Open Space on neighboring properties or tracts of public lands in order to create larger regional tracts of contiguous Open Space.

3. Shall be designed to protect and not detract from existing wildlife habitat and natural features of the land, such as steep Slopes, Riparian Areas,

4. Should, to the extent practical, preserve the historic rural character of the parcel that includes preserving existing natural land features that buffer the property from adjacent developments and external roads, ridgelines, and view sheds.

5. May be improved to support passive and active recreation uses such as trail systems, tot lots, community greens, and ball fields.

6. May be used for agricultural uses including grazing, irrigated pasture land, and cultivated dryland crop farming in tracts of land that are intended to perform as viable agricultural units.
7. Shall not be a yard within a boundary of a residential lot.
8. Shall not be reserved for any other type of use

DIVISION 6. ADDITIONAL STANDARDS FOR AGRICULTURAL AND ANIMAL RELATED USES.

7-601. ANIMAL SANCTUARY.

A. Facility.
All facilities shall have a minimum of 35 acres of land and animals shall be contained on the property.

B. Noise.
No noise shall emanate from the property boundary in excess of the Residential Zone District standards contained in C.R.S. § 25-12-103, except as permitted by C.R.S. § 25-12-103(2) and (3).

C. On-site Wastewater Treatment System Required.
OWTS shall be capable of handling all feces and urine waste from the Kennel or building in which animals are kept, or the feces and urine waste shall be stored in a sealed container capable of being pumped for disposal by a commercial hauler to dispose of such waste at an approved Solid Waste Disposal Site.

D. Drainage Impacts.
Any fenced corrals or pastures for keeping animals will be required to demonstrate that drainage will not affect off-site water supplies or water quality.

7-602. ANIMAL PROCESSING.

All facilities shall be in compliance with USDA, CDPHE, and any other Federal, State, and local regulations.

7-603. KENNELS.

These standards apply to both Small and Large Kennels.

A. Enclosed Building and Noise Prevention.
All Kennels shall be completely enclosed within a building, however, a Kennel may have dogs outdoors if the noise from the Kennel does not exceed the noise standards pursuant to section 7-603.B. and complies with other Garfield County regulations as provided.

B. Noise.
No noise shall emanate from the property boundary in excess of the Residential Zone District standards contained in C.R.S. § 25-12-103, except as permitted by C.R.S. § 25-12-103(2) and (3).

C. Waste and Sewage Disposal System.

1. Liquid and solid waste, as defined in the Solid Waste Disposal Sites and Facilities Act, C.R.S. § 30-20-100.5, shall be disposed of with either an OWTS or shall be stored and removed for final disposal in a manner that protects against nuisance and surface and groundwater contamination.

2. All other waste shall be removed from the site by a commercial hauler to an approved Solid Waste Disposal Site.

D. State Licensing Required.
All Kennels shall be required to provide the BOCC with a copy of the license issued by the State Department of Agriculture.

7-604. VETERINARY CLINIC.

No noise shall emanate from the property boundary in excess of the Residential Zone District standards contained in C.R.S. § 25-12-103, except as permitted by C.R.S. § 25-12-103(2) and (3).

DIVISION 7. ADDITIONAL STANDARDS FOR RESIDENTIAL USES.

7-701. ACCESSORY DWELLING UNIT.

A. Maximum Floor Area.
The Floor Area of an ADU shall not exceed 1,500 square feet for a lot less than 4 acres. The Floor Area of an ADU shall not exceed 3,000 square feet for any lot 4 acres or greater.

B. Ownership Restriction.
An ADU is restricted to leasehold interest in the dwelling unit and is for residential or Home Office/Business use only.

C. Compliance with Building Code.
Construction shall comply with the standards set forth in this Code and with Building Code requirements.

D. Minimum Lot Area.
The minimum Lot Size for an ADU is either:

1. 2 acres, or
2. For lots in zone districts with a minimum Lot Size of less than 2 acres, the minimum Lot Size is twice the minimum required Lot Size.

E. Entrance to Dwelling Unit.
A separate entrance to the Accessory Dwelling Unit is required.

F. One per Lot.
One Accessory Dwelling unit which is subordinate to a Single-Unit (primary) dwelling unit is allowed per legal lot.

7-702. HOME OFFICE/BUSINESS.

A. Activities Incidental and Secondary.
The residence of the person(s) conducting the Home Office/Business and all Home Office/Business activities, shall remain incidental and secondary to the use of the property for residential purposes. Child day care that takes place in a home is not considered, for the purposes of this Code, a Home Office/Business.

1. The amount of space used for the Home Office/Business activity, including any storage, shall not exceed 25% of the total amount of Floor Area and unfinished Basement, garages and storage areas, in which the business is operating.
2. The use shall not have the appearance of a commercial use.

B. Activity Contained.
The activity shall be contained within a building.

C. Provision of Mandatory Parking Spaces.
The location of the Home Office/Business shall not interfere with the provision of mandatory parking spaces for that property.

D. Activities Conducted by Resident.
All Home Office/Business activities must be conducted by the person(s) who reside at the location. The activity may be supported by no more than 1 person living off site, such as an employee, independent contractor, officer, agent, partner, volunteer, or any person serving in any other capacity for the benefit of the Home Office/Business.

E. Disturbances.
The Home Office/Business activity shall not result in any noise, fumes, dust, electrical disturbance, or traffic reasonably objectionable to an Adjacent Property Owner.

F. Display of Goods and Retail Sales.
No Home Office/Business activity may include any window or outdoor display of goods, any stock in trade, or any other commodities.

G. Signage.
There shall be no signs advertising a Home Office/Business.

7-703. MANUFACTURED HOME PARK.

A. Park Layout.
The layout of Manufactured Home Spaces shall follow variations in natural terrain and preserve unique natural features of the site, such as tree stands, water courses, and rock outcrops, to the extent practicable and feasible.

1. Where sites are flat and have few distinguishing features, a curvilinear or clustered pattern for the Manufactured Home Spaces is encouraged.

2. Interspersing Open Spaces is encouraged.

B. Foundation and Anchors.

1. Each Manufactured Home Space shall be improved to include a permanent, engineered foundation adequate for the placement and anchoring of a Manufactured Home in compliance with the Building Code.

2. The foundation shall be constructed and approved by the Building Official prior to delivery of the Manufactured Home to the site.

C. Landscaping.

1. The operator/owner shall be responsible for installation and maintenance of landscaping in the park in accordance with the County-approved Landscape Plan.

2. Additional landscaping may be required to provide screening or buffering and to soften the visual appearance of a Manufactured Home Park.

D. Certification of Manufactured Homes.
All Manufactured Homes placed in or relocated to a Manufactured Home Park after adoption of this Code shall meet the following certification requirements:

1. The Manufactured Home shall have certification pursuant to the “National Manufactured Housing Construction and Safety Standards Act of 1974” (42 U.S.C. 5401, *et seq.*).

