LAND USE AND DEVELOPMENT CODE

EFFECTIVE JULY 15, 2013

Garfield County

Last Amended December 16, 2013

ORIGINAL ADOPTION

Resolution 2013-46 adopted on July 15, 2013 and recorded under Reception #838004. **A RESOLUTION APPROVING A TEXT AMENDMENT TO AMEND THE UNIFIED LAND USE RESOLUTION OF 2008, AS AMENDED ("ULUR"), RESULTING IN THE REPEAL OF THE ULUR AND ADOPTION OF THE GARFIELD COUNTY LAND USE AND DEVELOPMENT CODE ("LUDC")**.

LIST OF AMENDMENTS

1. Resolution 2013- 81 adopted on November 12, 2013 and recorded under Reception #843254XXXX. **A RESOLUTION APPROVING A TEXT AMENDMENT TO AMEND ARTICLES 1, 3, 4, 5, 6, 7 AND 9 OF THE LAND USE AND DEVELOPMENT CODE.**

2. Resolution 2013-89 adopted on December 16, 2013 and recorded under Reception #844378. **A RESOLUTION APPROVING THE REPEAL AND READOPTION OF ARTICLE 14 OF THE GARFIELD COUNTY LAND USE AND DEVELOPMENT CODE.**

LUDC
2013

GARFIELD COUNTY, COLORADO

Article 1: General Administration

ARTICLE 1
GENERAL ADMINISTRATION

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DIVISION 1. GENERAL PROVISIONS.

1-101. TITLE AND SHORT TITLE.

This Code, and all future amendments, shall be known as the Garfield County Land Use and Development Code and is also referred to herein as the "Code."

1-102. AUTHORITY.

It is the intention of the BOCC in adopting the Garfield County Land Use and Development Code to fully exercise all relevant powers conferred by the laws of the State of Colorado including, but not limited to:

A. Colorado Constitution.

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

B. State Enabling Legislation.

All of the powers granted to the County by:

1. Title 16, Article 13, Part 3, C.R.S., Restraint and Abatement of Nuisances;
2. Title 24, Article 65.1, C.R.S., Areas and Activities of State Interest;
3. Title 24, Article 67, C.R.S., Planned Unit Development Act;
4. Title 24, Article 68, C.R.S., Vested Property Rights Act;
5. Title 29, Article 20, C.R.S., Local Government Land Use Control Enabling Act;
6. Title 30, Article 11, C.R.S., County Powers and Functions;
7. Title 30, Article 15, C.R.S., County Regulations Under Police Powers;
8. Title 30, Article 28, C.R.S., County Planning Act;
9. Title 34, Article 1, Part 3, C.R.S., Preservation of Commercial Mineral Deposits;
10. Title 38, Article 30.5, C.R.S., Conservation Easements; and
11. Title 43, Article 2, C.R.S., State, County and Municipal and Public Roads.

1-103. JURISDICTION.

This Code shall apply to all land within the unincorporated areas of Garfield County.

1-104. BUILDING PERMITS.

No Building Permit will be issued unless the use associated with the Building Permit is in compliance with this Code.

1-105. REPEALER, ENACTMENT, AND EFFECTIVE DATE.

A. Repeal of County's Prior Land Use Regulations.

The Garfield County Zoning Resolution of 1978 and Subdivision Regulations of Garfield County, Colorado of 1984, and amendments thereto, and the Unified Land Use Resolution of 2008, as amended, are hereby repealed on the effective date of the County's adoption of this Code, except as set forth in section 1-106(C).

B. Enactment.

This Code shall be enacted upon its approval by the BOCC, after review and recommendation by the County Planning Commission, following Public Hearings.

C. Effective Date.

This Code, including any future amendments, shall take effect upon adoption by the BOCC, unless otherwise set forth in the BOCC's motion of approval.

1-106. SAVING PROVISIONS.

A. Pending Land Use Applications.

The enactment or amendment of this Code shall not be construed as discontinuing, abating, modifying, or altering any pending land use applications and that said applications may continue to be processed as defined in the previous land use codes, provided all timelines required by said regulations are met.

B. Penalty Accruing.

The enactment or amendment of this Code shall not be construed as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue.

C. Waiving any Right.

The enactment or amendment of this Code shall not be construed as waiving any right of the County under any provision existing prior to the adoption of this Code.

D. Vacating or Annulling.

The enactment or amendment of this Code shall not be construed as vacating or annulling any rights obtained by any person by lawful action of the County.

1-107. IMPLEMENTATION OF COMPREHENSIVE PLAN, INTERGOVERNMENTAL AGREEMENTS, AND OTHER MASTER PLANS FOR LAND USE.

A. Implementation of Comprehensive Plan.

Except as otherwise provided by law, the Comprehensive Plan serves as a guide and is advisory regarding land use in Garfield County.

B. Implementation of Intergovernmental Agreements and Other Master Plans for Land Use.

Enactment, amendment, and administration of this Code shall be in accordance with, and shall serve to implement, the goals and policies of any jointly-adopted intergovernmental agreement, memorandum of understanding, or Master Plan governing the use and development of land of mutual concern to the County and other governmental entities or special districts.

1-108. INTERPRETATION, RULES OF CONSTRUCTION OF LANGUAGE, AND COMPUTATION OF TIME.

A. Interpretation of the Provisions of this Code.

1. Minimum Required. The provisions of this Code shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.

2. Liberal Construction. This Code shall be liberally construed to further its underlying purposes.

3. Conflict. If a conflict occurs between provisions of this Code, or between provisions of this Code and a State statute or other applicable codes and regulations, the more restrictive provision controls unless otherwise specified in this Code.

4. Requirements Presumed to Apply**.** The requirements of this Code are presumed to apply to actions unless otherwise provided.

B. Rules of Construction of Language.

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

C. Colorado Revised Statutes.

All references to the Colorado Revised Statutes (C.R.S.) shall include the referenced section, including any amendments thereto, and any additional sections necessary for proper interpretation of the law.

D. Computation of Time.

Days are computed as business days which means calendar days excluding weekends and County holidays, unless otherwise specified in this Code.

1-109. INCORPORATION AND INTERPRETATION OF MAPS.

A. Official Zone District Map.

The location and boundaries of the zone districts established by this Code are shown on the "Official Zone District Map" of Garfield County and incorporated into this Code. The zone district map shall be maintained by the Director and shall be located in the Community Development Department. It is the express intent of the BOCC that all unincorporated areas within the County be located within a zone district.

B. Official Zone District Overlay Map.

The location and boundaries of each "Zone District Overlay" established by this Code shall be shown on the "Official Zone District Overlay Map" and hereby incorporated into this Code. The zone district overlay map shall be maintained by the Director and shall be located in the Community Development Department.

C. Interpretation of Zone District and Zone District Overlay Boundaries.

If for any reason the location of a zone district and zone district overlay boundary line is not readily determinable from the incorporated maps, the location of the zone or overlay district boundary line shall be determined by the Director in accordance with the following provisions. Where more than 1 of the following provisions is applicable in any given situation, the first stated and applicable provision shall prevail over all other provisions:

1. Where a boundary line is given a position within or abutting a highway, road, street, or Alley right-of-way that does not appear to be located within any district, the district boundary line shall be deemed to be in the center of such right-of-way.
2. Where a district boundary line is shown as closely and approximately following Subdivision Plat Lot Lines, municipal boundary, or County

boundary lines, the district boundary line shall be deemed to coincide with such known boundaries.

3. Where a parcel within a district has a boundary line shown by a specific dimension, that dimension shall control.

4. Where a district boundary line is located with reference to a fixture, monument, or natural feature, the location of the boundary with respect to the attribute shall control.

5. The location of a district boundary line located with reference to a natural feature shall be at the outer edge or boundary of the natural feature.

6. In all other circumstances, the location of the district boundary line shall be determined by scaling from the district maps.

1-110. AMENDMENT TO TEXT OF THIS CODE.

Section 4-114 outlines the process for amendments to the text of this Code.

1-111. SEVERABILITY.

A. Provision Declared Invalid.

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

B. Application to Tract of Land Invalid.

If the application of this Code to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, then the effect of such decision shall be limited to the tract of land involved. Such decision shall not affect this Code or the application of any provision thereof to any other tract of land.

DIVISION 2. REVIEW AND DECISION-MAKING BODIES.

The review and decision-making bodies set forth herein shall have the following duties and responsibilities in the administration of this Code.

1-201. BOARD OF COUNTY COMMISSIONERS.

A. Membership and Term.

1. Each of the 3 members of the BOCC is elected by the registered voters of Garfield County in a general election.

2. The term of each Commissioner is 4 years.

B. Powers and Duties.

1. Powers and Duties Authorized by State Statute. The authority granted to the BOCC under State statutes include, but is not limited to:

a. Authority to adopt and amend zoning and Subdivision regulations, including regulations for Planned Unit Developments and areas and activities of State interest.

b. Authority to enact ordinances compelling the removal of weeds and Rubbish.

c. Authority to adopt a Building Code.

d. Authority to review service plans for proposed special districts.

e. Authority to enter into intergovernmental agreements to plan for and control land uses and development.

2. Powers and Duties under Provisions of this Code. In addition to authority granted to the BOCC by general or special law, the BOCC has authority to take such other action not delegated to the Planning Commission, the Board of Adjustment, or the Director, as the BOCC may deem desirable and necessary to implement the provisions of the Comprehensive Plan and this Code.

3. Public Meetings/Hearings. The BOCC shall hold regularly-scheduled Public Meetings/Hearings to take official action on these issues and any other matter that requires official BOCC action. Two members of the BOCC shall constitute a quorum necessary for official action.

1-202. PLANNING COMMISSION.

A. Membership and Term.

1. The BOCC appoints 7 regular Planning Commission members and 3 associate members.
2. All members must be residents of the County. No member of the BOCC shall serve on the Planning Commission.
3. The term of members is 3 years.

B. Powers and Duties.

1. The Planning Commission is responsible for the development and adoption of the Comprehensive Plan and any amendments to that plan.
2. The Planning Commission is responsible for reviewing the location and extent of public or quasi-public utilities, structures, or uses proposed to be located in the unincorporated area of the County to determine whether they are in conformance with the Comprehensive Plan.
3. The Planning Commission shall hold regularly-scheduled Public Meetings/Hearings to take official action on the matters before the Commission. The meetings/hearings shall be noticed in compliance with the requirements for public notice set forth in this Code. Four members of the Planning Commission shall constitute a quorum necessary for official action.
4. The procedures followed by the Planning Commission shall be set forth in the official bylaws adopted by the Planning Commission, and pursuant to Title 30, Article 28, C.R.S.

1-203. BOARD OF ADJUSTMENT.

A. Membership and Term.

1. The BOCC shall appoint 5 regular Board of Adjustment members, in accordance with C.R.S. § 30-28-117. The Board of Adjustment membership shall consist of 1 member of the Planning Commission. The BOCC may appoint 5 associate members for the purpose of filling a vacancy on the Board of Adjustment in the event that any regular member is temporarily unable to fulfill his or her responsibilities as a member of the Board of Adjustment.
2. All members must be residents of the County.
3. The term of members is 3 years.

B. Powers and Duties.

1. The Board of Adjustment shall be the decision-making body for requests for variance from certain zoning dimensional requirements of this Code.

a. The Board of Adjustment shall consider a request for variance based on the procedure set forth in section 4-115 of this Code. In order for the Board of Adjustment to grant a variance, at least 4 members of the Board of Adjustment must vote in favor of the Applicant.

b. The Board of Adjustment does not have the authority to grant the following:

(1) Variance from uses permitted in a zone district;

(2) Variance from any definition; and

(3) Variance from the minimum or maximum density allowed in a zone district.

2. The Board of Adjustment shall consider an appeal of an administrative interpretation of this Code based on the procedure set forth in section 4-117 of this Code. In order for the Board of Adjustment to grant an appeal that overturns an administrative interpretation, at least 4 members of the Board of Adjustment must vote in favor of the appellant.

3. The Board of Adjustment shall meet as called by the Chairman to take official action on the matters before the Board of Adjustment. The meetings/hearings shall be open to the public and noticed in compliance with the requirements for public notice set forth in this Code.

4. The procedures followed by the Board of Adjustment shall be set forth in the official bylaws adopted by the Board of Adjustment, and pursuant to Title 30, Article 28, C.R.S.

5. An appeal of any decision made by the Board of Adjustment is not reviewed by the BOCC and instead is subject to judicial review by the District Court.

1-204. DIRECTOR.

The Director of the Community Development Department or authorized representative's powers and duties under this Code are set out in this subsection as follows:

A. Administrative Review.

The Director shall be responsible for reviewing Administrative Review applications, and for acting to approve, approve with conditions, or deny such applications.

B. Written Interpretations.

The Director shall be responsible for issuing written interpretations of the provisions of this Code.

C. Other Matters.

The Director shall also have those powers and duties designated by the BOCC, including the following:

1. Serve as the Floodplain Administrator unless otherwise delegated;

2. Shall be responsible for all other Director powers and duties identified in the Code;

3. Shall maintain the Official Zone District Map and the Official Overlay Zone District Map; and

4. Shall keep copies of each application filed, each plat submitted, and each Land Use Change Permit issued.

1-205. BUILDING OFFICIAL.

The Building Official or authorized representative's power and duties are to administer and enforce the Building Code as set forth in C.R.S. § 30-28-114.

1-206. FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator duties and responsibilities shall include, but not be limited to, the following:

A. Maintain and Hold Open Records.

Maintain and hold open for public inspection all records pertaining to the provisions of this Code as it pertains to the 100-year Floodplain, including the actual elevation (in relation to mean sea level) of the Lowest Floor (including Basement) of all new or substantially improved structures and any flood-proofing certificate required in section 3-102, Floodplain Overlay.

B. Floodplain Development Permits.

1. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance;
2. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding; and
3. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

C. Inspection.

Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.

D. Interpretation of Boundaries and Base Flood Elevations.

1. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
2. When Base Flood Elevation data has not been provided, the Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of this Code.
3. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Maps (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the Base Flood more than 1/2 foot at any point within the community.

4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM that increases the water surface elevation of the Base Flood by more than 1/2 foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12, and receives FEMA approval.

E. Notify Adjacent Communities and State.
In riverine situations, notify adjacent communities and the State coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

F. Flood Carrying Capacity.
Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

1-207. ENFORCEMENT OFFICIALS.

The Community Development Director, the Building Official, the Floodplain Administrator, and the Code Enforcement Officer are "Enforcement Officials." An Enforcement Official has the power to enforce all provisions of this Code, the Building Code, the regulations of areas and activities of State interest, including without limitation, any condition imposed on an approval, and may utilize any remedies authorized under Colorado Law or the provision of Article 12.

DIVISION 3. RIGHT TO FARM

1-301. RIGHT TO FARM COUNTY.

Colorado is a right-to-farm state pursuant to C.R.S. § 35-3.5-101, *et seq.* Consistent with this statute, it is the policy of the BOCC that ranching, farming, and all manner of agricultural activities and operations throughout the County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, lifestyle, and culture. Given their importance to the County and the State, agricultural lands and operations are worthy of recognition and protection. Landowners, residents, and visitors must be prepared to accept the activities, sights, sounds, and smells of the County's agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. Those with an urban sensitivity may perceive such activities, sights, sounds, and smells as inconveniences, eyesores, noises, and odors. However, State law and County policy provide that:

A. Not a Nuisances.
Ranching, farming, or other agricultural activities and operations within the County shall not be considered to be nuisances so long as they are operated in conformance with the law and in a nonnegligent manner.

B. Be Prepared.
All landowners, residents, and visitors must be prepared to encounter noises, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any 1 or more of which may naturally occur as a part of legal and nonnegligent agricultural operations.

C. Land Owner Obligations.

All owners of land, regardless of use, have obligations under State law and County regulations with regard to maintenance of fences.

D. Right to Maintain Ditches.

Irrigators have the right to maintain irrigation ditches through established easements that transport water for their use, and said irrigation ditches are not to be used for the dumping of refuse.

E. Weed Control and Pets.

Landowners are responsible for controlling weeds, keeping pets under control, and other aspects of using and maintaining property in accordance with County regulations.

F. Good Neighbors.

Residents and landowners are encouraged to learn about these rights and responsibilities and to act as good neighbors and citizens of the County.

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GARFIELD COUNTY, COLORADO

Article 2: Land Use Change Permit

ARTICLE 2
LAND USE CHANGE PERMIT

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DIVISION 1. LAND USE CHANGE PERMIT.

2-101. APPLICABILITY.

The requirement for a Land Use Change Permit and the permit provisions set forth in this Article apply to any proposed change in land use, including divisions of land, for property located in unincorporated Garfield County.

2-102. PERMIT REQUIRED FOR LAND USE CHANGES.

Any person seeking a change in land use shall obtain a Land Use Change Permit before commencing the development or activity associated with the land use change, unless the use is identified in Table 3-403, Use Table, as a "By Right" use and is, therefore, exempt from County review and permitting.

A. Land Use Changes other than Division of Land.
For land use changes that do not involve division of land, approval of the proposed land use change in compliance with this Code constitutes a Land Use Change Permit.

B. Division of Land.
For land divisions, final plat, or exemption plat, approval will constitute a Land Use Change Permit.

C. Signs.
A sign permit constitutes a Land Use Change Permit.

2-103. LAND USE CHANGE WITHOUT A PERMIT IS PROHIBITED.

A Land Use Change Permit must be obtained in compliance with this Code prior to beginning any development or activity associated with a change in land use. Failure to obtain a Land Use Change Permit shall be a violation of this Code and subject to the enforcement provisions in Article 12.

2-104. LEVELS OF PERMIT REVIEW FOR LAND USE CHANGE PERMITS.

Land Use Change Permits will be subject to 1 of the following levels of review.

A. Land Use Changes Other Than Division of Land.
A change in land use that does not involve division of land is subject to 1 of the following 3 levels of review. The level of review for specific land uses is described in the Use Tables in Article 3, Division 5, Zoning.

1. Administrative Review Process. A change in land use that will have insignificant impact is subject to the Administrative Review process set forth in section 4-103, Administrative Review.
2. Limited Impact Review Process. A change in land use that will have limited or minimum impact is subject to the Limited Impact Review process set forth in section 4-104, Limited Impact Review.
3. Major Impact Review Process. A change in land use that will have significant impact is subject to the Major Impact Review process set forth in section 4-105, Major Impact Review.
4. Rezoning and Code Text Amendments. A rezoning of property is subject to the process set forth in section 4-113 and a text amendment to this Code is subject to the process set forth in section 4-114.

B. Exemption.
A request for exemption from the definition of Subdivision shall be subject to the review set forth in Article 5, Division 2.

C. Subdivisions.
Unless otherwise provided by this Code, division of land shall be subject to Subdivision Review as set forth in Article 5, Division 3.

D. Signs.
Signs are subject to a specific review and approval process set forth in Article 11.

2-105. AMENDMENTS TO APPROVALS OF LAND USE PERMITS GRANTED UNDER REGULATIONS ADOPTED PRIOR TO OCTOBER 13, 2008.

Amendments may be made to Conditional Use Permits and Special Use Permits approved by the BOCC under the Zoning Resolution of 1978. An amendment request shall be processed pursuant to section 4-106, Amendments to an Approved Land Use Change Permit.

2-106. PERMIT RUNS WITH THE LAND

Any Land Use Change Permit for land use approved in compliance with this Code shall be binding upon and run with the land.

DIVISION 2. VESTED PROPERTY RIGHTS.

2-201. PURPOSE.

The purpose of this Division is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., and to effectuate local control over creation of vested property rights to the fullest extent permitted under the law.

2-202. ESTABLISHMENT OF VESTED PROPERTY RIGHTS.

A. General.
Pursuant to this Code, a vested property right shall be deemed established for a period of 3 years with the approval of a Site Specific Development Plan as defined in section 2-202(B). When a Site Specific Development Plan is approved, the vested right shall confer upon the landowner to undertake and complete the development and use of the property under the terms and conditions of the Site Specific Development Plan. If the Applicant requests a vesting period longer than 3 years, a development agreement will be required.

B. Site Specific Development Plan.
For the purposes of this section, Site Specific Development Plan shall mean a Land Use Change Permit, a Final Plat and the filing of a PUD after the signing and recording of the first Final Plat required pursuant to the PUD approval or in the case of the PUD subject to no further Subdivision requirements, after the signing and recording of the PUD Plan.

C. Development Agreements.
The BOCC may enter into a development agreement with the landowner for a vesting period for longer than 3 years when, in the discretion of the BOCC, an extension is warranted due to all relevant circumstances including, but not limited to, project size and/or phasing of the development, economic cycles, and/or market conditions.

D. Approval and Effective Date.

1. A vested property right shall be deemed established upon the BOCC's approval of a Site Specific Development Plan. The approval of a Site Specific Development Plan may include such terms and conditions as

may be reasonably necessary to protect the public health, safety, and general welfare. Failure to abide by such terms and conditions will result in forfeiture of the vested property right.

2. In order to trigger vesting of a property right, the Site Specific Development Plan must include the following language: "Approval of this [Permit/Plan/Plat] shall create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to include the foregoing statement on the Site Specific Development Plan or in a request for approval shall invalidate the creation of the vested property right.

3. The approval is subject to all rights of referendum and judicial review. The time period for the exercise of such rights will begin upon the date of publication, in a newspaper of general circulation in the County, of a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created. The Applicant is responsible for such publication within 14 days after approval of the Site Specific Development Plan.

E. Subsequent Review and Approval.

Following approval or conditional approval of a Site Specific Development Plan, the Site Specific Development Plan shall be subject to subsequent reviews by the County to ensure compliance with the terms and conditions of the original approval. Any such review and subsequent approval(s) must be consistent with the terms and conditions of the original approval.

F. Exceptions.

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

1. With the consent of the affected landowner.

2. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the approval of the Site Specific Development Plan, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare.

3. The affected landowner receives just compensation as forth in C.R.S. § 24-68-105(1)(c), for all costs, expenses, and liabilities incurred by the landowner after approval by the BOCC.

G. Applicability of General Ordinances and Regulations.

The establishment of a vested property right shall not preclude the application of ordinances, resolutions, or regulations that are general in nature and are applicable to all property subject to land use regulations by the County including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

LUDC 2013

GARFIELD COUNTY, COLORADO

Article 3: Zoning

ARTICLE 3
ZONING

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ARTICLE 3: ZONING

DIVISION 1. GENERAL PROVISIONS.

3-101. ESTABLISHMENT OF ZONE DISTRICTS.

The following zone districts are established.

A. Rural (R).
The Rural Zone District is comprised of the County's rural residential areas, agricultural resource lands, agricultural production areas, and natural resource areas. Uses, densities, and standards established for this zone district are intended to protect the existing character of the area from uncontrolled and unmitigated residential, commercial, and industrial use. The zone district provides for the use of natural resources, recreational development, rural residential, and other uses.

B. Commercial, General (CG).
The General Commercial Zone District provides for General Retail, service, and recreation-oriented commercial businesses intended to serve the County as a whole. Clustering of business development in centers is encouraged. Development standards and review criteria are specifically intended to discourage strip development and encourage low-scale, low-impact commercial areas.

C. Commercial, Limited (CL).
The Limited Commercial Zone District provides for a limited range of commercial uses needed to meet the shopping needs of residents in the adjacent neighborhoods. Businesses are to be oriented to the neighborhood and compatible with surrounding residential uses.

D. Industrial (I).
The Industrial Zone District provides appropriate areas for industrial businesses in locations where conflicts with residential, commercial, and other land uses can be minimized.

E. Public Lands (PL).
The Public Lands Zone District shall include all land owned by the U.S. Government or the State of Colorado, located in the unincorporated area of the County and not included in any other zone district.

F. Public Airport (PA).
The Public Airport Zone District is comprised of County land designated for uses supporting public use airport operations in Garfield County. Land use in the Public Airport Zone District shall be guided by the Airport Master Plan and the Airport Rules and Regulations.

G. Residential - Manufactured Home Park (RMHP).
The Residential - Manufactured Home Park Zone District allows for development where spaces are either sold or leased for placement of Manufactured Homes in a park-like setting, and these homes are used as permanent Single-Family Dwelling Units.

H. Residential – Suburban (RS).
The Residential – Suburban Zone District is comprised of low-density suburban residential uses developed to maintain a rural character.

I. Residential – Urban (RU).

The Residential – Urban Zone District is comprised of high-density urban residential uses, including multi-family developments.

J. Resource Lands.

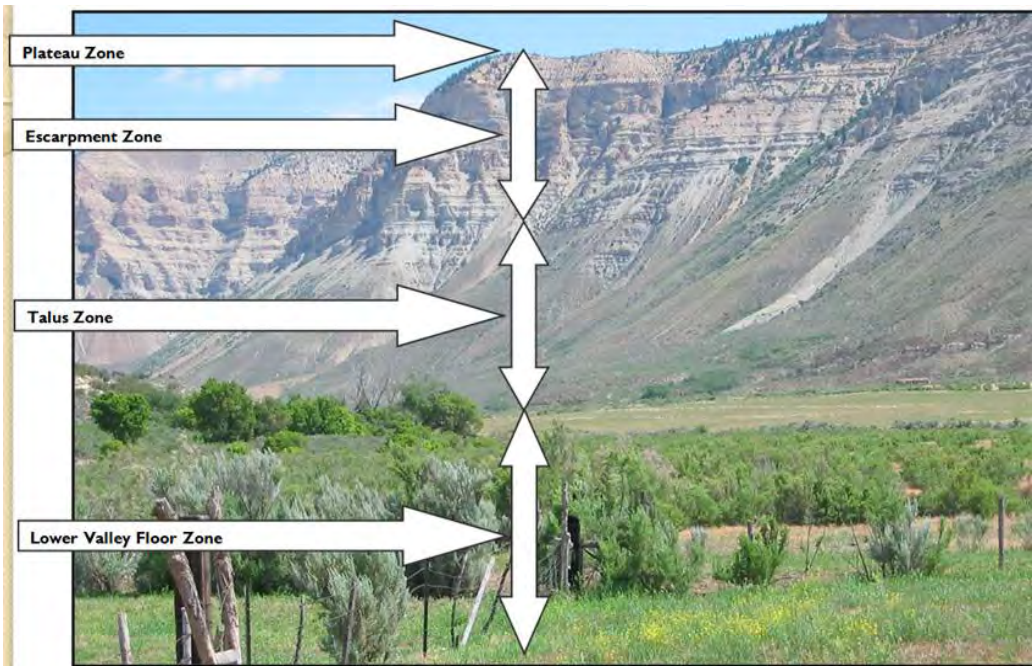
The Resource Lands Zone District shall be subclassified into the following zones:

1. Gentle Slopes and Lower Valley Floor (RLGS). The subdistrict identified as Gentle Slopes and Lower Valley Floor is defined as the colluvial and alluvial soil at the base of Talus Slopes in the Lower Valley Floor.

2. Talus Slopes (RLTS). The subdistrict identified as Talus Slopes is defined as loose deposits of rock debris accumulated at the base of Talus Slopes in the Lower Valley Floor.

3. Escarpment (RLE). The subdistrict identified as Escarpment is defined as the fixed bedrock forming vertical or near vertical parts of the canyon walls.

4. Plateau (RLP). The subdistrict identified as Plateau is defined as the rolling lands of the higher elevation in the Resource Land Zone District, typically found above the Escarpment subdistrict.



3-102. ESTABLISHMENT OF OVERLAY ZONE DISTRICTS.

Overlay Zone Districts are superimposed over the existing zone district, and Overlay Zone District regulations are in addition to those of the underlying zone district, unless otherwise provided in this Code. Use restrictions and standards for the individual Overlay Zone Districts are set forth under Division 3 of this Article, Overlay Zone District Regulations. The following Overlay Zone Districts are established:

A. Floodplain Overlay.

1. Purpose. The purpose of the Floodplain Overlay is:

a. To minimize and prevent adverse effects of proposed development on the flood-carrying capacity within the 100-year Floodplain;

b. To minimize flood losses by restricting or prohibiting uses that are dangerous to public health, safety, and property in times of flooding; and

c. To regulate development that would alter or increase the potential damage or impacts of a major storm or exacerbate the Floodplain impacts on other tracts of land.

2. Boundaries and Jurisdiction. Reports and maps establishing the Floodplain Overlay District and Floodplain subdistricts are incorporated herein, pursuant to section 1-109, Incorporation and Interpretation of Maps. The Overlay District shall be comprised of all lands within a Special Flood Hazard Area (SFHA), as follows:

a. Lands Within Designated 100-Year Floodplain. This includes lands identified as within the designated 100-year Floodplain as mapped on the Flood Insurance Rate Maps (FIRM), or identified in the "Flood Insurance Study, Garfield County, Colorado, Unincorporated Areas" dated August 2, 2006, and the accompanying flood maps titled "Flood Boundary Maps, Floodway Maps and Flood Insurance Rate Maps, Garfield County, Colorado, Unincorporated Areas," as the same may be amended from time to time; or

b. Lands Not Within a FIRM-Identified 100-Year Floodplain. When an application for a Land Use Change Permit, including divisions of land, indicates or suggests that an area of the site may be in a SFHA, but for which area no FIRM maps have been previously prepared, the Applicant shall provide Floodplain studies, including appropriate maps, conducted and certified by a qualified professional engineer experienced in hydrology and hydraulics. These studies shall, at a minimum, determine the type of SFHA the property is within, including the depth and elevation of the Base Flood for the entire area of the site and for 200 yards upstream and downstream from the site, with an appropriate cross section.

c. Areas Removed From the 100-Year Floodplain. Those areas removed from the Floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F).

B. Drinking Water Constraints Overlay.

1. Purpose. The purpose of the Drinking Water Constraints Overlay is to ensure a safe domestic water supply for all land use within the Overlay District which includes human consumption of ground water.

2. Boundaries and Jurisdiction. Reports and maps establishing the Drinking Water Constraints Overlay District are incorporated herein, pursuant to section 1-109, Incorporation and Interpretation of Maps.

C. Airport/Heliport Influence Area Overlay.

1. Purpose. The purpose of an Airport/Heliport Influence Area Overlay is:

a. To support and encourage the continued operation and vitality of the County Airport and Heliport;

b. To reduce potential safety hazards for persons living, working, or recreating near the County Airport and Heliport by establishing compatibility and safety standards to promote air navigational safety; and

c. To minimize environmental impacts resulting from the operation of the County Airport and Heliport.

2. Boundaries and Jurisdiction. Plans and maps establishing the Airport/Heliport Influence Area Overlay District are incorporated herein, pursuant to section 1-109, Incorporation and Interpretation of Maps. The District shall be comprised of the Airport Imaginary Surfaces defined by FAR Part 77 and this Code, and include the following:

a. Airport Imaginary Surfaces. All lands, waters, and airspace, or portions thereof, that are located within the boundaries of the Primary Surface, Runway Protection Zone (RPZ), Approach Surface, Horizontal Surface, Conical Surface, and Transitional Surface. The Airport/Heliport's Influence Area Overlay District's boundaries shall be the outer extremities of the boundaries of the Imaginary Surfaces.

b. Noise Impact Boundary. The Noise Impact Boundary incorporates areas within 1,500 feet of an Airport Runway or within established noise contour boundaries exceeding 55 Ldn as depicted in the Airport/Heliport's Layout Plan. If the Noise Impact Boundary extends beyond the extremities of the Imaginary Surfaces, the Airport/Heliport Influence Area Overlay District boundaries shall be extended to incorporate the Noise Impact Boundary.

c. Partial Inclusion. If a structure, lot, or parcel of land lies partly within the Airport/Heliport Influence Area Overlay, the part of the structure, lot, or parcel lying within the Overlay District shall meet all requirements for the Airport/Heliport Influence Area Overlay.

d. Notice of Land Use and Permit Applications. The Director shall provide to the Airport Sponsor and to the BOCC written notice of any proposed land use located within the Airport/Heliport Influence Area Overlay, unless the proposed land use meets all of the following criteria:

(1) All structures, including nonhabitable structure or building appurtenances, are less than 35 feet in height;

(2) Involves property located entirely outside the Approach Surface;

(3) Does not involve industrial, mining, or similar uses that emit smoke, dust, or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television, or similar transmission facilities or electrical transmission lines; and

(4) Does not involve Wetland mitigation, enhancement, restoration, or creation.

DIVISION 2. ZONE DISTRICT REGULATIONS.

The purpose of this Division is to identify the lot and building restrictions for each zone district. In addition to these general requirements, all land uses shall comply with the applicable standards set forth in Article 7, Standards.

3-201. ZONE DISTRICT DIMENSIONS.

Table 3-201 identifies the dimensional standards for each zone district.

Table 3-201: Zone District Dimensions

Legend R=Residential NR=Nonresidential C=Commercial NC=Noncommercial	Lot Size			Setbacks (feet)				Height (feet) [3,4,5]
	Minimum Lot Area[1]	Maximum Lot Coverage (%)	Maximum Floor Area Ratio	Front		Rear	Side[2]	
Zone District				Arterial	Local			
Rural **R**	2 acres	R: 15	N/A	50	25	25	10	R: 25 NR: 40
Residential - Suburban **RS**	20,000 s.f.	50	0.50 / 1.0	50	25	25	10	25
Residential - Urban **RU**	7,500 s.f.	50	0.50 / 1.0	50	25	25	10	25
Residential-Manufactured Home Park **MHP**	2 acres	50	--	50	25	25	10	25
Commercial - Limited **CL**	7,500 s.f.	NC: 75 C: 85	0.50 / 1.0	50	25	R: 25 C: 7.5	10	40
Commercial - General **CG**	7,500 s.f.	NC: 75 C: 85	0.50 / 1.0	50	25	R: 25 C: 7.5	10	40
Industrial **I**	21,780 s.f.	75	N/A	50	25	25	10	40
Plateau **RLP**	35 acres	--	--	25	25	25	25	50
Escarpment **RLE**	35 acres	--	--	25	25	25	25	50
Talus Slopes **RLTS**	35 acres	--	--	25	25	25	25	50
Gentle Slopes **RLGS**	35 acres R: 2 acres	R: 15	--	25	25	25	10	75
Public Airport **PA**	--	--	--	Subject to FAA, FAR Part 77, Airport Layout Plan, Building Codes, and other applicable Federal, State, and local standards and regulations				
Public Lands **PL**	--	--	--	--	--	--	--	--

1. Unless otherwise required by section 7-105, Adequate Central Water Distribution and Wastewater System.
2. Or ½ of building height, whichever is greater.
3. Telecommunication Facilities may exceed maximum height provided they are reviewed (if required) and approved pursuant to Table 3-403, Use Table.
4. Parapet walls may exceed building height limitations by 4 feet.
5. Stacks, vents, cooling towers, elevator cupolas, towers, and similar noninhabitable building appurtenances, and cupolas, spires, and belfries constructed as part of a Place of Worship shall be exempt from height limitations.

3-202. GENERAL RESTRICTIONS AND MEASUREMENTS.

A. Frontage.
Unless otherwise provided by this Code, each lot shall have a minimum of 25 lineal feet of frontage on a dedicated street or road right-of-way providing access.

B. Through Lots.
On lots extending from 1 street to another paralleling street, both streets shall be considered as front streets for purposes of calculating front yard setbacks.

C. Corner Lots.
On lots bordered on 2 contiguous sides by streets, the required front yard setback shall be observed along both streets.

D. Lot Slope.

1. Lot Size Less Than 1 Acre. 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.

2. Lot Size 1 Acre or Greater. A minimum Building Envelope of 1 acre, that does not contain Slopes 30% or greater, shall be required.

E. Row House.
For purposes of setback calculations, only those row houses that do not share a common wall with an adjacent row house need to observe the required side yard setback for the district.

F. Partially Developed Frontages.
On a vacant lot bordered on 2 sides by previously constructed buildings that do not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the averaged front yard setback of the 2 adjacent buildings; where a vacant lot is bordered on only 1 side by a previously constructed building that does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the averaged front yard setback of the adjacent building and the minimum front yard setback for the zone district.

G. Projections.
Every part of a required yard shall be unobstructed from ground level to the sky except for projections as shown in Table 3-202.

Table 3-202: Projections

Type of Feature	Allowed Encroachment into Setbacks		
	Front Yard	Side Yard	Rear Yard
Architectural Features (e.g. Cornice or sills)	1 Foot	1 Foot	1 Foot
Roof Eave	18 Inches	18 Inches	18 Inches
At-Grade Uncovered Porch, Slab, Patio, Walk, Steps	No Restriction	No Restriction	No Restriction
Fire Escape, Balcony (Not Used as Passageways)	4 Feet	18 Inches	4 Feet
Porch and Deck (Less Than 30 Inches in Height)	No Restriction	No Restriction	No Restriction

DIVISION 3. OVERLAY DISTRICT REGULATIONS.

3-301. FLOODPLAIN OVERLAY REGULATIONS.

A. Use Restrictions in the Floodplain Overlay.

The following use restrictions shall apply to areas within the Floodplain Overlay:

Table 3-301: Floodplain Overlay Use Restrictions Table		
LEGEND **P=Permitted to the extent allowed by the underlying zoning and so long as the proposed use complies with all other applicable standards of this Code.** **Blank=Prohibited**		
	Floodway (See section 3-301.E. Floodway Restrictions)	**Areas outside of Floodway, but within the 100-Year Floodplain**
Occupation of permanent or temporary structures		P
Development or use of overnight Campgrounds		P
Solid Waste Disposal Sites		
Central collection Sewage Treatment Facilities		P
Storing or processing of materials that are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal, or plant life		
Uses that may result in an adverse effect on the efficiency of the Floodway or change the direction of flow or cause any increase in BFE		
Uses that may result in substantial solid debris or significant sediment being carried downstream by floodwaters		
Agricultural uses such as general farming, grazing of livestock and horses, truck farming, sod farming, and wild crop harvesting;	P	P
Lawns, open areas, gardens, driveways, and play areas that are accessory to residential uses	P	P
Loading areas, railroad rights-of-way, parking areas, Airport Landing Strips, and storage yards for equipment or machinery easily moved or not subject to flood damage, that do not require asphalt paving	P	P
Recreational and Open Space structures and uses not requiring permanent or temporary structures designed for human habitation	P	P
Dams, power plants, spillways, transmission lines, pipelines, water monitoring devices, water supply ditches, irrigation ditches, laterals, and other underground utilities	P	P
Road and highway structures or trails	P	P
Bank restoration and stabilization	P	P

B. General Standards.

In the Floodplain Overlay, the following provisions are required for all New Construction and Substantial Improvements:

1. All New Construction or Substantial Improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All New Construction or Substantial Improvements shall be constructed by methods and practices that minimize flood damage.

3. All New Construction or Substantial Improvements shall be constructed with materials resistant to flood damage.

4. All New Construction or Substantial Improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering into or accumulating within the components during conditions of flooding.

5. All Manufactured Homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, Manufactured Homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Specific Standards.

In the Floodplain Overlay, where BFE data has been provided, the following provisions are required:

1. Residential Construction. New Construction and Substantial Improvement of any residential structure shall have the Lowest Floor (including Basement), elevated to 1 foot above the BFE. A qualified professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator.

2. Nonresidential Construction. With the exception of Critical Facilities, New Construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the Lowest Floor (including Basement) elevated to at least 1 foot above the Base Flood level or together with attendant utility and sanitary facilities, be designed so that below 1 foot above the Base Flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A qualified professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be provided to and maintained by the Floodplain Administrator.

3. Enclosures. New Construction and Substantial Improvements, with fully enclosed areas below the Lowest Floor that are usable solely for parking of vehicles, building access, or storage in an area other than a Basement,

and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a qualified professional engineer or architect and meet or exceed the following minimum criteria:

a. Provide a minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding;

b. The bottom of all openings shall be no higher than 1 foot above grade; and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the unrestricted entry and exit of floodwaters.

4. Manufactured Homes.

a. All Manufactured Homes that are placed or substantially improved or substantially damaged as a result of a flood and within a SFHA where the BFE is provided on the community's FIRM shall be elevated on a permanent foundation such that the Lowest Floor of the Manufactured Home is elevated to 1 foot above the BFE and be securely anchored to a foundation system professionally designed to resist flotation, collapse, and lateral movement.

b. All Manufactured Homes placed or substantially improved or substantially damaged as a result of a flood on sites where no BFE is provided on the community's FIRM shall be securely anchored to a professionally designed foundation system to resist floatation, collapse, and lateral movement and either:

(1) Elevated so that the chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above adjacent Natural Grade, or

(2) Elevated 1 foot above the flood elevation as determined by a qualified professional engineer experienced in hydrology and hydraulics.

5. Recreational Vehicles. Require that Recreational Vehicles placed on sites within SFHA on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use; or

c. Meet the permit requirements of this Code and the elevation and anchoring requirements for "Manufactured Homes" in paragraph 4 of this section. A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions.

D. Floodway.

Floodways located within SFHAs are designated as "Floodways." Since the Floodway is an extremely hazardous area due to the velocity of flood waters which carries debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the Base Flood discharge. Encroachments include Fill, New Construction, Substantial Improvements, and other development within the regulatory Floodway;

2. All New Construction and Substantial Improvements shall comply with all applicable flood hazard reduction provisions in this Code; and

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the regulatory Floodway that would result in an increase in BFEs, provided that the community first applies for a conditional FIRM and Floodway revision through FEMA.

E. Standards for Areas of Shallow Flooding.

Areas designated as shallow flooding are located within the SFHAs. These areas have special flood hazards associated with Base Flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All New Construction and Substantial Improvements of residential structures have the Lowest Floor (including Basement) elevated above the highest adjacent Natural Grade at least 1 foot above the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified).

2. All New Construction and Substantial Improvements of nonresidential structures:

a. Shall have the Lowest Floor (including Basement) elevated above the highest Natural Grade at least 1 foot above the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified); or

b. Shall be designed so that the structure including attendant utility and sanitary facilities, below 1 foot above the Base Flood Elevation, are watertight with walls substantially impermeable to the passage of water and that the structural components have the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. Adequate drainage paths around structures are required to guide flood waters around and away from proposed structures. Drainage shall not adversely impact adjacent properties.

F. Properties Removed from the Floodplain by Fill.

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the Floodplain by the issuance of a FEMA Letter of Map Revision Based on LOMR-F, unless such new structure or addition complies with the following:

1. Residential Construction. The Lowest Floor (including Basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to 1 foot above the Base Flood Elevation that existed prior to the placement of Fill.

2. Nonresidential Construction. The Lowest Floor (including Basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to 1 foot above the Base Flood Elevation that existed prior to the placement of Fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least 1 foot above the Base Flood Elevation that existed prior to the placement of Fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

G. Alteration of a Watercourse.

For all proposed developments that alter a watercourse within a SFHA, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

2. Channelization and flow diversion projects shall evaluate the residual 100-year Floodplain.

3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory Floodplain and be in compliance with all applicable Federal, State, and local Floodplain rules, regulations, and ordinances.

4. Any stream alteration activity shall be designed and sealed by a qualified professional engineer or certified professional hydrologist.

5. All activities within the regulatory Floodplain shall meet all applicable Federal, State, and local Floodplain requirements and regulations.

6. Within the regulatory Floodway, stream alteration activities shall not be constructed unless the Applicant demonstrates through a Floodway analysis and report, sealed by a qualified professional engineer, that there is no more than a 0.00-foot rise in the proposed conditions compared to the existing conditions of the Floodway resulting from the project, otherwise known as a No-Rise Certification. A No-Rise Certification is not required if the community first applies for a

Conditional Letter of Map Revision (CLOMR) and Floodway through FEMA.

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

H. Standards for Critical Facilities.

1. Protection of Critical Facilities. A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during, and after a flood. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the SFHA shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this Code, protection shall include 1 of the following:

a. Location outside the SFHA; or

b. Elevation or flood-proofing of the structure to at least 2 feet above the BFE.

2. Ingress and Egress for New Critical Facilities. When practicable as determined by the County, new Critical Facilities have continuous noninundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

3. Classification of Critical Facilities. It is the responsibility of the County to identify and confirm that specific structures in the community meet the criteria as follows. Critical Facilities are classified under the following categories:

a. Essential Services Facilities. Essential Services Facilities include public safety, emergency response, emergency medical, designated Emergency Shelters, communications, Public Utility plant facilities, and transportation lifelines. These facilities consist of:

(1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);

(2) Emergency medical (Hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures but excluding clinics, doctor's offices, and nonurgent care medical structures that do not provide these functions);

(3) Designated Emergency Shelters;

(4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

(5) Public Utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines);

(6) Air Transportation lifelines (Airports [municipal and larger], helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars);

(7) Specific exemptions to this category include wastewater treatment plants, nonpotable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances; and

(8) Public Utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year Floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the County on an as-needed basis upon request.

b. At-risk Population Facilities. At-risk Population Facilities include medical care, congregate care, and schools. These facilities consist of:

(1) Elder care (nursing homes);

(2) Congregate care serving 12 or more individuals (day care and assisted living); and

(3) Public and private schools (pre-schools, K-12 schools, before-school and after-school care serving 12 or more children).

c. Facilities vital to restoring normal services, including government operations. These facilities consist of:

(1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance, and equipment centers); and

(2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

4. Exempted Critical Facilities. These facilities may be exempted if it is demonstrated to the County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year Floodplain or are compliant with this Code, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the County on an as-needed basis upon request.

3-302. DRINKING WATER CONSTRAINTS OVERLAY REGULATIONS.

A. Permitted Uses.

Uses permitted in the underlying zone district will be permitted in the Drinking Water Constraints Overlay District if the proposed use complies with applicable standards for the zone district and the Drinking Water Overlay District standards set forth below.

B. Standards for Development.

Any proposed use that includes the human consumption of ground water shall be served by an approved Central Water System as defined by the CDPHE Drinking Water Standards, or from a groundwater source on the property that is treated by a reverse osmosis water treatment system that meets the water quality standards set forth by the Colorado Water Quality Control Commission.

3-303. AIRPORT/HELIPORT INFLUENCE AREA OVERLAY REGULATIONS.

A. Use Restrictions.

Land use restrictions in the Airport Overlay District are as identified in Table 3-303.A.

Table 3-303 A: Airport Overlay Use Restriction Table						
Blank=Prohibited, P=Permitted **Land Use/Facility**	**RPZ**	**Approach Surfaces**	**Transitional Surfaces**	**Direct Impact Areas**	**Secondary Impact**	**Overlay Zone**
Sanitary Landfills						
Water Treatment Plants						
Any Structure	[1]	P[2]	P[2]	P[2]	P[2]	P[2]
Communications & Electrical	[1]	P[3]	P[3]	P[3]	P[3]	P[3]
Outdoor Lighting	[1]	P[4]	P[4]	P[4]	P[4]	P[4]
Reflective Materials	[1]	P[4]	P[4]	P[4]	P[4]	P[4]
Industrial Emissions	Shall not obscure visibility		P	P	P	P
Penetration of Imaginary Surfaces	[1]	[1]	[1]	P[2]	P[2]	P[2]
Airport/Aircraft Landing Strip, Heliport/Helistop	P[4]	P[4]	P[4]	P[4]	P[4]	P[4]
Public Assembly Facility		P[5]	P	P	P	P
Residential		[6]	P	P	P	P
High Density Residential		[6]	P	P	P	P
Commercial	P[4]	P[4]	P	P	P	P
Industrial	P[4]	P[4]	P	P	P	P
Institutional		P[4]	P	P	P	P
Golf Courses		P[7]	P[7]	P[7]	P[7]	P[7]
Farm Use	P[8]	P[8]	P[8]	P[8]	P[8]	P[8]
Utilities	P[4/13]	P[4]	P[4]	P[4]	P[4]	P[4]
Wetlands Mitigation	P[9]	P[9]	P[9]	P[9]	P[9]	P[9]
New or Expanded Water Impoundments[10]	[11]	[12]	P	P	P	P
Roads/parking	[1, 6]	P[4]	P	P	P	P
Parks/Open Space	P[4]	P	P	P	P	P
Athletic Fields		P[4]	P[4]	P[4]	P	P
Mining		P[4]	P[4]	P[4]	P[4]	P[4]

Footnotes
[1] Except those accessory to airport operations.
[2] Shall comply with 14CFR Part 77.9.
[3] Shall not interfere with navigational signals or radio communications.
[4] Subject to Standards in sections 4-303.B., 7-902 and 7-903.
[5] If potential danger to public safety is minimal.
[6] Unless no practicable alternative exists.
[7] Upon use of accepted management techniques to reduce existing and creation of new wildlife attractants.
[8] Shall comply with FAA circular 150/5200-3A.
[9] Per Major Impact Review and subject to Standards in section 3-303.B.. Shall comply with FAA Circular 150/5200-3A.
[10] Prohibited if ¼ acre or larger and on land owned by Airport Sponsor if necessary for Airport operations.
[11] If ¼ acre or larger.
[12] If ¼ acre or larger and within 5,000 feet of Runway end.
[13] Utilities, power lines, and pipelines located in the RPZ shall be underground unless they are lower than the elevation of the closest Runway surface.

B. Standards for Development.

The provisions of this section are applicable to any application for development in the Airport/Heliport Influence Area Overlay District.

1. Site Plan Information. Submittal of maps showing the following information:

a. Location of the subject property in relation to Airport Imaginary Surfaces;

b. Location of existing and proposed structures in relation to Airport Imaginary Surfaces; and

c. Height of all existing and proposed structures, measured in feet above mean sea level.

2. Avigation and Hazard Easement. An avigation and hazard easement allowing unobstructed passage for aircraft and ensuring safety and use of the Airport for the public, in a form acceptable to the Airport Manager, shall be provided and dedicated to the County.

a. The avigation and hazard easement shall be recorded in the office of the County Clerk and Recorder.

b. Applicant shall provide a copy of the recorded instrument prior to issuance of a Building Permit.