2. Manufactured Homes first occupied in the County after January 1, 1973, shall have affixed a data plate and heating certificate stating compliance with the following standards:

a. The home is designed to comply with Federal mobile or Manufactured Home construction and safety standards in force at the time of manufacture;

b. The home is designed for Colorado structural and wind zone requirements;

c. The home is designed for Colorado outdoor winter design temperature zones; and

d. The heating equipment installed in the home has capacity to maintain an average 70° F temperature inside the home with an outdoor temperature of -20° F.

7-704. GROUP HOME FACILITIES.

A. Required Permits.

All applicable Federal, State, and local permits shall be obtained and maintained.

B. Location Restrictions.

1. Proximity to Other Group Homes. Location shall not create a concentration of group homes in a neighborhood. A Group Home Facility shall not be located within 300 feet of another Group Home Facility. The County may permit 2 such facilities to be located closer than 300 feet apart if they are separated by a physical barrier such as an arterial collector, a commercial district, or a topographic feature.

2. Health, Safety, and Welfare of the Community. The location and operation of the Group Home Facility does not constitute a direct threat to the health, safety, or welfare of the community.

C. Overnight Shelter.

1. On-Site Staffing. No facility shall be open for use by clients unless there is staff on site to supervise and oversee the clients.

2. Waiting Areas. The facility shall provide an indoor or outdoor waiting area in a size adequate to prevent the anticipated number of clients from queuing into or otherwise waiting in the public right-of-way.

D. Short-Term Care Facility.

1. Maximum Occupancy. For short-term care facilities that operate with sleeping rooms or with open-air dormitory-type sleeping areas, the following occupancy standards shall apply:

a. Residential Districts. For a Residential Zoning District, the maximum number of residents of the facility shall not exceed 6 persons for each dwelling unit.

b. Commercial Districts. For a Commercial Zoning District, the maximum number of residents of the facility shall not exceed 6 persons for each dwelling unit. Up to 2 additional persons per dwelling unit equivalents may be permitted if the property is not adjacent to a Residential Zoning District.

2. Calculating Occupancy. The maximum occupancy for a facility shall be calculated by summing the number of occupants of the facility, the occupants of any overnight shelter uses and any Transitional Housing uses that are located on the property.

E. Transitional Housing.

The maximum number of dwelling units for Transitional Housing shall be the density permitted within the applicable zone district. For Transitional Housing within an Industrial Zone District, the number of dwelling units permitted shall not exceed 1 dwelling unit for each 1,600 square feet of Lot area on the site.

7-705. TEMPORARY EMPLOYEE HOUSING FACILITIES, MAJOR.

A. Adequate Site Plan.

The Temporary Employee Housing Operator shall provide to the Sheriff's Office and the relevant fire protection district a detailed map and GPS coordinates that are sufficient for emergency response purposes, including:

1. Location of the Temporary Employee Housing site;

2. Private and public roadways accessing the site, marked as open, gated and/or locked; and

3. Detailed directions to the site from a major public right-of-way.

4. The map is subject to approval by the Sheriff's Office and fire protection district.

B. Water Systems.

1. Water systems must comply with all applicable State and local laws and regulations.

2. All potable water systems must include a meter and the Operator must keep a record of the daily usage.

3. For sites to which potable water is hauled, Operators shall:

a. Keep appropriate records, to be provided to the County upon request, to demonstrate that water supplied to a site is from an approved source and that wastewater is disposed at an approved facility.

b. For water facilities not permitted by the CDPHE, the Operator must conduct monthly tests (or quarterly if an on-site disinfection system is installed) and maintain records of potable water samples specific for coli form. Any tests indicating coli form contamination must be disclosed to the County Public Health Department.

c. Water systems facilities permitted by the CDPHE must obtain all necessary State permits or demonstrate that applications for any necessary permits have been submitted prior to a determination by the County that an application is complete.

d. Maintain compliance with State regulations at all times during operation.

4. In no case shall unsafe water be used for drinking nor shall raw sewage or used water be discharged onto the ground surface.

C. Wastewater Systems.

1. Wastewater systems must comply with all applicable State and local laws and regulations.

2. Wastewater may be disposed of using either an OWTS or a vault-and-haul system. A vault-and-haul system must demonstrate the following:

a. Year-round access is available and maintained for safe and regular access for sewage hauling vehicles;

b. The Operator can demonstrate and guarantee an arrangement for hauling sewage;

c. The Operator will maintain all records, including but not limited to, trip logs/reports and landfill receipts;

d. The sewage disposal records will be maintained as public records to be available to the County upon request;

e. The facility will not exceed a cumulative of 1 year at the approved location; and

f. The facility has been designed to accommodate 75 gallons of wastewater per person per day or an amount derived from engineered calculations taken from metered usage rates at a similar facility that has been reviewed and approved by the County.

D. Inhabitants.

Inhabitants of the Major Facility shall be Temporary Employee Housing Operator's employees and/or subcontractors, working on the related construction or mineral extraction operation, and not dependents of employees, guests, or other family members.

E. Clean, Safe, and Sanitary Condition.

Major Facilities shall be maintained in a clean, safe, and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored on site for operational or security reasons must be managed in accordance with all applicable Federal, State, and local laws and regulations.

F. Fire Protection General Requirements.

1. Provisions for giving alarm in case of fire and fire suppression must be installed per fire codes and as required by the fire protection district.

2. Single-station carbon monoxide alarms must be placed in each Manufactured Home or Recreational Vehicle unit.

G. Trash and Food Storage.

Wildlife-proof refuse containers must be provided for trash. Outdoor food storage is prohibited unless facilities are provided that prevent the attraction of animals to the Major Facility site.

H. Notification of Site Development.

If the County grants a Land Use Change Permit for a Major Temporary Employee Housing Facility, the Operator shall notify the County when site development begins. The Operator shall verify in writing, including submission of a Site Plan and photo documentation, that the site, water system, and sewage disposal system were designed, installed, and inspected in accordance with the Land Use Change Permit and comply with all applicable regulations, permits, and conditions. All written documentation and Site Plans verifying compliance must be stamped by a qualified professional engineer. The County also reserves the right to inspect a site, without notice, to assess compliance with County approvals. A determination of noncompliance with any Land Use Change Permit, or condition of approval thereof, is grounds for revocation or suspension of said permit.

I. No Domestic Animals Allowed.

Domestic animals are prohibited.

J. Reclamation and Revegetation Plan.

At the expiration of the permit, the lands shall be restored and all housing structures and associated infrastructure shall be removed. The Operator shall submit as part of the Site Plan for the Major Temporary Employee Housing Facility, a Reclamation and Revegetation Plan authorized by the landowner for each specific site.