3. Noise Levels.

a. A declaration of anticipated noise levels for property within the Noise Impact Boundary for property within the Noise Impact Boundary shall be provided for any proposed Land Use Change, including division of land, or Building Permit.

b. The Applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn, for noise sensitive land uses listed as Not Allowed based on a noise level of 75 Ldn or greater by Table 3-303.B and located in areas where the noise level is anticipated to be at or above 55 Ldn.

c. Separation of Noise-Sensitive Land Use. Areas within the Overlay District shall be administered to encourage land use patterns that will separate uncontrollable noise sources from residential and other noise-sensitive areas. The following land use restrictions shall apply, based upon noise levels:

TABLE 3-303.B: USE RESTRICTIONS BASED ON NOISE LEVELS						
KEY: P = Use is Permitted L = Use is Not Recommended but May be Allowed Under Certain Circumstances N = Use is Not Allowed						
	YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) IN DECIBELS					
LAND USE	<65	65-70	70-75	75-80	80-85	>85
Residential Except Mobile Homes & Transient Lodging	P	L	L	N	N	N
Mobile Home Parks	P	N	N	N	N	N
Transient Lodging	P	L	L	L	N	N
Schools, Hospitals & Nursing Homes	P	L	L	N	N	N
Churches, Auditoriums & Concert Halls	P	L	L	N	N	N
Government Service	P	P	L	L	N	N
Transportation	P	P	L	L	L	L
Parking	P	P	L	L	L	N
Commercial Use	P	P	L	L	N	N
Wholesale/Retail – Building Materials, Hardware & Farm Equipment	P	P	L	L	L	N
Retail Trade - General	P	P	L	L	N	N
Utilities	P	P	L	L	L	N
Communication	P	P	L	L	L	N
Manufacturing & Production	P	P	L	L	L	N
Photographic & Optical	P	P	L	L	L	N
Agriculture (Except Livestock) & Forestry	P	L	L	L	L	L
Livestock Faring & Breeding	P	L	L	N	N	N
Mining & Fishing	P	P	P	P	P	P
Outdoor Sports Arenas & Spectator Sports	P	L	L	N	N	N
Outdoor Music Shells, Amphitheatres	P	N	N	N	N	N
Nature Exhibits & Zoos	P	P	N	N	N	N
Amusements, Parks, Resorts & Camps	P	Y	Y	N	N	N
Golf Courses, Riding Stables & Water Recreation	P	P	L	L	N	N

4. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an Airport/Heliport and aircraft.

a. Location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the Airport/Heliport Influence Area Overlay shall be coordinated with the County and the FAA prior to approval.

b. The approval of cellular and other telephone or radio communication towers on leased property located within Airport Imaginary Surfaces shall be conditioned upon their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this requirement.

5. Outdoor Lighting. Lighting other than that associated with Airport/Heliport operations shall comply with the following standards:

a. Lighting shall not project directly onto an existing Heliport, Runway or taxiway or into existing Airport Approach Surfaces;

b. Lighting shall incorporate shielding to reflect light away from Airport Approach Surfaces; and

c. Lighting shall not imitate Airport lighting or impede the ability of pilots to distinguish between Airport/Heliport lighting and other lighting.

6. Use of Reflective Materials Prohibited. No glare-producing material including, but not limited to, unpainted metal or reflective glass, shall be used on the exterior of structures located within an Airport Approach Surface or on nearby lands where glare could impede a pilot's vision.

7. Industrial Emissions That Obscure Visibility Prohibited. No development shall, as part of its regular operations, cause emissions of smoke, dust, or steam that could obscure visibility within Airport Approach Surfaces. The BOCC shall impose conditions determined to be necessary to ensure that the use does not obscure visibility.

8. Height Restrictions.

a. All uses permitted by the underlying zone shall comply with the height limitations in this section. When height restrictions of the underlying zone district are more restrictive than those of the Overlay District, the underlying zone district height limitations shall control.

b. If an exception to the height limitation is requested, a written agreement from the County and the FAA shall be provided.

9. Penetration of Development into Imaginary Surface Area. No structure or tree, plant, or other object of natural growth shall penetrate an Airport Imaginary Surface, except as follows:

a. Structures up to 35 feet in height may be permitted in areas within Airport/Heliport Imaginary Surfaces, outside the Approach and Transitional Surfaces where the terrain is at higher elevations than the Airport Runway/Heliport surfaces such that existing structures and permitted development penetrate or would penetrate the Airport Imaginary Surface.

b. Written agreement by the Airport Sponsor and the FAA shall be provided for other height exceptions requested.

10. Wetland Construction, Enhancement, Restoration, or Mitigation. Wetland construction, enhancement, restoration, or mitigation projects within the Overlay District shall comply with the following standards:

a. Wetland projects shall be designed and located to avoid creating a Wildlife hazard or increasing hazardous movements of birds across Runways or Approach Surfaces; and

b. Wetland projects that create, expand, enhance, or restore Wetlands that are proposed to be located within the Overlay District and that would result in the creation of a new Water Impoundment or expansion of an existing Water Impoundment, shall demonstrate all of the following**:**

(1) Off-site mitigation is not practicable;

(2) The Wetland project involves existing Wetland areas regulated under the Overlay District that have not been associated with attracting problematic Wildlife to the Airport/Heliport vicinity;

(a) The affected Wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge;

(b) The resulting Wetlands are designed, and shall be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering, or roosting in areas across Runways or Approach Surfaces; and

(c) The proposed Wetland project shall be coordinated with the Airport Sponsor, the BOCC, the FAA and FAA's Technical Representative, the Colorado Parks and Wildlife, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers as part of the permit application

11. Compliance with 14 CFR Part 77.9. Evidence of compliance with 14 CFR Part 77.9 must be provided. 14 CFR Part 77.9 states that any person/organization who intends to sponsor any of the following construction or alterations must notify the Administrator of the FAA:

a. Any construction or alteration exceeding 200 feet above ground level;

b. Any construction or alteration:

(1) Within 20,000 feet of a public use or military Airport that exceeds a 100:1 surface from any point on the Runway of each Airport with its longest Runway more than 3,200 feet;

(2) Within 10,000 feet of a public use or military Airport that exceeds a 50:1 surface from any point on the Runway of each Airport with its longest Runway no more than 3,200 feet;

(3) Within 5,000 feet of a public use Heliport which exceeds a 25:1 surface;

c. Any highway, railroad, or other traverse way whose prescribed adjusted height would exceed the above noted standards;

d. When requested by the FAA; and

e. Any construction or alteration located on a public use Airport or Heliport regardless of height or location.

DIVISION 4. USE BY ZONE DISTRICT.

This Division identifies the uses allowed in each zone district and the level of review required for approval. Unless otherwise specified, the level of review required is based upon the use as a principal use of the property. Development or use of a property for any other use not specifically allowed in the use table and approved under the appropriate process is prohibited.

3-401. TYPES OF USE REVIEW.

A. By-Right Uses.

By-Right Uses. /P/ in a cell indicates that the use is permitted by right in the zone district. By-right uses do not require a Land Use Change Permit. However, unless specifically exempted in Table 3-403, by-right uses are still subject to the standards of this Code, including the use-specific standards in this Article and the generally applicable standards of Article 7. Failure to comply with general or use-specific standards may result in a code enforcement action.

B. Uses Requiring a Permit.

1. Administrative Review Uses. /A/ in a cell indicates that the use is allowed only if reviewed and approved as an Administrative Review use in accordance with the procedures of section 4-103, Administrative Review. Administrative Review uses are subject to all other applicable regulations of this Code, including any requirements and use-specific standards in Article 7, Standards.

2. Limited Impact Review Uses. /L/ in a cell indicates that the use is allowed only if reviewed and approved as a Limited Impact Review use in accordance with the procedures of section 4-104, Limited Impact Review. Limited Impact Review uses are subject to all other applicable regulations of this Code, including any requirements and use-specific standards in Article 7, Standards.

3. Major Impact Review Uses. /M/ in a cell indicates that the use is allowed only if reviewed and approved as a Major Impact Review use in accordance with the procedures of section 4-105, Major Impact Review. Major Impact Review uses are subject to all other applicable regulations of this Code, including any requirements and use-specific standards in Article 7, Standards.

C. Prohibited Uses.

A blank cell indicates that the use is prohibited in the zone district.

3-402. TABLE ORGANIZATION.

A. Use Classifications.

In the use table, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zone districts. This classification does not list every use or activity that may appropriately exist within each category, and specific uses may be listed in 1 category when they may reasonably have been listed in 1 or more other categories.

B. Multiple Principal Uses.

Multiple principal uses are permitted on a single lot. All of the uses must fall into the permitted use category(ies) for the district as identified in Table 3-403, Use Table. Each use is subject to applicable regulations within that use category, including the general standards in Article 7 and any applicable use-specific standards.

C. Unlisted Uses.

1. Procedure. Where a particular use type is not specifically listed in the use table, an Applicant may request an interpretation of the use table.

a. Director Determination. The Director may permit the use type upon finding the standards of this subsection are met. The Director shall give due consideration to the purpose and intent of this Code concerning the zone district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.

b. Director Referral to BOCC. The Director may refer any unlisted use determination to the BOCC for review and determination.

c. BOCC Determination. The BOCC shall make an unlisted use determination about any nonresidential use that will:

(1) Require a structure greater than 100,000 square feet of gross Floor Area;

(2) Typically generate more than 1,000 daily vehicle trips, or

(3) Is anticipated to require more than 250 parking spaces.

2. Standards for Approving Unlisted Uses. In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other use types allowed in a specific zone district, the reviewing body shall assess all relevant characteristics of the proposed use including, but not limited to, the following:

a. The volume and type of sales, retail, wholesale, etc.;

b. The size and type of items sold and nature of inventory on the premises;

c. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, and distribution;

d. Any dangerous, hazardous, toxic, or explosive materials used in the processing;

e. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and Junk, and raw materials, including liquids and powders);

f. The type, size, and nature of buildings and structures;

g. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;

h. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;

i. Trip purposes and whether trip purposes can be shared by other use types on the site;

j. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other use types;

k. The amount and nature of any nuisances generated on the premises including, but not limited to, noise, smoke, odor, glare, vibration, radiation, and fumes;

l. Any special Public Utility requirements for serving the proposed use type including, but not limited to, water supply, wastewater output, pretreatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

m. The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types in the zone district.

3. If a proposed unlisted use is not subject to interpretation pursuant to this section, an Applicant may request a text amendment pursuant to section 4-114, Code Text Amendment.

3-403. USE TABLE.

Table 3-403: Use Table

/P/ By Right /A/ Administrative Review /L/ Limited Impact Review /M/ Major Impact Review /●/ Exempt from County Review and Standards

Use Category	Use Type	Residential Districts				Nonresidential Districts				Resource Land Zone Districts				Unless exempted, all uses must comply with Article 7 Standards including Use-Specific Standards.
		R	RS	RU	RM HP	CL	CG	I	PL	RL P	RL E	RL TS	RL GS	
AGRICULTURAL AND ANIMAL-RELATED USES														
General	Agriculture	P	P						●	P	P	P	P	EXEMPT
	Building or Structure Necessary to Agricultural Operations, Accessory	P	P						●	P			P	EXEMPT
	Forestry	P	P						●	P	P	P	P	EXEMPT
Products Processing, Storage, Distribution, and Sale	Off-Site	A				L	L	L	●	P	P	P	P	
	At Point of Production	P	P	P	P	P	P	P	●	P	P	P	P	EXEMPT
Animals and Related Services	Animal Sanctuary	P							●	P			P	7-601
	Animal Processing	M					M	M	●					7-602
	Feedlot, Commercial	M						M	●				M	
	Kennel, Small	L	M			L	L	A	●	L			L	7-603
	Kennel, Large	M				L	L	A	●	L			L	7-603
	Riding Stable	P	P						●	P			P	
	Veterinary Clinic	A	A			L	L	A	●				L	7-604
RESIDENTIAL USES														
Household Living	Dwelling, Single-Unit (per legal lot)	P	P	P	P	P	P		●	P			P	
	Dwelling, 2-Unit	A	A	A	A	A	A		●					
	Dwelling, Multi-Unit	L	L	A	L	L	L	L	●					
	Dwelling Unit, Accessory	A	A	A	A	A	A	A	●	A	A	A	A	7-701
	Manufactured Home Park	M	M	M	A	M			●					7-703

Table 3-403: Use Table

/P/ By Right /A/ Administrative Review /L/ Limited Impact Review /M/ Major Impact Review /●/ Exempt from County Review and Standards

Use Category	Use Type	Residential Districts				Nonresidential Districts				Resource Land Zone Districts				Unless exempted, all uses must comply with Article 7 Standards including Use-Specific Standards.
		R	RS	RU	RM HP	CL	CG	I	PL	RL P	RL E	RL TS	RL GS	
Office	Home Office/Business	P	P	P	P	P	P	P	●	P	P	P	P	7-702
Group Living	Foster Home	P	P	P	P	P	P	P	●					
	Group Home Facilities	L	L	L	L	P			●				L	7-704
Temporary	Employee Housing Facility, Major	M	M	M	M	M	M	M	●	L	L	L	L	7-705
	Employee Housing Facility, Minor	A[1]	A[1]	A[1]	A[1]	A[1]	A[1]	A[1]	●	A[1]	A[1]	A[1]	A[1]	7-706
	Employee Housing Facility, Small	P	P	P	P	P	P	P	●	P	P	P	P	7-707
PUBLIC/INSTITUTIONAL USES														
Assembly	Community Meeting Facility	A	A	A	A	P	P	A	●	L			L	
	Place of Worship	A	A	A	A	A	A	A	●				A	
	Public Gathering	A				A	A		●				A	
Cultural Facility	Library	A	A	A		P	P		●	A			A	
	Museum	A	A	A	A	A	A	A	●	A			A	
Day Care	Adult Day Care	A	A	A	A	A	A	A	●					
	Child Care Center	A	A	A	A	A	A	A	●				L	7-804
	Family Child Care Home	P	P	P	P	P	P		●	A			A	7-804
Parks and Open Space	Cemetery	A	A	A	A	A	A	A	●					
	Park	P	P	P	P	P	P		●	P	P	P	P	
Community Service Facility	Corrections Facility	M	M	M		M	M	M	●				M	
	Educational Facility	L	L	L	L	A	A	A	●				A	
	Emergency Shelter	L	L	L	L	L	L	L	●					
	Fire Station	A	A	A	A	A	A	A	●	A			A	

[1] Review and decision of an application is completed administratively, but is subject to the process set forth in section 4-107

Table 3-403: Use Table

/P/ By Right /A/ Administrative Review /L/ Limited Impact Review /M/ Major Impact Review /●/ Exempt from County Review and Standards

Use Category	Use Type	Residential Districts				Nonresidential Districts				Resource Land Zone Districts				Unless exempted, all uses must comply with Article 7 Standards including Use-Specific Standards.
		R	RS	RU	RM HP	CL	CG	I	PL	RL P	RL E	RL TS	RL GS	
	Hospital	M	M	M	M	L	L	L	●					
	Public Building	A	A	A	A	A	A	A	●	A			A	
Transportation	Access Route	A	A	A	A	A	A	A	●	P	P	P	P	
	Aircraft Landing Strip	L				L	L	L	●	L			L	7-802
	Aircraft, Ultralight Operation	P	P	P	P	P	P	P	●	P	P	P	P	7-801
	Airport	M							●					7-803
	Heliport	M	M	M	L	L	L	L	●	M			M	7-803
	Helistop	M	M	M	L	L	L	L	●	M			M	7-802
	Mass Transit Facility	M	M	M	M	M	M	M	●					
	Park and Ride Facility	L	L	L	L	A	A	A	●	A	A	A	A	
	Trail, Trailhead, Road	P	P	P	P	P	P	P	●	P	P	P	P	
COMMERCIAL USES														
Office	Broadcasting Studio	L				A	A	A	●					7-901
	Professional Office	L				P	P	P	●	L			L	
	Professional Office, Temporary	A	A	A	A	A	A	A	●	A	A	A	A	
Retail/Wholesale	Bakery					P	P	P	●					
	Convenience Store	L	M	M	M	A	A	A	●					
	Nursery/Greenhouse	P	A	A	A	P	P	P	●				P	7-902
	Optional Premises Cultivation Operation					M	M	M	[2]					7-903
	Retail, General	A	A	A	A	P	P	P	●					
	Retail, Equipment, Machinery, Lumber Yards					P	P	P	●	P	P	P	P	

[2] Refer to the Federal Government for the laws and policies in regards to cultivation operations for Medical Marijuana.

Table 3-403: Use Table */P/ By Right /A/ Administrative Review /L/ Limited Impact Review /M/ Major Impact Review /●/ Exempt from County Review and Standards*														
Use Category	**Use Type**	**Residential Districts**				**Nonresidential Districts**				**Resource Land Zone Districts**				**Unless exempted, all uses must comply with Article 7 Standards including Use-Specific Standards.**
		R	**RS**	**RU**	**RM HP**	**CL**	**CG**	**I**	**PL**	**RL P**	**RL E**	**RL TS**	**RL GS**	
	Retail, Vehicle and Equipment Sales	M				P	P	P	●					
	Bulk Sales of LPG and CNG					L	L	L	L	L			L	
Recreation and Entertainment	Golf Course/Driving Range	A	A			A	A	A	●				A	
	Theater, Indoor					P	P	A	●					
	Motor Sports Center	M				M	M	M	●	L			L	
	Recreation, Indoor	L	M	M	M	P	P	~~A~~	●					
	Recreation, Outdoor	L	M	M	M	M	M	L	L	L	L	L	L	
	Shooting Gallery/Range	L	M	M	M	M	M	L	L	M	M	M	M	7-904
Services	Crematorium	M				L	L	L	●					
	Eating or Drinking Establishment	L	L	L	L	P	P	P	●	A			A	
	General Service Establishment	L				P	P	P	●					
	Laundromat	A	L	L	L	P	P	P	●					
	Laundry or Dry-Cleaning Plant					L	L	L	●					
	Mortuary	M				L	L	L	●					
Vehicles and Equipment	Car Wash	M				A	A	A	●					
	Parking Lot or Parking Garage	L	L	L	L	A	A	A	●					
	Repair, Body /Paint, or Upholstery Shop	A				P	P	P	●					
Visitor Accommodation	Campground/ RV Park	M				M	M	L	L	L			M	7-905
	Lodging Facilities	L	L	L	L	P	P	L	●	A			A	
INDUSTRIAL USES														
Extraction	Compressor/Pipeline Pump Station (Not Subject to Article 9)	L	L					L	●	L	L	L	L	7-1001
	Compressor, Booster	A	A	A	A	A	A	A	●	P	P	P	P	

Table 3-403: Use Table */P/ By Right /A/ Administrative Review /L/ Limited Impact Review /M/ Major Impact Review /●/ Exempt from County Review and Standards*														
Use Category	**Use Type**	**Residential Districts**				**Nonresidential Districts**				**Resource Land Zone Districts**				**Unless exempted, all uses must comply with Article 7 Standards including Use-Specific Standards.**
		R	**RS**	**RU**	**RM HP**	**CL**	**CG**	**I**	**PL**	**RL P**	**RL E**	**RL TS**	**RL GS**	
	Extraction, Gravel	M						M	L	L	L	L	L	7-1001, 7-1002
	Extraction, Mining and Other	M						L	L	L	L	L	L	7-1001, 7-1003
	Hydraulic Fracturing, Remote Surface Facility	P	P	P	P	P	P	P	●	P	P	P	P	EXEMPT
	Injection Well, Piped	P	A					P	●	P	P	P	P	7-1001
	Injection Well, Small	A	A					P	●	P	P	P	P	7-1001
	Injection Well, Large	L	L						●	P	P	P	P	7-1001
	Oil and Gas Drilling and Production	P	P	P	P	P	P	P	●	P	P	P	P	EXEMPT
Service	Contractor's Yard, Small	A				P	P	P	●	A	A	A	A	7-1001
	Contractor's Yard, Large	M				P	P	P	●	L		L	L	7-1001
	Material Handling	L					L	L	●	A	A	A	A	7-1001
	Processing	L				L	L	L	●	A	L	A	A	7-1001
	Processing, Accessory (Batch Plant)	L				L	L	L	●	A			A	7-1001
	Processing, Temporary	A				A	A	A	●	A			A	7-1001
	Vehicles, Machinery, and Heavy Equipment	M						M	●	L			M	7-1001
	Vehicle Safety Area	A							●	P			P	7-1007
Fabrication	Assembly of Structures	L				L		A	●	L			L	7-1001
	Cabinet Making, Wood and Metal working, Glazing, Machining, Welding	A	L			P	P	P	●	L			L	7-1001
	Equipment, Small Appliances	L				L	L	A	●	L			L	7-1001
	Goods Processed From Natural Resources	M						M	●	M			M	7-1001

Table 3-403: Use Table

/P/ By Right /A/ Administrative Review /L/ Limited Impact Review /M/ Major Impact Review /●/ Exempt from County Review and Standards

Use Category	Use Type	Residential Districts				Nonresidential Districts				Resource Land Zone Districts				Unless exempted, all uses must comply with Article 7 Standards including Use-Specific Standards.
		R	RS	RU	RM HP	CL	CG	I	PL	RL P	RL E	RL TS	RL GS	
Warehouse and Freight Movement	Storage	L				P	P	P	●	A	A	A	A	7-1001
	Storage, Mini	L				P	P	P	●					7-1001
	Storage, Cold Storage Plants					P	P	P	●	L			L	7-1001
	Storage, Hazardous Materials	M				M	M	M	●	L			L	7-1001
	Warehouse and Distribution Center	M				L	L	L	●				M	7-1001
Waste and Salvage	Mineral Waste Disposal Areas	L						L	●	L	L	L	L	7-1001
	Recycling Collection Center	L				P	P	P	●				L	7-1001, 7-1004
	Recycling Processing Facility	M				M	M	L	●				M	7-1001
	Salvage Yard	M					M	L	●				M	7-1001
	Sewage Treatment Facility	L	L	L	L	L	L	L	●	L			L	7-1001, 7-1005
	Solid Waste Disposal Site and Facility	M						M	●	M			M	7-1001, 7-1006
	Solid Waste Transfer Facility	M				L	L	L	●	M			M	7-1001
	Water Impoundment	L						L	●	L	L	L	L	7-1001
UTILITIES														
	Electric Power Generation Facility, Small	L	L			A	A	P	●	A	L	L	A	
	Electric Power Generation Facility, Large	L							L	L		L	L	
	Lines, Distribution	P	P	P	P	P	P	P	●	P	P	P	P	
	Lines, Transmission	L	L	L	L	L	L	L	L	L	L	L	L	
	Pipeline	A[3]	A[3]	A[3]	A[3]	A[3]	A[3]	A[3]	●	A[3]	A[3]	A[3]	A[3]	9-104
	Solar Energy System, Accessory	P	P	P	P	P	P	P	●	P	P	P	P	7-1101
	Solar Energy System, Small	A	A	A	A	P	P	P	●	P	P	P	P	7-1101

[3] Review and decision of an application is completed administratively, but is subject to the process set forth in section 9-103.

Table 3-403: Use Table */P/ By Right /A/ Administrative Review /L/ Limited Impact Review /M/ Major Impact Review /●/ Exempt from County Review and Standards*														
Use Category	**Use Type**	**Residential Districts**				**Nonresidential Districts**				**Resource Land Zone Districts**				**Unless exempted, all uses must comply with Article 7 Standards including Use-Specific Standards.**
		R	**RS**	**RU**	**RM HP**	**CL**	**CG**	**I**	**PL**	**RL P**	**RL E**	**RL TS**	**RL GS**	
	Solar Energy System, Large	M	M	M	M	L	L	L	L	L	L	L	L	7-1101
	Substation, Neighborhood	P	P	P	P	P	P	P	●	P	P	P	P	
	Substation, Utility	L	L	L	L	L	L	L	●	L	L	L	L	
	Telecommunication Facility	L	L	L	L	L	L	L	●	P/A[4]	P/A[4]	P/A[4]	P/A[4]	7-1102
	Utility Distribution Facility	P	P	P	P	P	P	P	●	P	P	P	P	
	Water Reservoir	P						L	●	A			A	7-1103
	Water Tank or Treatment Facility	L	L	L	L	L	L	L	●	L	L	L	L	
	Wind Energy System, Commercial	M				M	M	L	●	M			M	
	Wind Energy System, Small	L	L			L	L	P	●	A			L	
ACCESSORY USES AND STRUCTURES														
	Building or Structure, Accessory	P	P	P	P	P	P	P	●	P	P	P	P	7-1201
	Fence, Hedge or Wall	P	P	P	P	P	P	P	●	P	P	P	P	7-1201

[4] Telecommunication Facilities 100 feet or less in height are By Right uses. A Facility over 100 feet shall be subject to an Administration Review.

LUDC
2013

GARFIELD COUNTY, COLORADO

Article 4: Application and Review Procedures

ARTICLE 4
APPLICATION AND REVIEW PROCEDURES

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ARTICLE 4: APPLICATION AND REVIEW PROCEDURES

DIVISION 1. REVIEW PROCESS FOR LAND USE CHANGE REQUESTS.

4-101. COMMON REVIEW PROCEDURES.

The following review procedures apply to all Land Use Change applications. Where these procedures are modified for a specific application type, the change is noted in that section.

A. Pre-Application Conference.

All Land Use Change applications shall begin with a pre-application conference between the Applicant and the Director unless otherwise provided in the specific application section.

1. Purpose. The pre-application conference is intended to provide the County with information pertinent to the site and the proposal; provide the Applicant with an understanding of the applicable review procedures and the standards to be met for approval of the application; and to explain the application materials required for submittal.

2. Procedure. The Applicant shall request a pre-application conference through the Community Development Department.

a. Scheduling of Pre-Application Conference. Within 20 business days of receiving a request, the Director shall schedule a pre-application conference. The pre-application conference may be held in the Community Development Department office or at the site.

b. Materials. The Applicant shall bring a conceptual Site Plan to the conference. The conceptual Site Plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and magnitude of the proposed development.

c. Participants. If the Director feels that the proposal raises potential issues for roads, access, parking, traffic, water supply, sanitation, and/or natural resource protection, the appropriate staff shall be included in the pre-application conference.

d. Determination of Level of Review. The Director shall determine the appropriate review process for the requested Land Use Change.

3. Staff Comments and Written Summary. Any comments made by County staff during the pre-application conference are preliminary in nature and not binding. Formal comments cannot be made by staff until after the application is submitted and adjacent and/or nearby property owners and referral agencies have had an opportunity to comment. Within 10 business days from the date of the pre-application conference the Director shall prepare a written summary that describes the review process, submittal requirements, and anticipated time frames, and shall set forth any concerns or conflicts, known at that time, that may impact the Applicant's proposal. The information provided in the written

summary shall be valid for a period of 6 months from the date of the written summary.

B. Determination of Application Completeness Review.

1. Director Review. The Director shall determine whether the application is complete based on compliance with the submittal requirements for the applicable review process. Completeness review shall take place in the following time frames:

a. General applications: 10 business days.

b. Major applications, as identified below: 20 business days.

(1) Major Impact Review;

(2) Limited Impact Review;

(3) Rezoning, nonresidential;

(4) Subdivision; and

(5) PUD.

2. Determination. The Director shall make 1 of the following determinations:

a. Application is Not Complete. If the application is not complete, the Director shall inform the Applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the Applicant fails to correct the deficiencies within 60 calendar days, the application shall be considered withdrawn and returned to the Applicant.

b. Application is Complete. If the application is complete, the Director shall certify it as complete and provide written notice to the Applicant including the date of determination of completeness.

3. Extension of Time for Determination of Completeness. The Director may authorize an extension of time to complete review for a determination of completeness when:

a. Scope of Application. The scope of the Land Use Change application is sufficient to require additional time for the Director to review the application for a determination of completeness.

b. Staff Workload. The Department's workload, due to the volume and scope of pending Land Use Change applications, justifies the need for an extension of time to review the application for a determination of completeness.

4. Written Notice of Extension of Time. As soon as possible after receipt of an application, the Director shall inform the Applicant in writing if an extension is necessary to determine completeness, and shall identify the new completeness deadline.

5. Request for Waiver of Submission Requirements. Requests for waiver of submission requirements pursuant to section 4-202 shall be submitted with the application and considered by the Director as part of the determination of completeness.

6. Review/Public Hearing Schedule. Complete applications shall be scheduled for Public Hearing on the next available agenda date of the appropriate review body following any required public notice. Applications for review that do not require a Public Hearing and are

scheduled for a Director's Decision shall be reviewed within 30 calendar days of a determination of completeness.

C. Review by Referral Agency.

1. Any Land Use Change application shall be referred to the appropriate local, State, or Federal agencies or departments for review. The list of reviewing agencies for any individual application shall be determined by the Director unless specific agencies or departments are required by State statute.

2. A referral agency may impose a fee for the review of a proposed development. The Director will disclose an estimated range of any potential referral agency fees in the pre-application conference summary. This estimate is nonbinding.

3. The comment period for referral agency review shall be 21 calendar days from the date that the complete application and sufficient copies are delivered to the County by the Applicant. Responses not received by the County in a timely manner may not be evaluated in the Director's review of the application. A lack of timely response shall be interpreted as no comment.

D. Evaluation by Director/Staff Review.

1. The Director shall review the Land Use Change application to determine if the proposal satisfies the applicable standards of this Code and any review criteria identified in the specific procedure.

2. The Director may authorize all or a portion of the review of a Land Use Change application to be performed by an outside consultant. This work shall be subject to the County Procurement Code. The cost of the consultant review shall be the responsibility of the Applicant and shall be paid pursuant to section 4-203.B.3., Fees. The Director will disclose an estimated range of any potential outside consultant fees in the pre-application conference summary. This estimate is nonbinding.

3. The Director shall prepare a staff report discussing whether the standards have been satisfied; identifying issues raised through staff and referral review; outlining mitigation requirements; recommending conditions for approval to ensure that standards are satisfied; and requesting additional information pertinent to review of the application.

E. Notice of Public Hearing.

When a Public Hearing is required, notice shall be provided. The type of notice required is identified in Table 4-102, Common Review Procedures and Required Notice.

1. Notice shall be provided as follows:

a. Notice by Publication. At least 30 but not more than 60 calendar days prior to the date of a scheduled Public Hearing before the Planning Commission or BOCC, the Applicant shall publish notice of a Public Hearing in a legal publication, unless otherwise specified by State law.

b. Written/Mailed Notice to Adjacent Property Owners and Mineral Owners.

(1) Written notices shall be provided at least 30 but not more than 60 calendar days prior to the date of a scheduled Public Hearing.

(2) The Applicant shall send written notice by certified mail or by a nationally recognized overnight courier, return receipt requested.

(3) Written notice shall be provided to the owners of record of all adjacent property within a 200-foot radius of the subject parcel as shown in the office of the County Clerk and Recorder or Assessor at least 15 calendar days prior to sending notice.

(4) Written notice shall also be provided to owners of mineral interests in the subject property (other than construction materials as defined in C.R.S. § 34-32.5-1, in accordance with C.R.S. § 24-65.5-101, *et seq*., as such owners can be identified through records in the office of the Clerk and Recorder or Assessor, or through other means.

c. Posting of Notice. At least 30 and not more than 60 calendar days prior to the date of a scheduled Public Hearing, the Applicant shall post a notice of the Public Hearing on the property. Posted notice shall consist of at least 1 sign facing each adjacent road right-of-way, and located so as to be fully visible from the road right-of-way generally used by the public. The notice signs shall be provided to the Applicant by the Community Development Department.

2. Contents of Notice. The notice shall follow a form prescribed by the County.

3. Applicant Responsibility. It shall be the responsibility of the Applicant to provide the names and mailing addresses of Adjacent Property Owners and Mineral Owners as identified in section 4-101.E.1.b.(3) and (4) as part of the application.

4. Proof of Notice. At the Public Hearing, the Applicant shall provide proof of publication, proof of notification or attempted notification of Adjacent Property Owners, and proof of posting notice on the property. The Applicant shall provide proof of notification or attempted notification of owners of a mineral interest in the subject property.

5. Constructive Notice. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing, and the location of the subject property, shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the Decision-Making Body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Code before proceeding with the hearing.

F. Review and Recommendation.

The recommending body shall recommend approval, approval with conditions, or denial of the application based on the following:

1. Recommendation of Approval. If the application satisfies all of the applicable requirements of this Code, the recommending body shall recommend the application be approved. The recommending body may recommend approval with conditions determined necessary for compliance with the applicable requirements.
2. Recommendation of Denial. If the application fails to satisfy any 1 of the applicable requirements and compliance cannot be achieved through conditions of approval, the recommending body shall recommend that the application be denied.

G. Decision.

The Decision-Making Body shall approve, approve with conditions, or deny the application based on the following:

1. Approval of Application. If the application satisfies all of the applicable requirements of this Code, the application shall be approved. The application may be approved with conditions determined necessary for compliance with applicable requirements.
2. Denial of Application. If the application fails to satisfy any 1 of the applicable requirements, and compliance cannot be achieved through conditions of approval, the application shall be denied.

H. Duration and Expiration of Conditional Approval and Plat Approvals.

1. Conditional Approval of a Land Use Change Application. Unless otherwise approved by the decision maker, an Applicant has 1 year from the date of approval or Director's Determination to satisfy any remaining conditions precedent to issuance of a Land Use Change Permit. Failure to meet all conditions will result in the expiration of the approval and the Applicant will be required to submit a new application for the desired land use.
2. Conditional Approval of a Subdivision or Conservation Subdivision Preliminary Plan. Unless otherwise approved by the BOCC, an Applicant has 1 year from the date of approval for a Preliminary Plan to receive a determination of completeness for a Final Plan/Plat application. Failure to timely file a technically complete Final Plan/Plat application will result in the expiration of the Preliminary Plan approval, and the Applicant will be required to submit a new application for the desired subdivision.
3. Conditional Approval of a Final Plat. The Applicant has 90 calendar days from the date of approval of an Exemption or Final Plan/Plat application to submit a Final Plat suitable for recording. Failure to timely file a Final Plat suitable for recording will result in the expiration of the Exemption or Final Plat approval, and the Applicant will be required to submit a new application for the desired Exemption or Final Plan/Plat.
4. Approval of a Final Plat. Within 10 business days of the submittal to the County of the properly executed Final Plat which is suitable for recording, such Final Plat must be signed by the BOCC and be recorded with the Clerk and Recorder.

I. Extension of Conditional Approval.

It is the Applicant's responsibility to timely satisfy any conditions of approval. Prior to the expiration of a conditional approval, however, the Applicant may request an extension of the expiration date as follows:

1. Supporting Documentation. Application shall be made to the decision maker that issued the original approval and shall include a written explanation of the reasons why the conditions have not been met and the estimated timeframe in which the conditions will be met or completed.

2. First Extension.

a. Extensions of 1 year may be granted for all conditional Land Use Change approvals, and Subdivision or Conservation Subdivision Preliminary Plan approvals.

b. Exemptions and Final Plat approvals may be extended by a period of 90 days.

3. Additional Extensions. Requests for longer periods of time, or additional time extensions following the first extension, shall be made to the decision maker that issued the original approval, prior to the expiration of the current approval.

4. New Application Required. If an Applicant fails to timely request an extension as set forth in section 4-101.I., the approval will be void and the Applicant must submit a new application for the desired Land Use Change or division of land approval notwithstanding the foregoing, the BOCC may grant an extension of an otherwise expired approval upon a finding by the BOCC that the failure to file for an extension was due to extenuating circumstances and that it benefits the public interest to grant the extension.

4-102. APPLICABILITY OF COMMON REVIEW PROCEDURES.

The various specific review procedures in this Article shall be processed in accordance with the common review procedures identified in Table 4-102, Common Review Procedures and Required Notice. Additional requirements specific to a review procedure are identified by cross-reference in the left-hand column to the section that contains the requirements.

Table 4-102: Common Review Procedures and Required Notice

Section 4-101.		A	B	C	D	E	F	G	H	I	Required Notice			
✔	Applicable Review Procedure	Pre-App. Conference	Completeness	Referral Agency	Director Evaluation	Notice	Recommendation	Decision	Duration/Expiration	Extension	Published	Mailed	Posted	Additional Requirements
BOA	Board of Adjustments													
BOCC	Board of County Commissioners													
D	Director													
PC	Planning Commission													
4-103	Administrative Review	✔	✔	✔	✔	✔		D	✔	✔	-	✔	-	
4-104	Limited Impact Review	✔	✔	✔	✔	✔		BOCC	✔	✔	✔	✔	✔	
4-105	Major Impact Review	✔	✔	✔	✔	✔	PC	BOCC	✔	✔	✔	✔	✔	Notice required for PC and BOCC hearings.
4-106	Amendments to an Approved LUCP	✔	✔					D			-	-	-	Subject to Minor or Substantial Modification Determination per section 4-106.
4-107	Minor Temporary Housing Facility	✔	✔		✔	✔		D	✔	✔	-	✔	-	
4-108	Vacation of a County Road or Public ROW	✔	✔	✔	✔	✔	PC	BOCC	✔	✔	✔	✔		PC hearing requires inclusion in posted agenda. BOCC hearing requires publication and mailing.
4-109	Develop. in the 100-Year Floodplain	✔	✔	✔	✔	✔		D	✔	✔		✔		Per Administrative Review, section 4-103.
4-110	Develop. in the 100-Year Floodplain Variance	✔	✔	✔	✔	✔		BOA			✔	✔	✔	
4-111	Location and Extent Review	✔	✔		✔	✔		PC	✔		✔	✔	✔	Notice to be provided at least 7 calendar days but no more than 30 calendar days prior to hearing.
4-112	Call-Up to the BOCC					✔		BOCC	✔	✔				The BOCC shall provide notice as required by the original application. If no notice was required, notice shall be adequate if included in a posted agenda.
4-113	Rezoning	✔	✔	✔	✔	✔	PC	BOCC			✔	✔	✔	Notice required for PC and BOCC hearings.
4-114	Code Text Amendment		✔		✔	✔	PC	BOCC			✔	-	-	Published notice for PC and BOCC hearings.
4-115	Variance	✔	✔	✔	✔	✔		BOA			✔	✔	✔	
4-116	Administrative Interpretation							D						
4-117	Administrative Interpretation Appeal		✔		✔	✔		BOA			✔	-	-	
4-118	Waiver of Standards	✔		Determined by companion application.							Notice as required by companion application.			
4-119	Accommodation Pursuant to Federal Fair Housing Act		✔		✔	✔		BOCC	✔			✔		

4-103. ADMINISTRATIVE REVIEW.

A. Overview.

Applications subject to Administrative Review shall be reviewed and decided by the Director.

B. Review Process.

Applications for Administrative Review shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. Pre-Application Conference. This requirement may be waived by the Director.

2. Determination of Completeness. Once the application is deemed technically complete, the Director will send a letter to the Applicant that indicates:

a. The additional number of copies to be delivered to the County;

b. The date that the Director will render a decision or, if the Director decides to refer the application to the BOCC, the date that the BOCC will hear the Application; and

c. The notice form that the Applicant is required to mail to the Adjacent Property Owners and mineral estate owners and lesees.

3. Notice. The Applicant shall mail notice pursuant to section 4-101.E.b.(2), -(4)., at least 15 days prior to the date of the Director's decision and shall provide proof of adequate notice prior to any decision. The notice shall include a Vicinity Map, the property's legal description, a short narrative describing the current zoning and proposed Land Use Change, the contact information for the Community Development Department and the date that the Director will make a decision.

4. Decision.

a. Director Decision. If the Director decides the application, the Director will inform the Applicant and the BOCC of the approval, conditions of approval, or basis for denial, in writing within 10 days of the date of decision.

b. BOCC Decision. If the application is referred to the BOCC for a decision, the BOCC will memorialize their decision of approval, conditions of approval or basis for denial in the form of a Resolution.

5. Call-Up to the BOCC. The Director's decision is subject to section 4-112, Call-Up to the BOCC.

C. Review Criteria.

An application shall comply with the applicable standards of this Code.

4-104. LIMITED IMPACT REVIEW.

A. Overview.

Applications subject to a Limited Impact Review shall be reviewed and decided by the BOCC.

B. Review Process.
Applications for Limited Impact Review shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.
An application shall comply with the applicable standards of this Code.

4-105. MAJOR IMPACT REVIEW.

A. Overview.
Applications subject to a Major Impact Review shall be reviewed and a recommendation made by the Planning Commission, and decided by the BOCC.

B. Review Process.
Applications for Major Impact Review shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.
An application shall comply with the applicable standards of this Code.

4-106. AMENDMENTS TO AN APPROVED LAND USE CHANGE PERMIT.

A. Overview.
Applications for amendment to an approved Land Use Change Permit including a Preliminary Plan for a division of land may be reviewed and decided by either the Director as a Minor Modification or be reviewed as a Substantial Modification. This procedure is applicable to:

1. Proposed amendments to a Land Use Change Permit approved under this Code or the Unified Land Use Resolution of 2008;
2. Proposed amendments to conditional use permits and special use permits approved by the BOCC under the Land Use Resolution of 1978;
3. Proposed amendments to an approved preliminary plan for a division of land; and
4. Change of a specific condition(s) of approval as identified in a final approval made by the Decision-Making Body. Any requested change of a specific condition(s) as identified in a resolution adopted by the BOCC shall be considered a Substantial Modification.

B. Review Process.
Applications for an amendment to an approved Land Use Change Permit shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications.

1. Pre-Application Conference. After holding a pre-application conference and within 10 business days of receiving all necessary information, the Director shall make 1 of the following 3 determinations:

    a. Minor Modification. The Director shall apply the criteria in section 4-106.C. to determine if the proposed amendment is minor in nature. Upon finding the amendment is a Minor Modification, the Director may approve, conditionally approve, or deny the amendment and provide written notice to the Applicant.

    b. Substantial Modification.

(1) If the Director determines that the proposed amendment constitutes a Substantial Modification, the change shall require a new application for a Land Use Change Permit. The Director shall determine the contents of the application submission requirements for a Substantial Modification request and provide this information in writing to the Applicant. Though a new application is required, the review of the application may result in an approval, approval with conditions or denial of the amendment only. If the amendment is denied, the Applicant's original approval is still valid.

(2) Should the Applicant contest the decision made by the Director that the proposed amendment constitutes a Substantial Modification, the Applicant may request the decision be called-up to the BOCC pursuant to section 4-112.B and C.

c. Determination by the BOCC. The Director shall have the discretion to request the BOCC decide, in a Public Meeting, whether a modification is Minor or Substantial.

C. Review Criteria.

Minor Modifications are those that deviate from standards or rearrange/reconfigure elevations, structures, parking areas, landscape areas, drainage facilities, utilities, or other site improvements in an approved Land Use Change Permit, including Subdivisions, and that meet all of the following criteria as applicable:

1. Comply with all requirements of this Code;

2. Do not conflict with the Comprehensive Plan;

3. Do not change the character of the development;

4. Do not alter the basic relationship of the development to adjacent property;

5. Do not change the uses permitted;

6. Do not require amendment or abandonment of any easements or rights-of-way;

7. Do not increase the density;

8. Do not increase the zone district dimensions to an amount exceeding the maximum dimension in the applicable zone district in Table 3-201; and

9. Do not decrease the amount of the following to an amount below the minimum required in the applicable zone district:

a. Amount of dedicated Open Space;

b. The size of or change in the locations, lighting, or orientation of originally approved signs; and

c. Any zone district dimensions in Table 3-201.

4-107. MINOR TEMPORARY HOUSING FACILITY.

A. Overview.

Applications for a Minor Temporary Housing Facility shall be reviewed and decided by the Director.

B. Review Process.

A Minor Temporary Housing Facility shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. Pre-Application Conference. The Director may waive the pre-application conference.

2. Call-Up to the BOCC. The Director's decision is subject to call-up pursuant to section 4-112, except that call-up may be initiated only by the following:

a. The Applicant;

b. Adjacent Property Owners within 200 feet of the subject lot or the Permitted Site if the Permitted Site is within the Resource Land Zone Districts;

c. The owner(s) of the subject lot or the Permitted Site if the Permitted Site is within the Resource Land Zone Districts;

d. Separated mineral estate owners; and/or

e. The BOCC.

C. Review Criteria.

An application shall comply with the applicable standards of this Code.

4-108. VACATION OF A COUNTY ROAD OR PUBLIC RIGHT OF WAY.

A. Overview.

1. Applications to vacate a County road or public right-of-way shall be reviewed and a recommendation made by the Planning Commission, and decided by the BOCC.

2. The provisions of C.R.S. § 43-2-301, shall control all vacation proceedings considering a petition to vacate or abandon the entire width of any County road or public right-of-way. The provisions in this Code are in addition to all other requirements of State law.

B. Review Process.

Applications to vacate a County road or public right-of-way shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. Pre-application Conference. The Director may waive the pre-application conference.

2. Review by Referral Agency. Staff shall request that referral agencies address the following:

a. Whether the property is or is likely to be necessary or desirable for any public purpose within the reasonably foreseeable future;

b. Any term, condition, reservation, or dedication of any easement or interest in the property necessary or desirable for public purposes and permitted by law; and

c. Any other comment relevant to the County road or public right-of-way.

3. Planning Commission Review and Recommendation. The Planning Commission shall review all applications or petitions to vacate a County

road or public right-of-way pursuant to the provisions of C.R.S. § 30-28-110(1)(d).

a. The Planning Commission shall conduct its review of the petition or application to vacate a County road or public right-of-way at a Public Hearing without required notification other than inclusion in a posted agenda.

b. The date established for initial review by the Planning Commission shall be considered the date of submission pursuant to C.R.S. § 30-28-110.

c. The Planning Commission may continue consideration of the application until the next regularly-scheduled Planning Commission meeting. Under all circumstances, it shall conclude its review and render its decision and recommendation to the BOCC within 60 calendar days of submission.

d. The decision of the Planning Commission shall be considered a recommendation, not a final action on the request.

4. BOCC Review and Notice. The BOCC shall conduct its review pursuant to the provisions of C.R.S. § 43-2-301, *et seq*., and the requirements of this Code. The BOCC review and decision shall be considered a legislative act.

a. Hearing Notification. Action of the BOCC shall be pursuant to a Public Hearing. Mailed and published notice shall be provided according to section 4-101.E.

b. Published Notice. Published notice shall include a statement that a resolution to vacate the subject County road or public road right-of-way will be presented at the hearing.

c. Hearing Information. During the Public Hearing before the BOCC, the Applicant shall provide a form of resolution vacating the subject County road or public right-of-way that is prepared by the Applicant and reviewed and approved by the County Attorney's Office prior to the BOCC hearing.

5. BOCC Decision. The BOCC may approve, approve with conditions, or deny the application pursuant to section 4-101.G., or take any of the following actions:

a. Continue the Hearing. The BOCC may continue the Public Hearing as it deems necessary to receive all information the BOCC deems relevant. Any continuation must be to a date certain with a decision to approve or deny the resolution vacating the County road or public right-of-way occurring within 90 calendar days of the initiation of the Public Hearing.

b. Modified Resolution. The BOCC may elect to approve a resolution vacating a County road or public right-of-way in a form modified or altered from that presented. In that event, the BOCC shall specifically direct staff to make alterations to the resolution by a motion specifying those alterations. Such motion shall also include a continuance to allow staff to revise the resolution and present it in final form as part of the continued Public Hearing.

c. Final Action. No final action on a petition or application to vacate a County road or public right-of-way shall occur until a resolution has been considered at a Public Hearing, signed by the chair of the BOCC, pursuant to motion, and recorded with the Garfield County Clerk and Recorder.

d. Vested rights. No rights shall vest in the vacated right-of-way until final action of the BOCC has occurred, including recording of the vacation resolution under C.R.S. § 43-2-301, *et seq*.

6. Subsequent Action. Subsequent to recording a resolution vacating a County road or public right-of-way, the Road and Bridge Supervisor shall delete the roadway or portion of roadway from all County road maps submitted to the State of Colorado and all reports submitted to the State claiming the road or right-of-way as a County road.

C. Review Criteria.

A petition or request to vacate a County road or public right-of-way may be approved so long as it meets the following criteria. However, meeting these criteria does not preclude the BOCC's denial of a petition or application for any other reason.

1. The subject County road or public right-of-way does not provide any access to public lands (for the purpose of this subsection, public land shall mean any property owned by the Federal government or the State of Colorado).

2. The subject County road or public right-of-way does not abut or connect to any property, including any easement owned by the Federal government, State of Colorado, municipality, County, or special district, where such property or easement constitutes a public park, recreational area, or trail.

3. The subject County road or public road right-of-way is not currently used nor will it be used in the future for any County road or public right-of-way purpose unless the BOCC makes a specific finding that a satisfactory alternative route for the existing or future County road or public right of way purpose is available or will be provided.

4-109. DEVELOPMENT IN THE 100-YEAR FLOODPLAIN.

A. Overview.

Applications for development within the 100-year Floodplain must receive a Floodplain Development Permit prior to any development.

B. Review Process.

Development in the 100-Year Floodplain shall be processed pursuant to section 4-103, Administrative Review. A Floodplain Development Permit shall be issued upon approval of the application.

C. Review Criteria.

A Floodplain Development Permit may be issued by the Director or designated Floodplain Administrator if it is found that the application is in conformance with section 3-301, Floodplain Overlay Regulations, and upon weighing the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood

damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
7. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the Comprehensive Plan for that area.

4-110. DEVELOPMENT IN THE 100-YEAR FLOODPLAIN VARIANCE.

A. Overview.

Variances are deviations from the terms of the 100-year Floodplain regulations that are not contrary to the public interest when, owing to special circumstances or conditions, such as topographic conditions, narrowness, shallowness, or the shape of a property, the literal enforcement of this Code would result in peculiar and exceptional, practical difficulties to, or exceptional or undue hardship on the owner of the property. Variances may be issued for New Construction and Substantial Improvements to be erected on a legal lot of record contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, providing the relevant review criteria of this Article have been fully considered.