1. Debris and waste materials shall be removed including, but not limited to, structures, concrete, footings, sewage disposal and water storage systems and related infrastructure, plastic, sand or gravel, pipe, and cable. All pits, cellars, and other holes will be backfilled to conform to surrounding terrain as soon as possible after all equipment is removed. All access roads to the site and associated facilities shall be closed, graded, and recontoured. Culverts and any other obstructions that were part of the access road(s) shall be removed. Upon closure of a camp facility, wastewater tanks shall be completely pumped out and either crushed in place, punctured and filled with inert material, or removed. Any waste material pumped from a wastewater tank or waste debris from tank removal must be disposed of at an approved facility that is permitted by CDPHE and/or the County to receive said wastes.

2. Materials may not be burned or buried on the premises. All disturbed areas affected by Major Temporary Employee Housing Facilities or subsequent operations shall be reclaimed as early and as nearly as practicable to their original condition and shall be maintained to control dust, weeds, and minimize erosion. As to crop lands, if subsidence occurs in such areas additional topsoil shall be added to the depression and the land shall be re-leveled as close to its original contour as practicable. Reclamation shall occur no later than 3 months after the Land Use Change Permit expires or is revoked unless the Director extends the time period because of conditions outside the control of the Operator.

3. All areas compacted by Major Temporary Employee Housing Facilities and subsequent operations shall be cross-ripped. On crop land, such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below 35% of field capacity. Ripping shall be undertaken to a depth of 18 inches unless and to the extent bed rock is encountered at a shallower depth.

4. When a Major Temporary Employee Housing Facility is removed, all disturbed areas will be restored and revegetated as soon as practicable. For disturbed areas not regulated by the COGCC, the following regulations apply:

a. Revegetation of Crop Lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour, and shall be tilled adequately to reestablish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished.

b. Revegetation of Noncrop Lands. All segregated soil horizons removed from noncrop lands shall be replaced to their original relative positions and contoured as near as practicable to achieve erosion control and long-term stability, and shall be tilled adequately in order to establish a proper seedbed. The disturbed

area then shall be reseeded in the first favorable season. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the Operator and the affected surface owner as to what seed mix should be used, the Operator shall consult with a representative of the local soil conservation district to determine the proper seed mix to use in revegetating the disturbed area.

c. Noxious Weeds. During occupation and reclamation operations, all disturbed areas shall be kept free of Garfield County and State of Colorado List A and B noxious weeds.

5. Successful reclamation of the site and access road will be considered completed when:

a. On crop land, reclamation has been performed as pursuant to section 7-705.J.4.a. and observation by the County Vegetation Manager over 2 growing seasons has indicated no significant unrestored subsidence.

b. On noncrop land, reclamation has been performed pursuant to section 7-705.J.4.b. and the total cover of live perennial vegetation, excluding noxious weeds, provides sufficient soils erosion control as determined by the County Vegetation Manager through a visual appraisal. The Director shall consider the total cover of live perennial vegetation of adjacent or nearby undisturbed land, not including overstory or tree canopy cover, having similar soils, slope, and aspect of the reclaimed area.

c. A final reclamation inspection has been completed by the County Vegetation Manager, there are no outstanding compliance issues relating to the County rules, regulations, orders, or permit conditions, and the Director has notified the Operator that final reclamation has been approved.

6. The Operator shall provide security for revegetation of disturbed areas in an amount and in accordance with a plan approved by the County Vegetation Management Department. The security shall be held by the County until vegetation has been successfully reestablished per the approved plan.

K. Expiration or Revocation of Land Use Change Permit.

Upon expiration of the Land Use Change Permit, a Certificate of Occupancy shall be null and void. Upon revocation of the Land Use Change Permit, a Certificate of Occupancy shall be revoked.

7-706. TEMPORARY EMPLOYEE HOUSING FACILITIES, MINOR.

A. Federal, State, and Local Laws and Regulations.

Minor Facilities must comply with all applicable Federal, State, and local laws and regulations.

B. Notification of Facility Installation and Removal.

The Sheriff's Office and relevant fire protection district(s) must be notified at least 24 hours prior to installation and removal of each Minor Facility. The Community Development Department shall be copied on all such notification, whether hard copy or electronic.

C. Water Systems.

Water systems shall comply with standards set forth in section 7-705.B.

D. Wastewater Systems.
Wastewater systems shall comply with standards set forth in section 7-705.C.

E. Clean, Safe, and Sanitary Condition.
Minor Facilities shall be maintained in a clean, safe, and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored at the Minor Facility for operational or security reasons must be managed in accordance with all applicable Federal, State, and local laws and regulations.

F. Trash and Food Storage.
Wildlife-proof refuse containers must be provided for trash. Outdoor food storage is prohibited unless facilities are provided that prevent the attraction of animals to the Major Facility site.

G. Fire Protection.

1. Provisions for giving alarm in case of fire and fire suppression must be installed per fire codes and as required by the fire protection district.
2. Single-station carbon monoxide alarms must be placed in each Manufactured Home or Recreational Vehicle unit.

H. No Domestic Animals Allowed.
Domestic animals are prohibited.

I. Removal of Facility.
Within 10 days following the expiration or other termination of the Land Use Change Permit or represented date of removal identified within the Land Use Change Permit, all housing structures, foundations, and associated infrastructure shall be completely removed. The Operator shall provide the Director with photos, dated and signed by the Operator's compliance officer, indicating that all housing structures, foundations, and associated infrastructure have been removed within the specified timeframe.

7-707. TEMPORARY EMPLOYEE HOUSING FACILITIES, SMALL.

A. Notification of Occupation and Removal.
Within 48 hours following occupation of the Small Facility, documentation shall be provided to the Community Development Department, Sheriff's Office, and relevant fire protection district(s) that demonstrates and certifies compliance with the following standards. Notice shall also be provided to these entities within 48-hours following removal of a Small Facility.

B. General Information to be Provided.
The Operator shall provide:

1. The location of the facility (section/township/range, relevant tax parcel number, and GPS coordinates or latitude/longitude coordinates);
2. Relevant zone district;
3. Maximum number of occupants;
4. Cumulative amount of time that the Small Facility will be at the specified location;
5. Identification of the State or Federal permitting agency overseeing reclamation, rehabilitation and revegetation of the Permitted Site and relevant permit number;
6. Date of installation; date of removal;
7. Name and contact information of the landowner;
8. Name and contact information of the operator's compliance officer;
9. 24-hour emergency contact information for the Operator; building information (make, manufacture year, serial number, size (square feet));

10. The Operator shall document all emergency situations requiring action by any government agency or fire protection district, in writing, and such documentation shall be presented to the Community Development Department within 24 hours of the occurrence.

C. Federal, State, and Local Laws and Regulations.
Small Facilities shall comply with all applicable Federal, State (i.e. Building Codes and electrical permits), and local laws and regulations (i.e. fire code), but are not subject to County Building Permit.

D. Water System.
Water systems shall comply with standards set forth in section 7-705.B.

E. Wastewater Systems.
Wastewater systems shall comply with standards set forth in section 7-705.C.

F. Clean, Safe, and Sanitary Condition.
Each Small Facility shall be maintained in a clean, safe, and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored at the Small Facility for operational or security reasons must be managed in accordance with all applicable Federal, State, and local laws and regulations.