1. The Board of Adjustments shall hear and render judgment on requests for development in the 100-year Floodplain variances.
2. The Board of Adjustments shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the FEMA and the CWCB upon request.

B. Review Process.

Applications for a variance shall be processed according to Table 4-102 with the additions as follows:

1. Any Applicant to whom a variance is granted shall be given written notice

that the structure will be permitted to be built with the Lowest Floor Elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor Elevation.

2. Upon consideration of the factors noted above and the intent of this Code, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Code as stated in section 3-102.A.1, Floodplain Overlay Purpose.

C. Review Criteria.

1. The following standards shall be satisfied in order to grant approval of a request for development in the 100-year Floodplain variance:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

b. Variances shall only be issued upon showing a good and sufficient cause;

c. Variances shall only be issued upon determination that failure to grant the variance would result in exceptional hardship to the Applicant;

d. Variances shall only be issued upon determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations; and

e. Variances shall not be issued within any designated Floodway if any increase in flood levels during the Base Flood discharge would result.

2. Variances may be issued by a community for New Construction and Substantial Improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

a. The criteria outlined in section 4-110.C.1 are met, and

b. The structure or other development is protected by methods that minimize flood damages during the Base Flood and create no additional threats to public safety.

3. Variances may be issued for the repair or rehabilitation of a Historic Site upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Site and the variance is the minimum necessary to preserve the historic character and design of the structure.

4-111. LOCATION AND EXTENT REVIEW.

A. Overview.

Location and Extent Review of certain public and quasi-public projects is mandated by State law including, but not limited to, C.R.S. §§ 30-28-110, 22-32-124(1)(a) and 22-32-124(1.5)(a). In the event of any conflict between these procedures and applicable State law, State law shall govern.

1. The entity charged with authorizing and financing a public project, or the board of education for the applicable school district, shall submit an application for Location and Extent Review. Except if it is a utility owned by an entity other than a political subdivision, then the application must be made by the utility, not the Public Utilities Commission.

   The following Projects shall be subject to Location and Extent Review:

   a. Roads, parks, or other public way, ground, or space;

   b. Public Buildings or structures;

   c. Public utilities, whether publicly or privately owned, unless the Public Utility project is a designated activity of State interest subject to permitting pursuant to C.R.S. § 24.65.1-501; and

   d. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, sale, lease, or acquisition of land for any road, park, or other public way, ground, place, property, or structure; and

   e. Public and charter schools;

2. The Location and Extent Review of a request to vacate a County road or public right-of-way pursuant to section 4-108 may be combined with any request being processed through this section.

B. Review Process.

Applications for a Location and Extent Review shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. The Planning Commission shall either approve or disapprove the application for a Location and Extent Review based on general conformance with the Comprehensive Plan.

2. In the event the Planning Commission finds the application is not in general conformance with the Comprehensive Plan and disapproves the application, the following apply:

   a. For public and charter school projects, the Planning Commission may request a Public Hearing before the board of education, pursuant to C.R.S. § 22-32-124(1)(a) or (1.5)(a).

   b. For all other projects, the Applicant may appeal the disapproval to the applicable governing body in accordance with C.R.S. § 30-28-110(1)(b) or (c).

C. Review Criteria.

The Planning Commission shall determine whether the project is in general conformance with the Comprehensive Plan.

4-112. CALL-UP TO THE BOCC.

A. Overview.

Where permitted by the Code, a call-up may be initiated by the BOCC, the Director, the Applicant, or any affected Adjacent Property Owner.

B. Review Process.

Call-ups shall be processed according to Table 4-102., Common Review Procedures and Required Notice, with the following additions:

1. A request for a call-up shall be submitted in writing to the Director within 10 days of the decision being challenged.
2. The request for a call-up will be scheduled at a Public Meeting at the next available BOCC meeting. At this meeting, the BOCC shall, by a majority vote, decide whether to review the Director's decision.
3. Should it be decided that BOCC will review the Director's decision, the BOCC shall schedule a Public Hearing and provide notice as required in the original application. Should it be decided that the Director's decision will not be reviewed, the Director's decision shall be final.

C. Review Criteria.

The BOCC shall apply the same review criteria under which the original application was processed.

4-113. REZONING.

A. Overview.

1. Applications for rezoning shall be reviewed and a recommendation made by the Planning Commission, and decided by the BOCC.
2. Rezoning may be initiated by the BOCC, the Planning Commission, the Director, or the owner of the subject property.
3. The rezoning request may be processed concurrently with a Land Use Change application and review process.

B. Review Process.

Applications for rezoning shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.

An application for rezoning shall demonstrate with substantial evidence that an error exists in the Official Zone District Map, or meet the following criteria:

1. The proposed rezoning would result in a logical and orderly development pattern and would not constitute spot zoning;
2. The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area;
3. The proposed rezoning addresses a demonstrated community need with respect to facilities, services, or housing; and
4. The proposed rezoning is in general conformance with the Comprehensive Plan and in compliance with any applicable intergovernmental agreement.

4-114. CODE TEXT AMENDMENT.

A. Overview.

1. Applications for an amendment to the Land Use and Development Code shall be reviewed and a recommendation made by the Planning Commission, and decided by the BOCC.
2. Amendments to the text of this Code may be initiated by the BOCC, the Planning Commission, the Director, or an Applicant owning property that is subject to the proposed text change. The Garfield County Housing

Authority may also initiate changes to the text of this Code that are specifically related to Article 8 of this Code.

B. Review Process.

Applications for a Code text amendment shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.

An application for a land use code text amendment shall meet the following criteria:

1. The proposed text amendment is in compliance with any applicable intergovernmental agreements; and

2. The proposed text amendment does not conflict with State law.

4-115. VARIANCE.

A. Overview.

1. Applications for variance shall be reviewed and decided by the Board of Adjustments.

2. Variances are deviations from certain zoning dimensional requirements of this Code that would not be contrary to the public interest when, owing to special circumstances or conditions like exceptional topographic conditions, narrowness, shallowness, or the shape of a specific piece of property, the literal enforcement of the provisions of this Code would result in peculiar and exceptional, practical difficulties to or exceptional and undue hardship on the owner of the property.

B. Review Process.

Applications for a variance shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.

The following standards shall be satisfied for approval of a request for variance from specific regulatory provisions of this Code:

1. Special Circumstances or Conditions Exist. One or more of the following circumstances or conditions exist with respect to the specific property:

a. Exceptional narrowness, shallowness, or shape of the property at the time of the enactment of the regulation in question;

b. Exceptional topographic conditions of the property; and

c. Other extraordinary and exceptional situations or conditions of the property.

2. Not a Result of the Actions of Applicant. The special circumstances and conditions have not resulted from any act of the Applicant.

3. Strict Application Consequence. Because of the special circumstances and conditions found pursuant to section 4-115.C.1., the strict application of the regulation would result in peculiar and exceptional, practical difficulties to, or exceptional and undue hardship on, the owner of the property.

4. Variance is Necessary for Relief. The granting of the variance from the strict application of the provisions set forth in this Code is necessary to relieve the owner of the peculiar and exceptional, practical difficulties or

exceptional and undue hardship.

5. Not Detrimental to the Public Good. Granting the variance will not cause substantial detriment to the public good.

6. Variance Will Not Impair the County's Zoning. Granting the variance will not substantially impair the intent and purpose of this Code.

4-116. ADMINISTRATIVE INTERPRETATION.

A. Overview.

The Director shall make Administrative Interpretations to this Code when asked by any person to clarify or interpret any part of this Code.

B. Review Process.

An Administrative Interpretation shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. Written Request. The person requesting the Administrative Interpretation shall provide a written request to the Director that contains the provision within the Code in which the person is requesting the interpretation and any evidence the person has that may assist in an interpretation.

2. Within 10 business days, the Director shall issue in writing, an Administrative Interpretation for the provision of the Code in question. The written response shall include a summary of the facts and the rational supporting the interpretation.

C. Review Criteria.

The Director shall use the best facts and evidence available to make an Administrative Interpretation of this Code.

4-117. ADMINISTRATIVE INTERPRETATION APPEAL.

A. Overview.

An appeal may be taken to the Board of Adjustments by any person aggrieved by a final written Administrative Interpretation of this Code by the Director.

B. Review Process.

An appeal of an Administrative Interpretation of the Code shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications.

1. Application. The appeal shall be filed with the Director within 30 calendar days of the date of the final written Administrative Interpretation.

2. Written Notice of Decision. The Director shall provide the Applicant with a copy of the recorded resolution setting forth the Board of Adjustments' decision within 30 calendar days of the date of the decision.

C. Review Criteria.

The Board of Adjustments shall consider the following criteria in hearing an appeal of an Administrative Interpretation of this Code:

1. The technical meaning of the provision being appealed;

2. Evidence as to the past interpretation of the provision; and

3. The effect of the interpretation on the intent of this Code.

4-118. WAIVER OF STANDARDS.

A. Overview.

This section allows an Applicant to request a waiver of standards in Article 7 as part of Land Use Change Permit process.

B. Review Process.

A request for waiver of standards shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. An Applicant applying for a waiver shall present and justify the waiver request as part of the application. Failure to make a timely request for a waiver may result in a staff recommendation to the Decision-Making Body that the request should be denied. Final approval of any proposed waiver shall be the responsibility of the Decision-Making Body of the Land Use Change application.
2. An approved waiver shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

C. Review Criteria.

A waiver may be approved if the Applicant demonstrates that the following criteria have been met by the proposed alternative:

1. It achieves the intent of the subject standard to the same or better degree than the subject standard; and
2. It imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this Code.

4-119. ACCOMMODATION PURSUANT TO THE FEDERAL FAIR HOUSING ACT.

A. Overview.

1. The purpose of this process is to provide persons with disabilities or handicaps seeking equal access to housing under the Federal Fair Housing Act a procedure to request accommodations in the application of land use regulations, policies, and procedures.
2. A request for an accommodation allows an individual with a disability or handicap, his or her representative, or a developer or provider of housing for individual with disabilities, to seek relief from any land use regulation or procedure in this Code that may be necessary to ensure equal access to housing for an individual with a disability.
3. Requests for accommodation may be submitted by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability.

B. Review Process.

Request for accommodation shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. A request shall be submitted in writing on a form provided by the Community Development Department, or in another manner deemed acceptable by the Director, along with any additional information required.

2. Notice. The Applicant shall mail notice of the Public Hearing consistent with section 4-101.E.

3. Decision.

a. The BOCC shall approve, conditionally approve, or deny any request for reasonable accommodation and shall provide notice of this decision in writing to the Applicant.

b. If the request is associated with a Land Use Change Permit or a division of land, the accommodation request and the land use application shall be submitted to and acted upon by the BOCC.

c. Prior to the issuance of any permits relative to an approved accommodation, the BOCC may require the Applicant to record a covenant with the County Clerk and Recorder's Office acknowledging and agreeing to comply with any terms and conditions established in the decision. The covenant shall be required only if the BOCC finds that a covenant is necessary to provide notice to future owners that an accommodation has been approved.

4. Duration of Approval and Expiration.

a. If the BOCC approves or conditionally approves the request, the request shall be granted to an individual and shall not run with the land unless the BOCC also finds that the modification is physically integrated into the structure and cannot be easily removed or altered to comply with the Code.

b. The accommodation may continue to be used and maintained by the individual with a disability for the duration of his or her tenancy in the dwelling subject to 4.a., above.

c. Within 60 calendar days of the termination of tenancy, the reasonable accommodation shall be removed unless the BOCC has determined that the accommodation may remain as provided in section 4-119.C.

C. Review Criteria.

To approve a request for an accommodation, the BOCC must find the accommodation is consistent with the Fair Housing Act and both reasonable and necessary considering the following. The County may impose any condition of approval to ensure that the accommodation would be reasonable.

1. The dwelling unit, which is the subject of the request for accommodation, will be used by an individual or a group of individuals with a disability or handicap protected under the Fair Housing Act.

2. The requested accommodation is necessary to make the dwelling available to an individual with a disability protected under the Act.

3. The requested accommodation would not require a fundamental alteration to the land use, zoning, building, fire, or safety codes adopted by the County.

4. The requested accommodation would not impose an undue financial or administrative burden on the County.

5. There are no alternative reasonable accommodations available that would provide an equivalent level of benefit.

6. The accommodations would be suitable based on the circumstances of this particular case.
7. If applicable, the request would be consistent with the Comprehensive Plan future land use designation and with the general purpose and intent of the zoning district in which the accommodation would be located.
8. The requested accommodation will not substantially affect the physical attributes of the property.

DIVISION 2. GENERAL SUBMITTAL REQUIREMENTS.

4-201. APPLICATION MATERIALS.

A. Required Submissions.

This Division identifies the application materials required by this Code, including some submittal materials required for Article, 5, Divisions of Land.

B. Additional Submissions.

The required application materials are identified below in Table 4-201. In addition, the Director, in his or her discretion, may request any additional information necessary to adequately review an application and to determine compliance with the standards of this Code.

Table 4-201: Application Submittal Requirements

Section	Application Type	B General Application Materials	C Vicinity Map	D Site Plan	E Grading and Drainage Plan	F Landscape Plan	G Impact Analysis	H Rezoning Justification Report	I Statement of Appeal	J Development Agreement [1]	K Improvements Agreement [2]	L Traffic Study	M Water Supply/Distribution Plan	N Wastewater Man./treat Plan	O Floodplain Analysis	Written Narrative/ Additional Submissions
4-103	Administrative Review	✔	✔	✔	✔	✔	✔			✔	✔	✔	✔	✔		
4-104	Limited Impact Review	✔	✔	✔	✔	✔	✔			✔	✔	✔	✔	✔		
4-105	Major Impact Review	✔	✔	✔	✔	✔	✔			✔	✔	✔	✔	✔		
4-106	Amendment to an Approved LUCP	✔														Amendment Description, subject to Minor or Substantial Modification determination per section 4-106.
4-107	Minor Temporary Housing Facility	✔		✔									✔	✔		See Section 4-301 for additional submittal requirements.
4-108	Vacation of a County Road or Public ROW	✔														See Section 4-302 for additional submittal requirements.
4-109	Development in 100-Year Floodplain	✔	✔	✔											✔	
4-110	Develop. 100-Year Floodplain Variance	✔	✔	✔											✔	Statement of request and response to standards.
4-111	Location and Extent Review	✔		✔												Demonstration of general conformance with the Comp. Plan and compliance with any applicable IGAs.
4-112	Call-Up to the BOCC								✔							Application materials as determined by Director.
4-113	Rezoning	✔	✔				✔									Legal description of property.
4-114	Code Text Amendment	✔														Written description of amendment and justification.
4-115	Variance	✔		✔												Statement of request and response to standards.
4-116	Administrative Interpretation	✔														
4-117	Administrative Interpretation Appeal.								✔							
4-118	Waiver of Standards															Submitted with companion application.
4-118	Accommodation, Federal Fair Housing Act	✔														

[1] A development agreement will be required for any project for which the Applicant is requesting a vested rights period longer than 3 years.
[2] An improvements agreement may be required for any project for which public improvements are necessary.

4-202. WAIVER OF SUBMISSION REQUIREMENTS.

A. Overview.

The Director may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary in determining whether the application satisfies applicable standards. A waiver shall apply only to the specific application for which it was requested and shall not establish a precedent for approval of other requests.

B. Review Process.

1. Applicant shall request the waiver of a submission requirement in writing as part of an application submission.
2. The Director shall review the request as part of the completeness review and make a determination regarding whether to waive or require the information. The Director may refer the waiver request to the BOCC for consideration at a Public Meeting.
3. The Director shall notify the Applicant in writing of the determination whether to waive submission requirements and include a summary of the decision in the staff report.
4. The Director's determination regarding waiver of submission requirements is subject to call-up pursuant to section 4-112.

C. Review Criteria.

A waiver request shall be considered based on the following criteria:

1. The Applicant shows good cause for the requested waiver;
2. The project size, complexity, anticipated impacts, or other factors support a waiver;
3. The waiver does not compromise a proper and complete review; and
4. The information is not material to describing the proposal or demonstrating compliance with approval criteria.

4-203. DESCRIPTION OF SUBMITTAL REQUIREMENTS.

A. Professional Qualifications.

The professional qualifications for preparation and certification of certain documents required by this Code are as follows:

1. Civil Engineer. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils grading, roads, traffic study, structures, and other civil engineering required to satisfy the development standards of this Code must be certified by a professional engineer qualified in the specific discipline and licensed by the State of Colorado.
2. Surveyor. All documents containing land survey descriptions must be certified by a licensed Colorado Professional Land Surveyor.
3. Geologist. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, or a qualified geotechnical engineer licensed in the State of Colorado.
4. Wildlife Expert. Wildlife impact reports shall be prepared by a qualified wildlife biologist.

5. Water Supply Expert. A professional engineer licensed to practice in the State of Colorado qualified to perform such work.

6. Other. Other professionals retained by Applicant to provide studies and analysis required by this Code shall demonstrate qualification in the specific field, to the satisfaction of the reviewing body.

B. General Application Materials.

The following basic materials are required for all applications for a Land Use Change Permit, including division of land.

1. Application Form. Application forms for a Land Use Change Permit shall be obtained from the Community Development Department. Completed application forms and accompanying materials shall be submitted to the Director by the owner, or any other person having a recognized fee title interest in the land for which a Land Use Change is proposed, or by any representative acting through written authorization of the owner.

   a. Authorized Representative. If the Applicant is not the owner of the land, or is a contract purchaser of the land, the Applicant shall submit a letter signed by the owner consenting to the submission of the application.

   b. Applicant is Not the Sole Owner. If the Applicant is not the sole owner of the land, the Applicant shall submit a letter signed by all other owners or an association representing all the owners, by which all owners consent to or join in the application.

   c. Applicant is an Entity. If the Applicant is an entity or a trust, the Applicant shall submit a letter consenting to submission of the application signed by a person authorized to encumber the property and a recorded Statement of Authority for that person.

2. Ownership. The application shall include a deed or other evidence of the owner's fee title interest in the land for which a Land Use Change is proposed.

3. Adjacent Property Owners and Mineral Owners and Lessees. If an application requires mailed notice, the application shall include the following:

   a. A list and a map of real property, the owners of record and mailing address, within a 200-foot radius of the subject parcel as shown in the Office of the County Clerk and Recorder. Said list shall be generated at least 15 days prior to sending public notice.

   b. A list of mineral estate owners in the Subject Site, their name, and the mailing address for each owner or lessee.

4. Fees. Any application for a Land Use Change Permit must be accompanied by the appropriate fees. A schedule of fees is available through the Community Development Department. An estimated range of any potential fees will be disclosed in the pre-application conference summary. This estimate is nonbinding.

   a. The costs of consultant and referral agency review are the responsibility of the Applicant.

   b. The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant

review costs at the time of application, and in addition to the application fees.

c. The County may suspend the application review process pending payment of consultant costs.

5. Project Description. A description of the project including a statement of need, and detailed information about the project such as timeline for development, hours of operation, number of employees, project size (acreage of the site), size of proposed buildings and structures (sq. footage, height), similar related attributes such as parking lot size, access roadway information, and overall capacity (i.e. gallons, barrels) or numbers of units or equipment (i.e. number of residential units, number of compressor units, pipeline size/length etc.), and an explanation of all functional aspects of the proposed facility such as the processes, activities, function, operations and maintenance that will occur as part of the project,

6. General Requirements for Maps and Plans. The following are general requirements for any map or plan submitted under the application and review procedures of this Code:

a. Name or identifying title of the proposed development or use;

b. Total area of the site, in acres;

c. Name, address, and telephone number of the Applicant, person preparing the map or plan, designer, engineer, surveyor, and any other consultants of the Applicant; and

d. Date of preparation, revision box, written scale, graphic scale, and north arrow.

7. Combination of Map and Plan Requirements. Applicant may request at a pre-application conference to combine various plan and specification requirements of this section into a single submission. The Director may allow combination of the plan requirements if:

a. The information requested to be combined is similar;

b. The requirements can be clearly mapped or drawn; and

c. The Code requirements and sections can be labeled or otherwise clearly identified.

8. Applications for Major Projects. The Director shall inform the Applicant of any project that may include 200 or more employees of the additional application requirements, including:

a. Estimated construction schedule;

b. Number of employees for construction and operating work force;

c. Direct and indirect tax bases and revenues associated with the project; and

d. Total direct and indirect population associated with the project, including the rate, distribution, and demographic characteristics of the population change.

C. Vicinity Map.

An 8-inch by 11-inch Vicinity Map locating the parcel in the County. The Vicinity Map shall clearly show the parcel and the boundaries of the subject site and all property within a 3-mile radius of the subject parcel.

D. Site Plan.

Site Plans shall be scaled at 1-inch to 200 feet for properties exceeding 16 acres in size, or 1 inch to 100 feet for properties less than 16 acres in size. The Director may require, or the Applicant may choose to submit, a more detailed version of all or part of the Site Plan. The Site Plan shall include the following elements:

1. Legal description of the subject parcel;

2. Boundary lines, corner pins, and dimensions of the subject site for the proposed Land Use Change Permit, including land survey data to identify the subject site with section corners, distance, and bearing to corners, quarter corners, township, and range;

3. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage;

4. Significant on-site features including natural and artificial drainage ways, Wetland areas, ditches, hydrologic features, and aquatic habitat; geologic features and hazards including Slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic Hazard Areas, soil types, and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other off-site features of the same type that influence the development;

5. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths, shown by location and dimension;

6. Existing and proposed roads, railroad tracks, irrigation ditches, fences, and utility lines on or adjacent to the parcel, shown by location and dimension;

7. Users and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension;

8. Area of the individual parcels, and the total square feet of existing buildings, driveways, and parking area;

9. Zone district in which the site is located;

10. Location and dimension of all structures, existing and proposed, and distance of structures from property lines;

11. Elevation drawings showing existing grade, Finished Grade, and height of the proposed structures above existing grade;

12. Location and size of leach field, sewer service lines, and treatment facilities to serve the proposed use;

13. The source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use; and

14. Location and size of signs for the purpose of identification, advertising, and traffic control.

E. Grading and Drainage Plan.

The Grading and Drainage Plan shall include the following elements:

1. Site Map. A Site Map showing locations of any existing structures, Waterbodies or hydrologic features on the site, including intermittent water features, Wetlands, and the 100-year Floodplain boundaries.

2. Drainage Structures.

   a. Locations of existing and proposed drainage structures or natural drainage features affecting site drainage on the parcel and within 10 feet adjacent to the site boundary, including street gutters, storm sewers, drainage channels, and other water conveyance structures; and Wetlands or other Waterbodies receiving storm Runoff from the site.

   b. Preliminary engineering design and construction features for drainage structures to be constructed.

3. Topography. Existing topography at reasonable contour intervals to provide necessary detail of the site. The map should extend a minimum of 10 feet beyond the property line and show the location of the property line.

4. Grading Plan. A grading plan showing the proposed topography at reasonable contour intervals that provides necessary detail of the site. The plan shall show elevations, dimensions, location, extent, and Slope of all proposed clearing, and Grading including building site and driveway grades.

5. Soil Stockpile and Snow Storage Areas. Probable locations of soil stockpiles and snow storage areas.

6. Drainage Plan. Proposed drainage plan.

7. Equipment Storage Areas. Location of storage areas designated for equipment, fuel, lubricants, chemical, and waste storage with an explanation of spill containment structures.

8. Temporary Roads. Location of temporary roads designed for use during the construction period.

9. Areas of Steep Slope. Areas with Slope of 20% or greater shall be identified by location and percentage of Slope, both for the existing site conditions and within the developed area.

10. Construction Schedule. Construction schedule indicating the anticipated starting and completion time periods of the site Grading and/or construction sequence, including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.

11. Permanent Stabilization. A brief description of how the site will be stabilized after construction is completed.

12. Erosion Control Measures. Plan view drawings of all erosion and sediment control measures showing approximate locations and site drainage patterns for construction phases and final design elements. Text may be necessary to accompany and explain the drawings. Typical erosion control measures should be depicted using standard map symbols.

13. Estimated Cost. Estimated total cost, including installation and maintenance, of the required temporary soil erosion and sediment control measures.

14. Calculations. Any calculations made for determining rainfall, Runoff, sizing any sediment basins, diversions, conveyance, or detention/retention facilities.

15. Neighboring Areas. A description of neighboring areas with regard to land use and existing pertinent features such as lakes, streams, structures, roads, etc.

16. Stormwater Management. A description of the stormwater management planning concept for the site, including both structural and nonstructural best management practices.

17. Stormwater Management Plan. Copy of the stormwater management plan application to CDPHE with date of submittal.

18. Reclamation Plan. A reclamation plan consistent with the standards in section 7-207.

19. Hydraulic Calculations. Hydrologic, hydraulic, and all other calculations used to size and design drainage facilities and/or structural BMPs.

20. Maintenance Requirements. Maintenance requirements for all proposed BMPs should be discussed including access, schedules, costs, and designation of a responsible party.

21. Spill Prevention Control and Countermeasures Plan, if Applicable. A SPCC Plan will be required for any facility with the potential to discharge oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes, in quantities that may be harmful to navigable water and adjoining shoreline, per EPA regulations.

22. Additional Information or Detail. Other information or data and additional detail as may be reasonably required by the Director.

23. Signature Blocks. Signature block for owner or legal agent acknowledging the review and acceptance of responsibility, and a signature and stamped statement by the qualified individual acknowledging responsibility for the preparation of the Grading and Drainage Plan.

F. Landscape Plan.

Landscape Plans shall be scaled at 1 inch to 20 feet for properties exceeding 16 acres in size, or 1 inch to 10 feet for properties less than 16 acres in size. The Landscape Plan shall demonstrate compliance with section 7-303 and shall include, at a minimum, the following elements:

1. Topographic information at least 2-foot contour intervals;

2. Location of all lot lines and improvements to the property, and location of any easements of record;

3. Identification of all existing deciduous tree and coniferous trees of 6 inches in caliper or greater, and which trees will be preserved and which trees will be removed or relocated; areas where other existing vegetation will either be preserved or removed; the type, location, size, and number of plants that will be installed; and specified seed mixtures;

4. An estimate of the cost of supplying and installing the materials depicted in the Landscape Plan; and

5. A description of the proposed program to maintain the landscaping after it has been installed.

G. Impact Analysis.

Where the proposed development will impact specific features of the site, the Applicant shall describe both the existing conditions and the potential changes created by the project. The Impact Analysis shall include a complete description of how the Applicant will ensure that impacts will be mitigated and standards will be satisfied. The following information shall be included in the Impact Analysis:

1. Adjacent Land Use. Existing use of adjacent property and neighboring properties within 1,500-foot radius.

2. Site Features. A description of site features such as streams, areas subject to flooding, lakes, high ground water areas, topography, vegetative cover, climatology, and other features that may aid in the evaluation of the proposed development.

3. Soil Characteristics. A description of soil characteristics of the site that have a significant influence on the proposed use of the land.

4. Geology and Hazard. A description of the geologic characteristics of the area including any potential natural or manmade hazards, and a determination of what effect such factors would have on the proposed use of the land.

5. Groundwater and Aquifer Recharge Areas. Evaluation of the relationship of the subject parcel to Floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the Slope of the land, the effect of sewage effluents, and the pollution of surface Runoff, stream flow, and groundwater.

6. Environmental Impacts. Determination of the existing environmental conditions on the parcel to be developed and the effects of development on those conditions, including:

   a. Determination of the long-term and short-term effect on flora and fauna;

   b. Determination of the effect on designated environmental resources, including critical wildlife habitat;

   c. Impacts on wildlife and domestic animals through creation of hazardous attractions, alteration of existing native vegetation, blockade of migration routes, use patterns, or other disruptions; and

   d. Evaluation of any potential radiation hazard that may have been identified by the State or County Health Departments.

7. Nuisance. Impacts on adjacent land from generation of vapor, dust, smoke, noise, glare or vibration, or other emanations.

8. Hours of Operation. The Applicant shall submit information on the hours operation of the proposed use.

H. Rezoning Justification Report.

A report that explains how the rezoning will satisfy the approval criteria for a rezoning set

forth in section 4-113.C., Review Criteria.

I. Statement of Appeal.

A written statement of the Director's decision to be called-up or the interpretation to be appealed, the date of that decision/interpretation, and the reasons why the Applicant/appellant believes that the decision/interpretation of the Director is incorrect, including any materials or evidence to support the call-up or appeal.

J. Development Agreement.

The BOCC may enter into a development agreement with the Applicant specifying the terms and conditions of approval for an extended vested rights period. The Applicant must submit a draft development agreement containing the following information, in a form acceptable to the County Attorney's Office. The development agreement shall be signed by the Applicant, the BOCC, and all owners of the subject property. The development agreement must include the following:

1. Phasing schedule; and

2. Language establishing a vested property right pursuant to the provisions of section 2-202, Establishment of Vested Property Rights.

K. Improvements Agreement.

1. Purpose. Whenever there are public improvements identified as requirements of project or Subdivision approval, the BOCC, prior to issuance of any Land Use Change Permit or approval of a Subdivision or Exemption Final Plat, shall require the Applicant to file a guarantee of financial security deemed adequate by the BOCC and payable to the County pursuant to Article 13, and to execute an improvements agreement. The purpose of the financial guarantee and improvements agreement is to ensure the following:

a. The project or development is completed, including reclamation of property to return the property to pre-existing conditions and remove structures to 1 foot below ground level;

b. The Applicant performs all improvements, mitigation requirements, and permit conditions in connection with the construction, operation, and termination of the project or development;

c. The Applicant addresses responsibility for increased demand on public facilities and services as a result of the construction, operation, and termination of the project or development; and

d. In the event that the project or development is suspended, curtailed, or abandoned, the County can complete the project or development and necessary improvements, or restore the property to its original condition or an acceptable condition at no additional cost to the County.

2. Compliance with Design Standards. The improvements shall adhere to design standards of the County or prevailing engineering practices as required by the BOCC.

3. Provisions for Timely Completion. The agreement shall make reasonable provision for completion of the specified improvements in a specified time period, with appropriate phasing, as a condition of acceptance by the BOCC.

4. Amount and Types of Security. Security shall equal in value the cost of improvements to be completed, but shall not be required on the portion of a development subject to Plat restriction. The amount of security may be incrementally reduced as improvements are completed. The improvements agreement may include any 1 or a combination of types of security or collateral, as approved by the BOCC, and the Applicant may substitute security in order to release portions of a Subdivision or Exemption for sale pursuant to C.R.S. § 30-28-101(11). A letter of credit or cash deposit is typically required for public improvements. Depending on the circumstances, however, the BOCC may accept the following types of security or collateral:

a. Restrictions on the conveyance, sale, or transfer of any lot, lots, tract, or tracts of land within the Subdivision or Exemption as set forth in the Plat or as recorded by separate instrument;

b. Performance or property bonds;

c. Private or public escrow agreements;

d. Loan commitments;

e. Assignments of receivables;

f. Liens on property;

g. Letters of credit;

h. Deposits of certified funds; and

i. Other similar surety agreements.

5. Necessary Provisions. The improvements agreement must address the following if applicable to the project:

a. Necessary deeds or transfer of property;

b. Provisions for construction of improvements;

c. Performance guarantees and letters of credit;

d. Payment of sewer and water tap fees;

e. Payment of any other necessary fees;

f. Transfer of water rights;

g. Transfer of roads and improvements, rights-of-way, and other common elements;

h. Agreements to provide digital and hard copies of “as built” plans;

i. Methods of providing perpetual maintenance of common property and equipment;

j. Provisions for a Homeowner Association, including final covenants/restrictions and HOA materials;

k. Process for amending the improvements agreement; and

l. Covenants and enforcement provisions.

L. Traffic Study.

Assessment of traffic impacts is required based upon a Traffic Study prepared in compliance with this section.

1. Type of Study Required.

a. The Traffic Study shall be comprised of a basic Traffic Analysis utilizing existing County traffic counts as mapped, the Manual on Uniform Traffic Control Devices, accepted Trip Generation manuals, and current standards as applied by the CDOT.

b. The Traffic Study may also include a detailed Traffic Analysis if the Director determines that any 1 of the following thresholds is exceeded:

(1) Traffic volumes projected at any intersection when a State or Federal highway exceeds current volumes by 20%, as determined by CDOT using current traffic counts and CDOT-approved methodology;

(2) Traffic volumes projected on any County road segment exceed current volumes by 20%; or

(3) Traffic volumes on any road segment identified or contained within an approved municipal street plan within a 1-mile radius exceed current volumes by 30%.

c. Study Preparation. The Traffic Study shall be prepared by a qualified professional engineer, experienced in transportation engineering.

d. Revisions to Traffic Study. Revisions to the Traffic Study shall be provided as required by the County. The need to require revisions will be based on the completeness of the Traffic Study and the thoroughness of the evaluation.

2. Basic Traffic Analysis. The Basic Traffic Analysis shall include the following information:

a. A map or maps depicting the parcel or activity area and showing the following information:

(1) Existing and proposed internal roads, adjoining roads, access points, and access points for the finished development;

(2) All County roads within a 1-mile radius of the development;

(3) The nearest proximate intersections with State or Federal highways likely to receive traffic impacts from the development; and

(4) Activity areas for construction activity.

b. A narrative description of existing land uses on the parcel, including the following information:

(1) Current Trip Generation estimates at existing access points;

(2) County driveway permits for the access points and status;

(3) Permit requirements for access to a State highway, railroad crossings, and status;

(4) All access easements and information regarding the legal status of these easements; and

(5) Other appropriate current traffic information and legal constraints that may apply.

c. A narrative description of proposed land uses and Trip Generation projections for each use, based on current Trip Generation manuals or other credible and defensible analysis. Trip Generation projections shall be required for both the construction phase(s) and for the completed development, with a breakdown of traffic into categories of heavy trucks and other vehicle types for existing, temporary, or proposed new access points.

d. A narrative description of the construction phase(s) of the development, including the following:

(1) Staging and storage areas;

(2) Temporary access points;

(3) Duration, types, and frequency of heavy truck traffic;

(4) Access road segments to be impacted;

(5) Projected lane closures or traffic interruption, and a statement of mitigation measures that will be applied to minimize disruption and damage; and

(6) All County or State permits that will be required.

e. Map depicting existing Average Daily Traffic count information for all County road segments and State or Federal highway intersections, at the appropriate map scale. The map shall also include the following information:

(1) The likely increase in Average Daily Traffic of trucks for construction activity and Average Daily Traffic for the completed development; and

(2) Where a development has 2 or more access points, the anticipated trip distribution and assignment for each access point, supported by a narrative describing rationale for the projected allocation of trips by access points and road segment.

3. Detailed Traffic Analysis. In addition to the information provided in the Basic Traffic Analysis, the following information shall be provided in a Detailed Traffic Analysis. The Detailed Traffic Analysis must show the highest probable volumes from the proposed uses and densities to be allowed at build-out. The Detailed Traffic Analysis shall include an analysis of the existing and proposed levels of service and shall address adequacy of capacity for the proposed use, and any additional information available and applicable to County roads.

a. Access points to and from the development shall be analyzed for AM and PM peak hour use for turning movements to determine the necessity for traffic control and signalization, geometrics including turning lanes and acceleration and deceleration lanes, and signage.

b. County Road segments where traffic is expected to increase by over 20% shall be characterized in detail by current level of service, roadway condition and type, lane width, shoulder characteristics and condition, available right-of-way, speed limits, any weight limits, existing safety concerns and considerations,

likely increases in maintenance requirements, and status for improvement in the County capital improvements plan. Probable maintenance and improvement cost estimates shall be provided.

c. County road intersections where traffic is expected to increase by over 20% shall be characterized by existing traffic control and signalization, AM and PM peak hour utilization with turning movements, projections for levels of service, and recommended modifications for intersection geometrics, including turning lanes, control or signalization devices, acceleration or deceleration lanes, and advance signage where appropriate. Probable cost estimates shall be provided.

d. State or Federal highway intersections where traffic is expected to increase by over 20% shall be characterized by existing traffic control and signalization, AM and PM peak hour utilization with turning movements, through movements as applicable, projections for levels of service, and recommended modifications for intersection geometrics, including turning lanes, control or signalization devices, acceleration or deceleration lanes, and advance signage. Consultation with the Colorado Department of Transportation is required and shall be documented. Probable cost estimates shall be provided.

4. Calculation of On-Site and Off-Site Improvements and Fees.

a. A narrative description shall be included for on-site improvements to be dedicated or constructed relating to traffic control and accommodation (i.e., dedicated right-of-way, improvement of existing access points, addition of new access points, signalization, turning lanes, acceleration/deceleration lanes, etc.).

b. A narrative description and Site Plans shall be provided for improvements for any off-site County road segments necessary to maintain a level of service C, per the Highway Capacity Manual and for any County intersections necessary to maintain a level of service D.

c. A narrative description and Site Plans shall be provided for improvements for any State highway intersections deemed necessary by CDOT. The County is not required to approve any development where facilities in place are not adequate to serve the proposed use.

d. Calculation of County road impact fees due for the proposed development and any off-site costs identified that are not already part of the currently-approved County capital improvements plan.

e. A proposed funding and phasing plan shall be provided for work necessary to be performed off-site that is not an identified project in the County capital improvements plan. For projects that are identified in the County capital improvements plan, the Applicant may propose the County move the project forward in time or priority in light of a cost-sharing arrangement.

5. Additional Submittal Requirements and Documentation.

a. Existing County permits, including driveway permits and access permits;

b. Existing access easements;

c. Existing permits from CDOT, railroads, or other applicable entities;

d. Evidence of consultation with the County for future access locations;

e. Evidence of consultation with CDOT for future access permits, as applicable;

f. Any proposed access easements, agreements, and modifications and current status; and

g. Any proposed noise barrier or sound wall improvements.

M. Water Supply and Distribution Plan.

1. Water Supply. For the purposes of this plan, 1 Single-Family Equivalent (SFE) shall equal 350 gallons of water per day, regardless of the type of use.

a. Water Supplied by a Water Supply Entity. Any development that will be served by a Water Supply Entity shall submit a letter prepared by the engineer of the Water Supply Entity, stating whether the Water Supply Entity is willing to commit and has the ability to provide an Adequate Water Supply for the proposed development.

(1) At a minimum, the letter shall include:

(a) An estimate of the water supply requirements for the proposed development through build-out conditions;

(b) A description of the physical source of water supply that will be used to serve the proposed development;

(c) An estimate of the amount of water yield projected from the proposed water supply under various hydrologic conditions;

(d) Water conservation measures, if any, that may be implemented within the proposed development;

(e) Water demand management measures, if any, that may be implemented to address hydrologic variations; and

(f) Such other information as may be required by the BOCC.

(2) In the alternative, an Applicant shall not be required to provide a letter if the water for the proposed development is to be provided by a Water Supply Entity that has a water supply plan that:

(a) Has been reviewed and updated, if appropriate, within the previous 10 years by the governing board of the Water Supply Entity;

(b) Has a minimum 20-year planning horizon;

(c) Lists the water conservation measures, if any, that may be implemented within the service area;

(d) Lists the water demand management measures, if any, that may be implemented within the development;

(e) Includes a general description of the Water Supply Entity's water obligations;

(f) Includes a general description of the Water Supply Entity's water supplies; and

(g) Is on file with the local government.

b. 14 SFE or Fewer. Developments that require water for 14 SFE or fewer and will not be served by a Water Supply Entity shall provide a plan that describes how the water supply will be sufficient for build-out of the proposed development in terms of water quality, quantity, dependability, and availability. In determining adequacy of the proposed water supply, the following considerations shall apply in addition to requirements of the State Engineer and County Public Health Department:

(1) The average daily demand of the entire service area and the proposed development shall accommodate peak demands to service the total development population and shall account for any irrigation or agricultural uses.

(2) The average daily demand for commercial and industrial uses shall be reviewed based on the anticipated demand of the proposed development, based on standard engineer's criteria.

(3) The demand for irrigation water shall be based upon the type of vegetation to be maintained, soil characteristics, the historic yield of the property, and available water rights.

(4) The water supply demand for fire protection shall be based upon recognized and customary engineering standards and requirements of the applicable fire protection district. Subdivision developments shall comply with the provisions of section 7-109, Fire Protection.

(5) For projects served by wells:

(a) A minimum 4-hour pump test shall be performed on the well(s) to be used. The results of the pump test shall be analyzed and summarized in a report, including basic well data (size, depth, static water level, aquifer, etc.) pumping rate, draw down, recharge, and estimated long-term yield. The report shall be prepared by a qualified professional engineer or ground water hydrologist and shall include an opinion that the well will be adequate to supply water for the proposed uses. The report shall also address the impacts to ground water resources in the area.

(b) If a well is to be shared, an Applicant shall submit a legal well-sharing declaration addressing all easements and costs associated with operation and maintenance of the system and identifying the person responsible for paying costs and how assessment will be made for those costs.

(c) Water quality shall be tested by an independent testing laboratory for the following contaminants: alkalinity, arsenic, cadmium, calcium, coliform bacteria, chloride, conductivity, copper, corrosivity, fluoride, hardness, iron, lead, magnesium, manganese, nitrate/nitrite, pH, sodium, sodium adsorption ratio, sulfate, total dissolved solids, uranium, zinc and alpha/beta radioactivity. Additional testing may be required for other contaminants that occur within the County. The results shall show that the Maximum Contaminants Levels (MCLs), as set forth by the CDPHE within the Colorado Primary Drinking Water Standards, are not exceeded, or the Applicant has otherwise identified a treatment system that will bring the water within acceptable MCLs. Annual testing, testing for other contaminants, and testing for secondary drinking standards including taste, odor, color, staining, scaling, and corrosion is also recommended.

c. Greater than 14 SFE. Developments that require water for greater than 14 SFE and that will not be served by a Water Supply Entity shall provide a plan that describes the following:

(1) An estimate of the water supply requirements for the proposed development through build-out conditions.

(2) A description of the physical source of water supply that will be used to serve the proposed development.

(3) An estimate of the amount of water yield projected from the proposed water supply under various hydrologic conditions.

(4) For projects served by wells:

(a) A minimum 4-hour pump test shall be performed on the well(s) to be used. The results of the pump test shall be analyzed and summarized in a report, including basic well data (size, depth, static water level, aquifer, etc.) pumping rate, draw down, recharge, and estimated long-term yield. The report shall be prepared by a qualified engineer or ground water hydrologist and shall include an opinion that the well will be adequate to supply water for the proposed uses. The report shall also address the impacts to ground water resources in the area.

(b) If a well is to be shared, an Applicant shall submit a legal well-sharing declaration addressing all easements and costs associated with operation and maintenance of the system and identifying the person responsible for paying costs and how assessment will be made for those costs.

(c) Water quality shall be demonstrated by complying with CDPHE's drinking water standards or all Development Permits requiring a water demand of 14 SFE or greater.

(5) Water conservation measures, if any, that may be implemented within the development.

(6) Water demand management measures, if any, that may be implemented within the development to account for hydrologic variability.

(7) Evidence of ownership or right of acquisition of or use of existing and proposed water rights.

(8) Such other information as may be required by the BOCC.

d. Development That is a Division of Land. If the development is a division of land and is not served by a Water Supply Entity, the plan shall include all the information required in section 4-203.M.1.b. or section 4-203.M.1.c. depending on SFE, as well as the following evidence required by C.R.S. § 30-28-133(3)(d):

(1) Historic use and estimated yield of claimed water rights;

(2) Amenability of existing rights to a change of use;

(3) Evidence that private water owners can and will supply water to the proposed Subdivision stating the amount of water available for use within the Subdivision and the feasibility of extending service to that area; and

(4) Evidence concerning the potability of the proposed water supply for the Subdivision.

2. Water Distribution. For a water supply that serves 15 or more taps, or 25 people, or is located within 400 feet of an existing Central Water System and connection is practicable and feasible, a Central Water Distribution System is required. The system shall be designed by a qualified professional engineer licensed by the State of Colorado and shall be approved by the CDPHE and the County.

a. Sized for Initial and Future Demand. The water Distribution System shall be sized to meet both the initial and future demands of the proposed development.

b. Sized for Maximum Day Demand. The system shall be sized for maximum day demand plus fire or peak hour demand, whichever is greater.

(1) Unless otherwise approved by the County Engineer, maximum day demand shall be 3.0 times average day demand, and maximum hour demand shall be 6.0 times average day demand.

(2) Minimum residual pressures shall be 40 psi under maximum hour demands; 20 psi if direct flow is used.

(3) The actual pressure in the supply system under the conditions specified shall be used in designing the Distribution System. Assumed future supply pressures and points of connection for designing the system in all other cases shall be subject to the approval of the County Engineer. If future connection to a different supply system is anticipated, critical pressure in that system may be used as the starting design pressure.

c. Water Lines. Where dead-ends are proposed for cul-de-sacs, there shall be a fire hydrant or blow-off valve at the end of the line. Otherwise, all lines shall be looped with no dead-ends included in the system.

d. Stem Design. On-lot water supply stems shall be designed to minimize or eliminate infiltration.

e. Water Mains. All water mains shall be the minimum diameter necessary to the water demands for the project based on standard engineering criteria.

f. Quality and Material Specifications. Material specifications for all water Distribution Systems shall be approved by the County Engineer. Proposed specifications shall include the following:

(1) The strength rating for distribution piping and fittings with fire flow demand shall have a minimum safety factor of 4 times the anticipated internal operating pressure.

(2) The Distribution System shall be designed for a minimum service life of 50 years.

(3) The Distribution System shall have sufficient cover to prevent freezing.

N. Wastewater Management and System Plan.

1. Wastewater Management.

a. If the proposed land use is to be served by an existing public collection system and treatment facilities, evidence that provision has been made for adequate service to the proposed land use, in compliance with State and local regulations**.**

(1) Evidence that the existing collection system and treatment facilities can and will provide adequate service for the proposed land use.

(2) A letter of commitment for service from an authorized representative of the entity that owns and operates the system. The letter shall include evidence that the facility and system is adequate to serve the proposed land use.

(3) Description of the legal entity that owns and operates the collection and treatment facilities.

(4) Description of the proposed method of financing the collection and treatment facilities service to the proposed land use.

b. If On-Site Wastewater Treatment Systems (OWTS) are proposed, the following information shall be provided:

(1) Evidence that the OWTS will comply with the County's OWTS requirements and requirements of the CDPHE, Water Quality Control Commission;

(2) Documentation of soil percolation tests and other studies required to determine maximum seasonal groundwater level and depth to bedrock, in compliance with the County's Individual Sewage Disposal requirements;

(3) Test locations shall be indicated on the Plat;

(4) Tests shall be performed by a qualified professional engineer; and

(5) A proposed management plan for operation and maintenance of on-site systems.

c. If a new wastewater treatment facility is proposed, the following information shall be provided:

(1) A general description of the proposed collection system and treatment facilities;

(2) A copy of the completed Colorado Department of Health Waste Water Treatment Plant Site Location Approval Application;

(3) Description of the legal entity that will own and operate the collection and treatment facilities; and

d. Description of the proposed method of financing the collection and treatment facilities.

e. Wastewater System Design. A wastewater system shall be designed by a qualified professional engineer licensed by the State of Colorado, and reviewed by the Community Development Department. The system shall be designed in compliance with the standards established by the CDPHE. Site location approval shall be obtained from the Colorado Water Quality Control Commission for systems requiring their approval.

(1) The collection system shall not be designed for less capacity than the anticipated maximum daily sewage flow or treatment requirements. Where guidelines and standards are not available, the design intended for use shall be reviewed by the Community Development Department.

(2) Collection systems shall be designed and sized to comply with the guidelines and requirements of the applicable service provider. Approval of the proposed system by the service provider shall be a recommended condition of approval. Collection systems shall be sized to meet present and future demands of the proposed development. Oversizing for likely extensions may be required.

f. Occupancy Restrictions. Where connection to a central collection

and treatment system is proposed and approved, but not available until installation or expansion of such facilities is completed, no uses shall occupy the lot until the collection and treatment system is available to service the proposed use.

g. Repair and Maintenance. Adequate provisions for repair and maintenance of the wastewater system shall be required.

h. Public Systems. For proposed developments within 400 feet of an existing sanitary sewer main, the BOCC may require the subdivider to make provisions for the extension of service, including escrow funds for the installation of sewer mains and house connections, in addition to the installation of temporary individual on-site sanitary disposal systems.

i. Private Systems. If a public system is not available, a central on-site treatment plant and collection system or dry line with an OWTS may be used until the central system is available. The system shall be in compliance with appropriate municipal standards, and accepted by the County Public Health Department.

(1) Where a septic system or OWTS is allowed, it shall be comply with the County OWTS regulations.

(2) Where individual or central on-site treatment systems are proposed, lots shall be laid out to provide a suitable treatment area for each lot or grouping of lots in conformance with criteria established by the County.

(3) Where leach fields are proposed, evaluation of a suitable treatment area shall include soil suitability, slopes, surface hydrology, and water table depth, including anticipated variation with time.

(4) Percolation tests shall be sufficient to reasonably assure that each lot will have a suitable treatment area.

(5) Larger lots may be required to accommodate the capacity of the proposed treatment system.

(6) Each site in the development shall be capable of accommodating a septic system or accommodating an alternative engineered system in compliance with requirements of the County Public Health Department.

j. Minimum Lot Requirements for Private Systems. The proposed system shall comply with the minimum lot requirements set forth in Table 7-105. However, the minimum lot area may be increased and the number of uses permitted under the applicable zoning district may be decreased if the County Public Health Department determines that the proposed use of septic tanks or other individual sewage treatment facilities could result in a danger to public health.

O. Floodplain Analysis.

When a project is located within a Special Flood Hazard Area, if there is an indication or suggestion that a project is located in a SFHA, or if a project is a division of land or a PUD over 5 acres in size or proposes 50 lots or greater, the application must include a Floodplain Analysis.