G. Trash and Food Storage.
Wildlife-proof refuse containers must be provided for trash. Outdoor food storage is prohibited unless facilities are provided that prevent the attraction of animals to the Major Facility site.

H. Fire Protection.

1. Provisions for giving alarm in case of fire and fire suppression must be installed per fire codes and as required by the fire protection district.

2. Single-station carbon monoxide alarms must be placed in each Manufactured Home or Recreational Vehicle unit.

I. No Domestic Animals Allowed.
Domestic animals are prohibited.

J. Third Party Inspection.
The Operator shall obtain a certification inspection conducted by a qualified professional engineer. The certification shall verify that at the time of inspection the identified Small Facility meets or exceeds the requirements of this section.

DIVISION 8. ADDITIONAL STANDARDS FOR PUBLIC/INSTITUTIONAL USES.

7-801. AIRCRAFT, ULTRALIGHT OPERATIONS.

Ultralight aircraft operations shall comply with all FAA regulations.

7-802. AIRCRAFT LANDING STRIP OR HELISTOP, PRIVATELY OWNED.

A. Refueling or Maintenance.
Refueling or maintenance of Transient Aircraft shall be prohibited unless essential to permit the aircraft to fly to the nearest Airport or Heliport or as a part of a fire emergency.

B. Layout Plan for Aircraft Landing Strip.

1. An Aircraft Landing Strip Layout Plan shall be sufficient to depict the Airport Reference Code, the layout of existing and planned facilities and features, ground contours at 10 foot intervals, the building restriction lines, the relationship of the Runway(s), and RPZs to the land parcel(s) on which the Landing Strip is to be located and to adjoining land parcels.

2. Approach profiles shall depict the composite profile based on the highest terrain across the width and along the length of each RPZ. Obstacles that penetrate the Approach Surface within an RPZ shall be shown and shall be removed prior to approval. Any Approach Surface along the extended Runway centerline, and for 250 feet on either side, shall cross adjoining property at an elevation of no less than 50 feet above ground level.

3. Runway profiles shall depict the proposed Runway centerline elevations from the inner end of one RPZ to the inner end of the other. Runway profiles not in compliance with FAA Advisory Circular 150/5300/13 are not recommended.

4. The volume and location of any fuel storage facilities shall be indicated. Fuel storage shall be in compliance with local, State, and Federal requirements.

C. Layout Plan for Helistop.

1. A Helistop Layout Plan shall be sufficient to depict the design, layout of existing and planned facilities and features, ground contours at 10-foot intervals, the building restriction lines, the relationship of the Final Approach and Takeoff Area (FATO), the Touchdown and Lift-off Area (TLOF), the safety area and the Approach/Departure and Transitional Surfaces (as defined in FAA Advisory Circular 150/5390-2) to the land parcel(s) on which the Helistop is to be located and to adjoining land parcels.

2. Approach profiles shall depict the composite profile based on the highest terrain across the width and along the length of each Approach Surface for at least the inner 1,000 feet. Any approach or departure surface shall cross adjoining property at an elevation of no less than 50 feet above ground level.

3. The volume and location of any fuel storage facilities shall be indicated. Fuel storage shall be in compliance with local, State, and Federal requirements.

7-803. AIRPORTS AND HELIPORTS.

A. Standards for Site Selection of Airport or Heliport Location or Expansion.

Airports and Heliports shall be located or expanded in a manner that will minimize disruption to the environment, minimize the impact on existing community services, and complement the economic and transportation needs of the State and the area. The following standards shall apply to all applications proposing the location or expansion of an Airport or Heliport.

1. Airport Layout. Airports shall be developed in accordance with an FAA-approved layout plan, or a layout plan approved by the BOCC complying with FAA Advisory Circular 150/5300-13 and the current Northwest Mountain Region Airport Layout Plan Checklist, with the exception that aircraft tie-down dimensions need only be sufficient to provide adequate clearances for the aircraft to be tied down.

2. Heliport Layout. Heliports shall be developed in accordance with an FAA-approved layout plan, or a layout plan approved by the BOCC complying with FAA Advisory Circular 150/5390-2.

3. Ability to Obtain Necessary Permits. The Applicant can and will obtain all necessary property rights, permits, approvals, and easements (including

needed permits/easements for fuel storage, drainage, disposal, utilities, and avigation within Airport area of influence) prior to site disturbance associated with the proposed project. The BOCC may, at its discretion, defer making a final decision on the application until outstanding property rights, permits, and approvals are obtained.

4. Conflict with Existing Easements. The location of the Airport or Heliport site or expansion will not unduly interfere with any existing easements for power or telephone lines, irrigation, mineral claims, or roads.

5. Relationship to Economic and Transportation Needs. The location of the Airport or Heliport site or expansion complements the existing and reasonably foreseeable economic and transportation needs of the State and of the area immediately served by the Airport, particularly Mass Transit Facilities.

6. Noise. The immediate and future noise levels in communities within the Airport area of influence to be caused by the Airport location or expansion and any anticipated future expansion will not violate any applicable local, State, or Federal laws or regulations, provided that in any area with a potential noise level of CNR 110 or more, no structure shall be allowed and existing structures shall be relocated.

7. All Airport and Heliport layout plans will be reviewed for compliance with this Code by the County's Airport design professional designee, at the expense of the Applicant.

B. Fabrication, Service, and Repair Operations.

All Fabrication, service, and repair operations shall be conducted in compliance with Airport Rules and Regulations.

C. Storage of Materials.

All storage of materials shall be within a building or obscured by fence.

7-804. FAMILY CHILD CARE HOME AND CHILD CARE CENTER.

A. Required Permits.

Applicable local, State, and Federal permits shall be obtained and maintained.

B. Parking.

One parking space is required for each employee not residing in the building used for a Family Child Care Home or Child Care Center.

DIVISION 9. ADDITIONAL STANDARDS FOR COMMERCIAL USES.

7-901. BROADCASTING STUDIO.

A. FCC and FAA Approval.

The Communication Facilities that are part of a broadcasting studio operation must be approved by the FCC and FAA, including compliance with the FCC's radio frequency emission requirements.

B. Co-Location Communication Facilities.

Co-location of Communication Facilities on site that are part of a broadcasting studio operation is encouraged.

7-902. NURSERY/GREENHOUSE.

A. Accessory Dwelling Unit.
One Single-Family Dwelling Unit occupied by the owner, operator, or manager shall be considered accessory to this use.

B. Storage of Materials and Equipment.
Storage of materials and equipment directly related to an on-site Nursery shall be considered accessory to and incidental to the operations.

7-903. OPTIONAL PREMISES CULTIVATION OPERATION.

The use of land, buildings, or structures to grow, produce, cultivate, sell, dispense, distribute, store, test, or manufacture Marijuana and/or Marijuana-infused products is not permitted anywhere in unincorporated Garfield County, except to the extent specifically set forth in this Code. This section will not be construed to apply to the private cultivation of Medical Marijuana by a registered patient or primary caregiver as defined in Article XVIII, Section 14, of the Colorado Constitution.

A. Signs.
All signage associated with a Optional Premises Cultivation Operation ("OPCO") shall be prohibited.

B. Odor.
An Optional Premises Cultivation Operation shall not produce adverse or noxious odors that can be detected outside of the licensed premises in which it is occurring. All applications shall include proposed methods of odor control.

C. Visual.
All Marijuana plants, products, by-products, waste, and associated equipment identifying the use as an Optional Premises Cultivation Operation shall be contained entirely within an enclosed-building and shall not be visible from outside the building. Applicants must provide an alarm system and security system plan for the subject building that meets State law for buildings containing an OPCO. All processing, packaging, and business transactions shall take place indoors and in a manner that does not disclose the identity of the use. The facility shall be constructed in a manner that prevents any nighttime leakage of lighting. All products being transported from the Optional Premises Cultivation Operation shall be wrapped or contained in such a manner that does not disclose its contents.

D. Location.

1. An Optional Premises Cultivation Operation shall not be located closer than 1,000 feet from any of the following uses. The distance between the Optional Premises Cultivation Operation and the neighboring land use shall be measured as the crow flies from the nearest property line of the land use to the nearest portion of the building in which Medical Marijuana is to be cultivated.

a. An education facility;

b. A Family Child Care Home;

c. A public park;

d. Drug and alcohol treatment facilities ("Group Home Facility");

e. A Place of Worship; and

f. Public Building.

2. No Land Use Change Permit shall be issued to an Optional Premises Cultivation Operation that is connected with a Medical Marijuana Center outside of Garfield County.

E. On-Site Use.
The consumption, ingestion, or inhalation of Medical Marijuana or alcohol is prohibited in or on the premises of an Optional Premises Cultivation Operation.

F. Other Applicable Licenses.
Prior to operating, an Optional Premises Cultivation Operation must obtain and comply with the terms of all applicable State and local licensing and present those approved licenses to the County Community Development Department and County Clerk and Recorder. An Optional Premises Cultivation Operation shall post these documents in the premises. Optional Premises Cultivation Operations that existed prior to June 21, 2010, and have been confirmed by the BOCC through the local verification process in a Public Hearing, must provide proof of that approval.

G. On-Site Notice.
A legible sign as required by State law shall be posted in a conspicuous location in each Optional Premises Cultivation Operation.

H. Compliance with Other Laws and Regulations.
An Optional Premises Cultivation Operation shall comply with all applicable State and local Building Codes, laws, and regulations.

7-904. SHOOTING GALLERY/RANGE.

A. Design.
The facility shall be designed in accordance with standards established in the NRA document entitled "The NRA Range Sourcebook." The BOCC may require modifications to address public safety concerns and to ensure adequate safety measures, based upon public input received during the application review and approval process.

B. Sanitary Facilities.
The Shooting Gallery shall have sanitary facilities on site.

7-905. CAMPGROUND/RECREATIONAL VEHICLE PARK.

All Recreational Vehicle spaces shall abut upon a driveway, graded for drainage, and maintained in a rut- and dust-free condition, which provides unobstructed access to a public right-of-way. The minimum unobstructed width of such driveways shall be 15 feet for 1-way traffic or 25 feet for 2-way traffic. No parking shall be permitted on the driveways.

DIVISION 10. ADDITIONAL STANDARDS FOR INDUSTRIAL USES.

7-1001. INDUSTRIAL USE.

These standards shall apply to all industrial uses:

A. Residential Subdivisions.
Industrial uses shall not occupy a lot in a platted residential Subdivision.

B. Setbacks.
All activity associated with these uses shall be a minimum of 100 feet from an adjacent residential property line, unless the use is on an industrially zoned property.

C. Concealing and Screening.
When an industrial use is not located on an industrial zoned property, all storage, Fabrication, service, and repair operations shall be conducted within an enclosed

building or have adequate provisions, based on location and topography, to conceal and screen the facility and/or operations from adjacent property(s).

D. Storing.

1. Materials shall be stored on the property in a form or manner that will not be transferred off the property by any reasonably foreseeable natural cause or force.

2. All products shall be stored in compliance with all national, State, and local codes.

3. Shall be a minimum of 100 feet from an adjacent property line.

4. Petroleum and hazardous products shall be stored in an impervious spill containment area(s).

E. Industrial Wastes.

All industrial wastes shall be disposed of in a manner consistent with Federal and State statutes and requirements of CDPHE. Flammable or explosive solids or gases and other hazardous materials including wastes shall be stored according to the manufacturer's standards and shall comply with the national, State, and local fire codes and written recommendations from the appropriate local fire protection district.

F. Noise.

Noise shall not exceed State noise standards pursuant to C.R.S., Article 12, Title 25, unless the use is regulated by the COGCC. In this case, the use shall be subject to COGCC rules in regard to noise abatement.

G. Ground Vibration.

Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point of any boundary line of the property.

H. Hours of Operation.

Any activity that will generate noise, odors, or glare beyond the property boundaries will be conducted between the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday, or as approved by the decision-making authority.

I. Interference, Nuisance, or Hazard.

Every use shall be so operated that it does not emit heat, glare, radiation, or fumes that substantially interfere with the existing use of adjoining property or that constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signal, and reflective painting of storage tanks, or other legal requirements for safety or air pollution control measures, shall be exempted from this provision.

7-1002. GRAVEL EXTRACTION.

A. Water Quantity and Quality Impacts/Floodplain Impacts.

Every application for gravel extraction shall address the following:

1. No application shall be accepted by the County without a letter from the applicable fire protection district stating that the proposed project has been adequately designed to handle the storage of flammable or explosive solids or gases and that the methods comply with the national, State, and local fire codes.

2. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces.

3. When the proposal is near a river or stream, the Applicant is required to submit an analysis by a professional engineer showing the boundaries of the Floodplain and the Floodway in the area of the pit.

4. All gravel extraction operations shall comply with the applicable standards of section 3-301, Floodplain Overlay Regulations, and will be subject to section 4-109, Development in 100-Year Floodplain.

a. In all cases, there shall be no storage of fuel or hazardous materials including concrete/asphalt Batch Plants within the Floodway.

b. All applications shall provide a dewater/discharge plan that provides a detailed graphic representation of how dewatering operations shall occur. This plan shall demonstrate that the discharge will not exceed State standards for discharge into a water course or Wetland.

B. Air Quality.

No application shall be approved until the Applicant submits evidence that uses shall have current CDPHE air pollution permits and shall meet current CDPHE emissions standards for air and water.