1. Floodplain Specific Site Plan. The Applicant shall submit a Site Plan with specific information pertaining to the SFHA and shall include the following elements. The Floodplain Administrator may require, or the Applicant may choose to submit, a more detailed version of all or part of the Site Plan. Any elevation information shall be provided in the North American Vertical Datum of 1988.

- **a.** Base Flood boundary and water surface elevations;
- **b.** Floodway boundary;
- **c.** Channel of water course;
- **d.** Existing and proposed topographic contours shown at vertical intervals of no greater than 2 feet;
- **e.** Elevation of the Lowest Floor, including Basement and garage, or each existing and proposed structure;
- **f.** Proposed elevations to which structures will be flood-proofed;
- **g.** Existing and proposed location, dimension, and elevation of proposed landscape alterations, structures, streets, water supply and any sanitation facilities;
- **h.** Boundaries and total land area of existing and proposed impervious surfaces, including structures; and
- **i.** Location of existing water supply ditches, irrigation ditches and laterals.

2. A certificate from a qualified professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria in section 3-301.C.2., Specific Standards for Nonresidential Construction.

3. An elevation certificate from a qualified professional engineer or architect that certifies that all residential construction and mechanical equipment will be at least 1 foot above BFE.

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. An engineer's report completed by a qualified professional engineer experienced in hydrology or hydraulics, using a methodology acceptable to FEMS or the CWCB, that address the standards in section 3-301.B-G. of this Code.

DIVISION 3. ADDITIONAL SUBMISSION REQUIREMENTS FOR SPECIFIC APPLICATION TYPES.

4-301. MINOR TEMPORARY HOUSING FACILITY.

A. Submission Requirements.

Applications for a Minor Temporary Housing Facility must include the following:

1. General application materials pursuant to . 4-203.B.

2. A Vicinity Map presented on a USGS 7.5-minute series quadrangle at a scale of 1 inch equals 2,000 feet or equivalent, with a topography depicted at a minimum of 40-foot intervals, and that indicates the following:

a. The section, township, and range of the subject parcel and the location of Minor Facility within the subject parcel and the Permitted Site;

b. General relation to surrounding public roads, private roads, adjacent utility systems, residential development, other actively permitted Minor and Major Facilities, natural drainage courses, and municipalities within 1 mile of the proposed Minor Facility;

c. North arrow and scale; and

d. GPS coordinates and current surface ownership of the subject lot.

3. Site Plan consistent with section 4-203.D. and including the following information:

a. The proposed location and anticipated layout for the Facility.

b. Site specific, surveyed maps depicting the location of the Facility, located within the Permitted Site within the subject parcel.

c. The dates of installation and removal for the Facility. The list shall also include the estimated total cumulative length of time that the Facility is anticipated to be installed at the proposed location.

d. The sewage and wastewater disposal, trash receptacles, potable water storage, all other associated infrastructure, and all other equipment located within the Permitted Site.

e. Identification of the private and public roadways accessing the Facility. Roadways shall be marked as open, gated, and/or locked (include combinations). Detailed directions, with mileage, shall be given from the nearest town within the County, nearest County Sheriff's Office dispatch location, and responsible fire district headquarters to each Minor Facility along each roadway.

f. The name, address, and phone number of surface owner of the subject lot or the Permitted Site if the Permitted Site is within the Resource Land Zone Districts.

g. The name, address, and phone number, including a 24-hour emergency response number of at least 2 persons responsible for the Operator's emergency field operations; contact numbers for local Hospitals, emergency response, fire protection districts, the County Sheriff's Office, Life/Care Flight, and applicable regulatory agencies; site safety/evacuation plan; and any other written

response plan for potential emergencies at the Permitted Site.

4. Sign-offs from the County Sheriff's Office, relevant fire protection district(s), and Community Development Department consistent with the requirements of this Code.

5. Use and Occupancy Certification.

a. A legible photo of the State Division of Housing Seal certifying the housing unit that will be used meets the use and occupancy per Building Code; or

b. Stamped certification by the State Department of Housing that the use and occupancy of the housing unit will meet the building and fire code requirements.

6. A description of infrastructure and services that will be provided at the site.

7. Evidence of the physical and legal water supply and a general description of the water system planned for potable water, along with details regarding number and volume of potable water tanks; source of water; name of hauler; hauler's CDPHE identification number; and copy of hauler's CDPHE certification, frequency of delivery, calculation of water demand, and demonstration of adequate capacity.

8. A general description of the system planned for collection and storage of sewage and wastewater, along with details regarding number and volume of sewage and wastewater vaults; name of hauler; frequency of pickup; identification of sewage disposal site; calculation of sewage and wastewater treatment demand; and demonstration of adequate storage and/or treatment capacity.

9. A general description of the system planned for collection and disposal of refuse, including number, type, and volume of collection containers; name of hauler; frequency of collection; and identification of refuse disposal site.

10. A list of adjacent surface owners, as identified in the records of the County Assessor or the Clerk and Recorder's Office, located within 200 feet of the subject parcel or 200 feet from the Permitted Site if the Permitted Site is within the Resource Land Zone Districts, and a list of separated mineral estate owners in the subject lot or the Permitted Site if the Permitted Site is within the Resource Land Zone Districts.

11. The name, title, address, phone number, and email address of the Operator's Compliance Officer or other authorized representative who is in charge of ensuring that the Minor Facility is in compliance with the standards outlined in this Code.

12. A form provided by the Community Development Department and signed by the Operator's Compliance Officer, indicating that the Minor Facility will be installed in accordance with all applicable County, relevant fire district, State, and Federal regulations.

13. A form, provided by the Community Development Department and signed by the Operator's Compliance Officer, indicating that the Operator submits to the enforcement provisions identified within this Code.

14. A copy of the permit from the State or Federal agency regulating the Permitted Site, identifying the location, conditions of approval, time period

for which the permit is valid, and the parameters for reclamation, and revegetation of the Minor Facility once the State or Federal permit for the Permitted Site has expired or is otherwise terminated.

4-302. VACATION OF A COUNTY ROAD OR PUBLIC RIGHT-OF-WAY.

A. Submission Requirements.

An application to vacate a County road or public right-of-way shall contain the following information:

1. A Vicinity Map showing the following:

- **a.** The location of adjacent properties and any structures within 20 feet of the boundaries of the vacation, including any publicly-owned land;
- **b.** Land uses for those adjacent properties;
- **c.** Location of all existing utilities in or adjacent to the proposed vacation;
- **d.** Existing road rights-of-way within a 20-feet radius of any proposed vacation; and
- **e.** A survey and map containing a legal description and graphic depiction of the proposed vacation suitable to be recorded in the County Clerk and Recorder's Office.

2. A description of the current condition of the road or right-of-way, a Traffic Analysis of current uses, a description of any gates placed upon the road or right-of-way, a description of the current and historic uses of the roadway, and the position of the Applicant concerning continued use of the roadway for nonmotorized public use.

3. A letter from any involved utility company stating the company's position on the proposed vacation.

4. A letter from any affected fire district stating that district's position on the need for maintaining the right-of-way for emergency use.

5. A statement indicating whether the proposed vacation has ever been established as a County road.

6. A title opinion from an attorney or title company stating the basis (deed, dedication, prescription, etc.) for the interest in the public or County.

7. A statement indicating whether the proposed vacation provides any access to public lands. (If the proposed vacation concerns a road or right-of-way that extends to public land, the application shall include evidence that all posting, publication, and notification required by C.R.S. § 43-2-201.1, has occurred at least 18 months prior to the date of submittal of the application.)

8. Names and addresses of all property owners adjacent to that portion of the right-of-way proposed for vacation, including any public land owners.

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2013

GARFIELD COUNTY, COLORADO

Article 5: Divisions of Land

Article 5
Divisions of Land

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ARTICLE 5: DIVISIONS OF LAND

DIVISION 1. GENERAL PROVISIONS.

5-101. TYPES OF LAND DIVISION.

Division of land is classified by the County as either a "Subdivision" or an "Exemption."

A. Definition of Subdivision.
The division of land into 2 or more parcels is a Subdivision and subject to Subdivision Review unless specifically exempted as follows:

1. Such division occurs by operation of law, without BOCC action, as detailed in section 5-201; or

2. Such division is established by the BOCC as a County Exemption, consistent with C.R.S. § 30-28-101(10)(d), pursuant to sections 5-202 and 5-203.

B. Sales Prohibited Prior to Platting.
No person with any interest in land located within a Subdivision or Exemption shall transfer, agree to sell, , or sell any land before the Final Plat has been approved by the BOCC and recorded with the County Clerk and Recorder.

5-102. PROCESSES EXEMPT FROM SUBDIVISION AND EXEMPTION REVIEW.

The following are not "Subdivisions" or "subdivided land" as those terms are defined by State law and are not subject to County Subdivision or Exemption Review.

A. Boundary or Lot Line Revision or Correction.
Revision to Lot Lines or boundary lines for parcels of land outside of a recorded Plat for the purpose of revising boundary or parcel lines shall constitute a boundary or Lot Line revision or correction. If the proposed change affects a lot within a recorded Subdivision or an approved Exemption, it does not qualify as a boundary or Lot Line adjustment and the change must be processed as an Amended Plat pursuant to section 5-305. The proposed change shall meet the following criteria:

1. There will be no new lots created;

2. There will be no loss of access;

3. There will be no loss of utility service to the parcels;

4. No parcel of land created as a state-exempt 35 acre or greater lot (pursuant to C.R.S. § 30-28-101(10)b) or (10)(c)(I)) will be reduced to less than 35 acres;

5. Merger occurs by way of a recorded deed; and

6. Title is held in the same form and quality of ownership, for example: fee ownership must remain fee ownership; fee ownership with the possibility of reverter must remain fee ownership with the possibility of reverter; joint tenancy with right of survivorship must remain joint tenancy with right of survivorship.

B. Garfield County Owned Property.
Leases, easements, and other similar, limited property interests in property owned by Garfield County.

C. Pipelines and Facilities Appurtenant to Pipelines.
Leases, easements, surface use agreements, and other similar, limited property interests in land used for oil and gas facilities accessory to a pipeline, as defined in Article 9.

D. Telecommunication Sites.
Leases, easements, and other similar, limited property interests in land used for telecommunication sites, including without limitation, cell phone, television, and radio tower sites.

E. Public Utilities Commission Authority.
Land used for a facility subject to Public Utilities Commission Authority and regulated as a Public Utility through the issuance of a certificate of public convenience and necessity in accordance with the Colorado Public Utilities Law, C.R.S. § 40-1-101, *et seq*.

F. ADU or 2-Family Dwelling Unit.
An Accessory Dwelling Unit or 2-Unit Dwelling, subject to leasehold interests only and not for separate sale/gift, and complying with this Code

G. Certain Leasehold Interests.
A leasehold interest, whether commercial or residential, and whether for the whole or a portion of a single lot, conveyed by a legally adequate writing for a defined term. The use associated with the leasehold interest must comply with this Code. If the leasehold interest is changed to either an ownership interest (e.g. from apartments to Condominiums), then the formerly exempt leasehold parcel is no longer exempt from the definition of Subdivision.

H. Certain Private Easements.
Private easements between a grantor and a grantee, including Conservation Easements, regardless of whether the burdened and dominant estates are within a recorded Subdivision or Exemption.

5-103. SUBDIVISION AND EXEMPTION REVIEWS.

A. Common Review Procedures.
Subdivisions and Exemptions shall be processed according to Table 5-103, Common Review Procedures and Required Notice. Sections 5-202 through 5-306 provide additional requirements for each procedure.

B. Notice.
Notice shall be provided pursuant to Table 5-103, and shall be consistent with section 4-101.E.

Table 5-103: Common Review Procedures and Required Notice															
Common Review Procedures 4-101.		**A**	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**I**					
		Pre-Application Conference	**Completeness**	**Referral Agency**	**Evaluation by Director**	**Notice**	**Recommendation**	**Decision**	**Duration and Expiration**	**Extension**	**Additional Requirements (See Section)**	**Required Notice**			
BOCC	Board of County Commissioners											**Published**	**Mailed**	**Posted**	**Additional Requirements**
D	Director														
PC	Planning Commission														
Exemptions															
5-202	Public/County Road Split	✔	✔	✔	✔	✔		D	✔		✔	Per Administrative Review Section 4-103.			
5-203	Rural Land Development (10 Lots or Fewer)	✔	✔	✔	✔	✔		BOCC	✔	✔	✔	✔	✔	✔	
5-203	Rural Land Development (Greater than 10 Lots)	✔	✔	✔	✔	✔	PC	BOCC	✔	✔	✔	✔	✔	✔	All types of notice for both PC and BOCC.
Minor Subdivision															
5-301	Minor Subdivision	✔	✔	✔	✔	✔		D							Per Administrative Review Section 4-103.
Major Subdivision															
5-302.B.	Sketch Plan (Optional)	✔	✔		✔			PC				--	--	--	
5-302.C.	Preliminary Plan	✔	✔	✔	✔	✔	PC	BOCC	✔	✔		✔	✔	✔	All types of notice for both PC and BOCC.
5-302.D.	Final Plan/ Plat		✔		✔			BOCC	✔	✔	✔	--	--	--	
Conservation Subdivision															
5-303.B.	Sketch Plan (Optional)	✔	✔		✔			PC				--	--	--	
5-303.C.	Yield Plan	✔	✔		✔			PC	✔	✔	✔	--	--	--	
5-303.D.	Preliminary Plan	✔	✔	✔	✔	✔	PC	BOCC	✔	✔		✔	✔	✔	All types of notice for both PC and BOCC.
5-303.E.	Final Plan/Plat		✔		✔			BOCC	✔	✔	✔	--	--	--	
Amendments, Re-Subdivisions Plat Vacation															
5-304	Amended Preliminary Plan	✔	✔		✔			D	✔		✔	✔	✔	✔	Required only if Called-up.
5-305	Amended Final Plat	✔	✔	✔	✔	✔		D	✔		✔	Per Administrative Review Section 4-103.			
5-306	Common Interest Community	✔	✔	✔	✔	✔		D	✔		✔	Per Administrative Review Section 4-103.			
5-307	Vacating a Final Subdivision or Subdivision Exemption Plat	✔	✔	✔	✔	✔	✔	BOCC				✔	✔	✔	

DIVISION 2. SUBDIVISION EXEMPTIONS.

5-201. OPERATION OF LAW.

The BOCC acknowledges certain divisions of interests in land to which, by operation of law, the terms "Subdivision" and "subdivided land" do not apply. These divisions are exempt from County Subdivision and Exemption review.

A. Split by Federal or State Right-of-Way Interest.
Parcels split by a Federal or State right-of-way, for whatever purpose, in which the United States or the State of Colorado holds a fee or right-of-way interest, and railroad rights-of-way under the authority of the U.S. Surface Transportation Board or other responsible Federal agency which have not been abandoned.

B. State Statutory Exemptions.
Parcels created pursuant to C.R.S. § 30-28-101(10)(b) or (c)(I-X), including:

1. Divisions Creating 35 Acre Parcels. C.R.S. § 30-28-101(10)(b), provides an Exemption for any division of land that creates parcels, each of which comprises 35 or more acres of land and none of which is intended for use by multiples owners.

2. Other Statutorily-Excepted Divisions. The various C.R.S. § 30-28-101(10)(c) Exemptions listed in subsections (I-X) of subsection (10)(c), and as such list may be amended, unless the method of disposition is adopted for the purpose of evading Part 1 of the County Planning and Building Code Act, C.R.S. § 30-25-101, *et seq*., or the Subdivision regulations of this Code.

C. Municipal Annexation.
Parcel created as a remainder lot, located in unincorporated Garfield County, following annexation of a portion of the larger, pre-existing parcel into a municipality.

5-202. PUBLIC/COUNTY ROAD SPLIT EXEMPTION.

Pursuant to C.R.S. § 30-28-101(10)(d), the BOCC has established Public/County Road Split Exemption as exempt from the definition of Subdivision but subject to Exemption Review.

A. Overview.
Any parcel of land split by a local or County road (i.e. neither Federal nor State), or public right-of-way included in the County highway system where the location of the public or County right-of-way prevents joint use of the proposed lots.

B. Review Process.
A Public/County Road Split Exemption shall be reviewed in accordance with section 4-103, Administrative Review, and consistent with Table 5-103.

C. Review Criteria.
Approval of a Public/County Road Split Exemption shall require a factual finding of the following:

1. The right-of-way prevents joint use of affected, proposed lots;

2. The proposed exemption lots have a sufficient legal and physical source of water pursuant to section 7-104, Source of Water.

3. The proposed exemption lots have adequate sewage disposal system pursuant to section 7-105, Central Water Distribution and Wastewater Systems.

4. The proposed exemption lots have legal and adequate access pursuant to section 7-107, Access and Roadways.

5. The Final Plat meets the requirements per section 5-402.F., Final Plat.

5-203. RURAL LAND DEVELOPMENT EXEMPTION.

Pursuant to C.R.S. § 30-28-101(10)(d), the BOCC has established Rural Land Development Exemption (RLDE) as exempt from the definition of Subdivision but subject to Exemption Review.

A. Overview.

The RLDE will be applied on a case-by-case basis to certain divisions of land that, in the sole opinion of the BOCC, advance the objectives of Garfield County regarding the preservation of rural lands as Agricultural Land and Open Space and maintain the greater portion of the property for agricultural purposes, natural resource utilization, Open Space, or other rural land uses.

1. The RLDE may be used to create a Cluster Subdivision Development on a parcel of land 70 acres or more in any unincorporated area of the County.

2. The RLDE shall be for Single-Family Dwelling use only. The density shall not exceed 1 lot per every 35 acres plus 1 lot per each 100 acres plus 1 additional lot. The maximum number of lots in a Rural Land Use Development Exemption is 42 lots plus the remainder parcel.

3. This Code does not preclude owners of adjacent properties from combining their properties for the purposes of forming a parcel eligible for division under the provisions of the RLDE option.

4. The requirements of Article 8, Affordable Housing, shall not apply to RLDEs.

B. Review Process.

Applications for a RLDE shall be processed in accordance with Table 5-103.

C. Review Criteria.

An application for a RLDE shall meet the following criteria:

1. The RLDE is in general conformance with the Comprehensive Plan, and complies with any applicable intergovernmental agreements.

2. The RLDE lots have sufficient legal and physical source of water pursuant to section 7-104.

3. The RLDE lots have legal and adequate access pursuant to section 7-107, Access and Roadways.

4. The RLDE does not create hazards identified in section 7-108 and section 7-205 or exacerbate existing hazards.

5. The RLDE lots have an adequate water distribution system and wastewater disposal system pursuant to section 7-105.

6. Development and use of the remainder parcel shall be restricted to 1 dwelling unit plus an Accessory Structure for agricultural use.

7. Proposed division and development of the land minimizes the impacts of residential development on Agricultural Lands and agricultural operations, and maintains the rural character of lands. Proposed division and development of the land maintains the opportunity for agricultural production on the most productive and viable parcels of land.

8. 80% of the parcel is preserved as contiguous Open Space to be used as wildlife habitat, Agricultural Land, critical natural areas, or similar uses.

9. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.

10. The Final Plat meets the requirements per section 5-402.F., Final Plat.

DIVISION 3. SUBDIVISION.

5-301. MINOR SUBDIVISION REVIEW.

A. Overview.

1. A Minor Subdivision is any Subdivision that:
   - **a.** Creates no more than 3 parcels;
   - **b.** Is served by a private well or wells, or a Water Supply Entity; and
   - **c.** Does not require the extension, construction, or improvement of a County right-of-way.
2. A parcel may be eligible to use the Minor Subdivision process once so long as it is not evading the Major Subdivision process or would result in a de facto Major Subdivision through the combination of previous contiguous Minor Subdivisions as determined by the Director. An appeal of this determination shall be processed as an Administrative Interpretation Appeal.
3. Further divisions of the lots created through the Minor Subdivision process shall be processed as Major Subdivisions.
4. Use of the Minor Subdivision process does not prevent the subsequent use of a RLDE pursuant to section 5-203.

B. Review Process.

A Minor Subdivision application shall be reviewed pursuant to section 4-103, Administrative Review, and consistent with Table 5-103.

C. Review Criteria.

In considering a Minor Subdivision application, the application shall demonstrate the following:

1. It complies with the requirements of the applicable zone district and this Code.
2. It is in general conformance with the Comprehensive Plan.

3. Shows satisfactory evidence of a legal, physical, adequate, and dependable water supply for each lot.
4. Satisfactory evidence of adequate and legal access has been provided.
5. Any necessary easements including, but not limited to, drainage, irrigation, utility, road, and water service have been obtained.
6. The proposed Subdivision has the ability to provide an adequate sewage disposal system.
7. Hazards identified on the property such as, but not limited to, fire, flood, steep slopes, rockfall and poor soils, shall be mitigated, to the extent practicable.
8. Information on the estimated probable construction costs and proposed method of financing for roads, water distribution systems, collection systems, storm drainage facilities and other such utilities have been provided.
9. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.
10. All fees, including road impact and school land dedication fees, shall be paid.
11. The Final Plat meets the requirements per section 5-402.F., Final Plat.

5-302. MAJOR SUBDIVISION REVIEW.

A. Overview.

Applications for a Major Subdivision shall be processed according to Table 5-103 and consistent with the following procedures:

B. Sketch Plan Review.

1. Overview. The Sketch Plan Review is an optional process intended to review at a conceptual level the feasibility and design characteristics of the proposed division of land.
2. Review Process. A Sketch Plan shall be processed according to Table 5-103 with the following modifications:
   a. The Planning Commission shall conduct a conceptual review of the proposal. The Planning Commission's comments and recommendations are not binding.
   b. The Director shall provide the Applicant with written notice of the Planning Commission's Conceptual Review comments and recommendations within 10 days of the date of the review.
3. Review Criteria. In considering a Sketch Plan proposal, the following shall be considered:
   a. Feasibility and design characteristics based upon compliance with the applicable standards; and
   b. General conformance with the Comprehensive Plan.

C. Preliminary Plan Review.

1. Overview. The Preliminary Plan Review will review the feasibility and design characteristics of the proposed land division as well as evaluate preliminary engineering design.

2. Review Process. Preliminary Plan Review shall be processed according to Table 5-103.

3. Review Criteria. A Preliminary Plan application shall meet the following criteria:

a. Compliance with the Article 7, Division 1, General Approval Standards;

b. Compliance with the Article 7, Division 2, General Resource Protection Standards;

c. Compliance with applicable Article 7, Division 3, Site Planning and Development Standards;

d. Compliance with applicable Article 7, Division 4, Subdivision Standards and Design Specifications; and

e. Any other applicable standard.

D. Final Plan/Plat Review.

1. Overview. The Applicant must receive Preliminary Plan approval before requesting a Final Plan/Plat.

2. Review Process. Applications for Final Plan/Plat shall be processed according to Table 5-103.

3. Review Criteria. An application for Final Plan/Plat shall meet the following criteria:

a. Comply with all conditions of Preliminary Plan approval;

b. Comply with the Final Plan required in section 5-402.E. and the Final Plat in section 5-402.F.;

c. All taxes applicable to the land have been paid, as certified by the County Treasurer.

5-303. CONSERVATION SUBDIVISION REVIEW.

A. Overview.

The Conservation Subdivision is a clustered residential development option consistent with C.R.S. § 30-28-401, *et seq*., that allows reduced Lot Size and provides density bonuses in exchange for preservation of rural lands through provision of Open Space. A Conservation Subdivision shall be designed as a density neutral development plan or an increased density development plan. A Conservation Subdivision shall be processed according to Table 5-103 and consistent with the following procedures.

B. Sketch Plan Review.

Section 5-302.B. outlines the process for a Sketch Plan Review. This process is optional for a Conservation Subdivision.

C. Yield Plan Review.

1. Applicability. A Conservation Subdivision application must include a Yield Plan. The Yield Plan Review is a preliminary site design review for the purpose of determining the maximum number of residential lots and Open Space that can be practically developed on the proposed site. The Yield Plan Review may be combined with Sketch Plan Review.

2. Review Process. The Yield Plan Review shall follow the process according to Table 5-103 with the following modification:

   a. The Director shall provide the Applicant with written notice of the Planning Commission's review comments, and the determination of maximum residential density for the proposed conservation development within 10 days of the date of the Planning Commission's meeting.

3. Review Criteria. The site design shall take into consideration the following:

   a. Site constraints;

   b. Site topography and drainage; and

   c. Zone district requirements such as density, use, and setback requirements.

D. Preliminary Plan Review.

1. Review Process. Preliminary Plan Review for a Conservation Subdivision shall be processed according to Table 5-103.

2. Review Criteria. A Preliminary Plan for a Conservation Subdivision shall meet the following criteria:

   a. Compliance with the Article 7, Division 1, General Approval Standards;

   b. Compliance with the Article 7, Division 2, General Resource Protection Standards;

   c. Compliance with applicable Article 7, Division 3, Site Planning and Development Standards;

   d. Compliance with applicable Article 7, Division 4, Subdivision Standards and Design Specifications; and

   e. Compliance with the design standards as set forth in section 7-501, Design Standards for Conservation Subdivisions.

   f. Compliance with any other applicable standard.

E. Final Plan/Plat Review.

1. Review Process. Applications for a Conservation Subdivision Final Plan/Plat shall be processed according to Table 5-103.

2. Review Criteria. An application for Final Plan/Plat of a Conservation Subdivision shall meet the following criteria:

   a. Comply with all conditions of Preliminary Plan approval;

   b. Comply with the Final Plan required in section 5-402.E. and the Final Plat in section 5-402.F.;

   c. All taxes applicable to the land have been paid, as certified by the County Treasurer.

5-304. AMENDED PRELIMINARY PLAN REVIEW.

An application for an Amended Preliminary Plan shall be processed according to section 4-106.

5-305. AMENDED FINAL PLAT REVIEW.

A. Overview.

This process shall be used to modify a Plat such as, but not limited to, modifying Lot Lines, Building Envelopes, easement locations, or other interests.

B. Review Process.

An application for an Amended Final Plat shall be processed pursuant to section 4-103, Administrative Review, and consistent with Table 5-103, with the following modification:

1. The Amended Final Plat shall be presented to the BOCC for signature, prior to recording with the County Clerk and Recorder.

C. Review Criteria

An application for an Amended Final Plat shall meet the following criteria:

1. Does not increase the number of lots; and

2. Does not result in a major relocation of a road or add any new roads; or

3. Will correct technical errors such as surveying or drafting errors.

5-306. COMMON INTEREST COMMUNITY SUBDIVISION REVIEW.

A. Overview.

The subdivision of land for Condominiums and planned communities, such as townhouses, defined as Common Interest Communities in the Colorado Common Interest Ownership Act ("CCIOA"), C.R.S. § 38-33.3-101, *et seq*., shall require approval of the Plats and maps described in C.R.S. § 38-33.3-209, along with approval of the declaration defined in CCIOA.

B. Review Process.

An application for a Common Interest Community Subdivision Final Plat shall be processed according to section 4-103, Administrative Review, and consistent with Table 5-103.

C. Review Criteria.

An application for a Common Interest Community Subdivision shall meet the following criteria:

1. The Common Interest Community is consistent with zone district regulations, including:

a. The total common area and individual lot area of the whole project, divided by the total number of units, meets the minimum Lot Size requirements of the zone district.

b. A project within a PUD complies with the zoning outlined in the PUD designations.

2. If applicable, the Condominium, townhouse, or other Common Interest Community declaration and bylaws make adequate provision for the maintenance of common area elements.

3. An improvements agreement has been signed and submitted by the Applicant, and an adequate financial guarantee for improvements has been posted or will be posted prior to approval.

4. The lot in which the Common Interest Community is located was approved and platted as part of a Subdivision that meets the requirements of this Code.
5. Adequate easements for water, sewer, utilities, and access have been provided.
6. If applicable, an acceptable party wall agreement has been recorded.
7. Common Interest Community Plat meets the requirements per section 5-402.F., Final Plat, and adequately shows the location and dimensions of the vertical boundaries of each unit; the horizontal boundaries, if included; and the identifying number of each unit, along with the location and dimension of common elements and limited common elements, all as defined in the declaration.
8. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.

5-307. VACATING A FINAL SUBDIVISION OR SUBDIVISION EXEMPTION PLAT.

The plat vacation process is for the purposes of eliminating the subdivision of property as reflected by a previously recorded Final Subdivision or Subdivision Exemption Plat. This process may be necessary where a property owner wishes to return the subdivision lots reflected on a recorded plat to a single parcel of land, or to eliminate an obsolete subdivision in which lots do not meet current subdivision requirements including lot size, environmental conditions or provision of adequate infrastructure.

A. Overview.

1. The BOCC may vacate all or a portion or portions of any Final Plat of any subdivision within the County upon the request of a property owner within the subdivision.
2. The BOCC may vacate the final plat only for that portion of a subdivision consisting of multiple, contiguous lots that are undeveloped and in common ownership. For purposes of this section, the existence of an improvement on a lot, which improvement was documented and in place prior to the time of subdivision approval, will not prevent the lot from being considered "undeveloped."
3. Once an application to vacate a subdivision has been submitted, no development plan shall be submitted or building permit issued until the matter has been decided by the BOCC.
4. All property owners in the subdivision must consent to the vacation of all or a portion(s) of the subdivision, even if their lots are not proposed to be vacated.
5. Applications to modify or eliminate a Lot Line on a Final Plat should be processed as an Amended Final Plat pursuant to section 5-305, not as a subdivision vacation pursuant to this section.

B. Review Process.

A vacation of a subdivision shall be processed in accordance with Table 5-103 with the following modifications:

1. Notice. In addition to complying with the notice requirements in Section 4-101.E., the applicant must also provide notice to all property owners and mineral owners of record within the subdivision to be vacated.

2. Subsequent Action. The BOCC will record a copy of the resolution vacating the subdivision plat that includes an attachment of the plat that is being vacated. The attached plat shall include a prominent notation on the plat showing that it was vacated in whole or in part by the affirmative decision of the BOCC.

3. Effect of Vacation.

   a. After all or part of the final subdivision plat for any subdivision has been vacated pursuant to this section, the land within such vacated subdivision or portion thereof may not be subdivided without first complying with Article 5 of this Code.

   b. If the subdivision includes County or public rights of way, the applicant must also comply with the requirements of section 4-108, Vacation of a County Road or Public Right of Way, in order to vacate such rights of way. The road and plat vacation applications shall be coordinated as much as possible to run concurrently.

   c. The vacation of all or part of the final plat for any subdivision shall have the effect of vacating all easements and private rights of way within the vacated subdivision or portion thereof.

   d. Title to the vacated property.

      i. Title to vacated property, including all vacated easements and private rights of way, shall vest with the rightful owner or owners of the property contained within the vacated subdivision as of the date of the Resolution vacating the plat and as shown in the County records and in a title commitment.

      ii. If the vacated land is land that was dedicated to the County for public use other than a road, and the County has found that retaining title to the land is not in the public interest, title thereto shall vest with the owner or owners or property contained within the vacated subdivision.

C. Review Criteria.

Approval of a request to vacate a Subdivision shall require a finding of the following:

1. A title commitment no more than 30 days old as of the date of application shows that the Applicant owns all the lots to be vacated, and there are no lawsuits pending challenging such ownership;

2. All property owners in the subdivision have provided written consent agreeing to the vacation;

3. If the final plat includes easements dedicated for utility, private access or other similar purposes, the BOCC may not approve the plat vacation until the applicant has obtained in a writing to be approved by the County Attorney's Office, a release from the owner or beneficiary of the easement authorizing the vacation of such easement; and

4. Vacation of all or a part of the final subdivision plat for the subdivision will promote the health, safety and general welfare of the County.

DIVISION 4. GENERAL SUBMITTAL REQUIREMENTS.

5-401. APPLICATION MATERIALS.

A. Required Submissions.

The following are the application materials required for permits and approvals and for divisions of land. Section 5-402 provides a detailed description of each submittal requirement.

Table 5-401: Application Submittal Requirements

Application Type		Section 4-203												Section 5-402									Section 8-201
		B	C	D	E	F	G	H	J	K	L	M	N	B	C	D	E	F	G	H	I		
		General Application Materials	Vicinity Map	Site Plan	Erosion and Sediment Control	Landscape Plan	Impact Analysis	Rezoning Justification Report	Development Agreement	Improvements Agreement	Traffic Study	Water Supply/Distribution Plan	Wastewater Management Plan	Yield Plan Site Map	S ketch Plan Map	Preliminary Plan Map	Final Plan Map	Final Plat	Open Space Plan Map	Visual Analysis	Codes, Covenants, Restrictions	Affordable Housing Plan	Written Narrative/Additional Submissions
Exemptions																							
5-202	Public/County Road Split	✔	✔									✔	✔					✔			✔		Demonstration of access, water and sewer.
5-203	Rural Land Development	✔	✔		✔		✔			✔	✔	✔	✔				✔	✔	✔		✔		Engineering reports and plans: A, B, C, D, E.
Minor Subdivision																							
5-301	Minor Subdivision	✔	✔	✔								✔	✔					✔			✔		Preliminary engineering reports and plans: A, C, E, H
Major Subdivisions																							
5-302.B	Sketch Plan	✔	✔												✔					✔			
5-302.C	Preliminary Plan	✔	✔		✔	✔	✔			✔	✔	✔	✔			✔				✔	✔	✔	Preliminary engineering reports and plans: A, B, C.
5-302.D	Final Plan/Plat	✔								✔							✔	✔			✔	✔	Engineering reports/ plans: A, B, C, D, E, F, G.
Conservation Subdivision																							
5-303.B	Sketch Plan	✔	✔												✔					✔			
5-303.C.	Yield Plan	✔	✔											✔									
5-303.D	Preliminary Plan	✔	✔		✔	✔	✔			✔	✔	✔	✔			✔			✔	✔		✔	Preliminary engineering reports and plans: A., B., C.
5-303.E	Final Plan/Plat	✔	✔							✔							✔	✔			✔	✔	Engineering reports and plans: A, B, C, D, E, F, G.

Table 5-401: Application Submittal Requirements

Application Type		Section 4-203												Section 5-402									Section 8-201
		B	C	D	E	F	G	H	J	K	L	M	N	B	C	D	E	F	G	H	I		
		General Application Materials	Vicinity Map	Site Plan	Erosion and Sediment Control	Landscape Plan	Impact Analysis	Rezoning Justification Report	Development Agreement	Improvements Agreement	Traffic Study	Water Supply/Distribution Plan	Wastewater Management Plan	Yield Plan Site Map	S ketch Plan Map	Preliminary Plan Map	Final Plan Map	Final Plat	Open Space Plan Map	Visual Analysis	Codes, Covenants, Restrictions	Affordable Housing Plan	Written Narrative/Additional Submissions
Amendment, Common Interest Community, and Vacating Plats																							
5-304	Amended Preliminary Plan	✔																					Subject to section 4-106 requirements.
5-305	Amended Final Plat	✔	✔							✔								✔			✔		
5-306	Common Interest Community Subdivision	✔	✔							✔		✔	✔					✔			✔		Explanation of consistency with underlying preliminary plan and/or PUD plan.
5-307	Vacating a Final Subdivision or Subdivision Exemption Plat	✔	✔	✔														✔					Additional submittal requirements as listed in section 5-402.J.
Engineering Reports and Plans		A. Roads Trails, Walkways, and Bikeways. B. Mitigation of Geological Hazard. C. Sewage Collection and Water Supply and Distribution System. D. Soil Suitability Information. E. Groundwater Drainage. F. Engineering design and construction features for any bridge, culverts, or other drainage features to be constructed. G. Final cost estimates for public improvements. H. Preliminary cost estimates for improvements.																					

5-402. DESCRIPTION OF SUBMITTAL REQUIREMENTS.

A. Professional Qualifications.

The professional qualifications for preparation and certification of certain documents required by this Code are set forth in section 4-203.A., Professional Qualifications.

B. Yield Plan Map.

The Yield Plan Map is a tool by which the maximum number of developable lots is determined for Cluster Development options set forth in this Code. A Yield Plan Map shall be scaled at 1 inch to 200 feet for properties exceeding 160 acres in size, or 1 inch to 100 feet for properties less than 160 acres in size and shall include the following information:

1. Density Allowed by Zone District. A map illustrating the maximum residential lots allowed by the applicable zone district regulations. The map shall contain the following elements:

a. Residential lot layouts on the parcel to be developed, pursuant to the applicable zone district regulations. The map shall identify the number of lots allowed and size of the lots.

b. Existing site access.

c. Existing roadways and easements on site.

d. Proposed Open Space, trails, and bike paths.

e. Adjacent land use including existing and planned Open Space and existing and planned roadways.

f. Topography and land features on site, and land features of adjacent property that may affect the proposed land use.

2. Proposed Clustered Residential Lots and Open Space. A map illustrating the proposed site design for clustered residential lots and Open Space.

a. Proposed residential lot layouts on the parcel to be developed. The map shall identify the number of lots proposed, including bonus lots, and size of the lots.

b. Existing and proposed site access.

c. Existing and proposed roadways on site.

d. Easements located on site.

e. Proposed Open Space, trails, and bike paths.

f. Adjacent land use including existing and planned Open Space and existing and planned roadways.

g. Topography and land features on site and land features of adjacent property that may affect the proposed land use.

C. Sketch Plan Map.

Sketch Plan Maps shall be scaled at 1 inch to 200 feet for properties exceeding 160 acres in size, or 1 inch to 100 feet for properties less than 160 acres in size. The Director may require a more detailed version of all or part of the Sketch Plan Map. The Applicant shall submit a copy of the Sketch Plan Map at the reduced size of 8-1/2 inches

by 14 inches, legible and suitable for nontechnical review of the proposal. The Sketch Plan Map shall include the following information and supplemental materials:

1. Legal description of the property;

2. Dimensions of the subject property;

3. Vicinity Map showing surrounding parcels and zoning;

4. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage;

5. Identification and general location of known significant on-site features including: natural and artificial drainage ways, Wetland areas, ditches, hydrologic features, and aquatic habitat; geologic features and hazards including Slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic Hazard Areas, soil types, and Landslide Areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;

6. Existing and general sizes and locations of proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths;

7. Roads, railroad tracks, irrigation ditches, fences, and utility lines on or adjacent to the parcel;

8. Schematic and narrative representation of the proposed land use including:

a. Existing and proposed zoning of land to be subdivided;

b. Estimated total proposed Subdivision area in acres and an estimated percentage breakdown of areas devoted to specific land uses, with acreage and square footage (e.g. percentage and area of residential development and/or nonresidential development; percentage and area of Open Space; percentage and area of parking and driveways; and so forth);

c. approximate lot sizes;

d. Total number, size, general location, and type of proposed dwelling units;

e. Location, size, and use of major improvements;

f. Total number of square feet of proposed nonresidential floor space;

g. Recreation areas and Open Space;

h. School sites;

i. Approximate location of wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities to serve the proposed use;

j. Approximate location and size of well(s) and/or water lines to serve the proposed use;

k. Utilities and service facilities; and

l. Anticipated landscaping.

9. Description of the property;

10. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township, and range;

11. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage;

12. Significant on-site features including: natural and artificial drainage ways, Wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including Slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic Hazard Areas, soil types and Landslide Areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;

13. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths, shown by location and dimension;

14. Existing and proposed roads, railroad tracks, irrigation ditches, fences, and utility lines on or adjacent to the parcel, shown by location and dimension; and

15. Users and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.

D. Preliminary Plan Map.

Preliminary Plan Maps shall include the following information and supplemental materials:

1. Preliminary Plan Maps shall be scaled as follows. To the extent practicable, a Preliminary Plan Map shall show the entire area proposed for Subdivision on one 24 inch by 36 inch sheet.

Subdivision Lot Area	Scale
Less than 10,000 square feet	1 inch equals 50 feet or less
10,001 square feet to 2 acres	1 inch equals 100 feet or less
More than 2 acres	1 inch equals 200 feet or less

2. Legal description of the property.

3. Site data in chart form presenting:

a. Total area of the proposed Subdivision; total area of the developed buildings, driveways and parking areas; total area of nonresidential floor space;

b. Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);

c. Total number of proposed off-street parking spaces;

d. Total number of dwelling units; total number of dwelling units per

structure proposed; and

e. Total gross density proposed.

4. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township, and range.

5. Topography at the following minimum contour intervals:

a. Subdivision with 1 or more lots less than 2 acres in size, topography shown at 2-foot contour intervals;

b. Subdivision with all lots 2 acres or greater in size, topography shown at 5-foot contour intervals; and

c. Areas having Slopes 30% or more, or other significant topographic conditions, topography shown at 5-foot contour intervals.

6. Significant on-site features including: natural and artificial drainage ways, Wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including Slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic Hazard Areas, soil types and Landslide Areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.

7. Known, identified, or designated 100-year Floodplains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams, or rivers and the nearest proposed development within the site shall also be shown.

8. Public access to site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, Alleys, and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown.

9. The location of and preliminary engineering for any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all underground lines, pipes and tubing, and typical cross sections of the proposed grading of roadways and sidewalks.

10. Users and grantees of all existing and proposed easements and rights-of-way on and adjacent to the property, shown by location and dimension.

11. Building Envelopes, if proposed.

12. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot.

13. Areas for landscaping and delineation of the type and extent of vegetative cover on the site.

14. Zoning districts on the site and any zoning changes to be requested.

15. Existing land uses and zoning on adjoining properties.

16. Public or private sources of utility services and facilities.

17. Location and dimension of land to be held in common, Open Space devoted to community use, and land to be dedicated to County.

18. Supplemental Information: The Preliminary Plan Map shall be accompanied by the following information:

a. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado setting forth the names of all owners of property included within the proposed Subdivision and a list of all mortgages, judgments, liens, easements, contracts, and agreements of record which shall affect the property within the proposed Subdivision;

b. A corporate property owner or corporate Applicant shall provide evidence of registration or incorporation in the State of Colorado;

c. A list from the County Assessor of current property owners of record and their complete mailing address for property within 200 feet of the boundaries of the proposed Subdivision;

d. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses; and

e. Description of proposed phasing plan, if applicable**.**

E. Final Plan Map.

Final Plan Maps shall include the following information and supplemental materials:

1. All information as required in the Preliminary Plan Map; and

2. Any modifications, additions or deletions as required by the BOCC.

F. Final Plat.

Final Plat shall be of an engineer's scale. Final Plat shall be prepared in a clear and legible manner on reproducible film stock measuring 24 inch by 36 inch with clear margins of 2 inches on the left-hand side and ½ inch on the remaining sides. The Final Plat shall contain the following information, as well as any additional information as required by the Director and/or BOCC, in a format prescribed by the County:

1. Name and address of the property owner(s) and mineral owner(s) of record of the land being platted.

2. Name, address, and seal of the certifying registered land surveyor preparing the Final Plat.

3. Legal description and area of the property.

4. Vicinity Map.

5. Location and full description of all monuments as required by this Code and by C.R.S., Title 38, Article 51:

a. Permanent monuments shall be set on the external boundary of the Subdivision pursuant to C.R.S. § 38-51-101;

b. Block and lot monuments shall be set pursuant to C.R.S. § 38-51-101; and

c. Information adequate to locate all monuments shall be noted on the Plat.

6. Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner, township, and range.

7. The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the Plat to enable reestablishment of the curves in the field.

8. Lot location and layout:

a. All lots and blocks shall be numbered consecutively; and

b. The dimensions of all lots and the area of each lot shown to 2 decimal places.

9. Name, location, and width of rights-of-way, including those intersecting or paralleling the Plat boundaries within 200 feet.

10. Name and map number of any bordering Subdivisions within 200 feet of the boundaries of the Plat.

11. Municipal limits within 200 feet of the boundaries of the Plat.

12. Location, width, purpose, and owners of all easements. A Plat note may be necessary to provide complete information regarding the purpose of the easement. Maintenance easements shall be provided for ditches as required in section 7-201.E.3.

13. Location, area, and means of access of all property to be reserved and/or dedicated, with the means of access to such property clearly shown and its intended uses noted.

14. A legally acceptable land description and dedication block placed on the Plat by the Applicant dedicating streets, rights-of-way, public sites, and other such features. The transfer to the County of dedicated land shall take place by a legally acceptable instrument prior to or concurrent with Final Plat acceptance, but before recording of the Final Plat.

15. All lands within the boundary of the Subdivision shall be accounted for as a lot, tract, parcel, Open Space, street, right-of-way, Alley, and so forth, and all areas of such lands shall be shown on the plat to the nearest 100th of an acre.

16. Any protective covenants/restrictions shall be noted on the Plat or, if protective covenants/restrictions are recorded, the book and page of these recorded documents shall be shown on the Plat prior to the Plat being recorded.

17. All required Plat notes, exemptions, contracts, and any additional notes, Building Envelopes or other information as required by the County.

18. Executed certificates, notices, and statements, as required by the County

G. Open Space Plan Map.

1. Open Space Plan Map. The Open Space Plan Maps shall be scaled at 1 inch equals 200 feet, and shall include of the following elements:

a. Residential lot layout, roadways, and site access;

b. Delineation of Open Space areas;

c. Trails and structures located within the Open Space areas; and

d. Existing and planned Open Space on adjacent property.

2. Open Space Management Plan. The Open Space Management Plan shall include the following elements. All Open Space shall be platted as part of the first Final Plat.

a. Ownership and responsibility for management of the Open Space. The owner may place a perpetual Conservation Easement on the Open Space and deed that easement to a qualified conservation organization. In all cases, ownership shall be deeded to the finally controlling entity at the time of Final Plat.

b. Details for maintenance of the Open Space, including noxious weed control.

c. Responsibility for the cost of maintenance of the Open Space.

d. Uses allowed within the Open Space.

e. Stipulations preserving the designated Open Space and maintenance of the Open Space in the event of future amendments to the approved land use.

H. Visual Analysis.

1. Visual Analysis With Sketch Plan. Within the Sketch Plan Review application, the Applicant shall submit an initial investigation of potential visual impacts and mitigation techniques, containing the following materials:

a. Map. A map of the property that depicts the general location of ridgeline areas in relationship to development areas.

b. Written Statement. A brief written statement describing, in a general manner, where the development is proposed to be located in relation to the ridgeline areas and the design elements that will be used to mitigate visual impacts.

2. Visual Analysis With Preliminary Plan. Within the Preliminary Plan Review application, the Applicant shall submit a detailed Visual Analysis that illustrates the existing features of the site, as viewed from the roadway corridor, and depicts the location and design of the proposed development. The Visual Analysis shall include:

a. Illustrations. Illustrations of the mass and form of the proposed development may be provided as a photograph of the property onto which the development has been rendered, a computer simulation, a site section, or by other similar technique.

b. Map. A map locating proposed roads and utilities and identifying the area proposed for development.

c. Plans. Grading, landscaping, and illumination plans.

d. Written Statement. A written statement depicting how the development mitigates visual impacts on affected ridgelines.

I. Codes, Covenants and Restrictions.

The Applicant may propose or the BOCC may require the preparation of legal documents to govern the division of land, including any associated Homeowner Association and any other codes, covenants and restrictions. Any required legal documents shall be recorded with a Final Plan/Plat approval.

J. Final Subdivision or Subdivision Exemption Plat Information.

The Application must submit the following information including that listed in Table 5-401 in order to complete an application for plat vacation.

1. Copy of Recorded Subdivision Plat and resolution approving subdivision preliminary plan
2. A description of the current condition of the subdivision including the location of any structures, completed improvements or improved infrastructure, and any land or easements dedicated to the public
3. A statement addressing the required review criteria in Section 5-307.C.

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Article 6: Planned Unit Developments

ARTICLE 6
PLANNED UNIT DEVELOPMENTS

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DIVISION 1. GENERAL.

6-101. GENERAL PROVISIONS.

A. Purpose.

The general purpose of PUD zoning is to permit greater design flexibility than is allowed by the base zone district or Subdivision regulations, as those objectives are identified in the Planned Unit Development Act of 1972, C.R.S. § 24-67-101, *et seq*. PUDs must be in general conformance with the Comprehensive Plan.

B. Applicability.

1. Any single parcel of land or contiguous parcels of land comprising a minimum of 2 acres, sufficient to accommodate an integrally planned environment to be developed through a unified plan, is eligible for PUD zoning.

2. Applications for PUD zoning may be made for land located in any zone district.

C. Concurrent Subdivision Submittal.

Any area proposing separate ownership of parcels within a PUD will, at some time, be required to be reviewed per Article 5, Divisions of Land. The review of any proposed division of land may be applied for concurrently with the review of the PUD so long as any PUD zoning decision is made prior to the review of the Subdivision Preliminary Plan. If an Applicant chooses to process a PUD and Subdivision concurrently, the Applicant will forego the specified timeline for approval set forth in section 6-202.B.1.

D. Concurrent Comprehensive Plan Amendment and PUD Zoning Submittal.

A PUD zoning request may be processed simultaneously with a Comprehensive Plan amendment so long as the Planning Commission makes a final decision on the Comprehensive Plan Amendment prior to a making a recommendation to the BOCC on action to be taken on the proposed PUD zoning. If an Applicant chooses to process a PUD and Comprehensive Plan amendment concurrently, the Applicant will forego the specified timeline for approval set forth in section 6-202.B.1.

DIVISION 2. PUD ZONING AND AMENDMENTS.

6-201. APPLICABILITY OF COMMON REVIEW PROCEDURES.

The procedures in this Article shall be processed in accordance with the common review procedures identified in Table 6-201, Common Review Procedures and Required Notice. Additional requirements specific to a review procedure are identified by cross-reference in the left-hand column to the section that contains the requirements.