C. Noise/Vibration.

Gravel extraction operations shall be conducted in a manner such that the volume of sound generated does not constitute a public nuisance or hazard. Gravel extraction operations shall comply with the standards set forth in C.R.S., Article 12, Title 25, except as such standards are modified as follows:

1. An Applicant shall submit a noise study that demonstrates the proposed gravel operation can meet the requirements in the matrix below based on measuring the sound levels of noise radiating from a property line at a distance of 25 feet or more beyond the subject property, except as excluded for construction activities per C.R.S. § 25-12-103 *et seq*., that allows up to 80 db(A).

2. The dB(A) threshold shown in Table 7-1002 shall be that of the receiver and not that of the emitter. For example, while the gravel operation would be considered an industrial operation, the dB(A) levels shown below are measured according to the neighboring uses so that if a residential use was located adjacent to the operation, sound levels could not exceed 55 dB(A) from 7:00 a.m.to 7:00 p.m. and 50 dB(A) from 7:01 p.m. to 6:59 a.m.

Table 7-1002: dB(A) Threshold per Neighboring Use

Use	7 am to 7 pm	7 pm to 7 am
Residential	55 dB(A)	50 dB(A)
Commercial	60 dB(A)	55 dB(A)
Light Industrial	70 dB(A)	65 dB(A)
Industrial	80 dB(A)	75 dB(A)

3. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point of any boundary line of the property on which the use is located.

D. Visual Mitigation.

All applications for gravel extraction shall address the following:

1. All gravel operations proposed to mine areas greater than 30 acres shall be designed in multiple phases in order to minimize the visual impact of the Gravel Pit primarily by logical “sequencing” and “overall layout” of the pit’s design.
2. Screening, Berming and Buffering.
   a. The operation shall be organized on the site to minimize impact on adjacent land uses and protect established neighborhood character through installation of screen fences, berming, and/or landscape materials, as well as by the location of access points, lighting, and signage.
   b. Visual screening shall be in place prior to the commencement of the commercial mining activity of each phase. Site preparation activity such as removal of overburden shall be allowed prior to the construction of the visual screening if material will be used for the creation of the necessary screening.
3. Unless otherwise determined by the BOCC, mining operations shall be allowed to progress so long as the previous phases have been reclaimed within 6 months after the commencement of the new phase. If the reclamation has not commenced in 6 months, or has not been completed within 18 months, all mining operations on the property shall stop until the reclamation/revegetation has occurred to the satisfaction of the County.

E. County Road System.

1. All applications shall submit a Traffic Impact Study consistent with section 4-203.L.
2. Any required improvements shall either be in place prior to or shall be constructed in conjunction with the proposed use.
3. Truck traffic will not access the mining operation through residential or commercial areas, or such traffic will be mitigated.
4. Proposed haul routes from the extraction operation will be upgraded to withstand the additional traffic, if determined by the Traffic Study or recommended by the County Engineer, and the permittee will prevent road damage and mitigate dust, under the supervision of the Road Supervisor.
5. If a driveway access permit is required by the County Road and Bridge Department, Applicant must comply with all permit conditions. The owner or operator of a gravel extraction operation is responsible for any damage caused by the operation’s traffic to a County Road. Repair or replacement of road surface will be determined by the Road Supervisor.

F. Compatibility with Surrounding Land Uses.

The proposed operation will be located so as to mitigate cumulative impacts to roads, air, and water quality

G. Revegetation.

All revegetation efforts shall occur as part of phased reclamation. The Applicant shall provide locations of County-listed noxious weeds on a map. Once the inventory is provided, the Applicant shall develop a Weed Management Plan that addresses all County-listed noxious weeds found on site. This Weed Management Plan shall be submitted to the County Vegetation Manager for approval prior to the issuance of a Land Use Change Permit

H. Reclamation.

All applicants shall submit a reclamation plan that complies with the standards of the Colorado Division of Reclamation, Mining and Safety (CRMS) and meets the following design criteria:

1. The Reclamation Plan approved by the County as part of the Land Use Change Permit shall be resubmitted to the DRMS to become the only reclamation plan (tasks/timetables) used by both the County and DRMS. Additionally, a bond shall need to be calculated to cover this plan and secured with DRMS to cover its implementation.

2. Wetland and Dryland Slopes. Wetland and Dryland Slopes are illustrated in Figure 7-1002.

a. Wetland Slope Areas:

(1) For the purpose of this section, Wetland Slope is defined as 3 feet above the shoreline and 3 feet below the shoreline.

(2) Wetland Slopes shall be predominantly 5:1 or shallower, with at least 80% 5:1 and 20% 10:1 or shallower. The percentage of Wetland Slope is calculated along the perimeter of the reclaimed lakes.

(3) An alternate plan for the shoreline area which modifies the standards above may be proposed by an Applicant to accommodate special needs for:

(a) Water-based recreation amenities;

(b) Reducing wildlife habitat along certain sections of shoreline due to proximity to an airport; or

(c) Fishing embankments.

(4) Other special needs or uses that may be proposed by the Applicant.

(5) Wetlands shall be included in the reclamation plan for all shoreline areas.

b. Dryland Slope Area.

(1) For the purposes of this section, the Dryland Slope area is defined as any area above a Wetland Slope in the post-mine land use that will predominately be used for rangeland grazing and wildlife habitat.

(2) Dryland Slopes shall be predominantly 5:1 with at least 85% of the Slopes 5:1 or shallower.

(3) An alternate Slope plan for the Dryland area which modifies the standards above may be proposed by an Applicant to accommodate special needs when:

(a) The existing terrain Slope is steep (greater than 5:1); or

(b) Where there is little or no available on-site backfill material.

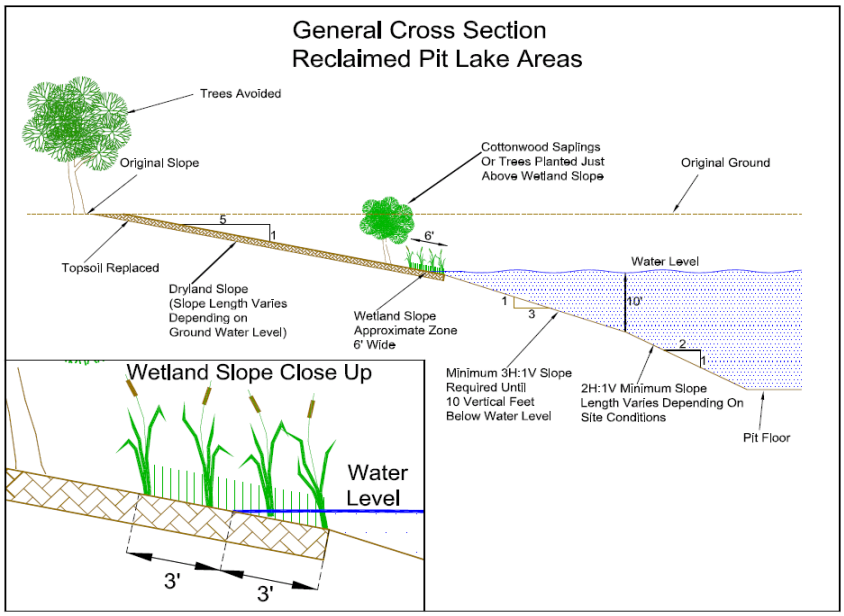

Figure 7-1002: Wetland and Dryland Slopes

3. Vegetation.

a. Wetland Criteria.