Table 6-201: Common Review Procedures and Required Notice														
	Section 4-101.	A	B	C	D	E	F	G	H	I	Required Notice			
		Pre-App. Conference	Completeness	Referral Agency	Evaluation by Director	Notice	Recommendation	Decision	Duration/Expiration	Extension	Published	Mailed	Posted	Additional Requirements
BOCC	Board of County Commissioners													
D	Director													
PC	Planning Commission													
6-202.	PUD Zoning	✔	✔	✔	✔	✔	PC	BOCC	✔	✔	✔	✔	✔	Notice to all property owners within 200 feet of the proposed PUD boundary. Notice required for PC and BOCC hearings.
6-203.B.1.a	PUD Amendment (Minor)	✔	✔		✔	✔	✔	D				✔		Mailed notice to all property owners and mineral owners within the PUD
6-203.B.1.b	PUD Amendment (Substantial)	✔	✔	✔	✔	✔	PC	BOCC	✔	✔	✔	✔	✔	Notice to all property owners and mineral owners within the PUD and all property owners within 200 feet of the PUD boundary. Notice required for PC and BOCC hearings

6-202. PUD ZONING.

A. Overview.

An application for PUD zoning is a type of rezoning.

B. Review Process.

Applications shall be processed according to Table 6-201, Common Review Procedures and Required Notice, with the following modifications:

1. Decision.

A PUD shall be approved, conditionally approved, or denied by the BOCC within 120 calendar days from the date the application was determined complete. Upon request by either the County or the Applicant, a different, mutually agreeable time period for review may be established.

a. The BOCC may, at the time of zoning as a PUD, modify dimensional standards, uses, or other code requirements such as density, land dedications, and improvement standards that would otherwise be applicable in the parcel's original zone district, if the modification furthers the objectives of this Code.

b. The approval of a PUD constitutes a zone district amendment and shall be recorded on the Official Zoning Maps and recorded with the County Clerk and Recorder within 30 calendar days of BOCC

approval. The PUD Plan does not become effective until it is recorded with the County Clerk and Recorder

c. The approved PUD zoning and the approved PUD Plan are inseparable. PUD zoning shall not be approved without the approval of the related PUD Plan documents. The PUD Plan shall be recorded at the same time as any approved PUD amendment to the Official Zoning Map.

2. Duration of Approval and Expiration.

a. The Applicant must begin development of the PUD within 1 year from the date of approval unless:

(1) The PUD is to be developed in phases and the BOCC has approved the commencement of development activity beyond 1 year, or

(2) The BOCC has otherwise approved a different development schedule.

b. The Applicant must complete the development of each phase of the PUD as a whole in compliance with the development schedule approved by the BOCC.

c. If the Applicant does not comply with the time limits imposed by the preceding subsection:

(1) The BOCC shall review the PUD in a noticed Public Hearing and may revoke approval for the incomplete portion(s) of the PUD, or require that the PUD be amended, or extend the time for completion of the PUD; the BOCC must provide notice in the forms described in Section 4-101.E., or

(2) The Applicant may request extension, revocation, or amendment prior to any expiration of approval.

d. The current and future owners and their assigns shall be required to develop the proposed project in accordance with the approved and recorded PUD Plan.

3. Subsequent Action. The PUD Plan and all associated documents must be recorded within 30 days of an approval by the BOCC.

C. Review Criteria.

An application for PUD Zoning shall meet the following criteria:

1. Purpose and Applicability. The PUD meets the purpose and applicability of this Code, as provided in section 6-101.A. and B.

2. Development Standards. The PUD meets the Development Standards as provided in section 6-401.

3. Standards, Article 7. The PUD meets the standards within Article 7, Division 1, excluding 7-101.

4. Rezoning Criteria. The PUD meets the Rezoning Review Criteria in section 4-113.C.

5. Established Zoning Standards. The PUD Plan adequately establishes uses and standards governing the development, density, and intensity of land use by means of dimensional or other standards.

6-203. PUD ZONING AMENDMENT.

A. Overview.

Applications for an amendment to an approved PUD shall be reviewed by the Director who shall determine whether the amendment is a Minor (nonsubstantial) or Substantial Modification. In all cases, the following will be deemed a Substantial Modification:

1. Modifications to the approved phasing plan.

2. Removal or release of a plan provision as stated in C.R.S. § 24-67-106(3)

B. Review Process.

Applications for amendment to a PUD shall be processed pursuant to the following:

1. Pre-Application Conference. Applicant must come to the pre-application conference prepared to discuss the proposed amendment and how it does or does not comply with the criteria in section 6-203.C. After the pre-application conference and within 10 business days of receiving all necessary information, the Director shall make 1 of the following 3 determinations:

a. Minor Modification. The Director shall apply the criteria in section 6-203.C. to determine if the proposed amendment is minor in nature. Upon finding the amendment is a Minor Modification, the Director shall provide written notice of this finding to the Applicant and the Applicant may then submit an application for a PUD amendment, subject to the following process:

(1) Determination of Completeness. Upon performing a completeness review, if the application materials deviate from the information provided during the pre-application conference and indicate that the minor modification finding was in error, the Director may revoke that finding and treat the request as a Substantial Modification.

(2) Once the application is deemed technically complete, the Director will send a letter to the Applicant that indicates:

i. The additional number of copies to be delivered to the County

ii. The date the Director will render a decision; and

iii. The notice form that the Applicant is required to mail all property owners and mineral owners within the PUD.

(3) Notice. The Applicant shall mail notice pursuant to section 4-101.E.b(2) and shall include notice to all property owners of record within the PUD as well as all owners of mineral interest consistent with section 4-101.E.b(4). The notice shall be mailed at least 15 days prior to the date of the Director's decision and shall include a vicinity map, a PUD map, a short narrative describing the proposed PUD amendment, the contact information for the Community Development Department and the date that the Director will make a decision.

(4) Decision. The Director will inform the Applicant and the BOCC of the approval, or basis for denial, in writing within 10 days of the date of decision.

(5) Subsequent Action. The amended PUD Plan and all associated documents are recorded within 30 days from an approval by the Director.

b. Substantial Modification.

(1) If the Director determines that the proposed amendment constitutes a Substantial Modification, the change shall require a new application for a PUD.

i. The Director shall determine the contents of the application submission requirements for a Substantial Modification request and provide this information in writing to the Applicant.

ii. Notice shall be provided pursuant to section 4-101.E.(2)-(4) and shall include notice to all property owners of record within the PUD.

(2) Should the Applicant contest the decision made by the Director that the proposed amendment constitutes a Substantial Modification, the Applicant may requrest the decision by called-up to the BOCC pursuant to section 4-112.B and C.

c. Determination by the BOCC. The Director shall have the discretion to request the BOCC decide, in a Public Meeting, whether a modification is Minor or Substantial.

C. Review Criteria.

Minor Modifications to a PUD are those that deviate from previously-approved standards or rearrange/reconfigure elevations, structures, parking areas, landscape areas, utilities, or other site improvements in an approved PUD, and that meet all of the following criteria as applicable:

1. Conform to the Comprehensive Plan;

2. Is consistent with the efficient development and the preservation of the character of the development;

3. Do not increase the density;

4. Do not decrease the amount of dedicated Open Space;

5. Do not affect, in a substantially adverse manner, either the enjoyment of the land abutting upon or across the road from the PUD or the public interest;

6. Do not change the use category of the PUD between residential, commercial, or industrial uses; and

7. Will not be granted solely to confer a special benefit upon any person; and

8. Shall not affect the rights of the residents, occupants, and owners of the PUD to maintain and enforce those provisions at law or in equity.

DIVISION 3. SUBMITTAL REQUIREMENTS.

6-301. APPLICATION MATERIALS.

The following are the application materials for PUDs and PUD Amendments. Sections 4-203 and 6-302 provide detailed descriptions of each submittal requirement.

Table 6-301: Application Submittal Requirements

Section 4-203.		B	C	D	G	H	J	L	O	A	B	Section 6-302.
Application Type		General Application Materials	Vicinity Map	Site Plan	Impact Analysis	Rezoning Justification Report	Development Agreement	Traffic Study	Floodplain Analysis	PUD Plan	Amendment Justification Report	
Planned Unit Development												
6-202	PUD Zoning	✔	✔	✔	✔	✔	✔	✔	✔	✔		
6-203	PUD Amendment	✔	✔							✔	✔	May require a new application if determined to be a Substantial Modification.

6-302. DESCRIPTION OF SUBMITTAL REQUIREMENTS.

A. PUD Plan.

1. PUD General Descriptions. A written description of the proposal shall include the following information:

a. General project concept and purpose of the request;

b. Explanation of how the PUD is in general conformance with the Comprehensive Plan;

c. Description of how the proposed development departs from the otherwise applicable standards of this Code but meets the intent and purpose of this Article;

d. Relationship of the proposed PUD development to the existing land uses and adjacent property land uses; and

e. Phasing and timing for the proposed development including the start and completion date of construction of each phase.

2. PUD Technical Descriptions. A written description of the proposal shall include the following information:

a. Method and calculation used to determine overall project and specific use type densities;

b. The PUD shall demonstrate how common wastewater facilities will be controlled or governed by the future owners within the PUD;

c. The PUD shall demonstrate how common water facilities will be controlled or governed by the future owners within the PUD;

d. Method of adequately providing other necessary public utilities;

e. Type or method of fire protection;

f. Description of whom or what entity shall be responsible for the provision of and payment for any facilities available to the community, including but not limited to open space, common areas, and structures;

g. Discussion of impacts on County services, schools, town services and any other unique operation that may be pertinent to a review of the proposed zone change and methods for mitigation; and

h. Documentation showing legal access or documentation demonstrating the likelihood of achieving legal access.

3. PUD Plan Map. The map of the PUD Plan shall be drawn at a scale of 1 inch equals 100 feet or a scale approved by the Director which clearly shows the entire proposal.

a. Legal description;

b. Vicinity map to scale;

c. Location, acreage and type of all land uses and proposed densities;

d. Location, acreage and type of land to be held in common, Open Space devoted to community use, and land to be dedicated for public use, including school sites;

e. Location and acreage of all rights of way, accesses and easements including the names and dimensions of each road;

f. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension;

g. Location and description of monuments;

h. Primary control points, or descriptions and “ties” to such control points to which all dimensions, angles, bearings, and similar data on the Plat shall be referred;

i. Gross and net acreage of individual lots or sites;

j. Designation of any Building Envelopes;

k. Designation of any flood or other Hazard Area;.

l. Certification of title showing the Applicant is the land owner or option-holder;

m. Lienholder consent, if applicable;

n. Certification by the project surveyor certifying to the accuracy of the survey and Plat;

o. Certification for approval of the BOCC; and

p. Certification for the County Clerk and Recorder.

4. PUD Plan Guide. The PUD Plan Guide shall propose reasonable standards and requirements for the PUD development and shall include, at a minimum:

a. Regulations and standards such as height limits, access requirements, Floor Area Ratios, allowable uses minimum lot

area, maximum Lot Coverage, minimum setbacks, maximum height of buildings, and all other uses and restrictions applicable to the area proposed to be zoned as PUD written in a form, the same as or similar to, the Zone District Regulations in Article 3.

b. Landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways, and all other land held in common, if applicable.

c. Signage standards such as height, lighting, placement, and quantity, as applicable.

d. The County zoning regulations shall be applicable to any conditions not provided for by the approved PUD Plan Guide.

B. Amendment Justification Report.

a. General description of the amendment and any supporting information such as the proposed amendments to the PUD General Description, PUD Technical Descriptions, PUD Plan Map, and/or PUD Plan Guide.

b. Evaluation of how the PUD either is complies with the criteria in section 6-203.C. for a Minor Modification or how it does not comply with the criteria.

DIVISION 4. PUD STANDARDS.

6-401. DEVELOPMENT STANDARDS.

At the time of zoning as a PUD, the Applicant may request that the BOCC modify the specifications, standards, and requirements to which the parcel(s) would be otherwise subject based on the zone district requirements set forth in Article 3. The BOCC may grant a modification if the Applicant demonstrates that the proposed specifications, standards, and requirements meet support the purpose of the PUD. In addition, the PUD Plan shall meet the following criteria:

A. Permitted Uses.

1. Permitted uses within the PUD are all uses that are either permitted in the underlying zone district or are in general conformance with the Comprehensive Plan.

2. Upon approval, the uses that shall be permitted in any particular PUD shall be those permitted by the PUD Guide.

B. Off-Street Parking.

The PUD shall provide parking areas adequate in terms of location, area, circulation, safety, convenience, separation, and screening.

C. Density.

1. Nonresidential Density. The density of nonresidential development allowed within a PUD shall comply with the Comprehensive Plan and shall not exceed the level that can be adequately served by public facilities.

2. Residential Density.

a. Residential density shall be no greater than 2 dwelling units per gross acre within the PUD; provided, that the BOCC may allow an increase to a maximum of 15 dwelling units per gross acre in areas where public water and sewer systems, owned and

operated by a municipal government or special district, pursuant to C.R.S. § 32-1-103(20) are readily available.

b. Residential density shall be calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross area expressed in acres within the boundary of the PUD. Averaging and transferring of densities within the PUD shall be allowed upon a showing of conformance with the purposes of this section through appropriate design features within the PUD that will achieve high standards of design and livability.

D. Housing Types.

For PUDs proposing residential uses:

1. The PUD shall provide for variety in housing types and densities; and

2. The PUD shall comply with Article 8, in regards to the provision of Affordable Housing.

E. Transportation and Circulation System.

The PUD shall provide a safe, convenient, and adequate circulation system designed to accommodate emergency vehicles and other vehicular, pedestrian, and bicycle traffic.

F. Recreational Amenities.

The PUD shall provide recreational opportunities and amenities to residents of the PUD, if applicable.

G. Building Height.

The maximum height of buildings may be increased above the maximum allowed in the zone district so long as the height does not result in unreasonable adverse effect on adjacent sites or other areas in the immediate vicinity in regard to shadows, loss of air circulation, or loss of view.

H. Lots.

1. The minimum Lot Size, the minimum setback, and the maximum Lot Coverage may be modified from the zone district.

2. Each lot shall contain an acceptable building site, unless the lot is specifically reserved for use that does not allow for a structure.

I. Phasing.

Each phase within a PUD shall be planned and related to existing surrounding and available facilities and services so that failure to proceed to a subsequent phase will not have a substantially adverse impact on the prior and future phases of the PUD or its surroundings.

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Article 7: Standards

ARTICLE 7
STANDARDS

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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]	Nondischarging: 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 considered for legally pre-existing single lot.
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 Affect 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. Irrigation Ditches.

1. 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.

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

3. Maintenance Easement. A maintenance easement of at least 25 feet from the edges of the ditch banks shall be preserved and indicated on any Final Plat for the division of land or for the final development plan for any other land use. When agreed to in writing by the ditch owner(s), that distance may be decreased.

7-202. WILDLIFE HABITAT AREAS.

The Applicant shall consult with the Colorado Division of 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 Division of 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.

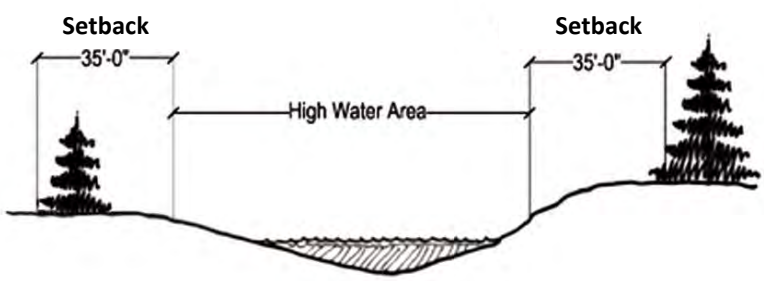

Figure 7-203: Minimum Setback Distance

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 creating 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.

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 and growing based on 70% coverage as compared with the original on-site vegetation within 2 growing seasons, using species with a diversity of native and/or desirable nonnative vegetation capable of supporting the post-disturbance land use. 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. Application of Top Soil. Top soil shall be stockpiled and placed on disturbed areas.
3. 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.
4. 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.
5. Removal of Debris. Within 6 months of substantial completion of soil disturbance, all brush, stumps, and other debris shall be removed from the site.
6. 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.

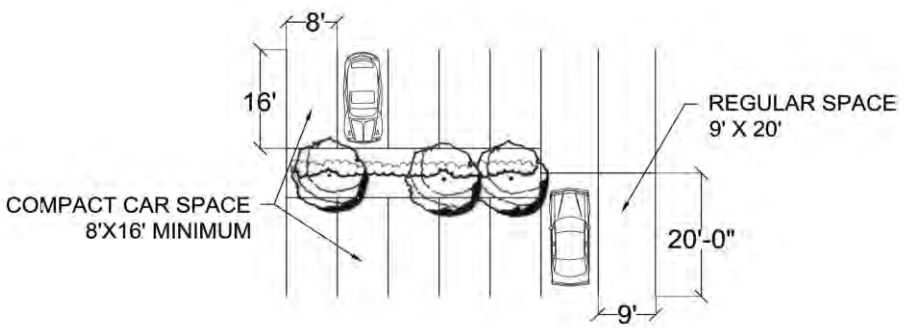

Figure 7-302: Parking Space Dimensions

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.

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.

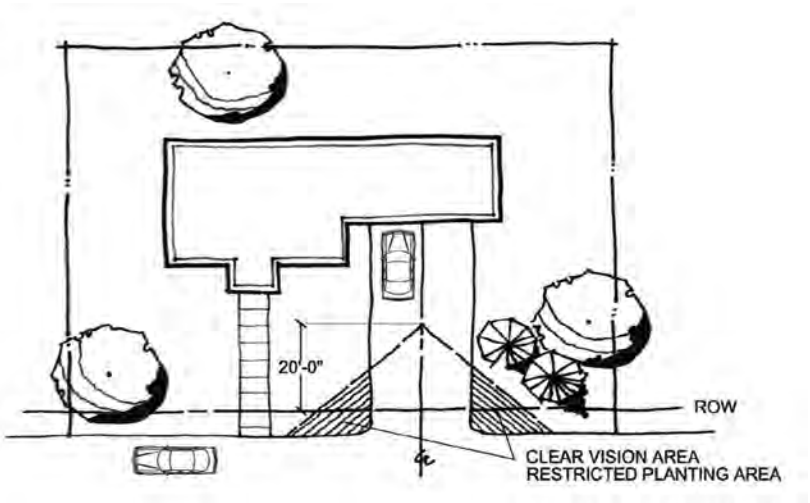

Figure 7-303 A: Clear Vision Area Space.

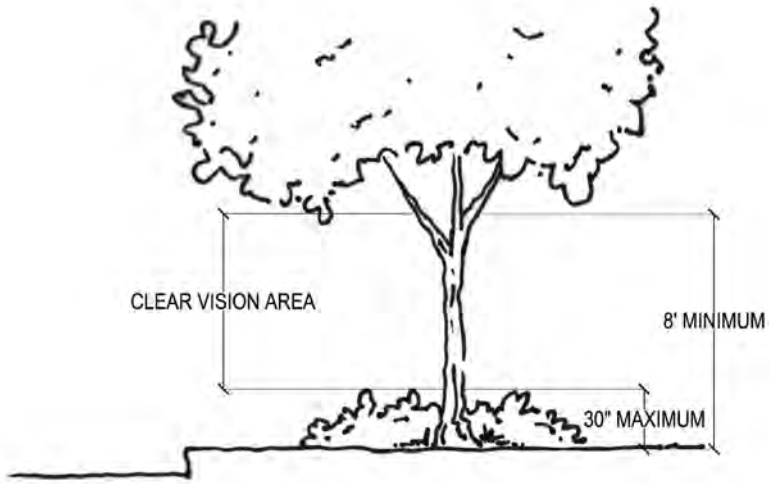

Figure 7-303 B: Plant Material in a Clear Vision Area.

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.

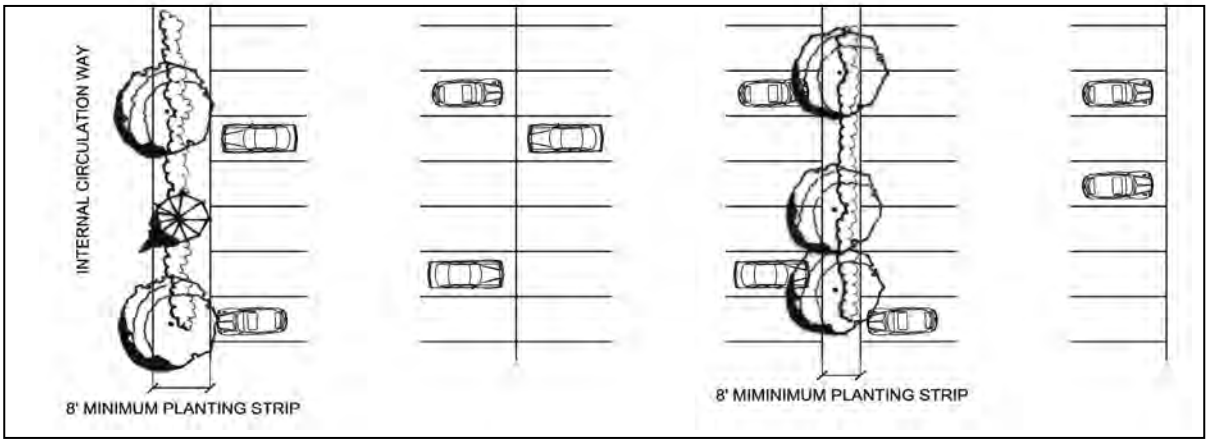

Figure 7-303 C: Planting Strip

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.

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. TRAFFIC IMPACT FEES.

A. General Requirements.

1. Off-site road impacts shall be evaluated for Subdivisions through completion of a Traffic Study identifying the volume of traffic generated from the development, based on Trip Generation rate calculations utilizing the most current Institute of Traffic Engineers, Trip Generation Manual, to establish an Average Daily Traffic (ADT). The road impact fee shall be determined by using the capital improvements plan and the associated road impact fee requirements.

2. 50% of the road impact fees shall be collected at the Final Plat for a Subdivision, if the affected County road project is scheduled to start within 5 years in a capital improvements plan adopted by the BOCC. All other road impact fees will be collected at the issuance of a Building Permit.

3. Any road impact fees collected will be put into a separate interest-bearing account in the County Treasurer's Office for each road that impact fees are collected. All fees collected and interest accrued must be spent on capital improvements to the specific road for which the fees were collected within 20 years of the date that the fee is established. All capital expenditures must be consistent with the capital improvements plan used as a basis for establishing the fee. If, after 20 years, the fees collected have not been spent in accordance with the capital improvements plan used to establish the fee, all fees will be returned to the land owner of the property assessed an impact fee, with interest accrued.

4. To the extent the County has expended funds consistent with a capital improvements plan for a particular road and a property owner has not paid a road impact fee as required for a Building Permit that establishes additional ADT, the impact fee shall be collected at the time a Building

Permit is issued to recoup the expenditure. Any fees collected after the completion of an identified road project will be credited to the appropriate project and will be used to reimburse the County for the funds advanced to complete the project.

5. The County may use road impact fees for a specific road improvement identified as a critical facility with a high priority for health and safety reasons in a capital improvements plan adopted by the BOCC, in advance of the completion of the entire road improvement project. Any such use of funds must be consistent with the basis for the impact fee. If, after the use of road impact fees for a critical facility road improvement, the County fails to complete the entire project identified in the capital improvements plan within the 20-year period of collection, the proportionate share, with interest, will be returned to the owner of the property subject to the impact fee based on the actual amount of the expenditures made on a particular road system.

6. As a part of the capital improvements plan, the BOCC may determine that certain portions of the road 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 identified in the capital improvements plan, the developer may be allowed to pay the total cost of the needed improvements prior to the County's schedule. The County will reimburse the portion of the cost that exceeds the amount that would be applicable for road impact fees, plus interest, by the time the project had originally been scheduled to be completed. If the BOCC has not established a base road cost per ADT for the area in question, the Applicant will not be obligated to provide an analysis of the off-site road impacts.

DIVISION 5. STANDARDS APPLICABLE TO CONSERVATION SUBDIVISION.

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.

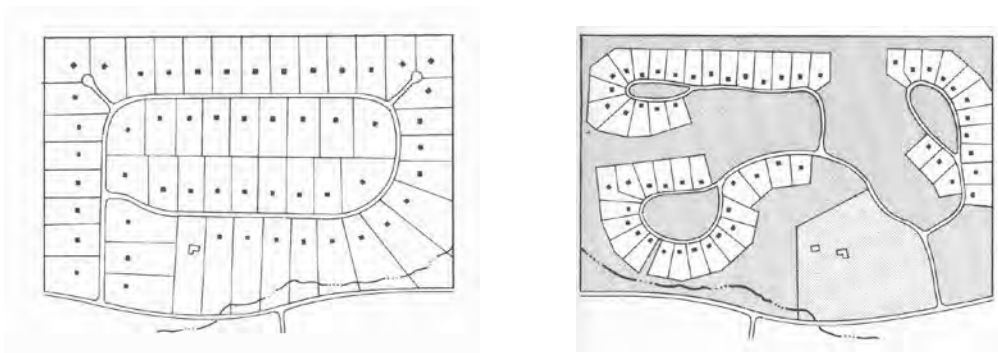

Figure 7-501: This illustration provides an example of a DNDP where the lots achieved in the Yield Plan on the left have been reduced in size and clustered into pods in the plan on the right. There is no net increase in density.

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.

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 a 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.

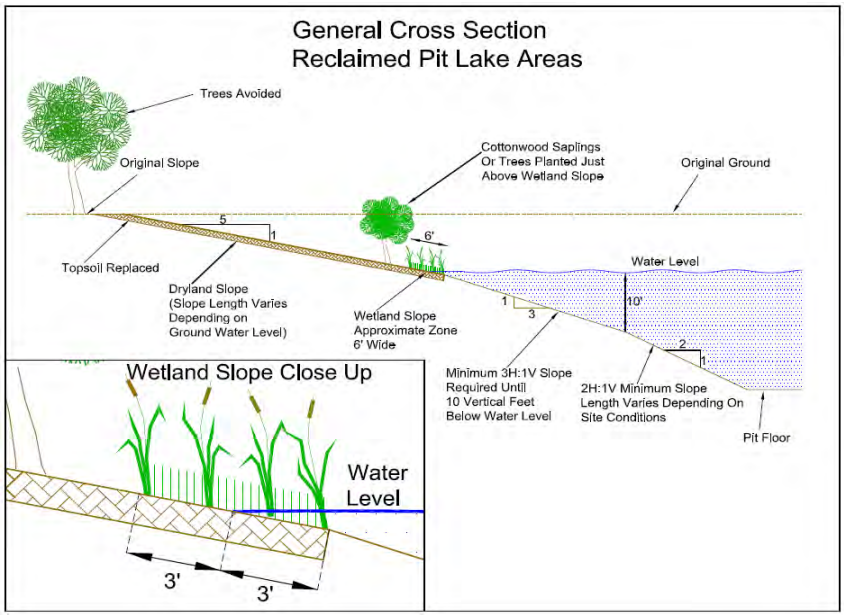

Figure 7-1002: Wetland and Dryland Slopes

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's 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 or Structures:

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 including fences, hedges, and 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 (Fence, Hedge and 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.

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2013

GARFIELD COUNTY, COLORADO

Article 8: Inclusionary Zoning for Housing

ARTICLE 8
INCLUSIONARY ZONING FOR HOUSING

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ARTICLE 8: INCLUSIONARY ZONING FOR HOUSING

DIVISION 1. GENERAL PROVISIONS

8-101. FINDINGS AND PURPOSE.

A. Findings.

The BOCC finds that an adequate supply of Affordable Housing in the County is essential and necessary to preserve and maintain the health, welfare, safety, and quality of life for residents of Garfield County.

1. An adequate supply of housing that is affordable to the local labor force is necessary for the local economy to remain stable and to grow in a healthy manner.
2. New development creates demand for workers in construction, maintenance, services, and retail sales, increasing the demand for Affordable Housing.
3. New development shall be required to provide Affordable Housing that mitigates the impacts that are attributable to such development in areas designated by the County, where Affordable Housing has become limited and problematic for adequate workforce housing.

B. Purpose.

The purpose of this Article is to ensure that the housing needs of all economic segments of the community will be met. New development shall be required to contribute to the Affordable Housing supply in the County, as reasonable and appropriate with consideration to the development's impact on the supply of Affordable Housing available to the local labor force.

8-102. APPLICABILITY.

These requirements apply to all residential Subdivisions proposing 15 or more lots located within Area 1, shown in Figure 8-1.

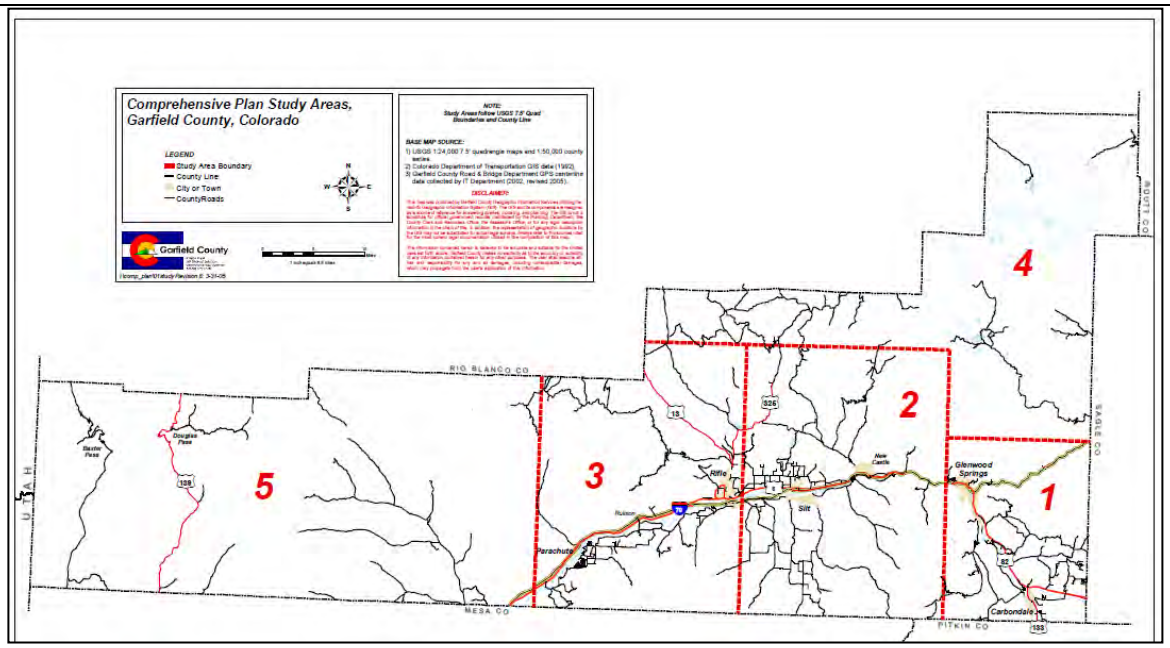

Figure 8:1: Map Showing Area 1

DIVISION 2. APPLICATION AND REVIEW PROCEDURES

8-201. APPLICATION SUBMITTAL REQUIREMENTS.

The Applicant shall submit the following materials for a Subdivision that requires Affordable Housing.

A. Affordable Housing Plan and Agreement.

The Applicant shall submit an "Affordable Housing Plan" that includes the following provisions.

1. The proposed location of the Affordable Housing Units.
2. The proposed number and unit mix of Affordable Housing Units based upon the provisions of section 8-301, Number and Unit Mix.
3. The proposed schedule for construction and completion of the Affordable Housing Units in relation to the proposed construction and completion of the overall development.
4. The proposed breakdown of Affordable Housing Units by category, based on provisions of section 8-301.B., Unit Mix and Minimum Bedroom Requirement, including the proposed Lot Size and square footage size of each unit.
5. The proposed calculations for HOA dues as set forth in section 8-302.B.5.
6. The proposed form of Deed Restriction and any other documents necessary to comply with the requirements of this Article.
7. Any rental housing proposal will require the Applicant to propose additional guidelines not codified herein. Such guidelines at a minimum must address details for administration and on-going affordability. The proposed guidelines are subject to BOCC approval.
8. The proposed method of financial security to ensure construction of the Affordable Housing Units, such as:

a. A bond or other security acceptable to the BOCC, in an amount acceptable to the BOCC to ensure the required number of Affordable Housing Units are constructed.

b. Provisions in the adopted Affordable Housing Plan that require Building Permits for 10 free-market houses may only be issued after a Building Permit for 1 Affordable Housing Unit has been issued.

c. Another method of securing construction of the Affordable Housing units acceptable to the BOCC.

9. If the Applicant proposes to locate some or all of the Affordable Housing Units off-site, the plan for off-site location and justification therefor.

10. The proposal for compliance with all provisions of the Affordable Housing Guidelines maintained by the Garfield County Housing Authority (GCHA) or other Approved Affordable Housing Entity (AAHE).

8-202. REVIEW AND APPROVAL PROCEDURES.

The Affordable Housing Plan shall be reviewed by the Director and the GCHA or other AAHE. The Affordable Housing Plan approved at Preliminary Plan shall become the "Affordable Housing Agreement" between the County, the Applicant, and the GCHA or other AAHE, which agreement will be adopted and recorded in conjunction with a Final Plat approval by the BOCC.

DIVISION 3. CRITERIA FOR DEVELOPMENT OF AFFORDABLE HOUSING UNITS.

8-301. NUMBER AND UNIT MIX.

A. Number of Units Required.

In a Subdivision required to provide Affordable Housing, 10% of the lots proposed in the development shall be developed with Affordable Housing Units. In computing this requirement, any fraction of a unit lot above .50 will be rounded up and any fraction of a unit lot .49 or less will be rounded down.

B. Unit Mix and Minimum Bedroom Requirement.

The Applicant shall propose the mix of housing types. The Affordable Housing Units shall closely mirror the market rate units and shall be of comparable quality with similar fixtures (e.g. dishwashers, disposals, air conditioning, and energy efficient windows) to market rate units. In addition, the units shall meet the following requirements:

1. The approved mix will provide the minimum number of bedrooms required based upon the following formula:

a. Multiply the number of Affordable Housing Units required by 2.6 (the average number of persons in a household) then,

b. Divide the result by 1.5 (the U.S. Department of Housing and Development criteria of person per bedroom).

c. The resulting number is the minimum required number of bedrooms that must be disbursed across the required Affordable Housing Units.

2. Any proposal for a unit with 4 or more bedrooms may be approved, but only after a special review to determine a need.

3. Any fractional Affordable Housing Units created by the above formulas will be rounded up to the next highest number.

4. The following minimum square footage requirements shall be met, with only finished square footage being counted, excluding garages, carports, and unfinished Basement space:

Unit Type	Minimum Size
Studio	500
1 Bedroom	700
2 Bedroom	950
3 Bedroom	1,200
Single-Family, detached	1,400

8-302. PRICING OF UNITS.

A. Area Median Income Categories Required.

The average price for all Affordable Housing Units shall be dispersed over a range of the Area Median Income (AMI) levels for low and moderate income families as published annually by HUD for Garfield County. Applicant shall provide Affordable Housing Units in the following 3 categories, in accordance with the distribution described below:

1. Category I. 20% of required units must be in Category I;

- **a.** Units priced to 70% AMI;
- **b.** Units sold to 80% AMI households or less;

2. Category II. 40% of required units must be in Category II;

- **a.** Units priced to 90% AMI;
- **b.** Units sold to 100% AMI households or less;

3. Category III. 40% of required units must be in Category III;

- **a.** Units priced to 110% AMI;
- **b.** Units sold to 120% AMI households or less.

4. Exceptions:

- **a.** If 3 or fewer Affordable Housing Units are required by this Article, then the first unit required will be a Category II unit and the second unit required will be a Category III unit and the third unit will be a Category I unit.
- **b.** If the number of Affordable Housing Units required by this Article results in a fraction when multiplied by 40% or 20% (see required distribution of units above), then the Applicant must provide the greatest number of Affordable Housing Units as Category II units, followed by Category III, and lastly Category I. For example, if 16 Affordable Housing Units are required, then 40% of 16 results in 6.4 required Category II units. The Applicant should then provide 7 Category II units, 6 Category III units and 3 Category I units.

B. Initial Sales Price.

The initial sales price for each Affordable Housing Unit shall be calculated by the GCHA and the BOCC based on the following assumptions:

1. Principle, interest, mortgage insurance, taxes, homeowners insurance, and Homeowner Association dues not to exceed 33% of gross monthly household income based on family size determined by the chart below. 80% of that amount is estimated for principle and interest and 20% is estimated for mortgage insurance, taxes, homeowners insurance, and Homeowner Association dues. If actual costs are available, they may be used in lieu of this 80:20 ratio.

2. A 30-year mortgage based on a trailing interest rate calculated on an average of the previous 18 months' interest rates. The GCHA shall calculate the trailing interest rate.

3. The price shall include a landscaped lot.

4. Number of persons by bedroom configuration used to establish sales price:

Number of Bedrooms, Nondetached Structure	AMI Household Size for Initial Sales Price Determination
Studio	1 person household
1	2 person household
2	2.5 person household
3	3 person household
4	3.5 person household

Number of Bedrooms, Single-Family, Detached	AMI Household Size for Initial Sales Price Determination
2	3 person household
3	4 person household
4	5 person household
5	6 person household

5. HOA dues for Affordable Housing Units shall be prorated as compared to HOA dues owed by market rate unit owners. HOA dues for Affordable Housing Units shall be prorated by either average Lot Size or average unit size in comparison to market rate lots and/or units, whichever results in the lower cost for the Affordable Housing Units, or by a formula proposed by the Applicant and approved by the GCHA and the BOCC. If prorated HOA dues are not possible, then the HOA dues for Affordable Housing Units shall be a maximum of 75% of the HOA dues owed by market rate unit owners.

6. The initial sales price will be calculated by GCHA 120 days from anticipated Certificate of Occupancy.

7. Example Initial Sales Price Calculation:

3-bedroom single-family unit, 4 person household,

80% AMI = $51,200 in 2007

$51,200 / 12 months = $4,267 gross monthly income

33% of $4,267 = $1,408

80% of $1,408 = $1,126 (principle and interest)

20% of $1,408 = $282 (mortgage insurance, taxes, insurance, HOA)

18 months of trailing interest rate as calculated by GCHA = 6.37%

Sales Price = $176,766

8-303. EXECUTION OF DEED RESTRICTION BY APPLICANT.

A. Deed Restrictions.

All Affordable Housing Units will be subject to a Deed Restriction.

1. Deed Restriction. The form of Deed Restriction must be approved by the GCHA.

a. The Applicant must execute and record a Deed Restriction prior to release of the Building Permit in a form satisfactory to the GCHA. This ensures that the Deed Restriction will run in perpetuity with the unit. At the time of Certificate of Occupancy, the Deed Restriction shall be amended, if necessary, to reflect changes

approved by the GCHA. The original executed and recorded Deed Restriction shall be returned to the GCHA.

b. The Deed Restriction must include a limit on annual appreciation of a unit of either the West Region, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) (1982-84=100), not seasonally adjusted, or 3% simple interest, whichever is greater, plus the cost of Permitted Capital Improvements (see section 8-304). The Maximum Resale Price shall be no more than 5% simple interest, plus the cost of Permitted Capital Improvements. The Maximum Resale Price will be determined by the GCHA in accordance with this Article.

(PP) Purchase Price
(PPCPI) CPI at the date of purchase
(NMO) Number of months owned
(CCPI) Current CPI

3% Formula = .03 x PP/ 12 x NMO + PP = Base Resale Price
CPI Formula = PP/PPCPI x CCPI = Base Resale Price
5% Formula = .05 x PP/ 12 x NMO + PP = Base Resale Price

2. Memorandum of Acceptance. When a qualified buyer purchases the property and there is a transfer of the deed for the property, the buyer must execute a Memorandum of Acceptance of the Deed Restriction. This ensures that the buyer is aware of the Deed Restriction and Inclusionary Zoning Guidelines. The original executed and recorded Memorandum of Acceptance shall be returned to the GCHA.

3. Promissory Note and Deed of Trust. The buyer must execute and record a Promissory Note between the GCHA and the buyer to enforce the County's interest in the property, and a Deed of Trust signed by the buyer. This Promissory Note shall be in a subordinate position to any other Promissory Note required for purchase of the property. This Promissory Note and Deed of Trust shall not be recorded in first position.

8-304. PERMITTED CAPITAL IMPROVEMENTS.

An owner of an Affordable Housing Unit may receive credit for "Permitted Capital Improvements" as specified below.

A. Approval Required.

All Permitted Capital Improvement items and costs shall be approved by the GCHA prior to being added to the Maximum Resale Price as defined in this Article. The owner must show actual receipts to receive value of Permitted Capital Improvements upon resale. Only the owner's out-of-pocket expenses will be counted toward value of Permitted Capital Improvement.

B. Permitted Capital Improvements.

1. Permitted Capital Improvements shall only include the following:

a. Improvements or fixtures erected, installed, or attached as permanent, functional, nondecorative improvements to real property, excluding repair, replacements, and/or maintenance improvements;

b. Improvements for energy and water conservation;

c. Improvements for the benefit of seniors and/or handicapped persons;

d. Improvements for health and safety protection devices;

e. Improvements to add and/or finish permanent/fixed storage space;

f. Improvements to finish unfinished space;

g. Garages;

h. The cost of adding decks and any extension thereto;

i. Permanent landscaping; and

j. Repairs or replacements related to structural, major mechanical, or roofing deficiencies after any applicable warranty period is expired. The owner must document the need to repair or replace the item.

2. Permitted Capital Improvements shall not include the following:

a. Upgrades/replacements of appliances, plumbing and mechanical fixtures, carpets, and other similar items included as part of the original construction of the unit;

b. Improvements required to repair, replace, and maintain existing fixtures, appliances, plumbing and mechanical fixtures, painting, carpeting, and other similar items;

c. Upgrades or addition of decorative items, including lights, window coverings, floor coverings, and other similar items; and

d. Jacuzzis, spas, saunas, steam showers, and other similar items.

8-305. OFF-SITE AFFORDABLE HOUSING.

In some cases, the BOCC may approve a mix of on-site and off-site Affordable Housing Units, or the provision of all Affordable Housing Units off-site.

A. Request for Off-Site Location of Affordable Housing Units.

At the time of Preliminary Plan application, the BOCC may consider a request by the Applicant for off-site location of Affordable Housing Units if the Applicant demonstrates circumstances that justify the request. The following considerations apply to Applicant's request:

1. The proposed Affordable Housing Unit(s) will be located substantially closer in proximity to the following facilities and amenities when compared to the project parcel: public schools, commercial or retail centers, community or public recreation parks and activities, Hospital and health care facilities, public transportation, professional services, and public services including fire, police, and emergency services;

2. The Applicant has developed a method or a procedure acceptable to the County to ensure that the proposed off-site Affordable Housing Units are for sale pro rata with the sale or rental of lots contained within the project parcel; and

3. The Applicant has consulted with the GCHA or AAHE prior to submission of an application regarding the proposed location and qualification of the off-site units for financing and sale.

B. Criteria for Off-site Affordable Housing Development.

The proposed off-site development of Affordable Housing Units shall satisfy the following criteria.

1. The proposed development meets the requirements and guidelines for inclusionary zoning set forth in this Article;

2. The proposed units will be built or located in the same study area as the development;
3. The proposed units will be located in an area or development acceptable to the BOCC; and
4. Existing residential units can be used as Affordable Housing, provided it is acceptable to the BOCC.

8-306. PAYMENT-IN-LIEU.

Payment-in-lieu of Affordable Housing Units will not be accepted.

DIVISION 4. INCLUSIONARY ZONING GUIDELINES.

8-401. QUALIFICATIONS TO PURCHASE AFFORDABLE HOUSING UNITS.

The following considerations shall be applied by the GCHA to qualify a potential purchaser for Affordable Housing.

A. Requirements for Qualifying a Purchaser.

1. Nondiscrimination. Determination of qualification for an Affordable Housing Unit shall be made without regard to race, color, creed, religion, sex, handicap, disability, national origin, familial status, or marital status.
2. Resident Qualification. The purchaser is a full-time resident of Garfield County. To qualify as a full-time resident, the purchaser shall live at least 9 months a year in the County. In addition, all adult family members who will be residing in the Affordable Housing Unit are legally residing in the United States.
3. Employment Qualification. The purchaser is employed full-time by a "Garfield County-based employment source," which means a business whose business address is located within Garfield County, whose business employs employees within Garfield County, who work in Garfield County, and whose business taxes are paid in Garfield County. If an employer is not physically based in Garfield County, an employee must be able to verify that they work in Garfield County a minimum of 1664 hours (min. 32 hours/week) per calendar year for individuals, businesses, or institutional operations located in Garfield County. To qualify as a full-time employee, the following criteria shall apply:
   a. A person who works or will work at least 32 hours per week for a Garfield County-based employment source;
   b. A person who has been recruited to work at least 32 hours per week for a Garfield County-based employment source;
   c. A person who is a retiree and was employed full-time at least 32 hours per week for a Garfield County-based employment source for the 4 years prior to the date of application; and
   d. A person who is disabled and was employed full-time at least 32 hours per week for a Garfield County-based employment source for the 2 years prior to the date of application.
4. Financial Qualification. The purchaser has an annual gross household income equal to or less than the AMI for the category unit(s) for sale. In addition, the purchaser has a cumulative net worth, minus qualified retirement assets (as determined by the IRS), not in excess of $150,000 and satisfies the income criteria set forth in this Article.
5. Occupancy Qualification. The purchaser will occupy the Affordable Housing Unit as a primary residence upon purchase.

6. Family Qualification. Intended family compositions include: foster children, live-in attendants, and dependants under the age of 23 who are away at college, family members on military leave or out-of-town on business, or multiple adults cohabiting. Total family income will be considered as part of the income eligibility described in this Article.

B. Income or Earnings Used in Determination of Qualified Applicant.

In determining the financial qualification of a purchaser, consideration shall include, but not be limited to, the following sources of income:

1. Earned income such as salaries, wages, overtime pay, commissions, bonuses, tips, and payments received as an independent contractor for labor or services;
2. Severance pay;
3. Royalties, rents, trust income;
4. Annuities, dividends, capital gains, taxable distributions from corporations or partnerships;
5. Pensions, retirement benefits, social security benefits, disability benefits;
6. Gambling proceeds;
7. Money drawn by a self-employed individual for personal use;
8. Workers' compensation benefits, disability insurance benefits, funds payable from any health insurance benefits or casualty insurance to the extent that such insurance replaces wages or provides income in lieu of wage;
9. Monetary gifts, prizes;
10. An individual who is separated but not divorced may exclude spousal income if the couple intends to live separate and apart; and
11. The number of dependants claimed by the purchaser on his/her tax returns for the 2 years prior to application.

8-402. PROCEDURES FOR DETERMINATION OF QUALIFIED APPLICANT.

A. Materials Necessary to Qualify Purchaser.

Application shall be made to the GCHA. The following materials shall be required for all family members. The GCHA may require additional materials as appropriate.

1. Federal tax returns for last 2 years;
2. Current income statements in a form approved by the GCHA;
3. Current financial statements in a form approved by the GCHA;
4. If current income is less than the previous tax return by 20% or greater, the income will be averaged based on the current income and previous tax return to establish an income category;
5. Verification of employment or offer of employment by a Garfield County based employment source;
6. Evidence of legal residency (landlord verification, Colorado drivers license, phone service, vehicle registration, voter registration);
7. Divorce or support decree; and
8. A signed release for the GCHA to access the loan application submitted to the Lender.

B. Review and Determination of Qualification.

The GCHA shall be responsible for application review and determination of qualified purchaser.

1. Determination of Qualification or Nonqualification. The GCHA shall determine whether the family is a qualified purchaser for Affordable Housing Units.

2. Notice of Determination. The GCHA shall provide written notification of a determination of qualified purchaser.

3. Determination of Nonqualification. The GCHA shall provide written notification of a determination of nonqualified purchaser. The written notice shall contain the following information.

a. A statement of the reason(s) for the decision.

b. A statement that the Applicant may request a review of the decision by following the grievance procedures described in this Article.

C. Priority of Qualified Applicants.

The GCHA shall assign all Qualified Applicants 1 of 3 priorities. Those who qualify for all priorities will fall within Priority Category One.

1. Priority Category One. Applicants that are employed by a Garfield County-based employment source as defined in section 8-401.A.3.a-c.

2. Priority Category Two. Applicants that are full-time residents of Garfield County.

3. Priority Category Three. Applicants who will become full-time residents of Garfield County by participation in this program.

8-403. INITIAL SALE AND RESALE OF AFFORDABLE HOUSING UNITS.

A. Initial Sale by Developer.

The initial sale of an Affordable Housing Unit shall be the responsibility of the developer or the purchaser who is subject to the requirements of this Article.

1. The developer must work in cooperation with the GCHA to complete the initial sale(s) to a qualified purchaser(s). The developer is urged to make available his/her real estate agent to act as a transaction broker for the sale of the Affordable Housing Units. The GCHA may choose to contract with a licensed real estate broker, but is not required to provide this service.

2. The developer is required to provide the GCHA with a marketing packet at least 120 days prior to the estimated completion of the Affordable Housing Unit(s). The packet shall include unit descriptions, spec information, estimated HOA dues, copies of all covenants, conditions and restrictions (CCRs), if applicable, Homeowner Association provisions, and other applicable documents.

3. The developer is required to hold at least 1 open house during the application prior to the lottery.

B. Resale by GCHA.

Unless otherwise required in the Deed Restriction, listing for resale of an Affordable Housing Unit shall be with the GCHA.

1. GCHA will advertise the Affordable Housing Unit for sale and establish reasonable timeframes for the advertising period, lottery, and estimated sale for each resale.
2. GCHA will administer the sale according to provisions of this Article in effect at the time of sale.
3. There shall be minimum 3-month listing period before adjusting the sale price. The sale price will be set at the date of listing when the owner notifies the GCHA in writing of his/her desire to sell. The owner shall have the option to change the price after 3 months, after consulting with the GCHA staff.
4. The owner shall be responsible for any costs associated with termination of listing, including payment of administrative and advertising costs. These fees are included in section 8-403.G.

C. Role of GCHA Staff.

GCHA Staff shall be acting on behalf of the GCHA. It should be clearly understood by and between parties to a sales transaction that the staff members are not acting as licensed brokers to the transaction, but as representatives of the GCHA and its interests.

1. All purchasers and sellers are advised to consult legal counsel regarding examination of the title and all of the contracts, agreements, and title documents. The retention of counsel, licensed real estate brokers, or such related services shall be at the purchaser's and seller's own expense. The fees paid to GCHA are to be paid regardless of any actions or services that the purchaser or seller may undertake or acquire.
2. All purchasers and all sellers will be treated fairly and impartially. Questions will be answered and help will be provided equally to any potential purchasers or sellers in accordance with the current Inclusionary Zoning Guidelines. Staff shall prepare listings, sales contracts, extensions to contracts, and closing documents, and undertake all actions necessary to consummate the sale or contact with a licensed real estate broker to complete these actions.
3. GCHA staff shall attempt to help both parties to consummate a fair and equitable sale in compliance with the current Inclusionary Zoning Guidelines.

D. Maximum Allowed Resale Price.

1. Affordable Housing Units shall have a Deed Restriction carried with the title, which restricts future sale of the Affordable Housing Unit to individuals qualified by the GCHA as an owner for Affordable Housing.
2. Subsequent resale of Affordable Housing Units shall begin with a meeting between the seller and the GCHA to go over Deed Restrictions and determine allowed price. The resale price shall be fixed at the time notification in writing by the owner of his/her desire to sell.
3. The Maximum Resale Price of Affordable Housing Units will be determined by the GCHA utilizing a formula defined in section 8-303.A.1.b.

E. Maintenance Standards for Maximum Resale Price.

It is the responsibility of the owner to maintain the Affordable Housing Unit in good condition. The following are minimum standards to receive full value upon resale. If GCHA determines that the owner has failed to meet these standards, the GCHA may deduct these repair costs from the sale proceeds.

1. Clean unit;

2. Carpets steam-cleaned 3 days prior to closing;
3. All scratches, holes, burned marks repaired in floors, walls, and counter tops, etc.;
4. No broken or foggy windows;
5. All screens in windows, if originally provided;
6. All windows and doors in working order with no holes;
7. All locks on windows and doors in working order;
8. All keys provided, e.g. door, mail box, garage;
9. All mechanical systems shall be in working order;
10. Walls paint ready, e.g. all holes patched, all nails removed;
11. No leaks from plumbing fixtures;
12. No roof leaks;
13. Any safety hazards remedied prior to closing; and
14. All light fixtures shall be in working order.

F. Lottery Process.

The GCHA will conduct a lottery for each Affordable Housing Unit or group of units as they become available, both for initial sales and resales.

1. Prospective Purchasers.
   a. No waiting list shall be maintained. New and separate applications must be submitted for each newly-available Affordable Housing Unit or groups of units.
   b. Prospective purchasers shall register by application at the GCHA office.
   c. All applications will be reviewed for completeness and information verified.
   d. GCHA shall make a determination of qualification consistent with this Article.
   e. Prospective purchasers are encouraged to investigate sources of financing prior to submitting an offer for purchase of an Affordable Housing Unit and can obtain names of lenders from the GCHA. GCHA may require a pre-qualification or pre-approval letter from a lender with the application.
2. Conduct of Lottery. GCHA shall conduct lotteries for available Affordable Housing Units as follows:
   a. All applications by Qualified Applicants for the specific Affordable Housing Unit sale, that have been determined complete and accepted by the GCHA, shall be included.
   b. Priority One applications shall be included in Lottery Round One. Each application, upon being drawn by random selection, shall be assigned a numerical position based on order drawn.
   c. A separate Lottery Round Two for Priority Two applications shall be conducted. Each application, upon being drawn by random selection, shall be assigned a numerical position based on order drawn.
   d. The Affordable Housing Unit choice will be offered to applications in the order drawn in Round One.
   e. Remaining Affordable Housing Units, if any, will be offered to Round Two.

f. The GCHA shall designate the length of time an offer shall be available to a Qualified Applicant before the offer is considered withdrawn or void.

g. If an offer is deemed withdrawn or void, an offer to the next sequential Qualified Applicant shall be made.

G. Fees.

Unless otherwise required by the Deed Restriction, the seller will pay GCHA a sales fee equal to 2% of sales price paid as follows:

1. 1% paid at determination of the sales price by the GCHA credited toward the 2% total requirement. GCHA reserves the right to waive the immediate collection of 1% and to collect the full 2% of the sales price at closing.

a. This portion of the fee will not be refunded if seller fails to perform in compliance with the listing contract, refuses to accept full price offers in cash or equivalent, or withdraws listing after advertising commences.

b. Administrative costs incurred by GCHA will be deducted from fee and the balance refunded if seller withdraws due to failure of bids at maximum price and reasonable terms.

2. Balance paid at closing through the title company.

H. Memorandum of Agreement to the Deed Restriction.

The purchaser must record a document acknowledging the purchaser's agreement to be bound by the recorded Deed Restriction. This documentation must be filed with the County Clerk concurrent with closing the Affordable Housing Unit sale. The form of the document shall be acceptable to GCHA and the County Clerk. The original recorded document will be held by the GCHA.

8-404. OTHER REQUIREMENTS.

A. Co-Ownership and Co-Signing.

1. Any co-ownership interest other than joint tenancy or tenancy in common must be approved by GCHA.

2. Co-signers may be approved for ownership of the Affordable Housing Unit but shall not occupy the unit unless qualified by GCHA.

B. Permissible Financing.

Any Qualified Applicant who is selected to purchase an Affordable Housing Unit is responsible for selection of their preferred financing option(s). However, the GCHA or County may require that financing be obtained from an institutional lender, or a bank, savings and loan association, or any other lender who is licensed to engage in the business of providing purchase money mortgage financing on residential real property. In addition, any financing used to purchase an Affordable Housing Unit must be a conventional or portfolio program that offers fixed or intermediate variable rate terms designed for entry-level buyers. Sub-prime and nonconforming products are not permitted. Financing more than 100% of the sale price is not permitted. The GCHA shall be permitted to request financing documents for verification purposes and to withdraw Qualified Applicant status if financing is contrary to these guidelines.

C. Renting an Affordable Housing Unit during a Listing Period.

If the Affordable Housing Unit is listed for sale and the owner cannot occupy the unit, the Affordable Housing Unit may be leased with approval of GCHA.

1. Unit owner must submit a letter to GCHA requesting permission to lease the listed unit.
2. The tenant must be a qualified renter certified by GCHA using the sale criteria as applied to the purchaser of the unit.
3. The unit must be rented in compliance with requirements of this Article, the Deed Restriction, and Homeowner Association documents. The renter must acknowledge that he/she has received, read, understands, and will abide by the requirements for tenancy.
4. There must be a written lease with minimum rental term of 6 months and a maximum rental period of 2 years. There will be a 30-day move-out clause from closing in event the Affordable Housing Unit is sold.
5. The HOA must receive notice of intent to rent and have reasonable opportunity to comment.

D. Leave of Absence for Owners of Affordable Housing Unit.

If an owner must leave the area for a limited period of time and wishes to lease the unit, a leave of absence may be granted by the GCHA.

1. The owner of the Affordable Housing Unit must submit a letter to the GCHA at least 30 days prior to leaving the area.
2. The letter shall document the reason for leave of absence and commitment to return.
3. The maximum initial term of absence is 1 year.
4. An extension may be granted for 1 additional year, but in no event can absence exceed 2 years. Extension shall be granted only if rental of the Affordable Housing Unit complies with requirements of the Deed Restriction and this Article.

E. Setting Rents for Allowed Leasing of Owned Units.

Unless otherwise provided by the Deed Restriction, the rent shall be determined based upon the following considerations:

1. The owner's cost which includes:
   a. Loan principle and interest and mortgage insurance;
   b. Homeowner Association fees;
   c. Utilities remaining in owner's name; and
   d. Property taxes and homeowners insurance.
2. Rental applicants must be approved by the GCHA and must meet the income restrictions set forth in section 8-302.

F. Roommates.

An owner may rent a room in the Affordable Housing Unit under the following conditions:

1. The owner continues to reside in the Affordable Housing Unit and the unit is his/her sole and exclusive place of residence.
2. The Deed Restriction or Homeowner Association documents do not prohibit leasing to roommates.

8-405. GRIEVANCE PROCEDURES.

Any person aggrieved by a decision of the GCHA may file a written complaint with GCHA Board. The grievance must be received by the GCHA within 10 days of the date of the alleged action complained about.

A. File Written Complaint.

The complaint shall contain the following information.

1. Grounds for complaint;

2. Action requested; and

3. Name, address and phone number of complainant and similar information for any authorized representative.

B. Schedule Hearing.

A hearing before the GCHA board shall be scheduled for the next regularly scheduled board meeting. The hearing may be continued at the board's discretion.

C. Review of Documents.

The GCHA board and the complainant shall have sufficient opportunity before the hearing, and at the expense of the complainant, to examine documents, records and regulations that are relevant to the complaint. Documents that have not been requested and made available prior to the hearing may not be relied on during the hearing.

D. Hearing Process.

The complainant shall be entitled to a fair hearing that provides the basic safeguards of due process, including notice of hearing and an opportunity to be heard in a timely reasonable manner.

1. Conduct of Hearing.

a. If complainant fails to appear at scheduled hearing, the GCHA board may make a determination to postpone the hearing, or to review and act upon the complaint based upon the written documentation and evidence submitted.

b. Review of oral or documentary evidence shall not require strict compliance with the rules of evidence applicable to judicial hearings. However, the complainant may not present documents at a hearing concerning eligibility which have not been previously submitted and considered by the GCHA in reaching its decision of ineligibility.

c. The right to cross-examination shall be at the discretion of the GCHA board and may be regulated by the GCHA board as it deems necessary for a fair hearing.

2. Hearing Record. The following documents shall constitute the hearing record:

a. Written complaint;

b. Written documentation and evidence considered at the hearing; and

c. Minutes of the meeting and record of decision.

E. Decision of the GCHA Board.

The GCHA board shall provide a written decision that includes the reasons for its determination. The decision of the board shall be binding on the GCHA, which shall take all actions necessary to carry out the decision.

1. If a determination is made of ineligibility for a lottery, and the hearing of a grievance cannot be scheduled before the lottery takes place, the complainant's name may be placed in the appropriate category of the lottery. If the complainant's name is chosen, then the closing will be

postponed until the GCHA board can make a decision on the eligibility of the complainant.

2. All persons submitting an application for eligibility to purchase an Affordable Housing Unit will sign an agreement stating that if they are found ineligible and the decision is later overturned either by administrative or court action, their sole remedy will be applied for in the lottery for the next available unit in the event that unit originally applied for has been sold.

8-406. PERIODIC REVIEW OF INCLUSIONARY ZONING GUIDELINES.

The Inclusionary Zoning Guidelines set forth in this Division 4 shall be reviewed periodically by the GCHA. Revisions to the guidelines shall be processed as a text amendment pursuant to section 4-114.

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GARFIELD COUNTY, COLORADO

Article 9: Pipelines

ARTICLE 9
PIPELINES

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ARTICLE 9: PIPELINES

9-101. APPLICABILITY.

A. Length and Diameter.

An application for a pipeline must be submitted for any pipeline proposed to be located within unincorporated Garfield County, excluding those on public or municipal lands, which are:

1. Greater than 12 inches in diameter and over 2 miles in length or 2 cumulative miles if separated by municipal or public lands; or

2. Any pipeline that is more than 5 miles in length or 5 cumulative miles if separated by municipal or public lands.

B. Permit Required.

A Land Use Change Permit for a pipeline is required prior to the issuance of any other County permit necessary for pipeline operations. However, pipeline operations that do not require a building or other associated County permit must still obtain a Land Use Change Permit per this Code, as necessary.

9-102. SUBMITTAL REQUIREMENTS.

The following information must be submitted with an application for a pipeline:

A. General Application Materials.

General Application Materials as provided in section 4-203.B.

B. Vicinity Map.

A Vicinity Map as provided in section 4-203.C.

C. Site Plan.

A Site Plan as provided in section 4-203.D.

D. Project Overview.

A description of the project including the length and diameter of the pipeline, pipeline commodity, general description of the pipeline, and pipeline route.

E. Property Ownership and Authority to File Application.

1. Identity of owner of the parcel. This can be provided as a map or Plat showing the parcel with the pipeline easement crossing the parcel.

2. Evidence of authority of Applicant to file the application as follows:

a. If the property owner of the parcel is not an individual (i.e. an entity or a trust), applicant must submit a recorded Statement of Authority or a recorded power of attorney for the individual authorized to encumber the property on behalf of the entity; and

b. Letter of Authorization signed by the property owner authorizing Applicant to file the application; or

c. Deed, easement, surface use agreement, or BLM right-of-way subject to the following:

(1) Memorandum of the applicable instrument that has been recorded in the County (rather than the actual instrument) if it recites that the instrument relates to the location of a pipeline and provides information showing the location of the pipeline; or

(2) The actual deed, easement, surface use agreement, or BLM right-of-way. The Applicant may redact confidential and proprietary information.

(3) For cases in which the evidence of authority (i.e., deed, easement, surface use agreement, or BLM right-of-way) contains conditions, the Applicant shall provide a statement that it will comply with the terms and conditions of the applicable instrument.

3. The Applicant may sign the County's Payment Agreement Form as the authorized representative.

4. The Applicant should submit all applicable BLM rights-of-way with the application, but the BLM access agreement may be provided at a later date.

F. Adjacent Properties.

For individual rights-of-way, a diagram showing adjacent properties and the approximate location of buildings and their uses within a distance of 350 feet of any proposed structure, facility, or area to be disturbed.

G. Regulatory Permit Requirements.

The permit agency name, permit/action driving task, and the task to be performed to obtain the permit, prior to issuance of the permit by the County.

H. Primary Project Participants.

The names, address, and phone numbers of the company representative; company and individual acting as an agent for the company; construction company contacts; and Federal and State agency contacts.

I. Project Facilities.

Any permanent project facilities such as permanent rights-of-way, widths, meter stations, valve sets, etc, and any temporary rights-of-way, width during construction, construction facilities, etc.

J. Construction Schedule.

The estimated start and end dates for construction, days of the week in which construction will occur, and hours of day during which construction will occur.

K. Sensitive Area Survey.

A Sensitive Area Survey shall be submitted by a qualified professional and shall provide the type and area of concern within and adjacent to the pipeline right-of-way, including but not limited to sensitive plant and animal populations and wildlife critical habitat, as such populations are defined by state and federal referral agencies, and Waterbodies. The Survey shall provide a method or plan for compliance with protection measures and state and federal laws as identified by these agencies pertaining to the identified sensitive areas. This submittal requirement does not apply in previously-disturbed corridors or rights-of-way and/or areas permitted by the COGCC.

L. Revegetation Plan.

A Revegetation Plan that includes the following information:

1. A plant material list that includes scientific and common names and the application rate in terms of Pure Live Seed per acre.

2. A planting schedule that includes timing, methods, and mulching.

3. A revegetation security may be required if, in the determination of the County Vegetation Manager, the proposed project has:

a. A potential to facilitate the spread of noxious weeds;

b. A potential to impact watershed areas;

c. A potential for visual impacts from public viewing corridors;

d. Steep Slopes 15% or greater or unstable areas; and/or

e. Disturbs an area ½ acre or greater.

4. The revegetation security will be in an amount to be determined by the County Vegetation Manager that will be site specific and based on the amount of disturbance. The security shall be held by the County until vegetation has been successfully reestablished, or for a period of time approved by the County Vegetation Manager in any specific land use action, according to the Reclamation and Revegetation Standards section in the Garfield County Weed Management Plan. The County Vegetation Manager will evaluate the reclamation and revegetation prior to the release of the security. The security shall be subject to all provision of Article 13.

M. Weed Management Plan.

A Weed Management Plan for all Garfield County-listed noxious weeds and State of Colorado-listed noxious weeds that are targeted for statewide eradication.

N. Emergency Response Plan.

A Fire Protection and Hazardous Materials Spills Plan that specifies planned actions for possible emergency events, a listing of persons to be notified of an emergency event, proposed signage, and provisions for access by emergency response teams. The emergency plan must be acceptable to the appropriate fire district or the County Sheriff, as appropriate. The plan shall include a provision for the operator to reimburse the appropriate emergency service provider for costs incurred in connection with emergency response for the Operator's activities at the site.

O. Traffic Impact.

For construction traffic that will use a County road, the anticipated types of vehicles, number of each type, anticipated number of trips per day per each type, County roads to be used, and the percentage of the construction traffic that will travel on each road.

P. Staging Areas.

The general location of the staging areas required for pipeline construction.

Q. Pressure Testing.

Indicate the quantity of water or other fluid required, legal source of water if utilized, and the disposition of the water or other fluid after testing.

9-103. REVIEW PROCESS.

A pipeline application shall be reviewed according to the following process:

A. Pre-Application Conference.

A pre-application conference shall be conducted pursuant to section 4-101.A, unless waived by the Director.

B. Determination of Application Completeness Review.

1. Determination of Application Completeness Review shall be conducted pursuant to section 4-101.B.

2. Once the application is deemed technically complete, the Director will provide to the Applicant in writing:

a. The number of copies to be delivered to the County;

b. The date upon which the Director will render a decision; and

c. The notice that the Applicant is required to mail to the Adjacent Property Owners.

C. Review by Referral Agency.

Review by referral agency shall be conducted pursuant to section 4-101.C. with the following modifications:

1. Upon the filing of a complete application, the Director shall promptly forward 1 copy to the County Road and Bridge, Vegetation Management, and Engineering Departments, the Oil and Gas Liaison, the County Sheriff, the appropriate fire district, and any adjacent municipality for comment.

D. Evaluation by Director/Staff Review.

Evaluation by Director/Staff Review shall be conducted pursuant to section 4-101.D.

E. Notice of Pending Application.

Within 7 days after the application has been determined complete the Applicant shall provide notification by certified mail to all property owners within 200 feet of the route and a sign shall be posted on the portions of the route crossing or adjacent to a public road. Both the notice and the sign shall indicate that an application has been made and provide the phone number of the Community Development Department where information regarding the application may be obtained.

F. Decision.

Within 30 days of the date of determination of completeness, the Director may approve, conditionally approve or deny the application. Within 10 business days, the Director shall inform the Applicant and the BOCC in writing of the decision.

1. Approve the Application. If the application satisfies all of the applicable requirements of this Code, the application shall be approved.

2. Conditionally Approve. The application may be approved with conditions determined necessary for compliance with this Code and may include, but are not limited to, the relocation or modification of proposed access roads, facilities, or structures; landscaping, buffering, or screening; posting of adequate financial guarantees; compliance with specified surface reclamation measures; or any other measures necessary to mitigate any significant impact on surrounding properties and public infrastructure.

3. Deny the Application. If the application fails to satisfy the standards of this Code, and compliance cannot be achieved through reasonable conditions of approval, the application shall be denied.

4. Failure to make a decision. For an application submitted by a Public Utility or power authority, failure by the Director to make a determination on the application within the timelines set forth in C.R.S. § 29-20-108, shall result in the application being considered approved and the County may process Applicant's building, access, or other permits, provided the Applicant builds the pipeline in compliance with the application.

5. Waiting Period. The Director shall issue a decision on the application to the Applicant and provide a copy to the BOCC. The decision is not final and no permit shall be issued for 14 days after the date of the Director's decision.

6. Unless otherwise approved by the decision-making body, an Applicant has 1 year from the date of approval to satisfy any remaining conditions precedent to issuance of a Land Use Change Permit.

G. Call-Up.

Pursuant to section 4-112, the BOCC may call up the Director's decision no later than 10 days after the date of the decision.

H. Applicant's Right of Appeal of Conditional Approval.

1. Filing an Appeal. In the event that the Director denies or conditionally approves a pipeline application, the Applicant shall be entitled to appeal the decision to the BOCC. The Applicant must file an appeal for this purpose with the Director in writing no later than 10 days after the date of the Director's decision.

2. Notice. Applicant shall provide written notice at least 15 days prior to the Public Hearing to all property owners within 200 feet of the route and a sign shall be posted on the portions of the route crossing or adjacent to a public road. Published notice shall be accomplished by putting the hearing on the BOCC agenda

3. BOCC Review. The BOCC shall review the Director's decision at a Public Hearing held as soon as practical after the date the appeal was filed and after proper notice.

4. Public Hearing. At the Public Hearing the BOCC shall consider evidence related to the Director's decision, which may be presented by County staff, the Applicant, or interested members of the public. The BOCC shall not be limited in their review to the subject of the appeal, and may review any aspect of the pipeline application. Based upon this evidence, the BOCC may affirm the Director's decision, or may approve the application with modified, altered, deleted, or added conditions. No County building, grading, access, or other permit shall be issued, or the Applicant otherwise allowed to proceed with the operation, until the BOCC acts on the Director's decision at the Public Hearing.

I. Permit Issuance.

After approval of a Land Use Change Permit for a pipeline and completion of the 14-day waiting period, the Applicant shall be entitled to have processed any necessary building, grading, or access permits, or to otherwise proceed with the proposed operation.

J. Completion of Approval.

Upon completion of any pipeline, the Applicant shall submit a statement from a qualified professional engineer certifying the completion of the project in compliance with the Land Use Change Permit. A digital copy of the surveyed pipeline as-built will be provided to the Community Development Department.

K. Amendments.

Amendments to an approved pipeline Land Use Change Permit shall follow the provisions of section 4-106.

9-104. REVIEW CRITERIA.

An application for a pipeline shall be approved, conditionally approved, or denied in accordance with the following standards and criteria:

A. Located Along Perimeters.

As a general guide, rights-of-way and any associated facilities shall be located along the perimeters of surface property ownerships and not within areas of agricultural crop production. Nonperimeter locations will be acceptable if the surface owner agrees and there is no adverse impact on adjacent properties.

B. Noise Abatement.

1. Any equipment used in construction or operation of a pipeline must comply with either the COGCC Rules and Regulations in regards to noise abatement or C.R.S. Article 12 of Title 25, as appropriate for the type of pipeline.
2. All power sources used in pipeline operations shall have electric motors or muffled internal combustion engines.

C. Visual Impact.

Pipeline operations shall be located in a manner to minimize their visual impact and disturbance of the land surface.

D. Access Points to Public Roads.

Access points to public roads shall be reviewed by the County Road and Bridge Department. All access and oversize or overweight vehicle permits must be obtained from the County Road and Bridge Department prior to beginning operation. All proposed transportation rights-of-way to the site shall also be reviewed and approved by the County Road and Bridge Department to minimize traffic hazards and adverse impacts on public roadways. Existing roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise. Any new roads created as a result of the pipeline construction, intended to be permanent for maintenance and repair operations, shall be placed behind a locked gate or other barriers, preventing use by Recreational Vehicles. Any gates or barriers need to be consistent with the surface owner's preferences.

E. Air Contaminant Emissions.

Air contaminant emissions shall be in compliance with the applicable permit and control provisions of the Colorado Air Pollution Prevention and Control Act, C.R.S., Title 25, Article 7.

F. Water Quality Control Standards.

All operations shall comply with all applicable CDPHE Water Quality Control Standards.

G. Reclamation Plan.

The proposed Reclamation Plan shall provide for a reasonable reclamation schedule in light of the specific surface use and surrounding land uses, and may require recontouring and revegetation of the surface to pre-disturbance conditions. The Director may also approve a plan for an alternative post-disturbance reclamation, provided the surface owner and the Applicant agree.

H. Removal of Abandoned Pipeline.

Should an abandoned pipeline be removed, it will be subject to the original revegetation and weed management requirements in the original application.

9-105. ENFORCEMENT

Enforcement, violations, and appeals are subject to all provisions of Article 12.

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Article 10: Nonconforming Land Uses and Structures

ARTICLE 10
NONCONFORMING LAND USES AND STRUCTURES

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ARTICLE 10: NONCONFORMING LAND USES AND STRUCTURES

10-101. APPLICABILITY.

This Article shall apply to all land uses, including divisions of land and signs, that do not conform to this Code as a result of either the adoption or amendment of this Code, or a final administrative or judicial decision precluding the County from enforcing this Code specific to a use on the basis of estoppels, laches, or waiver.

10-102. NONCONFORMING STRUCTURES.

A nonconforming structure may continue unless otherwise prohibited by the provisions of this Article.

A. Enlargement, Alteration or Repairs.

A nonconforming structure may not be altered, repaired, or enlarged in any way that would increase the degree of nonconformity with respect to the Floor Area, setback, or height.

B. Permissible Alterations of Nonconforming Structures.

Permissible alterations of nonconforming structures include:

1. Normal or routine maintenance.
2. Alteration or repairs to Historic Buildings so long as they are not judged by the Building Official to constitute a distinct life safety hazard.
3. An alteration or expansion that the Building Official determines to be necessary to rectify a hazardous health or safety situation, or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure.
4. Any replacement of existing outmoded or worn equipment provided such activity does not create a hazard or nuisance as identified in section 10-103.A.4.
5. An alteration or expansion necessary to comply with applicable ADA accessibility codes and/or statutes.
6. The addition of a solar energy device to a nonconforming structure or a structure containing a nonconforming use.

C. Structure Deemed Destroyed.

A nonconforming structure or structure containing a nonconforming use shall be deemed destroyed when either greater than 50% of its Floor Area, or greater than 50% of its actual value, as determined by the Garfield County Assessor, is destroyed. A destroyed nonconforming structure shall not be reconstructed. Any nonconforming use within a destroyed structure shall be discontinued.

D. Restoration of Structure.

Unless deemed destroyed per section 10-102.C., a nonconforming structure may be restored and an existing nonconforming use may be reestablished, subject to the following:

1. Restoration shall be subject to Building Permit requirements.
2. Restoration must be commenced, as demonstrated by the receipt of a Building Permit, within 12 months after the date on which the structure was damaged or destroyed, and completed within the time granted by the

Building Permit. Upon approval by the BOCC in a Public Meeting, these times may be extended for a reasonable period upon a showing of extraordinary circumstances by the property owner or the owner's agent.

10-103. NONCONFORMING LAND USE.

A. Enlargement, Expansion, Extension or Alteration.

The right to continue a nonconforming land use terminates immediately when:

1. It is enlarged, expanded, extended, or altered.

2. An addition of a new structure is built that either contains, or is accessory to, the nonconforming land use.

3. A conforming structure containing, or accessory to a nonconforming land use, may not be enlarged, altered, or expanded in a manner that would increase the nonconformity of the land use.

4. Any change of a nonconforming land use to a different use, for any period of time, shall immediately terminate the right to continue the nonconforming land use.

5. It is determined abandoned pursuant to section 10-105.A.

B. Permissible Alterations of Nonconforming Land Uses.

The following are permissible alterations of a nonconforming land use:

1. Normal or routine maintenance of the structure containing the nonconforming use;

2. A change in ownership of the property upon which the nonconforming land use is located.

3. Owners of legal building lots containing agricultural uses which have become nonconforming as a result of adoption or amendment of this Code may restore, modify, and maintain existing conforming structures, and may construct new conforming structures, provided such structures are directly related to the agricultural use. The replacement of a Mobile Home that is also a nonconforming use by another Mobile Home on the same lot, provided that the replacement Mobile Home conforms to the Building Code.

4. A legal but nonconforming lot created prior to October 13, 2008, may be built upon with a conforming structure.

10-104. ABANDONMENT, TERMINATION, AND ENFORCEMENT.

A. Abandonment.

The right to continue a nonconforming land use shall terminate if the land use is determined to be abandoned through either of the following actions:

1. A nonconforming land use shall be determined abandoned if the use is discontinued for an uninterrupted period of 2 years or more, as a result of causes within the control of the property owner or their agent, unless the use is governed by section 10-102.D.2.

2. A nonconforming land use may be determined abandoned if the property owner expressly states in writing to the Director the intent to abandon the land use, or engages in action which unambiguously expresses the intent to abandon.

B. Written Notification.

In the event that the Director receives information that the right to continue a nonconforming land use has been or may have been terminated, excluding in the case of abandonment, the Director shall provide a written notification of this determination by certified mail, return receipt requested, to the property owner, and to the parcel address, all as shown on the records of the County Assessor.

C. Determination in Error and Appeal.

1. The property owner shall have 30 calendar days after the date of the notification within which to provide evidence satisfactory to the Director to show that the determination is in error, to abate the illegal enlargement or alteration, or to file an appeal of the Director's determination to the BOCC.

2. In any appeal, the property owner shall have the burden to show that the right to continue the nonconforming use was not terminated according to the applicable provisions of this Article, when judged in light of the history and nature of the use and the circumstances of the alleged termination.

D. Right to Bring Enforcement Action.

1. Nothing in this Code shall alter or diminish the County's right to take enforcement action pursuant to Article 12 against the unlawful continuation of a nonconforming land use.

2. Except in the case of an illegal enlargement or alteration for which the owner is provided with a 30-day opportunity to abate, any failure by the Director to provide notification of a determination of termination shall in no way entitle the property owner to continue or resume a nonconforming use terminated under provisions of this Code.

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GARFIELD COUNTY, COLORADO

Article 11: Signs

ARTICLE 11
SIGNS

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ARTICLE 11: SIGNS

DIVISION 1. GENERAL PROVISIONS.

11-101. APPLICABILITY.

A. General.

This Article applies to the display, construction, erection, alteration, use, maintenance and location of all signs within the unincorporated areas of Garfield County.

B. Sign Permit Required.

Unless specifically exempted by provisions of this Code, all signs require a Sign Permit, issued by the Building Official, prior to installation or placement.

C. Sign Size Measurement.

The area of a sign shall be measured as the sum of all Sign Faces, except where a sign has 2 parallel display faces, in which case the area of 1 side shall be considered the total area of signage for that sign.

11-102. EXEMPT SIGNS AND STANDARDS.

The following signs are allowed in all zone districts and do not require a Sign Permit. Exempt signs shall be subject to compliance with the Building and Electrical Code and the provisions within section 11-202, General Sign Standards.

A. Government Sign and Notice.

1. Government signs for local, State, and Federal agencies, such as "Neighborhood Watch" signs and COGCC required signs.
2. Official government notices posted by government officers in the performance of their duties or by a landowner required to post a notice by government officials.

B. Signage for Hazardous or Dangerous Conditions.

1. Temporary or permanent signs erected by a Public Utility company or construction company to warn of dangerous or hazardous conditions.
2. Warning signs such as "No Trespassing," "Danger," and "Do Not Enter."

C. Building Identification and Commemorative Sign.

Building name, date of construction, monumental citations, and commemorative tablets when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent-type construction and located as an integral part of the structure.

D. Structural Maintenance and Changes to Advertising Copy.

Painting, repairing, and cleaning of a sign or changing the advertising copy or message on an advertising structure, unless a structural change is made to the sign.

E. Residential Sign.

Identification signs for individual places of residence.

F. Vehicle Signs and Advertising Device.

Signs permanently affixed to a vehicle or trailer with current registration, such as advertisements painted on trucks and cars.

G. Art Display.

Works of art which do not serve to identify a product or business and which are not displayed in conjunction with a commercial enterprise that may benefit or realize direct commercial gain from the display.

H. Directional Traffic Sign.

Directional traffic signs that do not carry any commercial messages or advertisements.

I. Signs Identifying a Place of Religious Assembly.

Signs identifying a building as a place of religious assembly or as a religious institution, provided that the sign is not larger than 90 square feet in the RMHP, RS, RU and R zone districts, or 150 square feet in a nonresidential zone district.

J. Ideological Sign.

Signs expressing philosophical concepts, including religious and political signs provided that the sign is not larger than 5 square feet in the RMHP, RS, and RU zone districts, or 32 square feet in any other zone district.

11-103. TEMPORARY SIGNS AND STANDARDS.

The following Temporary Signs are allowed in all zone districts and do not require a Sign Permit, so long as they comply with the standards in section 11-103, Temporary Signs and Standards; section 11-203, Sign Table; section 11-202, General Sign Standards, and the Building and Electrical Code. Temporary Signs, excluding decorations and displays, shall not be illuminated and shall not exceed 10 feet in height and 32 square feet in size, unless otherwise noted.

A. Construction Sign.

On building construction sites, individual signage for the participating building contractors, subcontractors, participating professional firms, participating lending institution, and property owners on the construction site. The total square footage of all signs on a site shall not exceed 32 square feet. All signs shall be removed no later than 7 days after the completion of the project or the issuance of the Certificate of Occupancy.

B. Political Campaign Sign.

Signs announcing candidates seeking public office and signs relating to ballot issues. Political Campaign Signs shall be removed no later than 7 days after the election for which they are intended.

C. Real Estate Signs.

One Real Estate Sign per street frontage of the lot being offered for sale, rent, or lease. The Real Estate Sign shall be removed no later than 7 days after the closing of the real estate conveyance.

D. Garage Sale Signs.

Garage sale sign shall not exceeding 6 square feet of Sign Area and shall be installed not more than 7 days prior to and 2 days after the garage sale.

E. Community Event and Non-Profit Fund Raising Signs.

Signs announcing any public, charitable, educational, or religious event or function, and shall be installed for a period of not more than 21 days prior to and 2 days after the event.

F. Temporary Decorations and Displays.

Temporary decoration or displays which that are clearly incidental to and are customarily associated with any national, state or local, event, holiday, or celebration.

DIVISION 2. SIGN PERMIT APPLICATION AND PROCEDURES.

11-201. PROCESS.

A. Application Materials.

Any application for a Sign Permit shall include the following materials. The Building Official may require additional materials or information as deemed necessary to properly evaluate the proposed sign.

1. The application for a Sign Permit and payment of the required fee shall be made by the owner or owner's authorized agent of the property on which the sign is to be located. Application shall be made on forms provided by the Building Official.
2. A scale drawing of the proposed sign that includes exact dimensions and area calculations, text, and color and materials proposed for the sign.
3. A Site Plan, drawn to scale, showing the proposed location and orientation of the sign, including all public rights-of-way and easements of record that may affect or be affected by the location of the proposed sign.
4. A detailed description of illumination including target illumination levels, hours of operation, control methods, lamp and lumens information, and manufacturer description.

B. Review and Approval.

1. Within 10 business days of receiving an application for a Sign Permit, the Building Official shall determine whether the application is complete.
2. Within 10 business days of the application being determined complete, the Building Official shall issue a permit, issue a permit with conditions, or provide written notice to the Applicant denying the application and identifying the specific standards that were not met.
3. The Applicant for a Sign Permit may apply to the Board of Adjustment for a variance from provisions of this Code pursuant to section 4-115, Variance.

C. Appeal.

The decision issued by the Building Official may be called-up to the BOCC pursuant to section 4-112.

D. Amendment.

Any modification or deviation from the terms or conditions of an approved Sign Permit is prohibited unless the Building Official has determined the modification to be minor and has approved the changes. If the modification is a substantial modification, in that it changes the size, structure or lighting, the Applicant shall submit a new sign permit application.

11-202. GENERAL SIGN STANDARDS.

A. Location.

1. One sign may be allowed per lot street frontage, unless otherwise permitted by this Code.

2. The sign identifies or advertises the legally-established use of the lot on which the sign is located.

3. A sign shall be located upon the property or business identified or advertised by the sign,

4. The sign is located entirely on private property and shall not be located in a public right-of-way or easement.

B. Illumination.

1. All signs, excluding temporary decorative holiday lighting, shall have shielded and covered light bulbs and shall not blink or flash.

2. Illuminated signs shall not cause glare or otherwise adversely impact residential areas.

3. The light from any sign illumination source shall not create a traffic hazard to operators of motor vehicles.

C. Safety.

1. Signs shall not prevent free ingress or egress from any door, window, or fire escape. No sign shall be attached to a standpipe or fire escape, except those signs that may be required by other codes, regulations, or ordinances for public safety.

2. Signs shall have sufficient horizontal and vertical clearance from authorized communication or energized electrical power lines as prescribed by State law or as required by the utility provider.

3. No signs shall create an obstruction for traffic or create any hazard for motorists, cyclists, or pedestrians, including:

   a. Signs shall not impair visibility in the public right-of-way, or be located within a Clear Vision Area in section 7-303.I.

   b. Signs shall not obstruct or interfere with traffic signs or signals. They shall not imitate an official traffic sign or signal or contain the words “stop,” “slow” or other similar words.

   c. Signs shall not be of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic-control device.

4. All signs shall be structurally safe, not hazardous, comply with the Building and Electrical Code, and meet the following criteria:

   a. Signs over 10 feet in height and/or 40 square feet in surface area shall be engineered to withstand wind loading. Roof Signs, signs mounted on marquees, or projecting signs shall be engineered in such a manner that no guy wires are needed.

   b. Electrical wiring for the sign shall be underground in the case of Freestanding signs, and behind the sign cabinet in the case of wall or projecting signs.

   c. Anchors and supports shall be protected when near driveways, parking lots, or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied. No anchor or support of any sign, except flat Wall Signs, shall be connected to or supported by a parapet wall that is not braced.

D. Content.

A sign shall not be of an obscene, indecent, or immoral character that will offend public morals or decency, based upon constitutional standards.

E. Dimensions.

The size and height of the sign complies with standards in section 11-203, Sign Table.

11-203. SIGN TABLE.

The sign table details the regulatory provisions for signs in each zone district. Definition of the terms identifying types of signs and structural types of signs is set forth in Article 15, Definitions.

Table 11-203: Sign Table

Zoning District	Structural Types of Signs	Sign Type					Max. Height (feet)	Max. Sign Area per Face (square feet)	Additional Requirements
		Business	Construction	Identification	Identification, Joint	Temporary			
R	Freestanding	X	X	X	X	X	20	90	
	Wall	X	X	X	X	X	Height of Wall	32	2 square feet per lineal foot of building frontage not to exceed max. sign area.
	Projecting	X	X	X	X				
	Suspended	X	X	X	X				
	Roof	X	X	X	X		Peak of Roof		
RS/RU	Freestanding		X	X		X	4	32	Freestanding Signs are for subdivision identification only. Temporary Signs shall not exceed 4 feet in height and 6 square feet in Sign Area.
	Wall		X	X		X	N/A	2.5	Temporary Signs shall not exceed 4 feet in height and 6 square feet in Sign Area.
CG/CL	Freestanding	X	X	X	X	X	30	150	
	Wall	X	X	X	X	X	Height of Wall	60	2 square feet per lineal foot of building not to exceed max. Sign Area.
	Projecting	X	X	X	X				
	Suspended	X	X	X	X				
	Roof	X	X	X	X		Peak of Roof		
RLGS	Freestanding	X	X	X	X	X	20	90	
	Wall	X	X	X	X	X	Height of Wall	32	2 square feet per lineal foot of building frontage, not to exceed max. Sign Area.
	Projecting	X	X	X	X				

Table 11-203: Sign Table									
Zoning District	Structural Types of Signs	Sign Type					Max. Height (feet)	Max. Sign Area per Face (square feet)	Additional Requirements
		Business	Construction	Identification	Identification, Joint	Temporary			
	Suspended	X	X	X	X				
	Roof	X	X	X	X		Peak of Roof		
RLP	Freestanding	X	X	X	X	X	15	50	
	Wall	X	X	X	X	X	Height of Wall	32	2 square feet per lineal foot of building frontage not to exceed max. Sign Area. Temporary Signs shall not exceed 5 feet in height and 32 square feet in Sign Area.
	Projecting	X	X	X	X				
	Suspended	X	X	X	X				
	Roof	X	X	X	X		Peak of Roof		
PA	Freestanding	X	X	X	X	X	30	150	All signs subject to Airport Director approval.
	Wall	X	X	X	X	X	Height of Wall	180	2 square feet per lineal foot of building frontage not to exceed max. Sign Area. A Wall Sign shall be allowed on the runway and public access side of each building. All signs subject to Airport Director approval.
	Projecting	X	X	X	X				

DIVISION 4. MAINTENANCE, INSPECTION, AND ENFORCEMENT.

11-401. OBSOLETE SIGNS.

A. Applicability.

An obsolete sign is a sign that:

1. Is located on a property that advertises a business, event, etc. that moves, closes, or becomes vacant or unoccupied for a period of 6 months or more, or

2. Pertains to a time, event, or purpose that no longer applies.

B. Removal.

The Sign Face of an obsolete sign shall be removed by the owner of the sign or the owner of the property. A sign that is not removed by the owner may be removed by the Building Official, as authorized in this Code provided, that the following types of signs shall be excepted from these provisions:

1. Exception for Change of Ownership. Signs displayed on a business temporarily suspended because of a change of ownership or management of the business shall not be construed to be obsolete unless the property remains vacant or the business is closed for a period of 12 months or more.

2. Exception for Seasonal Business. Permanent signs displayed on a business that is open only on a seasonal basis shall not be construed to be obsolete unless the property remains vacant or the business is closed for a period of 12 months or more.

11-402. NONCONFORMING SIGNS.

A. Legal Nonconforming Signs.

The burden of establishing a sign to be a legal nonconforming sign under this Code shall rest entirely upon the owner. Signs legally erected prior to adoption of this Code and lawfully maintained in accordance with the provisions of prior regulations, but that do not conform with the provisions of this Code, shall be allowed to continue under the following conditions:

1. The nonconforming sign shall not be structurally altered in any manner that increases the nonconformity of such sign.

2. The nonconforming sign shall not be relocated or replaced in manner that continues the nonconformity.

B. Termination of Legal Nonconforming Signs.

1. Abandonment. Legal nonconforming signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises within 6 months after the associated activity or occupant has vacated the premises. Any such sign not removed within the required period shall constitute a violation of this Code and shall be subject to removal by the County.

2. Failure to Maintain. The right to continue use of a legal nonconforming sign shall terminate if the sign is not maintained in compliance with the maintenance requirements set forth in section 11-403, Maintenance.

3. Violations. Any violation of this Code or the prior regulations under which a legal nonconforming sign has been permitted shall immediately terminate the right to continue use of the nonconforming sign. The BOCC

may choose to condemn a legal nonconforming sign found to be in violation of this Code. Recommendations for condemnation shall be made by the Building Official to the BOCC in compliance with the procedures set forth in this Code.

11-403. MAINTENANCE, INSPECTION AND ORDER TO REPAIR.

A. Maintenance.

Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame, and fastenings free from deterioration, insect infestation, rot, rust, or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or constructed of rust resistant metals.

B. Inspection and Authority for Order to Repair.

The Building Official shall inspect and shall have the authority to order the repair, alteration, painting, or removal, at the owner's expense, of any sign that constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

11-404. REMEDIES.

A. Removal of Abandoned or Obsolete Sign.

If, upon inspection, the Building Official finds that a sign has been abandoned, a written order shall be issued to the owner of the sign and/or property owner stating the violation and requiring that the sign be removed within 10 days of receipt of the order.

B. Health, Safety and Welfare.

In cases of emergency, the Building Official may cause the immediate removal of any sign that endangers the public or is structurally, materially, electrically, or otherwise defective, without notice, at the expense of the owner of the sign or premises.

11-405. ENFORCEMENT AND PENALTIES.

Violations of this Article are subject to the applicable enforcement and penalty provisions set forth in Article 12, Enforcement, Violation and Penalties.

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GARFIELD COUNTY, COLORADO

Article 12: Enforcement, Violations, Penalties and Appeals

ARTICLE 12
ENFORCEMENT, VIOLATIONS, PENALTIES AND APPEALS

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ARTICLE 12: ENFORCEMENT, VIOLATIONS, PENALTIES, AND APPEALS

12.101. ENFORCEMENT AUTHORITY.

Provisions of this Code shall be enforced by the BOCC and their authorized staff utilizing all authority granted under Colorado law.

12-102. VIOLATIONS.

A. Land Use Approvals.

It shall be unlawful to use real property or the improvements on real property to undertake the development of real property; to erect, construct, reconstruct, remodel, restore, or improve a building or structure; to excavate land; or to alter or change the use of any real property or improvements on real property, within unincorporated Garfield County in a way inconsistent with, not in accordance with, or not specifically allowed by this Code and without first obtaining all land use approvals or permits required by this Code.

B. Building Permits.

It shall be unlawful to use real property or the improvements on real property to undertake the development of real property; to erect, construct, reconstruct, remodel, restore, or improve a building or structure; to excavate land; or to alter or change the use of any real property or improvements on real property, within unincorporated Garfield County in a way inconsistent with, not in accordance with, or not specifically allowed by the Building Code and without first obtaining a Building Permit in accordance with the provisions of this Code and the Building Code of the County.

C. Conditions of Approval.

It shall be unlawful to use real property or the improvements on real property to undertake the development of real property; to erect, construct, reconstruct, remodel, restore, or improve a building or structure; to excavate land; or to alter or change the use of any real property or improvements on real property, within unincorporated Garfield County in a way inconsistent with, or not in accordance with the terms and conditions of any land use approval or Building Permit granted by the BOCC, its staff or authorized agents pursuant to the terms of this Code.

D. Subdivisions.

1. In addition to the violations set forth above, any owner, subdivider, or agent of a subdivider who transfers or sells any property within a Subdivision before a Final Plat has been approved by the BOCC and filed and recorded by the Clerk and Recorder shall have violated the terms of this Code.

2. Any owner, subdivider, or agent of a subdivider who improves, sells, or develops real property within a Subdivision in a manner that is inconsistent with and not permitted by the Subdivision improvements agreement authorizing the development of such Subdivision, shall be deemed to have violated the provisions of this Code.

E. Sign Permits.

It shall be unlawful to display, construct, alter, use, maintain or locate a sign within unincorporated Garfield County in a way inconsistent with, not in accordance with, or not

specifically allowed by this Code and without first obtaining all land use approvals or permits required by this Code.

F. Developments in Areas and Activities of State Interest.

Per C.R.S. § 24-65.1-101 *et seq*., it shall be unlawful to use any real property or the improvements on real property to undertake the development of real property; to erect, construct, reconstruct, remodel, restore, or improve a building or structure; to excavate land; or to alter or change the use of any real property or improvements on real property within unincorporated Garfield County in a way inconsistent with, not in accordance with, or not permitted by those regulations of this Code specifically directed to controlling development in areas or activities of State interest.

G. Continuing Violations.

Each day during which any violation of this Code or any part hereof continues shall be deemed a separate offense and violation.

12-103. ENFORCEMENT PROCEDURES.

A. Authority.

The County Enforcement Officials and the Garfield County Attorney are hereby delegated the power to enforce all provisions of this Code, the Building Code, and the regulations of areas and activities of State interest including, without limitation, any condition imposed on an approval, and may utilize any remedies authorized under Colorado law or the provisions of this Article.

B. Notice of Violation.

Whenever the Enforcement Officials have personal knowledge of any violation of this Code, such person shall give written notice of violation to the purported violator to correct or cease and desist from continuing the violation. An immediate order to cease the violation shall be tendered in the case of a severe risk to health, safety, and welfare of other citizens, but in no event shall a correction period longer than 10 days be granted by the Enforcement Officials for correcting the violation.

C. Required Removal of Improvements.

The Enforcement Officials, in the notice of violation set forth above, are hereby authorized to require the immediate removal of all fixtures, utilities, appliances, structures, or other improvements or to require the removal or restoration of any other development, or cessation of use when such use or development is not permitted by the provisions of this Code, or when such development violates the terms and conditions of an existing approval, including the terms of an improvements agreement. If compliance with requested removal or cessation of activities is not achieved, an Enforcement Official may proceed with criminal or civil enforcement or both as set forth below. Such action may be taken with the assistance and concurrence of the County Attorney.

D. Revoking and Withholding Building Permits.

1. In the event that an Enforcement Official has personal knowledge of any violation of this Code or the Building Code, or other regulations set forth herein, the Official may revoke any Building Permit that has been issued for improvements of the subject property where the violation is known to exist.

2. In the event that an Enforcement Official has knowledge of any violation of this Code, the Building Code, or other provisions of this regulation, no land use approvals or Building or other Development Permits shall be issued with respect to the property where the violation is believed to exist during the period of such violation. The BOCC may suspend or revoke any existing land use approvals for the property where the known

violation exists, subject to conducting a properly noticed hearing where such hearing would be required for the land use approval that is the subject of the revocation, following the same process and notification required to obtain such original approval.

E. Withdrawal of Development Permit.

If an activity or development permitted by a Development Permit is not operated in strict compliance with the terms and conditions attached to that permit, that Development Permit may be withdrawn utilizing the same procedures and same period of notification required to obtain the original approval for such Development Permit.

F. Forfeiture of Vested Property Right.

1. If a Site Specific Development Plan is approved with conditions, the failure to abide by the terms and conditions of approval may result in a forfeiture of vested property right, and may result in revocation or suspension of the approval.

2. Forfeiture of a vested property right and revocation or suspension of a development approval shall be by resolution of the BOCC after Public Hearing in accordance with this section, as well as the provisions of section 12-106.A., Takings Determinations. Notice of the hearing shall be published and mailed to the owner of applicable real property in accordance with that section.

3. Any hearing conducted for forfeiture of a vested property rights shall also be considered a hearing for final determination of any allegations or claims concerning a taking of property without just compensation and such claim shall be resolved under this section, as well as the provisions of section 12-106.A., Takings Determinations.

G. Criminal Enforcement.

Should the noticed violator fail to correct the noticed violation within the required time period, an Enforcement Official may request that the Garfield County Sheriff issue a summons and complaint to the violator stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. In all respects, the Enforcement Official, together with the Garfield County Sheriff, shall comply with the provisions of C.R.S. § 30-28-124.

H. County Court Civil Penalty.

The Garfield County Attorney may elect to pursue remedies under either C.R.S. § 30-28-124, , or C.R.S. § 30-28-124.5, seeking imposition of criminal penalties, civil penalties, or both. In the event that the County follows the provisions of C.R.S. § 30-28-124.5, County officials shall comply with the provisions of that section.