(1) All Wetland Slopes on a Reclamation Plan shall include revegetation with appropriate species shown on a Landscape Plan. The plan shall:

(a) Show the reclaimed Wetland area to scale;

(b) Identify the species and number of plantings;

(c) Provide for adequate irrigation, if required;

(d) Provide for adequate species diversity to enhance wildlife habitat; and

(e) Provide other site specific requirements as may be identified.

(2) Wetland seeding shall occur immediately prior to lake filling using the following methods:

(a) Seeding shall be done by drilling or by hydro-seeding methods. Broadcast seeding is not permitted;

(b) Revegetation of Wetlands shall also include planting of trees, willows and/or shrubs; and

(c) Existing trees may be included in the plan if they are a minimum of 8 feet in height and 2 inches in diameter.

b. Dryland Criteria. All Dryland areas on a Reclamation Plan shall include revegetation with appropriate Dryland plant species including a mixture of grasses, forbs, and shrubs, based on the written recommendation of a qualified professional.

4. Reclamation with multiple ponds or lakes shall provide islands or peninsulas that make up at least 20% of total lake surface in order to break up the surface and provide undulation of shorelines in a natural-like appearance.

5. To the extent permitted by law, unless all disturbance created by the mining operation is covered by a reclamation bond under jurisdiction of the DRMS, or by the Federal government on federally-owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of the County in an amount of at least 150% of the cost of restoration of the site and access roads. The required amount of such financial performance guarantees may be increased at the discretion of the BOCC to account for inflation. A bid for site restoration acceptable to the permittee and the County shall be submitted to the Community Development Department as evidence of the cost of reclamation for bond setting purposes.

I. Enforcement.

1. The County shall not issue a Land Use Change Permit until all required local, State, and Federal permits have been obtained and submitted to Garfield County including, but not limited to, the municipal watershed permit, CDPHE, USACE, NPDES, Division of Water Resources (approved well permits and plan for augmentation), etc.
2. The Operator acknowledges that the County has performance standards in place that could lead to revocation of the Land Use Change Permit if continued violations of the permit occur over a period of time.
3. The County can request a site inspection with 1-day notice to the Operator. The owner or Operator must grant full access to any part of the site will be granted. On request, all paperwork must be shown. The County cannot request a large number of inspections that would interfere with normal operation without cause.
4. Prior to contacting the appropriate agency, the County commits to notifying the Operator of any compliance concern identified during a site inspection.
5. Any person at any time can call any permitting agency directly and request an inspection if they believe a condition of that agency's permit is being violated.
6. To ensure that certain conditions of a permit are complied with, the BOCC may require a financial performance guarantee in addition to that required by the DRMS. The required amount of such financial performance guarantees may be increased at the discretion of the BOCC to account for inflation. The County will not require financial guarantees that are duplicative of that required by the DRMS.
7. The County will be invited to any bond release inspection of the DRMS. The County inspector will have the opportunity to demonstrate that any item of the permit has not been complied with and that bond should not be released.

7-1003. MINING AND OTHER EXTRACTION USES.

A. Roads.

1. The weight of trucks shall not exceed road or bridge weight capacity on approved haul routes as established by the County or by Federal or State law.
2. As a condition of approval, the County may impose limits on the number of trucks that may access the site to avoid damage to roads caused by heavy vehicle use, weather conditions, or water saturation.

B. Routing.

Designation of construction and haul routes for a specific mining operation application shall comply with the following standards:

1. Truck haul and traffic routes shall be designed to the maximum extent feasible to avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities, and already congested locations. Alternative routes shall be identified.
2. Timing of truck traffic may be controlled to prevent congestion or adverse noise impacts or safety risks.
3. Applicant shall prevent loss of loads and fugitive dust emissions during transit and shall be responsible to ensure that haul routes are maintained in accordance with dust-suppressant methods required by applicable State or Federal agency.

C. Emergency Preparedness.

The site Operator shall prepare an emergency preparedness plan and have it on site and provided to the appropriate emergency providers for the site.

7-1004. RECYCLING COLLECTION CENTERS.

A. Customary and Incidental.

A Recycling Collection Center shall be considered customary and incidental to Solid Waste Transfer Facilities, recycling processing facilities, and commercial uses that are 20,000 square feet or larger.

B. Parking Lot Location.

A Recycling Collection Center located in Parking Lots shall not occupy required parking spaces. The collection center shall be located so as not to not impede traffic flow.

C. Stored Products.

At least once per week the property owner and collection center operator shall remove products stored at the site.

D. Maintenance.

The property owner and collection center operator shall keep the collection center in proper repair and the exterior shall have a neat and clean appearance.

E. Organic Materials.

Organic materials are limited to plant matter, including but not limited to, tree limbs, leaves, and grass clippings.

7-1005. SEWAGE TREATMENT FACILITY.

A. Exempt from Minimum Lot Size.

This use may be located on a separately dedicated lot and is exempt from the minimum Lot Size requirements for the zone district in which it is located.

B. Accessory to the Primary Use.

When part of an overall project requires a Land Use Change Permit, a new Sewage Treatment Facility shall be considered an accessory to the primary use and shall not require additional permitting except for those permits required by CDPHE.

7-1006. SOLID WASTE DISPOSAL SITE AND FACILITY.

Solid Waste Disposal Sites shall comply with State laws and regulations and must receive a “certificate of designation” from the County**.**

7-1007. VEHICLE SAFETY AREAS.

A. Continuing Obligation.
The provision and maintenance of Vehicle Safety Areas shall be a continuing obligation of the property owner.

B. Prohibited Uses.
Prohibited uses of Vehicle Safety Areas include:

1. Materials or inoperable vehicles shall not be stored in any Vehicle Safety Areas.

2. Vehicles shall not be displayed for sale in any Vehicle Safety Area.

3. Repair work shall not be conducted in any Vehicle Safety Area unless it is directly related to the safety of the vehicle in inclement weather. Such repairs shall not render a vehicle inoperable for more than 24 hours.

4. Vehicles may only park in a Vehicle Safety Area for safety reasons during adverse weather conditions. No vehicle shall park in a Vehicle Safety Area longer than 24 hours.

5. No loading/unloading of equipment or material, vending of any goods or services, storage, or staging shall be allowed within any Vehicle Safety Areas.

DIVISION 11. ADDITIONAL STANDARDS FOR UTILITIES.

7-1101. SOLAR ENERGY SYSTEMS.

A. Signage.
All Solar Energy Systems must install signage warning of electrical shock around the perimeter of the system.