I. Civil Enforcement.

Notwithstanding the listing of enforcement powers in this Article, and in addition to those powers, in the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is proposed to be used in violation of this Code or in a manner not specifically permitted by this Code or the Building Code, the County Attorney, in addition to other remedies provided by law, may institute a request for injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use. The County Attorney may proceed with such civil enforcement after authorization by the BOCC. Such action by the County Attorney may include any request for declaration and relief under an improvements agreement.

J. Subdivision Enforcement.

In addition to any other enforcement powers set forth in this Article, the BOCC shall have the authority to bring an action to enjoin any owner, subdivider, or agent of a subdivider from selling land before a Final Plat for such subdivided land has been approved by the BOCC and recorded with the County Clerk and Recorder. Additionally, the BOCC or any purchaser of any lot or parcel of land subject to a Plat restriction that is part of an approved Subdivision subject to a Subdivision improvements agreement, upon on the sale, conveyance, or transfer of title, shall have the authority to bring an action against a subdivider or agent of a subdivider to compel enforcement of the improvements agreement. Such authority shall include the right to compel rescission of the sale, conveyance, or transfer of title of any lot(s) or tract(s) of land contrary to the provisions of any Plat restriction or any separate recorded instrument and shall include the power to vacate any approved Plat as such Plat concerns any property that has not been conveyed to ownership separate from the subdivider or subdivider's agent.

K. Areas and Activities of State Interest.

For any area designated as an area of State interest or for any activity designated as a matter of State interest for which a permit is required by this Code, the BOCC may seek to enjoin any development in such designated area or designated activity by any person who has not obtained the required permit.

12-104. PENALTIES.

A. Criminal Penalties.

Any person convicted of violating any provision of this Code shall be guilty of an offense as set forth in C.R.S. § 30-28-124, and shall be subject to all fines and penalties as set forth therein.

B. Civil Penalties.

Any person found to have violated any provision of this Code shall be subject to the imposition of a penalty as set forth in C.R.S. § 30-28-124.5, and the property that is the subject of the penalty shall be subject to the lien set forth therein.

C. Civil Cause.

Any person found to have violated any provision of this Code, any conditions imposed pursuant to this Code, or any agreement required by this Code, shall be subject to the payment of all costs, fees, and expenses incurred by the County in abating such violation.

12-105. INSPECTION.

The Enforcement Officials and their designated agents are hereby authorized to inspect any lands, buildings, or improvements to determine if such are in compliance with this Code or any Building Code. Any official performing such inspection shall abide by all laws of search and seizure as set forth by Federal and State statutory and constitutional provisions.

12-106. DECISION REVIEW.

A. Takings Determinations.

1. General. As a prerequisite to any appeal, defense of, or judicial review of a decision, a property owner who is an Applicant for a Development Permit, who believes he is adversely affected or aggrieved by a determination by the Planning Commission, BOCC, or Director and who believes or contends that the determination constitutes a taking of all economically beneficial use of private property without just compensation, in violation of the United States or Colorado Constitutions, or a taking of a

vested property right, shall request a hearing before the BOCC pursuant to this section.

2. Process for Appeal. An appeal shall be submitted to the Community Development Department no later than 15 days from the date of the decision that the Applicant believes constitutes a taking. The BOCC shall conduct a hearing within 45 days of the receipt of a written appeal request Within 15 days after such hearing, the BOCC shall render its decision. The hearing shall be conducted as an open Public Meeting. The BOCC shall provide written notification to the Applicant of such hearing at least 3 calendar days but not more than 10 calendar days prior to the date of the hearing. Such notification shall be tendered by either personal service of notice or mailing by certified United States mail.

3. Applicability. In the event an Applicant appeals under this section, the determination on the underlying application shall not be considered final for purpose of judicial review until the takings appeal has been decided by the BOCC.

4. Standards. The BOCC shall determine whether the property owner will be denied all reasonable use and economic return or will be denied all use of a vested property right as a result of the questioned determination. In making its decision, the BOCC shall consider the value of the property as a whole or the existence of a demonstrated vested property right. The BOCC shall also consider the beneficial uses that remain in the property, notwithstanding the challenged determination, and shall give due consideration to the reasonable investment expectations of the landowner, unless such claim involves a taking of a vested property right.

5. Relief. If the BOCC determines that a taking has or may occur, it shall take such action as it deems appropriate to remedy the situation which may include awarding the relief that would be available pursuant to the Code. If such relief requires consideration at a Public Hearing, the BOCC shall establish such hearing with appropriate required notifications. The BOCC shall determine who shall bear the cost of such notification for any required Public Hearing based upon equitable considerations.

6. Qualified Experts. The BOCC may, in its discretion, seek the assistance of qualified experts in evaluating the information submitted and the opinions of the property owner regarding the alleged taking.

B. Regulatory Impairment of Property Rights.

If a property owner elects to file a notice of regulatory impairment of property rights pursuant to C.R.S. § 29-20-203, the following shall apply:

1. The BOCC shall consider such notice rendering a decision as required by C.R.S. § 29-20-204 at a Public Meeting within the time frame required by that section.

2. Consideration of that notice shall be a final determination under the provisions of this Article with no further or additional right to appeal the determination to the BOCC.

3. Any decision rendered by the BOCC under C.R.S. § 29-20-204 shall be considered final for purposes of subsequent judicial review, which review shall be limited as provided by that statute.

C. Appeals.

1. Board of Adjustment.

a. The Board of Adjustment will consider appeals of administrative interpretations entered by Enforcement Officials consistent with the provisions of Section 1-203.

b. The Board of Adjustment shall hear appeals concerning requests for variance to the Code consistent with the provisions of Section 1-203.

2. BOCC and Planning Commission. Appeals from final decisions of the BOCC and the Planning Commission shall be conducted pursuant to appropriate provisions of the Colorado Revised Statutes and the Colorado Rules of Civil Procedure.

12-107. PARTIES OF INTEREST.

For the purpose of determining the ability to seek judicial review of a decision resulting from a quasi-judicial hearing, the parties in interest who may seek such review shall be limited to those individuals or entities entitled to receive written, mailed notification of the hearing that led to the contested decision. Although all individuals or entities may participate in a quasi-judicial Public Hearing, only those individuals and entities shown by the record of that proceeding as those with a right to receive such written, mailed notification shall be recognized as parties in interest for the purpose of any subsequent judicial review of the action emanating from such hearing.

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GARFIELD COUNTY, COLORADO

Article 13: Financial Guarantee

ARTICLE 13
FINANCIAL GUARANTEE

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ARTICLE 13: FINANCIAL GUARANTEE

13-101. FINANCIAL GUARANTEE AND IMPROVEMENTS AGREEMENT REQUIRED.

Before any Land Use Change Permit is approved under this Code, the BOCC may require the Applicant to file a guarantee of financial security payable to the County, and to execute an improvements agreement consistent with section 4-203.K. The purpose of the financial guarantee and improvements agreement is to ensure the following:

A. Completion of Project and Reclamation of the Property.
The project is completed, including reclamation of property to return the property to pre-existing conditions and remove structures to 1 foot below ground level.

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

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

D. Funds are Available to the County to Complete Project.
In the event that the project is suspended, curtailed, or abandoned, the County can complete the project and necessary improvements, or restore the property to its original condition or an acceptable condition at no additional cost to the County.

13-102. AMOUNT OF FINANCIAL GUARANTEE.

In determining the amount and type of the financial guarantee, the BOCC shall consider the following factors:

A. Project Completion and Reclamation.
The estimated cost of completing the project or returning the property to its original condition or to a condition acceptable to the County.

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

C. Estimated Cost.
The estimated cost shall be based on the Applicant's cost estimate as prepared by a qualified professional engineer. The BOCC may require, as a condition of the Land Use Change Permit, that the amount of financial security be adjusted based upon bids received for construction of the project in compliance with permit conditions and the following considerations:

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

13-103. GUARANTOR AND FORM OF FINANCIAL GUARANTEE.

A. Form.
The financial guarantee shall be in a form acceptable to the BOCC and shall be set forth in an improvements agreement executed by the County and the Applicant.

B. Guarantor or Surety.
If the form is a security such as a guarantee or letter of credit, the guarantor or surety shall be licensed to do business in Colorado. Should the license to do business in Colorado be suspended or revoked, the Applicant shall have 60 calendar days, or a time reasonable to the BOCC, after the BOCC receives notice thereof, to provide a substitute guarantee in a form and type acceptable to the BOCC. Should the Applicant fail to make a substitution either prior to a lapse in licensure or within the time allowed, the BOCC shall suspend the Land Use Change Permit until proper substitution has been made.

13-104. RELEASE OF GUARANTEE.

The financial guarantee may be released under any of the following conditions:

A. Surrender of Permit.
The Land Use Change Permit has been surrendered to the BOCC before commencement of any physical activity on the project site.

B. Project Abandonment.
The project has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County.

C. Satisfactory Completion.
The project has been satisfactorily completed as verified by a qualified professional engineer and approved by the BOCC.

D. Satisfactory Phase Completion.
A phase or phases of the project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with the project phasing, as verified by a qualified professional engineer and as agreed to in the improvements agreement.

E. Other Releases.
Other conditions permitting full or partial releases may be approved as set forth in the improvements agreement.

13-105. CANCELLATION OF THE FINANCIAL GUARANTEE.

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

13-106. FORFEITURE OF FINANCIAL GUARANTEE.

A. Notice and Response.
If the BOCC determines that a financial guarantee should be forfeited because of any violation of the Land Use Change Permit or improvements agreement, the BOCC shall provide written notice to the obligor or surety under any financial guarantee and to the permit holder.

1. The County shall send by certified mail, return receipt requested, a written notice of forfeiture of financial guarantee to the obligor or surety and to the permit holder. Notices shall be mailed to the last known address of the Applicant and of the obligor or surety and shall contain the following:

(a) The reason for forfeiture of the financial guarantee, specifying each permit violation with references to the section or sections of the Code violated;

(b) The permit holder's right to respond by request for a Public Hearing by the BOCC and notice of automatic forfeiture if the permit holder does not respond; and

(c) The deadline for response by the permit holder.

2. The permit holder may request a hearing by the BOCC by written request to the Director within 10 calendar days of receipt of the notice of forfeiture of financial guarantee.

(a) If the permit holder submits a timely request for hearing by the BOCC, the Director shall schedule a Public Hearing within 45 calendar days of receipt of the permit holder's request.

(b) If the permit holder does not submit a timely request for hearing by the BOCC, the BOCC may order the financial guarantee forfeited.

B. Public Hearing and Action by the BOCC.

1. At least 30 calendar days prior to the date of the scheduled Public Hearing before the BOCC, the County shall have published a notice of Public Hearing in a newspaper of general circulation in the project area.

2. At the Public Hearing the permit holder may present statements, documents, and other information for consideration by the BOCC with respect to the alleged violation(s) and forfeiture of financial guarantee.

3. The BOCC shall either withdraw the notice or enter an order for forfeiture of the financial guarantee.

C. Default and Use of Financial Guarantee.

The financial guarantee may be used by the BOCC in the event of default or allowed default of the permit holder, for the purposes of recovering on the guarantee or fulfilling the obligation(s) of the Land Use Change Permit holder. The County may arrange for the lending institution providing money for the permit holder to hold required funds in escrow. Funds shall be disbursed out of escrow by the lending institution to the County upon County's demand for the purposes set forth in this Article.

D. Inadequate Revenue and Cost Recovery.

If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County Attorney may take such steps as deemed proper to recover such costs where recovery is deemed possible.

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Article 14: Areas and Activities of State Interest

Article 14
AREAS AND ACTIVITIES OF STATE INTEREST

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ARTICLE 14: AREAS AND ACTIVITIES OF STATE INTEREST

DIVISION 1. GENERAL.

14-101. PURPOSE AND INTENT.

Upon enacting House Bill 1041 in 1974, the state legislature identified several general types of land areas and land use activities that could potentially affect "state interests." The law authorized counties to designate and regulate certain areas and activities within their respective jurisdictions that fall within those general categories of state interest. The purpose of this Article is to facilitate the identification, designation, and administration of matters of state interest consistent with the statutory requirements and the criteria set forth in C.R.S. § 24-65.1-101, *et seq*.

14-102. AUTHORITY AND SEVERABILITY.

A. Authority.

This Article is authorized by, *inter alia*, C.R.S. §§ 24-65.1-101, *et seq*.; 30-28-101, *et seq*.; 30-28-201, *et seq*.; 29-20-101, *et seq*.; and 24-32-111.

B. Severability.

If any section, subsection, sentence, clause, or phrase of this Article is, for any reason, held to be invalid or unconstitutional by a court of law, such decision shall not affect the validity of this Code as a whole or any part other than the part declared invalid.

14-103. APPLICABILITY.

This Article shall apply to the Designation and regulation of any area or activity of state interest wholly or partially in the unincorporated areas of Garfield County, whether on public or private land, that has been or may hereafter be designated by the BOCC.

A. Areas of State Interest.

1. Areas around Airports and Heliports. Specifically, the outer extremities of the Imaginary Surfaces for the particular Airport or Heliport, including all lands, water, airspace, or portions thereof which are located within this boundary. If the Noise Impact Boundary extends beyond the outer extremities of the Imaginary Surfaces, the Imaginary Surfaces shall be extended to incorporate the Noise Impact Boundary for purposes of this Article.

2. Areas around Rapid or Mass Transit Facilities, Terminals, Stations, or fixed guideways.

B. Activities of State Interest.

1. Efficient utilization of municipal and industrial water projects.

2. Site Selection and development of Solid Waste Disposal Sites except those sites specified in C.R.S. § 25-11-203(1), sites designated pursuant to Part 3 of Article 11 of Title 25, C.R.S., and hazardous waste disposal sites, as defined in C.R.S. § 25-15-200.3.

3. Site Selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems.

4. Site Selection and construction for Arterial Highways, Interchanges, and Collector Highways.
5. Site Selection and construction for Rapid or Mass Transit Terminals, Stations, or guideways.
6. Site Selection for public Airport or Heliport location or expansion.

14-104. EXEMPTIONS.

A. Statutory Exemptions.

This Article shall not apply to any development in the above identified areas or activities of state interest if any one of the following is true as of May 17, 1974:

1. The specific development or activity was covered by a current Building Permit issued by the County.
2. The specific development or activity was directly approved by the electorate of the State or the County, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity.
3. The specific development or activity is on land which has been finally approved, with or without conditions, for a PUD or land use similar to a PUD.
4. The specific development or activity is on land which was either zoned or rezoned in response to an application which specifically contemplated said specific development or activity.

14-105. INTERPRETATION WITH STATUTES, OTHER ENACTMENTS, AND COMPREHENSIVE PLAN.

A. More Restrictive Standards Apply.

Whenever the provisions of this Article are found to be inconsistent with the statutory criteria for the administration of matters of state interest, or any other resolution, ordinance, code, regulation, or intergovernmental agreement, the enactment imposing the more restrictive standards or requirements shall control.

B. Definitions.

All capitalized terms will have the meaning set forth in Article 15 or the meaning set forth in state law. In the event of a conflict between a Code definition and a state law definition, the state definition will control.

C. Compliance Matters.

Nothing in this Article exempts an Applicant from compliance with any other applicable County requirements or other State, Federal, or local requirements. Nor shall Federal, State, or local approval preempt or otherwise obviate the need to comply with this Article.

D. No Intent to Conflict.

This Article shall not be applied to create an operational conflict with any State or Federal law or regulations.

E. Coordinated Review and Permitting.

Any Applicant for a Permit under this Article that is also subject to the regulations of other State or Federal agencies may request that the County application and review process be coordinated with that of the other agency. The County will attempt to eliminate redundant application submittal requirements and will coordinate its review of the application with that of other agencies as appropriate. To the extent practicable and

appropriate, the County will also attempt to coordinate the terms and conditions of approval with that of other agencies.

14-106. PERMIT REQUIRED.

A. Permit Authority.

The BOCC shall serve as the Local Permit Authority. The BOCC shall exercise all powers and duties granted it by this Code.

B. Permit Required Prior to Engaging in Designated Activity or Development in Designated Area.

No person may engage in a designated activity of state interest, or engage in development in an area of state interest, without first obtaining either a permit (hereinafter "1041 Permit" or "Permit") or a "Finding of No Significant Impact" under this Article.

C. Term of Permit.

Approval of a 1041 Permit shall lapse after 12 months, unless:

1. Activities described in the Permit have substantially commenced; or

2. The BOCC specifies a different time period in which Building Permits must be obtained or activities must commence.

D. Renewal.

A 1041 Permit may be renewed following the same procedure for approval of a new application set forth in Division 4 of this Article. The BOCC may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with this Article.

E. 1041 Permit Not A Site Specific Development Plan.

1041 Permits issued under this Article shall not be considered to be a Site Specific Development Plan and no statutory vested rights shall inure to such permit.

DIVISION 2. DESIGNATION OF AREAS AND ACTIVITIES OF STATE INTEREST.

14-201. APPLICABILITY OF DESIGNATION PROCESS.

The Designation process set forth in this Article shall apply to the Designation of any matter of state interest after the effective date of this Code. The Designation process shall not apply to those matters of state interest designated by the BOCC prior to the effective date of this Code, which Designations shall remain in effect.

14-202. INITIATION OF DESIGNATION REQUEST.

Designations and amendments or revocations of Designations of areas or activities of state interest may be initiated by the BOCC.

14-203. DESIGNATION PROCESS.

A. Public Hearing by BOCC.

A request for Designation of an area or activity of state interest shall be considered by the BOCC at a Public Hearing.

1. Public Notice. The Director shall publish a notice of the Public Hearing at least 30 days and not more than 60 days before the hearing, in a newspaper of general circulation in the County. The notice shall include the time and place of the hearing, a general description of the Designation requested, and the place at which relevant materials may be examined.

B. Matters to be Considered at Designation Hearing.

At the Designation hearing, the BOCC shall consider such evidence as may appear appropriate, including the following considerations:

1. The intensity of current and foreseeable development pressures;
2. The reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
3. Boundaries of the proposed area of state interest; and
4. Conformity with the Comprehensive Plan.

C. Adoption of Designation and Regulations.

Within 30 days after completion of the Public Hearing, the BOCC shall take action by resolution to adopt, adopt with modifications, or reject the proposed Designation and Regulations interpreting and implementing its guidelines for an area or activity of state interest.

1. If the BOCC rejects the Designation and/or proposed Regulations, the BOCC may at its discretion regulate the matter under any other available land use control authority or it may reject regulation of the matter entirely.
2. The BOCC action shall be taken by resolution.
3. Upon adopting a Designation, the BOCC shall adopt Regulations for its administration.

D. Record of Designation Proceedings.

The record of decision shall include the following materials:

1. Certificate of publication of the Public Hearing notice;
2. The minutes of the Designation Hearing;
3. Written findings concerning each of the considerations set forth in section 14-203.B., Matters to be Considered at Designation Hearings; and
4. The recorded resolution adopting the Designation and Regulations.

DIVISION 3. REVIEW PROCESS FOR 1041 PERMIT.

14-301. COMMON REVIEW PROCEDURES.

A. Consultants and Referral Agencies.

The following provisions apply to all 1041 Permit applications.

1. Consultant and Referral Agency Review. The Director may authorize all or a portion of the review of an application to be performed by an outside consultant, and may request comment by referral agencies pursuant to section 4-101.C., Review by Referral Agency.
2. Applicant Responsible for Review Fees. The costs of consultant and referral agency reviews are the responsibility of the Applicant. The costs of consultant and referral agency reviews shall be paid pursuant section 4-101.C., Review by Referral Agency, and section 4-101.D., Evaluation by Director/Staff Review.

B. Pre-Application Conference.

An application for a 1041 Permit shall begin with a pre-application conference between the Applicant and the Director or staff.

1. Procedure. The Applicant shall make a request for a pre-application conference through the Community Development Department. At the conference, the Director shall explain the regulatory process and requirements and begin to evaluate the appropriate level of review.

a. Scheduling of Pre-Application Conference. The Director shall schedule a pre-application conference to be held within 20 days of receipt of a request for a pre-application conference.

b. Materials. At or before the pre-application meeting, the Applicant shall submit a brief explanation of the proposed project, including the following materials:

(1) The Applicant's name, address, and phone number.

(2) Map prepared at an easily readable scale showing:

a. Boundary of the proposed activity;

b. Relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams, and existing structures; and

c. Proposed building, improvements, and infrastructure.

(3) Written summary of the project that is sufficient for determining the appropriate level of review.

c. Participants. In addition to the Community Development Department staff, participants in the pre-application conference shall include appropriate staff to address potential issues raised by the proposed project.

C. Determination of Level of Permit Review.

There are 3 possible levels of Permit Review for a proposed project. The Director shall make the initial determination of the appropriate level of Permit Review within a reasonable time following the pre-application meeting and submittals. The Director shall notify the BOCC of the level of review within 5 days of the determination.

1. Finding of No Significant Impact. Based upon review of the pre-application submittals and the information obtained at the pre-application meeting, the Director may make a Finding of No Significant Impact and determine that a 1041 Permit is not necessary.

a. The Director may make a Finding of No Significant Impact if the construction or operation of the activity, without Mitigation, in its proposed location is unlikely to have any significant adverse impact to the County. The Director's decision shall take into consideration the approval standards set forth in Division 5 of this Article.

2. Major and Minor Permit Review. If the Director does not make a Finding of No Significant Impact, then the Director shall determine whether the proposed project should be subject to the Major Permit Review or Minor Permit Review provisions of this Article.

a. Major Permit Review. The Director shall determine that Major Permit Review is required if:

(1) The proposed project is likely to have a significant adverse impact in 2 or more categories of standards as described Division 5, 1041 Permit Approval Standards; or

(2) The proposed project is likely to have severe adverse impact in any 1 category of standards as described in Division 5 of this Article, 1041 Permit Approval Standards.

b. Minor Permit Review. If the proposed project does not warrant Major Permit Review, then it will be processed as a Minor Permit Review.

D. Call-up of Director's Level of Review Determination.

1. Call-up by the Board. The BOCC may, at its discretion, call-up the Director's determination at the next regularly-scheduled meeting of the BOCC for which proper notice by inclusion on the BOCC agenda can be accomplished, following the date of written notice of the determination of level of Permit Review. The BOCC may approve, modify, or reject the Director's determination based on the criteria in section 14-301.C.

2. Request for Call-up**.** Within 10 days of the date of written notice of the Director's determination, the Applicant may request that the BOCC call up the determination at its next regularly-scheduled meeting for which proper notice can be accomplished by inclusion on the BOCC agenda. The BOCC may approve, modify, or reject the Director's determination based on the criteria in section 14-301.C.

E. Change in Level of Permit Review.

At any time prior to the final decision by the BOCC, the County may decide that information received since the pre-application conference indicates that the nature and scope of the impacts of the proposed project are such that a different level of review is required. If a different level of review is required, the Director shall immediately notify the Applicant, the BOCC, and the County Attorney.

F. Determination of Completeness.

Within 30 business days of receipt of the application materials, the Director shall determine whether the application is complete based on compliance with the submittal requirements set forth in section 14-401, Description of Submittal Requirements.

1. Application is Not Complete. If the application is not complete, the Director shall inform the Applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the Applicant fails to correct the deficiencies within 60 calendar days, the application shall be considered withdrawn and returned to the Applicant.

2. Application is Complete. If the application is complete, the Director shall certify it as complete and stamp it with the date of determination of completeness.

3. Extension of Time for Determination of Completeness. The Director may authorize an extension of time to complete the review for determination of completeness up to an additional 30 business days. The extension of time for determination of completeness shall be based upon the following considerations:

a. Scope of Application. The scope of application is sufficient to require additional time for the Director to review the application for a determination of completeness.

b. Staff Workload. The Department's workload due to the volume and scope of pending applications justifies the need for an extension of time.

G. Evaluation by Director/Staff Review.

The Director shall review the application to determine if the proposed project satisfies the applicable standards set forth in Division 5 of this Article, 1041 Permit Approval Standards. The Director shall prepare a staff report discussing issues raised by staff and referral agencies, whether the standards have been satisfied, Mitigation

requirements, recommended conditions of approval, and additional information pertinent to review of the application.

H. Notice of Public Hearing.

1. Notice by Publication. At least 30 calendar days but no more than 60 calendar days prior to the date of a scheduled Public Hearing, the Applicant shall have published a notice of Public Hearing in a newspaper of general circulation in the area that the proposed project is located. The notice shall follow a form prescribed by the County.

2. Notice to Adjacent Property Owners. At least 30 calendar days but no more than 60 calendar days prior to the date of a scheduled Public Hearing, the Applicant shall send by certified mail, return receipt requested, a written notice of the Public Hearing to the owners of record of all adjacent property within a 200-foot radius. The notice shall include a Vicinity Map, the property's legal description, a short narrative describing the proposed project, and an announcement of the date, time, and location of the scheduled hearing(s).

3. Proof of Notice. At the Public Hearing, the Applicant shall provide proof of publication and notification of Adjacent Property Owners.

4. Notice to Airport Sponsor. If an application involves areas around Airports or Heliports, or the site selection of an Airport or Heliport, then Applicant must also send by certified mail, return receipt requested, a written notice of the Public Hearing to the Airport Sponsor. The notice shall follow a form prescribed by the County.

14-302. MINOR PERMIT REVIEW PROCESS.

A. Outline of Process.

The Minor Permit Review shall consist of the following procedures:

1. Pre-application conference;

2. Application;

3. Determination of completeness;

4. Evaluation by the Director/Staff review; and

5. Public Hearing and decision by the BOCC.

B. Review Process.

1. Pre-Application Conference. A pre-application conference shall be held in accordance with the provisions of section 14-301.B., Pre-Application Conference.

2. Application. The application materials are set forth in section 14-401, Description of Submittal Requirements.

3. Determination of Completeness. The Director shall review the application for determination of completeness in accordance with the provisions of section 14-301.G., Determination of Completeness.

4. Schedule Public Hearing. Upon a determination of completeness, the Director shall schedule the application for Public Hearing by the BOCC. A public notice of the hearing shall be made pursuant to section 14-301.F., Notice of Public Hearing.

5. Evaluation by Director/Staff Review. Upon determination of completeness, the Director shall review the application and prepare a staff report pursuant to section 14-301.H., Evaluation by Director/Staff Review.

6. Review and Action by the BOCC. Upon establishing proper public notice, the BOCC shall consider the application at a Public Hearing.

a. Decision by Board. The BOCC shall approve, approve with conditions, or deny the application based upon compliance with the applicable standards in Division 5 of this Article, Permit Approval Standards.

(1) Approval of Application. If the application satisfies all of the applicable standards, the application shall be approved. The application may be approved with conditions determined necessary for compliance with applicable standards.

(2) Denial of Application**.** If the application fails to satisfy any 1 of the applicable standards, the application shall be denied.

14-303. MAJOR PERMIT REVIEW PROCESS.

A. Outline of Process.

The Major Permit Review shall consist of the following procedures:

1. Pre-application conference;

2. Application;

3. Determination of completeness;

4. Evaluation by the Director/Staff review;

5. Public Hearing and recommendation by the Planning Commission; and

6. Public Hearing and decision by the BOCC

B. Review Process.

1. Pre-Application Conference. A pre-application conference shall be held in accordance with the provisions of section 14-301.B., Pre-Application Conference.

2. Application. The application materials are set forth in section 14-401, Description of Submittal Requirements.

3. Determination of Completeness. The Director shall review the application for determination of completeness in accordance with the provisions of section 14-301.G., Determination of Completeness.

4. Schedule Public Hearing. Upon a determination of completeness, the Director shall schedule the application for Public Hearing by the Planning Commission. Public notice of the hearing shall be made pursuant to section 14-301.F., Notice of Public Hearing.

5. Evaluation by Director/Staff Review. Upon determination of completeness, the Director shall review the application and prepare a staff report pursuant to section 14-301.H.

6. Review and Recommendation by the Planning Commission. After proper notice, the Planning Commission shall consider the application at a Public Hearing.

a. Recommendation by Planning Commission. The Planning Commission shall recommend approval, approval with conditions, or denial of the application based upon compliance with the applicable standards set forth in Division 5 of this Article, Permit Approval Standards.

(1) Recommendation of Approval. If the application satisfies all of the applicable standards, the Planning Commission shall recommend that the application be approved. The Planning Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.

(2) Recommendation of Denial. If the application fails to satisfy all of the applicable standards the Planning Commission shall recommend that the application be denied.

7. Schedule Public Hearing. The Director shall schedule the application for Public Hearing by the BOCC.

a. Public notice of the hearing shall be made pursuant to section 14-301.F., Notice of Public Hearing.

b. Public Hearing by the BOCC shall be held within 45 calendar days of the date of the Planning Commission recommendation.

8. Review and Action by the BOCC. The BOCC shall consider the application at a Public Hearing, upon proper public notice.

a. Decision by Board. The BOCC shall approve, approve with conditions, or deny the application based upon compliance with the applicable standards in Division 5 of this Article, Permit Approval Standards.

(1) Approval of Application. If the application satisfies all of the applicable standards, the application shall be approved. The application may be approved with conditions determined necessary for compliance with applicable standards.

(2) Denial of Application. If the application fails to satisfy any 1 of the applicable standards, the application shall be denied.

14-304. TECHNICAL REVISIONS AND 1041 PERMIT AMENDMENTS.

Any change in the construction or operation of the project from that approved by the BOCC shall require either a "technical revision" or a "1041 Permit Amendment."

A. Submittals.

To request a technical revision, the Applicant shall submit the following information and materials to the Director:

1. A copy of the current 1041 Permit;

2. As-built drawings of the project;

3. Drawings and plans of proposed changes to the project; and

4. Additional Mitigation plans.

B. Determination of the Type of Amendment.

The Director shall make the initial determination whether a change is a technical revision or a 1041 Permit Amendment within 30 days following receipt of the request and necessary submittals. Within 5 days of the Director's determination, the Director shall notify the Applicant and the BOCC, in writing, of the determination.

C. Technical Revisions.

A proposed change will be considered a "technical revision" if the Director, in his or her discretion, determines that there will be no increase in the size of the area affected by the project or the intensity of impacts of the project. The Director may determine that

even though the proposed changes will increase the size of the area affected or the intensity of the impacts, the impact is insignificant so as to warrant a technical revision finding. A change to a condition of approval will not be treated as a technical revision. Upon finding that the change is a technical revision, the Director shall approve the change to the 1041 Permit.

D. 1041 Permit Amendments.

Changes other than technical revisions are considered 1041 Permit Amendments. A 1041 Permit Amendment will be treated as a new application and processed according to Division 3 of this Article.

E. Call-Up of Director's Determination.

1. Call-up by the BOCC. The BOCC may, at its discretion, call up the Director's determination that a change is a 1041 Permit Amendment, rather than a technical revision at the next regularly-scheduled meeting for which proper notice by inclusion on the BOCC agenda can be accomplished, following the date of written notice of the determination. The BOCC may approve or reject the Director's determination based on the criteria in section 14-304.B.

2. Request for Call-Up. Within 10 days of the date of written notice of the Director's determination, the Applicant may request that the BOCC call-up the Director's determination at its next regularly-scheduled meeting for which proper notice can be accomplished by inclusion on the BOCC agenda. The BOCC may approve or reject the Director's determination based on the criteria in section 14-304.B.

DIVISION 4. 1041 PERMIT APPLICATION SUBMITTAL REQUIREMENTS.

The following submittal requirements shall apply to any application for a 1041 Permit. The Director may waive 1 or more of the submittal requirements when the submittal information would not be relevant to a determination as to whether the proposed project complies with the approval criteria. The professional qualifications for preparation and certification of certain documents required by this Article are set forth in section 4-203.A, Description of Submittal Requirements.

14-401. DESCRIPTION OF SUBMITTAL REQUIREMENTS.

A. Application Form.

Applicant shall obtain an application form from the Community Development Department.

1. Ownership. The application shall include a deed or other evidence of the owner's fee title interest in the land for which a 1041 Permit is requested.

2. Authorized Applicant. Completed application forms and accompanying materials shall be submitted to the Director by the owner, or any other person having a recognized fee title interest in the land for which a 1041 Permit is proposed, or by any agent acting through written authorization of the owner.

a. Authorized Agent. If the Applicant is not the owner of the land, or is a contract purchaser of the land, the Applicant shall submit a letter signed by the owner consenting to the submission of the application.

b. Applicant is Not the Sole Owner. If the Applicant is not the sole owner of the land, the Applicant shall submit a letter signed by all

other owners or an association representing all the owners, by which all owners consent to or join in the application.

3. Information About Applicant. The application form shall contain the following information describing the Applicant:

a. The name(s), address(es), email address(es), fax number(s), organization form(s), and business(es) of the Applicant, and if different, the owner of the project;

b. The names, addresses, and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the project;

c. Authorization of the application by the property owner, if different than the Applicant; and

d. Documentation of the Applicant's financial and technical capability to develop and operate the project, including a description of the Applicant's experience developing and operating similar projects.

B. Information Describing the Project.

1. Project Narrative. A narrative description of the project, including the location of the proposed facility by reference to its relationship to any physical features, intersections, towns, or other locations, that are generally recognized by the citizens of Garfield County.

2. Identification of Alternatives. Descriptions of alternatives to the project that were considered by the Applicant and reasons why they were rejected.

3. Project Need. The need for the project, including existing/proposed facilities that perform the same or related function and population projections or growth trends that form the basis of demand projections justifying the project.

4. Conformance with Comprehensive Plan. Evidence that demonstrates that the proposed project is in conformance with the Comprehensive Plan, municipal master plans, and any other applicable plans.

5. Maps. Detailed map(s) showing the location of the proposed facilities together with proposed or existing Transportation Corridors, zoning classification, and land use within 2,000 feet.

6. Plans and Specifications. Detailed plans and specifications of the project.

7. Project Schedules. Schedules for designing, permitting, constructing, and operating the project, including the estimated life of the project.

8. Conservation Techniques. Description of all conservation techniques to be used in the construction and operation of the project.

C. Property Rights, Permits, and Other Approvals.

1. A list and copies of all other Federal, State, and local Permits and approvals that have been or will be required for the project, together with any proposal for coordinating these approvals with the County permitting process.

2. Copies of all official Federal and State consultation correspondence prepared for the project; a description of all Mitigation required by Federal, State, and local authorities; and copies of any draft or final environmental assessments or impact statement required for the project.

3. Description of the water to be used by the project, including the source; amount; the quality of such water; the Applicant's right to use the water, including adjudicated decrees, applications for decrees, proposed points of diversion, and the existing uses of water; and any alternative water sources available to the Applicant. If an Augmentation Plan has been filed in court, the Applicant must submit a copy of that plan.

D. Description of Technical and Financial Feasibility of the Project.

1. The estimated construction costs and period of construction for each development component.
2. Revenues and operating expenses for the project.
3. The amount of any proposed debt and the method and estimated cost of debt service.
4. Details of any contract or agreement for revenues or services in connection with the project.
5. Description of the person(s) or entity(ies) who will pay for or use the project and/or services produced by the development and those who will benefit from any and all revenues generated by it.
6. Cost of all Mitigation measures proposed for the project.

E. Socioeconomic Impacts.

A comprehensive Socioeconomic Impact Analysis that addresses the manner in which the Applicant will comply with the relevant approval standards in Division 5 of this Article. The Impact Analysis shall be limited to the Impact Area and shall include the following information:

1. Land Use.
   - **a.** Description of existing land uses within and adjacent to the Impact Area.
   - **b.** Description of impacts and Net Effect that the project would have on land use patterns.
2. Local Government Services.
   - **a.** Description of existing capacity of and demand for local government services including, but not limited to, roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate development within Garfield County.
   - **b.** Description of the impacts and Net Effect of the project to the capability of local governments that are affected by the project to provide services.
3. Housing.
   - **a.** Description of existing seasonal and permanent housing including number, condition, and cost of dwelling units.
   - **b.** Description of the impact and Net Effect of the project on housing during construction and operation stages of the project.
4. Financial Burden on County Residents.
   - **a.** Description of the existing tax burden and fee structure for government services including, but not limited to, assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.

b. Description of Impacts and Net Effect of the project on financial burdens of residents.

5. Local Economy.

a. Description of the local economy including, but not limited to, revenues generated by the different economic sectors and the value or productivity of different lands.

b. Description of impacts and Net Effect of the project on the local economy and opportunities for economic diversification.

6. Recreational Opportunities.

a. Description of present and potential recreational uses including, but not limited to, the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.

b. Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, hiking and biking trails, and wilderness areas.

c. Description of the impacts and Net Effect of the project on present and potential recreational opportunities and revenues to the local economy derived from those uses.

7. Areas of Paleontological, Historic or Archaeological Importance.

a. Map and/or description of all sites of paleontological, historic, or archaeological interest.

b. Description of the impacts and Net Effect of the project on sites of paleontological, historic, or archaeological interest.

8. Nuisance. Descriptions of noise, glare, dust, fumes, vibration, and odor levels caused by the project.

F. Environmental Impacts.

Description of the existing natural Environment and an analysis of the impacts of the project to the natural Environment. These descriptions shall be limited to the Impact Area, and shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the project in comparison to existing conditions. The analysis shall include a description of how the Applicant will comply with the applicable approval standards set forth in Division 5 of this Article.

1. Air Quality.

a. Description of the airsheds to be affected by the project, including the seasonal pattern of air circulation and microclimates.

b. Map and/or description of the ambient air quality and State air quality standards of the airsheds to be affected by the project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants, and other chemicals, temperature effects, and atmospheric interactions.

c. Descriptions of the impacts and Net Effect that the project would have on air quality during both construction and operation, and under both average and worst case conditions.

2. Visual Quality.

a. Map and/or description of ground cover and vegetation, forest canopies, waterfalls, and streams or other natural features.

b. Description of view sheds, scenic vistas, unique landscapes, or land formations.

c. Map and/or description of buildings and structure design and materials to be used for the project.

d. Descriptions of the impacts and Net Effect that the project would have on visual quality.

3. Surface Water Quality.

a. Map and/or description of all surface waters to be affected by the project, including:

(1) Description of provisions of the applicable regional water quality management plan that applies to the project and assessment of whether the project would comply with those provisions;

(2) Existing condition of streams and water bodies affected by the project; and

(3) Classification of streams and water bodies affected by the project.

b. Description of water quality data monitoring sources.

c. Descriptions of the immediate and long-term impact and Net Effects that the project would have on the quantity and quality of surface water under both average and worst case conditions.

4. Groundwater Quality.

a. Map and/or description of all groundwater, including any aquifers. At a minimum, the description should include:

(1) Seasonal water levels in each subdivision of the aquifer affected by the project;

(2) Artesian pressure in aquifers;

(3) Groundwater flow directions and levels;

(4) Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources;

(5) For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity;

(6) Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices;

(7) Existing groundwater quality and classification; and

(8) Location of all water wells and their uses.

b. Description of the impacts and Net Effect of the project on groundwater.

5. Water Quantity.

a. Map and/or description of existing stream flows and reservoir levels.

b. Map and/or description of existing Colorado Water Conservation BOCC held minimum stream flows.

c. Descriptions of the impacts and Net Effect that the project would have on water quantity.

d. Statement of methods for efficient utilization of water.

6. Floodplains, Wetlands and Riparian Areas.

a. Map and/or description of all Floodplains, Wetlands (whether or not they are jurisdictional, Wetlands as defined by the Corps of Engineers), and Riparian Areas to be affected by the project, including a description of the types of Wetlands, species composition, biomass, and functions.

b. Description of the source of water interacting with the surface systems to create each Wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.) or Riparian Area.

c. Description of the impacts and Net Effect that the project would have on the Floodplains, Wetlands, and Riparian Areas.

7. Terrestrial and Aquatic Animals and Habitat.

a. Map and/or description of terrestrial and aquatic animals including the status and relative importance of game and nongame wildlife, livestock and other animals; a description of streamflows and lake levels needed to protect the aquatic Environment; and description of threatened or endangered animal species and their habitat.

b. Map and description of critical wildlife habitat and livestock range to be affected by the project, including migration routes, calving areas, summer and winter range, spawning beds, and grazing areas.

c. Description of the impacts and Net Effect that the project would have on terrestrial and aquatic animals, habitat, and food chain.

8. Terrestrial Plant Life. Map and/or description of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.

a. Descriptions of the impacts and Net Effect that the project would have on terrestrial and aquatic plant life.

9. Soils, Geologic Conditions, and Natural Hazards.

a. Map and/or description of soils, geologic conditions, and natural hazards including, but not limited to, soil types, drainage areas, slopes, Avalanche Areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.

b. Descriptions of the risks to the project from natural hazards.

c. Descriptions of the impact and Net Effect of the project on soil and geologic conditions in the area.

G. Hazardous Materials Description.

1. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed, or produced in connection with the project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.

2. Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment structures.

H. Monitoring and Mitigation Plan.

1. Description of all Mitigation that is proposed to avoid, minimize, or compensate for adverse impacts of the project and to maximize positive Impacts of the project.

a. Describe how and when Mitigation will be implemented and financed.

b. Describe impacts that are unavoidable that cannot be mitigated.

2. Description of methodology used to measure impacts of the project and effectiveness of proposed Mitigation measures.

3. Description, location, and intervals of proposed monitoring to ensure that Mitigation will be effective.

I. Additional Information May Be Necessary.

The Director may request that the Applicant supply additional information related to the project if the BOCC will not be able to make a determination on any of the approval standards without the additional information.

14-402. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO AREAS AROUND AN AIRPORT OR HELIPORT.

In addition to the submittal requirements in section 14-401, Description of Submittal Requirements, an application proposing to develop land use in areas around Airports and Heliports shall require the following submittals:

A. Location Map.

A map or drawing showing the location of the subject property in relation to Airport Imaginary Surfaces.

B. Elevation Profiles and Site Plan.

Elevation profiles and a Site Plan including:

1. Location of existing and proposed structures in relation to Airport/Heliport Imaginary Surfaces.

2. Height of all existing and proposed structures, measured in feet above mean sea level.

C. Written Agreements for Height Exception.

Written agreements from the Airport/Heliport Sponsor and the FAA, if a height exception is requested.

D. Declaration of Anticipated Noise Levels.

A declaration of anticipated noise levels for property located within Noise Impact Area Boundaries. For noise sensitive land use located in areas where the noise level is anticipated to be at or above 55 Ldn, the Applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

E. Avigation Easement.

An avigation easement dedicated to the Airport owner in a form acceptable to the Airport Sponsor. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the Airport for the public.

14-403. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO DEVELOPMENT IN AREAS AROUND RAPID OR MASS TRANSIT FACILITIES.

In addition to the submittal requirements in section 14-401, Description of Submittal Requirements, development in areas around Rapid or Mass Transit Facilities shall require the following additional submittals:

A. Traffic Relationships.
One or more maps at sufficient scale showing the location of the proposed development and its relationship to the Rapid or Mass Transit Station or Terminal and the Interchanges, streets, Highways, parking lots, and public facilities which are adjacent to or form an integral part of the operation of the Rapid or Mass Transit Facility.

B. Traffic Generation.
A narrative description of the motor vehicle, bicycle, and pedestrian traffic likely to be generated by the proposed development including, but not limited to, traffic generation at various times of the day, potential congestion, and potential demand for parking generated by the development.

C. Traffic Impacts.
A narrative description of the impacts of the proposed development to the Rapid or Mass Transit Facility.

D. Traffic Access.
Maps or diagrams illustrating the vehicular, pedestrian, and bicycle routes that can be utilized to gain access between the proposed development and the adjacent Rapid or Mass Transit Facility.

14-404. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO MUNICIPAL AND INDUSTRIAL WATER PROJECTS.

A. Efficient Water Use.
Description of efficient water use, recycling, and reuse technology the project intends to use.

B. Municipal and Industrial Water Projects.
Map and description of other municipal and industrial water projects in the vicinity of the project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure, and service plan boundaries and reasons for and against hooking on to those facilities.

C. Demand.
Description of demands that this project expects to meet and basis for projections of that demand.

14-405. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION OF SOLID WASTE DISPOSAL SITES.

[Placeholder for future Regulations, should any be adopted by the BOCC.]

14-406. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION OF MAJOR NEW DOMESTIC AND SEWAGE TREATMENT SYSTEMS.

[Placeholder for future Regulations, should any be adopted by the BOCC.]

14-407. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION OF MAJOR EXTENSIONS TO EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS..

[Placeholder for future Regulations, should any be adopted by the BOCC.]

14-408. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION FOR ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS.

In addition to the submittal requirements set forth in section 14-401, Description of Submittal Requirements, an application proposing Arterial Highways, Interchanges, or Collector Highways shall include the following information.

A. Traffic Patterns.
Description of how the project will affect traffic patterns as well as nonmotorized traffic.

B. Surrounding Land Uses.
Description of how the new roads will likely affect surrounding land uses and existing community patterns.

C. Traffic Demands.
Description of how new roads will serve community traffic demands.

D. Compliance.
Description of how new roads will comply with other local, State, and Federal regulations and master plans.

14-409. ADDITIONAL SUBMITTAL REQUIREMENTS FOR SITE SELECTION FOR RAPID OR MASS TRANSIT TERMINALS OR STATIONS.

In addition to the submittal requirements set forth in section 14-401, Description of Submittal Requirements, an application proposing Terminals or Stations associated with a Rapid or Mass Transit System shall include the following information.

A. Type of Mechanical Transit Conveyance.
Description of the type or types of mechanical transit conveyance that will be utilized to carry passengers to and from the Station or Terminal, and a description of the means of access to and from the Station or Terminal including pedestrian, bicycle, automotive, bus, carpool, gondolas, lifts, and other intermodal connections either existing or reasonably foreseen to be developed in the area.

B. Analysis of Passengers.
An analysis of the passengers that will utilize the proposed facility. Such analysis shall be based on the best information available and shall include:

1. Whether the passengers will be utilizing the Rapid or Mass Transit System to travel to and from employment or for some other purpose;
2. The number of automobiles that the passengers will drive to the Station or Terminal at or just before any scheduled departure;
3. The number of passengers that will likely ride only one way on any given day; and
4. The number of passengers that can be expected to bring baggage, recreational equipment, tools, or other material.

C. Anticipated Schedule.
The anticipated schedule of departures and arrivals at the Station or Terminal and the expected capacity of each transit unit. Separate figures shall be given for peak and off-peak hours, weekdays and weekends, and peak and off-peak seasons.

D. Maximum Length of Any Train.
The maximum length of any train that will serve the Station or Terminal, excluding propulsion units.

E. Basic Floor Plan and Architectural Sketches.
Basic floor plans and architectural sketches of each proposed building or structure together with a Site Map showing the relative location of each building or structure. Such plans and sketches shall show the location and length of platforms to be used to load and unload passengers.

F. Map of All Associated Roadways, Parking Areas and Other Facilities.
A map of all associated roadways, parking areas, and other facilities. Design details such as width, layout, traffic flow, pavement markings, and traffic control devices shall either be illustrated on the map or adequately described in supporting documents.

14-410. ADDITIONAL SUBMITTAL REQUIREMENTS FOR SITE SELECTION FOR FIXED GUIDEWAYS.

In addition to the submittal requirements set forth in section 14-401, Description of Submittal Requirements, an application proposing a fixed guideway shall include the following information:

A. Type of Motive Power.
Description of the type of motive power that will be used to propel transit vehicles along the guideway (e.g. diesel, electric, electrified third rail, catenary system).

B. Minimum and Optimum Width of Right-Of-Way.
Description of the minimum and the optimum width of the right-of-way necessary for the guideway, together with maps showing the proposed right-of-way, including its location within incorporated municipalities. Such maps or supporting documentation referring to the maps shall also indicate the maximum anticipated speed of transit vehicles along the various segments of the guideway.

C. Minimum and Maximum Passenger Capacity.
Description of the minimum and maximum passenger capacity of the transit vehicles that will travel on the guideway and the anticipated frequency or scheduling of guideway use.

D. Maximum Length of Any Trail.
Description of the maximum length of any train that will travel upon the guideway with separate figures for the length of passenger carrying units and for propulsion units. Self-propelled units shall be considered as passenger units.

E. Maximum Proposed Grade.
The maximum proposed grade of the guideway and the maximum curvature. Proposed curves in excess of 10 degrees shall be indicated on the map.

F. Building or Structure Removal.
Description of all buildings or other structures that must be removed in order for the proposed guideway to be built.

G. Methods Planned to Prevent Collision.
Description of the methods planned to prevent collisions at points where the proposed guideway crosses other Transportation Corridors.

14-411. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION FOR AIRPORT OR HELIPORT LOCATION OR EXPANSION.

In addition to the submittal requirements in section 14-401, Description of Submittal Requirements, an application proposing to locate or expand an Airport or Heliport shall require the following submittals:

A. Airport Layout Plan.
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 150/5300-13A and the current Northwest Mountain Region Airport Layout Plan Checklist.

B. Heliport or Helistop Layout Plan.
Heliports and Helistops 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. The plan shall be sufficient to depict the design, the 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 Heliport/Helistop is to be located and to adjoining land parcels. Approach profiles shall depict the composite profile based on the highest terrain across the width and along the length of each approach surface (Helistop approach surface profiles are required for the inner 1,000 feet only).

C. Description of Effect.
Description of effect on State and local economic and transportation needs.

DIVISION 5. 1041 PERMIT APPROVAL STANDARDS.

Approval of a 1041 Permit shall be based on whether the proposed project satisfies the following approval standards.

14-501. GENERAL APPROVAL STANDARDS.

The following general standards shall apply to all applications subject to review under this Article:

A. Necessary Permits Will Be Obtained.
Documentation that prior to site disturbance associated with the proposed project, the Applicant can and will obtain all necessary property rights, permits, and approvals. The BOCC may, at its discretion, defer making a final decision on the application until outstanding property rights, permits, and approvals are obtained.

B. Expertise and Financial Capability.
The Applicant has the necessary expertise and financial capability to develop and operate the proposed project consistent with all requirements and conditions.