B. Solar Energy Systems, Accessory.
These additional standards apply to Accessory Solar Energy Systems:

1. Building-Mounted System:

a. The Solar Energy System components must be mounted as flush to the roof or structure as practicable.

b. The building-mounted Solar Energy System may not exceed the roofline for pitched roofs.

c. Solar collectors installed on flat roofs may be raised up to 6 feet above the height of the building and shall have a 3-foot setback from the edge of the roof.

2. Ground-mounted System:

a. A ground-mounted system must meet the minimum setbacks of the zone district and shall be located fully within the Building Envelope, if a Building Envelope exists.

b. The height of the Solar Energy System shall not exceed 15 feet.

c. The total area of the ground-mounted Solar Energy System shall not exceed 10% percent of the lot's gross area.

d. Size of the system(s) is limited to less than a combined 15kW-rated nameplate DC capacity to include equivalent kW measurement of energy for systems other than photovoltaics.

7-1102. TELECOMMUNICATIONS FACILITIES.

A. New Towers and Facilities.

To gain approval to construct a new transmission tower or facility, the Applicant must demonstrate that:

1. The proposed tower or facility has sufficient structural strength or space available to support the Applicant's Telecommunication Facility and related equipment; and
2. The proposed tower or facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures, or utility structures; or
3. No owner of existing towers, structures, or utility structures, within a distance that meets the Applicant's engineering requirements, will allow the Applicant to place its tower or facility thereon.

B. Structural and Engineering Standards.

The Applicant shall submit evidence concerning structural and engineering standards prepared by a qualified professional engineer. The safety of the property and the neighborhood shall be protected.

C. Public Utility Structures.

Towers or facilities that are proposed to be mounted on existing structures of public utilities that have a franchise or other written permission from the County and use-concealed towers and facilities are permitted in all nonresidential zoning districts, unless otherwise specified by this Code.

1. The County may approve the placement, extension, or replacement of a transmission tower or Telecommunication Facility on an existing Public Utility structure up to 50 feet above the highest point on the same; and
2. The County may waive public notice and other submittal requirement if the Director believes that the public interest will not be harmed by such a waiver.

D. Design, Materials, and Color.

Transmission towers and Telecommunication Facilities shall be designed and maintained to minimize visual impact, carry gravity and wind loads required by law. At a minimum, the transmission towers and facilities shall meet the following design standards:

1. Architectural integration with existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape. Concealment or stealth methods, such as camouflaging transmission towers to look like light poles or trees, may be required.
2. Located on existing vertical infrastructure such as utility poles and Public Building or utility structures.
3. Roof-mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building.
4. Equipment shelters and antennas shall not extend more than 10 feet from the top of the building unless expressly approved by the County.
5. Located in areas where the existing topography, vegetation, buildings, or other structures provide screening.

E. Lighting and Signage.
Only lighting and signage required by a Federal or State agency is allowed. No advertising is allowed.

F. Non-Interference.
All wires, cables, fixtures, and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, State and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions, or all other electromagnetic communications or otherwise cause a safety hazard.

G. Federal Aviation Agency Form.
The Applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, except that such form shall not be required for the following:

1. An amateur radio antennae, if owned and operated by a federally-licensed amateur radio operator or used exclusively for a receive-only antennae;
2. Any existing tower and antennae provided a Building Permit was issued for a tower or antennae prior to the adoption of this Code;
3. Any emergency Telecommunications Facilities used exclusively for emergency services including, but not limited to, police, fire, and operation of governmental entities; and
4. Any antennae used for FCC licensees engaged in AM, FM, or television broadcasting.

H. Telecommunications Act.
All Telecommunications Facilities shall comply with all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the FAA.

7-1103. WATER RESERVOIR.

A water reservoir shall not be required to comply with the minimum Lot Size requirement for the zone district in which it is located.

DIVISION 12. ADDITIONAL STANDARDS FOR ACCESSORY USES.

7-1201. ACCESSORY USE.

The following shall apply to all Accessory Buildings, Structures or Uses.

A. Accessory Building.
The rear yard setback of an Accessory Building may be reduced to the following distance provided Clear Vision Area standards in section 7-303.I. are met.

Table 7-1201 A: Accessory Building Setbacks

	Minimum Setback
	Rear
All Districts	7.5 Feet
All Districts Abutting an Alley	10 Feet

B. Accessory Structure.

Accessory Structures, for example fences, hedges, or walls, may be located within any required yard setback provided the requirements in Table 7-1201 B and Clear Vision Area standards in section 7-303.I. are met.

Table 7-1201 B: Accessory Structures (e.g. Fence, Hedge or Wall) Heights			
	Maximum Height		
Zone District	Front Yard	Side Yard	Rear Yard
Agricultural Land Within R, RL-P, RL-E, RL-TS and RL-GS[1]	8 Feet[1]	8 Feet[1]	8 Feet[1]
R-S, R-U and RMHP	3 Feet	6 Feet	6 Feet
C-L, C-G, I and PL	6 Feet[1]	6 Feet[1]	6 Feet[1]

[1] Structures proposing to exceed the Maximum Height may be erected if reviewed and approved through an Administrative Review (Section 4-103) where the structure:

a. is required to maintain the agricultural use or the other existing uses on the property;
b. does not in any manner adversely impact the operation of any adjacent public right-of-way or roads;
c. does not adversely impact the natural lighting or visual corridor of adjacent properties; and
d. will not obstruct critical traffic areas along roadways.

C. Marijuana, Personal Use, Medical Use or Caregiver

1. Any person growing marijuana for their own medical use, for their patients' medical use, or for personal use shall comply with the County land use code and the adopted Building Code.

2. Any person growing marijuana shall grow it in an Enclosed Locked Space not viewable by the public or adjacent property.

3. All cultivation of marijuana shall only occur as an accessory use to a Dwelling Unit.

4. All cultivation of marijuana shall only occur in the primary residence of the patient, caregiver or person over 21 years old, or in an accessory structure on the same property.

5. Each Lot is restricted to the following marijuana growing space and plant count limitations regardless of the number of patients, primary caregivers, or persons over the age of 21 residing on one Lot:

Table 7-1201 C: Marijuana, Personal Use, Medical Use or Caregiver	
Lot Size and Dwelling Unit Count	**Grow Area and Plant Count Limitation**
20,000 Square Feet or more and with 2 or fewer Dwelling Units	300 Contiguous Square Feet and not to exceed 36 Plants per Lot
Less than 20,000 Square Feet and with 2 or fewer Dwelling Units	100 Contiguous Square Feet and not to exceed 12 Plants per Lot
Any Lot with 3 or more Dwelling Units	100 Contiguous Square Feet and not to exceed 12 Plants per Dwelling Unit

6. All cultivation of marijuana shall not cause odors, smoke, heat, glare or light that is detectable to a person of normal senses beyond the property line of the property upon which the use is being conducted, or in an adjacent dwelling unit or public area.

7. All chemicals utilized in the growing of marijuana shall be used, stored, and disposed of in accordance with all applicable laws and regulations. In addition, all spent soils shall be disposed of in accordance with all applicable laws and regulations.