C. Technical and Financial Feasibility.
The proposed project is technically and financially feasible. This determination may include, but is not limited to, the following considerations:

1. Amount of debt associated with the proposed activity;
2. Debt retirement schedule and sources of funding to retire the debt;
3. Estimated construction costs and construction schedule;
4. Estimated annual operation, maintenance and monitoring costs; and
5. Market conditions.

D. Compatibility with Surrounding Land Uses.
The proposed operation will be located so as to mitigate cumulative impacts to roads, air, and water quality.

E. Risk From Natural Hazards.
The proposed project is not subject to significant risk from natural hazards. This determination may include, but is not limited, to the following considerations:

1. Faults and fissures;
2. Unstable slopes including landslides, rock slides, and Avalanche Areas;
3. Expansive or evaporative soils and risk of subsidence;
4. Wildfire hazard areas; and
5. Floodplains.

F. Consistent Plans.

The proposed project will be in conformance with the Comprehensive Plan, municipal master plans, and any other applicable plan.

G. Effect on Local Government Services.

The proposed project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems. This determination may include, but is not limited, to the following considerations:

1. Existing and potential financial capability of local governments to accommodate development related to the proposed activity;
2. Current and projected capacity of roads, schools, infrastructure, housing, and other services and impact of the proposed activity upon the capacity;
3. Changes caused by the proposed activity in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities;
4. Changes in short- or long-term housing availability, location, cost, or condition;
5. Need for temporary roads to access the construction of the proposed activity;
6. Change in demand for public transportation; and
7. Change in the amount of water available for future water supply in the County.

H. Housing.

The proposed project will not have a significant adverse effect on housing availability or cost.

I. Financial Burden.

The proposed project will not create an undue financial burden on existing or future residents of the County. This determination may include, but is not limited to, the following considerations:

1. Changes in assessed valuation;
2. Tax revenues and fees to local governments that will be generated by the proposed activity;
3. Changes in tax revenues caused by agricultural lands being removed from production;
4. Changes in costs to water users to exercise their water rights;
5. Changes in costs of water treatment or wastewater treatment;
6. Effects on wastewater discharge Permits;
7. Inability of water users to get water into their diversion structures; and
8. Changes in total property tax burden.

J. Effect on Economy.

The proposed project will not Significantly Degrade any sector of the local economy. This determination may include, but is not limited to, the following considerations:

1. Changes to projected revenues generated from each economic sector;
2. Changes in the value or productivity of any lands; and
3. Changes in opportunities for economic diversification.

K. Recreational Experience.

The proposed project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience. This determination may include, but is not limited to, the following considerations:

1. Changes to existing and projected visitor days;
2. Changes to duration of kayaking and rafting seasons;
3. Changes in quality and quantity of fisheries;
4. Changes in access to recreational resources;
5. Changes to quality and quantity of hiking trails;
6. Changes to the wilderness experience or other opportunity for solitude in the natural Environment;
7. Changes to hunting; and
8. Changes to the quality of the skiing experience.

L. Conservation.

The planning, design, and operation of the proposed project will reflect principles of resource conservation, energy efficiency and recycling or reuse.

M. Natural Environment.

The proposed project will not Significantly Degrade the natural Environment. For purposes of this section, the term Environment shall include:

1. Air quality;
2. Visual quality;
3. Surface water quality;
4. Groundwater quality;
5. Wetlands and Riparian Areas;
6. Terrestrial and aquatic animal life;
7. Terrestrial and aquatic plant life; and
8. Soils and geologic conditions.

a. The determination of effects of the proposed activity on air quality may include, but is not limited to, the following considerations:

(1) Changes to seasonal ambient air quality;

(2) Changes in visibility and microclimates; and

(3) Applicable air quality standards.

(4) The determination of visual effects of the proposed activity may include, but is not limited to, the following considerations:

(5) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features;

(6) Interference with view sheds and scenic vistas;

(7) Changes in appearances of forest canopies;

(8) Changes in landscape character types or unique land formations; and

(9) Compatibility of building and structure design and materials with surrounding land uses.

b. The determination of effects of the proposed activity on surface water quality may include, but is not limited to, the following considerations:

(1) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;

(2) Applicable narrative and numeric water quality standards;

(3) Changes in point and nonpoint source pollution loads;

(4) Increase in erosion;

(5) Changes in sediment loading to Water Bodies;

(6) Changes in stream channel or shoreline stability;

(7) Changes in stormwater runoff flows;

(8) Changes in trophic status or in eutrophication rates in lakes and reservoirs;

(9) Changes in the capacity or functioning of streams, lakes, or reservoirs;

(10) Changes in flushing flows; and

(11) Changes in dilution rates of mine waste, agricultural runoff, and other unregulated sources of pollutants.

c. The determination of effects of the proposed activity on groundwater quality may include, but is not limited to, the following considerations:

(1) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces;

(2) Changes in capacity and function of wells within the Impact Area; and

(3) Changes in quality of well water within the Impact Area.

d. The determination of effects of the proposed activity on Wetlands and Riparian Areas may include, but is not limited, to the following considerations:

(1) Changes in the structure and function of Wetlands;

(2) Changes to the filtering and pollutant uptake capacities of Wetlands and Riparian Areas;

(3) Changes to aerial extent of Wetlands;

(4) Changes in species' characteristics and diversity;

(5) Transition from Wetland to upland species; and

(6) Changes in function and aerial extent of Floodplains.

e. The determination of effects of the proposed activity on terrestrial or aquatic life may include, but is not limited to, the following considerations:

(1) Changes that result in loss of oxygen for aquatic life;

(2) Changes in flushing flows;

(3) Changes in species composition or density;

(4) Changes in number of threatened or endangered species;

(5) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals;

(6) Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species; and

(7) Changes to the aquatic and terrestrial food webs.

f. The determination of effects of the proposed activity on terrestrial plant life or habitat may include, but is not limited to, the following considerations:

(1) Changes to habitat of threatened or endangered plant species;

(2) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity;

(3) Changes in advancement or succession of desirable and less desirable species, including noxious weeds; and

(4) Changes in threatened or endangered species.

g. The determination of effects of the proposed activity on soils and geologic conditions may include, but is not limited to, the following considerations:

(1) Changes to the topography, natural drainage patterns, soil morphology, and productivity, soil erosion potential, and Floodplains;

(2) Changes to stream sedimentation, geomorphology, and channel stability;

(3) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs;

(4) Changes to Avalanche Areas, mudflows and debris fans, and other unstable and potentially unstable slopes; and

(5) Exacerbation of seismic concerns and subsidence.

N. Nuisance.

The proposed project will not cause a nuisance as defined within this Code.

O. Areas of Paleontological, Historic or Archaeological Importance.

The proposed project will not Significantly Degrade areas of paleontological, historic, or archaeological importance.

P. Release of Hazardous Materials.

The proposed project will not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the BOCC's consideration shall include:

1. Plans for compliance with Federal and State handling, storage, disposal, and transportation requirements;

2. Use of waste minimization techniques; and

3. Adequacy of spill prevention and response plans.

Q. Benefits Versus Loss of Resources.

The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.

R. Best Alternative.

The proposed project represents the alternative that best complies with this Code.

S. Project Need.

The proposed project is needed within the County and/or area to be served.

14-502. ADDITIONAL STANDARDS APPLICABLE TO RAPID OR MASS TRANSIT FACILITIES.

In addition to the general standards set forth in section 14-501, the following additional standards shall apply to Rapid or Mass Transit Facilities:

A. Areas Around Rapid or Mass Transit.

Areas around Rapid or Mass Transit Facilities shall be administered to:

1. Promote the efficient utilization of the Rapid or Mass Transit Facility;
2. Facilitate traffic circulation patterns of roadways serving the Mass Transit Facility; and
3. Promote development that will include bike and pedestrian paths providing access to the Rapid or Mass Transit Facility.

B. Site Selection.

Site Selection of Rapid or Mass Transit Facilities.

1. Activities involving Rapid or Mass Transit Facilities shall be conducted with reasonable considerations to the character of the area and its peculiar suitability for particular uses.
2. Rapid or Mass Transit Facilities shall be located so as to preserve the value of buildings at the site and avoid demolition of businesses or residences to the extent possible. Proposed locations of Rapid or Mass Transit Facilities which will not require the demolition of residences or businesses shall be given preferred consideration over competing alternatives.
3. Rapid or Mass Transit Facilities shall be located in a manner that encourages the most appropriate use of land through the affected corridor.
4. A proposed location of a rapid or Mass Transit Terminal, Station, or Fixed Guideway that imposes a burden or deprivation on a local government cannot be justified on the basis of local benefit alone, nor shall a Permit for such a location be denied solely because the location places a burden or deprivation on one local government as required by C.R.S. § 24-65.1-204(4)(c).
5. Stations, Shelters, and Terminals shall be appropriately located to meet transit needs and to attract maximum ridership. The length of passenger platforms shall equal or exceed the maximum length of any train or other conveyance that will load and unload passengers at the Station.
6. Rapid or Mass Transit Facilities shall have adequate and safe ingress and egress for all transit modes.

7. The location of Fixed Guideways shall maximize joint use of rights-of-way for trails and bikeways and other transportation alternatives.

8. Rapid or Mass Transit Facilities shall be designed and located in a manner that will reduce traffic congestion and resulting air pollution.

9. Rapid or Mass Transit Facilities shall be located and designed so as to minimize noise and to protect and preserve unique natural and cultural factors and visual amenities.

10. Guideway design and location shall not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road except at intersections, nor shall guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway. In determining the right-of-way and corridor alignment for Rapid Transit, consideration shall be given to areas needed for snow storage along the guideway.

11. The parking areas associated with a rapid or Mass Transit Terminal or Station shall be capable of holding a number of automobiles that equals the number of passengers expected to ride on peak periods multiplied by a factor of .75 unless the Applicant can demonstrate through studies that a lesser number is sufficient.

    a. The required capacity for parking areas associated with a Terminal or Station may be modified based upon sufficient evidence of passenger loading from other forms of intermodal transfer (such as Amtrak, tour buses, regional surface buses, carpools, etc.).

    b. The Applicant may initially provide a smaller number of parking spaces if the total area dedicated to potential parking expansion is shown to be large enough to accommodate the required number of parking spaces and the Applicant provides financial security acceptable to the BOCC which guarantees that the required number can be built if actual need is shown after operation begins.

12. Access roads to a rapid or Mass Transit Station or Terminal shall be designed, constructed or improved to accommodate, during a 15 minute period, the maximum number of automobiles anticipated to arrive before the scheduled departure of the Mass Transit conveyance without causing cars to back up onto the public road serving the facility.

13. The Manual on Traffic Control Devices shall apply to safety devices at intersections of a Fixed Guideway and other Transportation Corridors.

14-503. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION OF SOLID WASTE DISPOSAL SITES.

In addition to the general standards set forth in Section 14-501, the following additional standards shall apply to site selection of Solid Waste Disposal Sites:

A. State and Federal Regulations.

Demonstration of compliance with all applicable State and Federal laws and regulations.

14-504. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION OF DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS.

In addition to the general standards set forth in Section 14-501, the following additional standards shall apply to site selection of Domestic Water and Sewage Treatment Systems:

A. State and Federal Regulations.

Demonstration of compliance with all applicable State and Federal laws and regulations.

14-505. ADDITIONAL STANDARDS APPLICABLE TO SITE SELECTION FOR ARTERIAL HIGHWAYS AND INTERCHANGES.

In addition to the general standards set forth in section 14-501, the following additional standards shall apply to site selection for Arterial Highways and Interchanges:

A. Areas Around Arterial Highways, Interchanges, and Collectors.

Areas around Arterial Highways, Interchanges, and Collector Highways shall be designed and administered to:

1. Encourage the smooth flow of traffic;
2. Foster the development of such areas in a manner calculated to preserve the smooth flow of such traffic;
3. Preserve desirable existing community patterns;
4. Minimize danger associated with Highway traffic; and
5. Encourage compatibility with non-motorized traffic.

B. Site Selection.

1. Arterial Highways and Interchanges shall be located and designed so that community traffic needs are met.
2. Arterial Highways and Interchanges shall be located and designed so that desirable community patterns are not disrupted.

14-506. ADDITIONAL STANDARDS APPLICABLE TO AREAS AROUND AIRPORTS AND HELIPORTS.

A. Protection of Public Health, Safety and Welfare.

Areas around Airports and Heliports shall be administered to avoid danger to public safety and health or to property due to aircraft crashes. In addition to the general standards set forth in section 14-501, the following standards apply to land use in areas around Airports and Heliports.

B. Prohibited Uses and Activities.

1. The following uses are prohibited in the Airport/Heliport Influence Overlay District.
   - **a.** Sanitary landfills; and
   - **b.** Water treatment plants.
2. No structures shall be allowed in the Runway Protection Zone (RPZ), except that accessory structures to Airport operations may be located in the RPZ based upon approval by the FAA. For purposes of this document, tee markers, tee signs, pin cups, and pins are not considered to be structures.
3. Public assembly facilities are prohibited in the RPZ.
4. High density uses shall be prohibited in Approach Surfaces.

C. Permitted Uses and Activities.

The following uses are permitted within the Airport/Heliport Influence Area Overlay to the extent that they are permitted by the underlying zone district, and the proposed use complies with applicable standards for the zone district, the use restrictions set forth in Table 3-303.A, Airport Overlay use Restriction and Table 3-303.B, Use Restrictions Based on Noise Levels.

1. Public Assembly Facilities. Public assembly facilities may be allowed in Approach Surfaces if the potential danger to public safety is minimal.

2. Residential. Residential structures shall be located outside Approach Surfaces unless no practicable alternatives exist.

3. Golf Courses. Golf courses may be allowed conditioned upon the use of accepted management techniques to reduce existing Wildlife attractants and to avoid the creation of new wildlife attractants.

4. Farm Use. Farming practices that comply with the recommendations of FAA Advisory Circular 150/5200-3A, Hazardous Wildlife Attractants on or Near Airports, shall be encouraged.

5. Utilities.

   a. In the RPZ, utilities, power lines, and pipelines shall be located underground.

   b. In Approach Surfaces and Airport Direct and Secondary Impact Areas, the proposed height of utilities shall be coordinated with the Airport Sponsor and the BOCC.

6. Wetland Mitigation, Creation, Enhancement, and Restoration. Wetland construction, enhancement, restoration, or Mitigation projects within the overlay district shall be subject to review under the Major Impact Review, and may be permitted based upon compliance with the applicable standards.

   a. Location of Wetland Mitigation banks outside Approach Surfaces and areas regulated under this overlay district is encouraged because of the potential for increased air navigation safety hazards.

   b. Wetland Mitigation, creation, enhancement, or restoration projects existing or approved on the effective date of these Regulations and located within areas regulated under this overlay area are recognized as lawfully existing uses.

7. Water Impoundments in Approach Surfaces, Direct Impact Areas, and Secondary Impact Areas. Any use or activity that would result in the establishment or expansion of water impoundments in Approach Surfaces, Direct Impact Areas, and Secondary Impact Areas shall comply with the following requirements:

   a. No new or expanded water impoundments of 1/4 acre in size or larger shall be permitted within an Approach Surface and within 5,000 feet from the end of a Runway.

8. No new or expanded water impoundments of 1/4 acre in size or larger shall be permitted on land owned by the Airport/Heliport Sponsor that is necessary for Airport/Heliport operations.

D. Noise.

Land use proposed to be located within the Noise Impact Area Boundaries shall comply with the Airport Master Plan and FAA Regulations.

E. Avigation and Hazard Easement.

An avigation and hazard easement allowing unobstructed passage for aircraft and ensuring safety and use of the Airport for the public shall be provided and dedicated to the Airport Sponsor.

1. Recording. The avigation and hazard easement shall be recorded in the office of the County Clerk and Recorder.

2. Applicant shall provide a copy of the recorded instrument prior to issuance of a Building Permit.

F. Declaration of Anticipated Noise Levels.

1. A declaration of anticipated noise levels shall be provided for any proposed Land Use Change, including division of land, or Building Permit application for property located within Noise Impact Boundary.
2. In areas where the noise level is anticipated to be at or above 55 Ldn, for construction of a noise sensitive land use such as hotel/motel, school, church, hospital, public library, or similar use, the Applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

G. Communications Facilities and Electrical Interference.

No use shall cause or create electrical interference with navigational signals or radio communications between an Airport/Heliport and aircraft.

1. Location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the Airport/Heliport Influence Area Overlay shall be coordinated with the BOCC and the FAA prior to approval.
2. The approval of cellular and other telephone or radio communication towers on leased property located within Airport Imaginary Surfaces shall be conditioned upon their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this requirement.

H. Outdoor Lighting.

Lighting other than that associated with Airport/Heliport operations shall comply with the following standards.

1. Lighting shall not project directly onto an existing Heliport, Runway or taxiway or into existing Airport Approach Surfaces.
2. Lighting shall incorporate shielding to reflect light away from Airport Approach Surfaces.
3. Lighting shall not imitate Airport lighting or impede the ability of pilots to distinguish between Airport/Heliport lighting and other lighting.

I. Use of Reflective Materials Prohibited.

No glare-producing material including, but not limited to, unpainted metal or reflective glass, shall be used on the exterior of structures located within an Airport Approach Surface or on nearby lands where glare could impede a pilot's vision.

J. Industrial Emissions That Obscure Visibility Prohibited.

No development shall, as part of its regular operations, cause emissions of smoke, dust, or steam that could obscure visibility within Airport Approach Surfaces. The BOCC shall impose conditions determined to be necessary to ensure that the use does not obscure visibility.

K. Height Restrictions.

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height restrictions of the underlying zone district are more restrictive than those of the overlay district, the underlying zone district height limitations shall control.

L. Penetration of Development into Imaginary Surface Area.

No structure or tree, plant, or other object of natural growth shall penetrate an Airport Imaginary Surface, except as follows:

1. Structures up to 35 feet in height may be permitted in areas within Airport/Heliport Imaginary Surfaces, except those outside the Approach and Transitional Surfaces where the terrain is at higher elevations than the Airport Runway/Heliport surfaces such that existing structures and permitted development penetrate or would penetrate the Airport Imaginary Surface.
2. Written agreement by the Airport Sponsor and the FAA shall be provided for other height exceptions requested.

M. Wetland Construction, Enhancement, Restoration, or Mitigation.

Wetland construction, enhancement, restoration, or Mitigation projects within the overlay district shall be shall comply with the following standards.

1. Wetland projects shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across Runways or Approach Surfaces; and
2. Wetlands projects that create, expand, enhance, or restore Wetlands that are proposed to be located within the overlay district and that would result in the creation of a new water Impoundment or expansion of an existing water Impoundment, shall demonstrate all of the following:
   - **a.** Off-site Mitigation is not practicable;
   - **b.** The Wetland project involves existing Wetland Areas regulated under the overlay district that have not been associated with attracting problematic wildlife to the Airport/Heliport vicinity;
   - **c.** The affected Wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge;
   - **d.** The resulting Wetlands are designed, and shall be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering, or roosting in areas across Runways or Approach Surfaces; and
   - **e.** The proposed Wetland project shall be coordinated with the Airport Sponsor, the BOCC, the FAA and FAA's Technical Representative, the Colorado Parks and Wildlife, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers as part of the Permit application.
   - **f.** Restrictions In RPZ, Approach Surface, and Impact Areas. The land use restrictions in the RPA, Approach Surface, Direct Impact Areas and Secondary Impact Area are identified in Table 14-506.M.

N. Separation of Noise-Sensitive Land Use.

Areas around Airports and Heliports shall be administered to encourage land use patterns that will separate uncontrollable noise sources from residential and other noise-sensitive areas. Within Airport or Heliport Noise Impact Boundaries, the following land use restrictions shall apply, based upon the noise levels identified in Table 14-506.N.

Table 14-506.M.: Use Restrictions, RPZ, Approach Surface, and Impact Areas.				
P = Permitted L = Allowed with Limitations N = Use is Not Allowed	RPZ	APPROACH SURFACE[1]	DIRECT IMPACT AREA	SECONDARY IMPACT AREA
Public Airport	L	L	P	P
Residential	N	L[2]	L	P
Commercial	N	L	L	P
Industrial	N	L	P	P
Institutional	N	L	L	P
Roads/Parking	L[3]	P	P	P
Parks/Open Space	L	P	P	P
Athletic Fields	N	L	L	P
Mining	N	L	L	L

1. Within 10,000 feet from the end of the primary surface of a nonprecision instrument Runway, and within 50,000 feet from the end of the primary surface of a precision instrument Runway.
2. Residential densities within Approach and Transitional Surfaces should not exceed: (1) within 500 feet of the outer edge of the RPZ, 1 unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units per acre.
3. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.

Source: Model Public Use Airport Safety And Compatibility Overlay Zone (Visual and Instrument Approach Airports), Oregon Department of Aviation

TABLE 14-506.N.- USE RESTRICTIONS OF NOISE-SENSITIVE LAND USE						
P = Permitted L = May be Allowed under Certain Circumstances N = Not Allowed **LAND USE**	**YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) IN DECIBELS**					
	<65	**65-70**	**70-75**	**75-80**	**80-85**	**>85**
Residential Except Mobile Homes & Transient Lodging	P	L	L	N	N	N
Mobile Home Parks	P	N	N	N	N	N
Transient Lodging	P	L	L	L	N	N
Schools, Hospitals & Nursing Homes	P	L	L	N	N	N
Churches, Auditoriums & Concert Halls	P	L	L	N	N	N
Government Service	P	P	L	L	N	N
Transportation	P	P	L	L	L	L
Parking	P	P	L	L	L	N
Commercial Use	P	P	L	L	N	N
Wholesale & Retail – Building Materials, Hardware & Farm Equipment	P	P	L	L	L	N
Retail Trade – General	P	P	L	L	N	N
Utilities	P	P	L	L	L	N
Communication	P	P	L	L	L	N
Manufacturing & Production	P	P	L	L	L	N
Photographic & Optical	P	P	L	L	L	N
Agriculture (Except Livestock) & Forestry	P	L	L	L	L	L
Livestock Faring & Breeding	P	L	L	N	N	N
Mining & Fishing	P	P	P	P	P	P
Outdoor Sports Arenas & Spectator Sports	P	L	L	N	N	N
Outdoor Music Shells, Amphitheatres	P	N	N	N	N	N
Nature Exhibits & Zoos	P	P	N	N	N	N
Amusements, Parks, Resorts & Camps	P	Y	Y	N	N	N
Golf Courses, Riding Stables & Water Recreation	P	P	L	L	N	N
Source: AC150/5020-1.						

14-507. ADDITIONAL STANDARDS APPLICABLE TO 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. In addition to the general standards set forth in section 14-501, the following standards shall apply to all applications proposing the location or expansion of an Airport or Heliport.

A. 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 150/5300-13A 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.

B. Heliport Layout.
Heliports and Helistops 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.

C. Fabrication, Service, and Repair Operations.
All fabrication, service, and repair operations shall be conducted in compliance with Airport Rules and Regulations.

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

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

F. 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.

G. Relationship to Economic and Transportation Needs.
The location of the Airport or Heliport site or expansion compliments 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.

H. Nuisance.
The location of the Airport or Heliport site or expansion shall not cause a nuisance as defined within this Code. 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.

DIVISION 6. FINANCIAL GUARANTEE.

14-601. FINANCIAL GUARANTEE REQUIRED.

Before any Permit is issued under this Code, the BOCC shall require the Applicant to file a guarantee of financial security. The purpose of the financial guarantee is to assure the following:

A. Completion.
The proposed project is completed and, if applicable, that the Development Area is properly reclaimed.

B. Performance.
The Applicant performs all Mitigation requirements and Permit conditions in connection with the construction, operation, and termination of the proposed project.

C. Increases Borne By Permit Holder.
Increases in public facilities and services necessitated by the construction, operation, and termination of the proposed project are borne by the Permit holder.

D. Shortfall to County Revenues.
Shortfalls to County revenues are offset in the event that the proposed project is suspended, curtailed, or abandoned.

14-602. AMOUNT OF FINANCIAL GUARANTEE.

In determining the amount of the financial guarantee, the County shall consider the following factors:

A. Estimated Cost of Completion.
The estimated cost of completing the proposed project and, if applicable, of returning the Development Area to its original condition or to a condition acceptable to the County.

B. Estimated Cost of Performing All Mitigation.
The estimated cost of performing all Mitigation requirements and Permit conditions in connection with the construction, operation, and termination of the proposed project, including:

1. The estimated cost of providing all public services necessitated by the proposed activity until 2 years after the proposed activity ceases to operate; and
2. The estimated cost of providing all public facilities necessitated by the proposed activity until all such costs are fully paid.

14-603. ESTIMATE.

Estimated cost shall be based on the Applicant's submitted cost estimate plus the BOCC's estimate of the additional cost to the County of bringing in personnel and equipment to accomplish any unperformed purpose of the financial guarantee. The BOCC shall consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The BOCC may require, as a condition of the Permit, that the financial security be adjusted upon receipt of bids to perform the requirements of the Permit and this Code.

14-604. FORM OF FINANCIAL GUARANTEE

A. Form Acceptable.
The financial guarantee may be in any form acceptable to the BOCC and payable to the County.

B. Guarantor or Surety.
If the form is a security such as a guarantee or letter of credit, the guarantor or surety shall be licensed to do business in Colorado. Should the license to do business in Colorado be suspended or revoked, the Applicant shall have 60 calendar days, or a time reasonable to the BOCC, after the BOCC receives notice thereof, to provide a substitute guarantee in a form and type acceptable to the BOCC. Should the 1041 Permit holder fail to make a substitution either prior to a lapse in licensure or within the time allowed, the BOCC shall suspend the Permit until proper substitution has been made.

C. Cash Deposited.
At least 10% of the amount of the financial guarantee must be in cash deposited with the County's treasurer and placed in an earmarked escrow account mutually agreeable to the BOCC and Applicant.

14-706. RELEASE OF GUARANTEE.

The financial guarantee may be released only when:

A. Surrender of Permit.

The 1041 Permit has been surrendered to the BOCC before commencement of any physical activity on the site of the permitted project; or

B. Project Abandonment.

The project has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County; or

C. Satisfactory Completion.

The project has been satisfactorily completed; or

D. Completion of Phase.

A phase or phases of the project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with project phasing and as determined appropriate by the BOCC; or

E. Satisfied Conditions.

The applicable guaranteed conditions have been satisfied.

14-606. CANCELLATION OF THE FINANCIAL GUARANTEE.

Any financial guarantee may be canceled only upon the BOCC's written consent, which may be granted only when such cancellation will not detract from the purposes of the security.

14-607. FORFEITURE OF FINANCIAL GUARANTEE

A. Written Notice.

If the BOCC determines that a financial guarantee should be forfeited because of any violation of the Permit, Mitigation requirements, conditions, or any applicable Regulations adopted by the BOCC, it shall provide written notice to the surety and the Applicant that the financial guarantee will be forfeited unless the Permit holder makes written demand to the BOCC, within 30 days after Permit holder's receipt of notice, requesting a hearing before the BOCC. If no demand is made by the Permit holder within said period, then the BOCC shall order the financial guarantee forfeited.

B. Public Hearing.

The BOCC shall hold a hearing within 30 days after the receipt of the demand by the Permit holder. At the hearing, the Permit holder may present for the consideration of the BOCC statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the BOCC shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

C. Disbursement.

The deposit described above may be used by the BOCC in the event of the default or allowed default of the Permit holder, only for the purposes of recovering on the surety or fulfilling the Permit obligation of the Permit holder. In the event that the ultimate reviewing court determines that there has been a default by the Permit holder, that portion of any moneys expended by the County from the escrow funds relating to such default shall be replaced in the escrow account by the BOCC immediately following such determination. The County may arrange with a lending institution, which provides money for the Permit holder that said institution may hold in escrow any funds required for said deposit. Funds shall be disbursed out of escrow by the institution to the County upon County's demand for the purpose specified in this section.

D. Inadequate Revenue.

If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County Attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible.

DIVISION 7. 1041 PERMIT ADMINISTRATION AND ENFORCEMENT.

14-701. ENFORCEMENT AND PENALTIES.

A. Enjoinment.

Any person engaging in development in the designated area of state interest or conducting a designated activity of state interest who does not obtain a 1041 Permit pursuant to this Code, who does not comply with 1041 Permit requirements, or who acts outside the jurisdiction of the 1041 Permit may be enjoined by the County from engaging in such development, and may be subject to such other criminal or civil liability as may be prescribed by law.

B. Material Changes in the Construction or Operation.

If the County determines at any time that there are material changes in the construction or operation of the project from that approved by the County, the 1041 Permit may be immediately suspended and a hearing shall be held to determine whether new conditions are necessary to ensure compliance with the approval standards or if the 1041 Permit should be revoked.

14-702. 1041 PERMIT SUSPENSION OR REVOCATION.

A. Temporary Suspension.

The BOCC may temporarily suspend the 1041 Permit for a period of 30 days for any violation of the Permit or the applicable Regulations. The Permit holder shall be given written notice of the violation and will have a minimum of 15 days to correct the violation. If the violation is not corrected, the Permit shall be temporarily suspended for 30 days.

B. Revocation.

The County may revoke a 1041 Permit granted pursuant to this Code if any of the activities conducted by the Permit holder violates the conditions of the Permit or this Code, or the County determines that the project as constructed or operated has impacts not disclosed in the application. Prior to revocation, the Permit holder shall receive written notice and be given an opportunity for a hearing before the BOCC. The BOCC may revoke the 1041 Permit or may specify a time by which action shall be taken to correct any violations for the Permit to be retained.

14-703. TRANSFER OF 1041 PERMITS.

A 1041 Permit may be transferred only with the written consent of the BOCC. Consent shall be in the sole discretion of the BOCC. The BOCC shall ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the Permit, and this Code; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

14-704. INSPECTION.

The BOCC may enter and inspect any property subject to this Article at reasonable hours for the purpose of determining whether the activity is in violation of this Code.

14-705. JUDICIAL REVIEW.

Any action seeking judicial review of a final decision of the BOCC shall be initiated within 30 days after the decision is made, in the District Court in and for the County of Garfield, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

LUDC 2013

GARFIELD COUNTY, COLORADO

Article 15: Definitions

ARTICLE 15
DEFINITIONS

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SECTION 15-101. ACRONYMS.

For the purposes of this Code, the following acronyms are defined as follows.

AAHE	Approved Affordable Housing Entity
AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
ADU	Accessory Dwelling Unit
AHU	Affordable Housing Unit
AMI	Area Median Income
ANSI	American National Standards Institute
APD	Application for Permit to Drill
ATV	All Terrain Vehicle
AWDP	Area Wide Development Plan
BFE	Base Flood Elevation
BOCC	Board of County Commissioners
CB	Commercial, Business
CCIOA	Colorado Common Interest Ownership Act
CCRs	Covenants, Conditions and Restrictions
CDOT	Colorado Department of Transportation
CDPHE	Colorado Department of Public Health and Environment
CG	Commercial, General
CL	Commercial, Limited
CLOMR	Conditional Letter of Map Revision
CPW	Colorado Parks and Wildlife
COGCC	Colorado Oil and Gas Conservation Commission
CPI-W	Consumer Price Index, Urban Wage Earners and Clerical Workers
CRS	Colorado Revised Statutes
CWCB	Colorado Water Conservation Board
db(A)	Decibel
dBA	A-Weighted Decibel
DNDP	Density Neutral Development Plan
EMF	Electromagnetic Field
EPA	Environmental Protection Agency
F	Fahrenheit
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FATO	Final Approach and Take-off Area
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
GCHA	Garfield County Housing Authority
GPS	Global Positioning System
HOA	Homeowner's Association
HUD	U.S. Department of Housing and Urban Development
I	Industrial
IDDP	Increased Density Development Plan
IFC	International Fire Code
ISDS	Individual Sewage Disposal System

kW	Kilowatt
Ldn	Day Night Level
Leq(h)	Hourly Equivalent Noise Level
LOMR	Letter of Map Revision
LPG	Liquefied Petroleum Gas
MCL	Maximum Contaminant Level
MUTCD	Manual on Uniform Traffic Control Devices
NPDES	National Pollutant and Discharge Elimination System
NRCS	National Resource Conservation Service
OWTS	On-Site Wastewater Treatment System
OSHA	Occupational Safety and Health Administration
PA	Public Airport
PL	Public Lands
PSI	Pounds per Square Inch
PUD	Planned Unit Development
R	Rural
RL-E	Resource Lands, Escarpment
RL-GS	Resource Lands, Gentle Slope
RL-P	Resource Lands, Plateau
RL-T	Resource Lands, Talus
RLDE	Rural Land Development Exemption
RMHP	Residential, Manufactured Home Park
ROW	Right-of-Way
RPZ	Runway Protection Zone
RS	Residential, Suburban
RU	Residential, Urban
SFE	Single-Family Equivalent
SFHA	Special Flood Hazard Area
SPCC	Spill Prevention Counter Measure and Control Plan
TLOF	Touchdown and Lift-off Area
TOHWM	Typical and Ordinary High Water Mark
TPUD	Transportation Planned Unit Development
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USDAAPHIS	United States Department of Agriculture Animal and Plant Health Inspection Services
USFWS	United States Fish and Wildlife Service

SECTION 15-102. DEFINITION OF WORDS AND PHRASES.

For the purposes of this Code, the following words and phrases are defined as follows:

Accessory Building or Structure. See “Building, Accessory.”

Accessory Use. See “Use, Accessory.”

Adequate Water Supply. A water supply that will be sufficient for build-out of the proposed development in terms of quality, quantity, dependability, and availability to provide a supply of water for the type of development proposed, and may include reasonable conservation measures and water demand management measures to account for hydrologic variability.

Adjacent Property Owner. An owner of record of any estate, right, or interest in real property that is located within 200 feet of the subject parcel or only separated by a Federal, State or municipal right-of-way.

Adult Day Care. A facility, located in a place of residence, which provides less than 12-hour care for individuals 18 years old or older who are not related to the head of such home.

Aerobic Aeration Plant or Disposal Method. A small-scale sewage treatment system, with no connection to a central sewer system, that provides an aerobic bacterial environment in order to decompose or mineralize waste discharged into the chamber.

Affected Party. As it pertains to Article 14, any person with an interest in the outcome of the permit decision for the proposed project.

Agriculture. The use of land for production, cultivation, growing and harvesting of crops and plants; raising and breeding livestock, excluding commercial animal feed lot operations; harvesting, storage, grading, packaging, processing, and distribution of agricultural commodities; construction of internal roads, ponds, dams and ditches necessary to agricultural operations, excepting those regulated as Water Impoundment; dairying, aquaculture, horticulture, floriculture, viticulture, nursery, and animal and poultry husbandry; and the necessary Accessory Uses and Structures needed for harvesting, packing, treating, or storing, excluding forestry.

Agricultural Land. Any land used primarily for the production of crops or livestock, including irrigated meadows, irrigated and dry pasture, irrigation ditches, stock drive routes, lands used for barns, corrals, and storage of crops or agricultural products, but not including lands used primarily for the production of commercial timber.

Agricultural Products. Products grown or raised on a property intended for direct human or animal consumption or use, such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, and wool.

Agricultural Products Distribution. Any land used to receive, sort, and distribute agricultural products grown and processed on another property.

Agricultural Products Processing and Storage. The alteration of agricultural products brought to the site in its natural state including, but not limited to, cleaning, sorting, grading, packaging, milling, or storing of products which are intended for direct human or animal consumption or use.

Agricultural Products, Processing, Storage, Distribution, and Sale at Point of Production. Establishments performing a variety of operations on crops after harvest and livestock after slaughter, to prepare them for market or further processing and packaging or selling on site.

Agricultural Products, Processing, Storage, Distribution, and Sale Off-Site. Establishments performing a variety of operations on crops after harvest and livestock after slaughter, to prepare them for market or further processing and packaging at a distance from the agricultural area.

Aircraft Landing Strip, Private. A facility that accommodates use and servicing of private aircraft.

Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land and facilities used in connection with the aircraft landing or taking off from the strip of land including, but not limited to, land and facilities used for existing Airport uses.

Airport Elevation. The highest point of an Airport's usable Runway, measured in feet above mean sea level.

Airport Hazard. Any structure, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of aircraft.

Airport Imaginary Surfaces. Imaginary areas in space and on the ground that are established in relation to the Airport and its Runways. Imaginary areas are defined by the Primary Surface, Runway Protection Zone, Approach Surface, Horizontal Surface, Conical Surface, and Transitional Surface.

A. Approach Surface. A surface longitudinally centered on the extended Runway centerline and extending outward and upward from each end of the Primary Surface. Dimensions are defined by FAR Part 77. The Approach Surface is sometimes designated as the "Approach Zone."

B. Conical Surface. A surface extending outward and upward from the periphery of the Horizontal Surface at a Slope of 20 to 1 for a horizontal distance of 4,000 feet.

C. Horizontal Surface. A horizontal plane 150 feet above the established Airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Surface of each Runway of each Airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is defined by FAR Part 77.

D. Primary Surface. A surface longitudinally centered on a Runway with dimensions as specified by FAR Part 77.

E. Runway Protection Zone (RPZ). An area off the Runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended Runway centerline. The dimensions are specified in FAA Advisory Circular 150/5300-13.

F. Transitional Surface. Those surfaces that extend upward and outward at 90-degree angles to the runway centerline and the runway centerline extended at a Slope of 7 feet horizontally for each foot vertically from the sides of the Primary and Approach Surfaces to the point of intersection with the Horizontal and Conical Surfaces. Transitional Surfaces for those portions of the precision Approach Surfaces that project through and beyond the limits of the Conical Surface, extend a distance of 5,000 feet measured horizontally from the edge of the Approach Surface, and at a 90-degree angle to the extended Runway centerline.

Airport Master Plan. The Master Plan including an Airport Layout Plan as updated and approved by the FAA and BOCC.

Airport Noise Impact Boundary. Areas located within 1,500 feet of an Airport Runway or within established noise contour boundaries exceeding 55 Ldn.

Airport or Heliport Impact Areas.

A. Direct Impact Area. The area located within 5,000 feet of an Airport Runway or 2,000 feet of a Heliport, excluding lands within the Runway Protection Zone and Approach Surface. The Direct Impact Area is sometimes designated as the "Flight Pattern Area."

B. Secondary Impact Area. The area located between 5,000 and 10,000 feet from an Airport Runway or between 2,000 and 4,000 from a Heliport.

Airport or Heliport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an Airport/Heliport.

Airport Protection Surfaces. Imaginary Surfaces in an airport vicinity as established by FAR Part 77, "Objects Affecting Navigable Airspace," U.S. Department of Transportation, FAA, January 1975, as amended, for the purpose of controlling heights of objects in an Airport vicinity, as codified under Subchapter E, "Airspace," of Title 14 of the Code of Federal Regulations, incorporated herein by this reference (C.R.S. § 41-4-101, *et seq*., as amended), or by other means accepted by the BOCC.

Airport Reference Code. A code comprised of the Aircraft Approach Category and the Airplane Design Group as defined in FAA Advisory Circular 150/5300-13A.

Airport Rules and Regulations. The rules, regulations, and minimum standards for aeronautical activities adopted by the BOCC, as the same may be amended or restated from time to time.

Air Strip, Ultralite. The strip of land used for taking off and landing of recreational aircraft constructed of lightweight materials such as aluminum, graphite composites, or high-strength plastics, having an engine of roughly 15 to 40 horsepower and often resembling a hang glider with motorized propeller.

Alley. A public right-of-way providing only secondary access to a property and not intended for general travel.

Ambient Noise. The total of all noise in a situation, independent of the projected noise from any new particular source or increase in existing sources of noise. Ambient noise includes both sustained background readings and existing fluctuations in noise levels.

Amended Final Plat. A recorded Plat correcting surveying or drafting errors, or reflecting other changes to an existing recorded Plat.

Anaerobic Septic Tank (Subsurface) or Disposal Method. A small-scale sewage treatment system, with no connection to a Central Sewer System, that uses an anaerobic bacterial environment in order to decompose or mineralize waste discharged into the tank.

Animal Processing. A USDA-inspected facility primarily engaged in slaughtering animals, preparing processed meats and meat byproducts, and/or rendering or refining animal fat, bones, and meat scraps. Excluded from this definition are custom meat processing and wild game processing facilities, as defined and permitted by the USDA and CDPHE.

Animal Sanctuary. An establishment for the harboring, keeping, care, and secure and humane containment of wild and/or domesticated animals. The facility may also provide education to the public regarding the care of all animals.

Applicant. A person or entity having fee ownership of the subject property and submitting a development application.

Approach Surface. See "Airport Imaginary Surfaces."

Approved Affordable Housing Entity (AAHE). An entity other than the GCHA who administers the management of Deed Restrictions in the approved Affordable Housing Plan.

Appurtenances. The visible, functional, or ornamental objects accessory to and part of a building.

Area Around a Rapid or Mass Transit Facility. As it pertains to Article 14, an area immediately and directly affected by a Rapid or Mass Transit Facility as defined herein.

Area of Shallow Flooding. An area designated as Zone AO on the Flood Insurance Rate Map (FIRM) with a 1% chance or greater annual chance of flooding to an average depth of 1 to 3 feet; where a clearly-defined channel does not exist; where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheetflow.

Arterial Highway. Any limited access highway that is part of the Federal-aid interstate system or any limited-access highway constructed under the supervision of the Colorado Department of Transportation.

At-grade. On the same level as the established grade.

Auditorium. See "Community Meeting Facility."

Average Daily Traffic (ADT). The average number of 1-way vehicular trips that are generated from a particular land use during a 24-hour period.

Bakery. A commercial establishment for the production of baked goods, primarily for sale to other commercial establishments.

Base Flood. A flood having a 1% chance of being equaled or exceeded in any given year. The term is used interchangeably with "intermediate regional flood," "100-year flood," and "1%-chance flood."

Base Flood Elevation. The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

Batch Plant. A facility for mixing concrete or asphalt.

Bed and Breakfast. See "Lodging Facilities."

Building. Any structure having a roof supported by columns or walls and intended for supporting, enclosing, sheltering, or protecting any use or occupancy. The term "building" shall include modular or prefabricated buildings that do not fall within the definition of Manufactured Home.

Building, Accessory. A subordinate building located on the same lot as the principal building, the use of which is incidental to the principal use. Unless otherwise specified in this Code, any Accessory Building is subject to the minimum requirements of the zoning district in which it is located.

Building Code. The Code adopted by the Board of County Commissioners that regulates construction and alteration of structures and equipment intended to protect the public health, safety, and welfare, as the same may be amended from time to time.

Building Envelope. A designated area within a lot or parcel in which all structures and development shall be constructed or occur, unless specifically excepted or exempted including, but not limited to, excavation, landscaping, building, grading, demolition, or filling.

Building Footprint. The outline of the total area that is covered by a building's perimeter at ground level.

Building or Structure Necessary to Agricultural Operations, Accessory. Accessory Buildings that are used to support agricultural operations. Examples include a barn, chicken coop, storage shed for agricultural equipment, and indoor riding arena.

Building Permit. A permit which is issued by the Building Official prior to the erection, construction, alteration, moving, relocation, or change of use of any building or structure.

Building Restriction Line. As it pertains to Article 14, a line that identifies suitable building area locations.

Bulk. The total volume of the structure, found by multiplying the square footage by the height.

Bulk Sales of LPG and CNG. Businesses that receive supplies from other sources and then store, distribute, and/or sell liquefied petroleum gas and/or compressed natural gas.

Campground/RV Park. A land parcel in single ownership that has been developed for occupancy by guest-owned tents and Recreational Vehicles (RVs) on a temporary basis for recreational purposes.

Central Sewer System. See "Sewage Treatment Facility."

Central Water (Distribution) System. A public water system that serves more than 1 service connection used by year-round residents.

Cesspool. An underground reservoir for liquid waste.

Child Care Center. A facility licensed by the State department, by whatever name known, that is maintained for the whole or part of a day, but less than 24 hours, for the care of 5 or more children who are 18 years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. This includes residential child care facilities,

including community-based residential child care facilities, as defined in rule by the State board, and psychiatric residential treatment facilities as defined in C.R.S. § 25.5-4-103 (19.5)

Church. See "Place of Worship."

Colorado Medical Marijuana Code. C.R.S. § 12-43.3-101, *et seq*., and any regulations promulgated thereunder.

Commercial Mineral Deposits. Oil, gas, gravel, and other natural deposits that may be extracted from a property for economic benefit.

Commercial Use. See "Use, Commercial."

Community Meeting Facility. A facility for public gatherings including, but not limited to, recreation halls and auditoriums, and holding events such as weddings, wedding receptions, community meetings, and meetings and events sponsored by neighborhood groups, religious groups, philanthropic organizations, etc.

Compatibility. The characteristics of different uses or activities or design that allow them to be located near or adjacent to each other in harmony. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Plan. The master land use plan adopted by the Planning Commission and certified to the BOCC pursuant to C.R.S. §§ 30-28-106 through 109 as the same may be amended from time to time.

Compressor, Booster. Typically consists of a single compressor unit located on an existing well pad and is generally skid mounted. Multiple well pads may require additional booster compressor units. Booster compressors are commonly used for artificial lift to add gas velocity.

Compressor/Pipeline Pump Station. An installation consisting of equipment utilized to increase pipeline pressures, and monitor operating conditions, and associated control equipment in order to move gas and/or liquids in pipelines.

Conditional Letter of Map Revision. FEMA's comment on a proposed project, which does not revise an effective Floodplain Map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory Floodplain.

Condominium. An individual air space unit together with the interest in the common elements appurtenant to such unit. Individual air space unit consists of any enclosed room or rooms occupying all or part of a floor or floors in a building of 1 or more floors to be used for residential, professional, commercial, or industrial purposes that has access to a public street.

Conical Surface. See "Airport Imaginary Surfaces."

Conservation Easement. The right of the owner of a property to prohibit or require certain acts with respect to the use of the property in order to maintain the property in a manner that will preserve its value for, but not limited, agriculture, recreation, education, habitat, Open Space, or historical importance. A Conservation Easement is an interest in real property.

Construction, Existing. For Floodplain purposes, existing construction means that construction commenced before the effective date of the FIRM.

Contiguous. Sharing an edge or boundary; touching.

Contractor's Yard, Large. The use of land for the purpose of storing machinery, equipment, and supplies for an individual business that may include office, maintenance, and repair facilities that provide services to clients through the use of the machinery, equipment, or supplies that is on a site greater than 5 acres. Site size shall be measured by drawing a box(es) around the perimeter of the Contractor's Yard and calculating the resulting area.

Contractor's Yard, Small. The use of land for the purpose of storing machinery, equipment, and supplies for an individual business that may include office, maintenance, and repair facilities that provide services to clients through the use of the machinery, equipment, or supplies, that is on a site up to 5 acres in size. Site size shall be measured by drawing a box(es) around the perimeter of the Contractor's Yard and calculating the resulting area.

Convenience Store. Any retail establishment selling consumer products including primarily prepackaged or prepared food items and household items, and having a gross Floor Area of less than 5,000 square feet. A convenience store may also have associated retail sale of gasoline and other petroleum products and vehicle washing facilities.

Corrections Facility. A use that provides housing, treatment, or care for individuals legally confined or placed as a result of criminal charges, and designed to incarcerate or rehabilitate individuals in either a secured or nonsecured setting.

Cost. The total monetary amount to be paid, including all amounts to be paid for land acquisition, capital improvements, construction, fixtures, equipment, labor, materials, operation, financing, debt service, planning, permitting, and similar purposes.

Critical Facility. As specified in section 3-301.H.2., a structure or related infrastructure, excluding the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Dedication. The conveyance or setting aside of land to the BOCC or its designee.

Deed. A legal document conveying an interest in real property recorded in the real property records of the Garfield County Clerk and Recorder.

Density. A unit of measurement, specific to development, to be interpreted as the number of dwelling units per acre of land.

Designation. As it pertains to Article 14, that legal procedure specified by C.R.S. §§ 24-65.1-401, 402, and 406, for designating matters of State interest. It also includes the revocation and amendment of such designations.

Development. Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Development Area. As it pertains to Article 14, those geographic areas within the County that will be developed or altered directly by construction or operation of the project.

Development Permit. Any County land use permits or approvals of any kind, including Building Permits, Plat approvals, Grading Permits, or Land Use Change Permits; but specifically excluding Sign Permits.

Direct Impact Area. See "Airport Imaginary Surfaces."

Discharging Ground Surface. The area where processed waste from a septic system is piped out so that it may infiltrate the ground.

Dwelling Unit. A building used exclusively for residential occupancy, including single-unit dwellings, 2-unit dwellings, and multi-unit dwellings.

Dwelling Unit, 2-Unit. A single building consisting of 2 dwellings.

Dwelling Unit, Accessory. A dwelling unit considered secondary to a primary dwelling unit for use as a complete independent living facility on the same parcel as a permitted principal use and that meets dimensional and other requirements applicable to the principal use, which may be attached to the primary dwelling.

Dwelling Unit, Attached. A residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by legally divided party walls without openings. The term is intended primarily for such fee simple title ownership of dwelling types as townhouses and duplexes.

Dwelling Unit, Detached. A single-unit dwelling at least 20 feet wide and 20 feet long, and that meets the Building Code.

Dwelling Unit, Multi-Unit. A dwelling containing 3 or more dwelling units, not including hotels, motels, fraternity and sorority houses, and similar group accommodations.

Dwelling Unit, Single Family or Single-Unit. A building designed exclusively for residential occupancy. A single structure with 1 or more rooms designed to function as a single living facility and containing only 1 kitchen plus living, sanitary, and sleeping facilities.

Easement. A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose.

Eating or Drinking Establishment. An establishment for the sale and consumption of food and beverages on the premises, or with drive-thru accommodations.

Educational Facility. Buildings and uses for instruction or research activities associated with an academic institution that has curriculum for technical or vocational training that may be, but is not limited to, kindergarten, elementary, secondary, or higher education, including residential facilities for faculty, staff, and students.

Electric Power Generation Facility, Large. A facility designed to generate electricity by the conversion of natural resources such as coal, natural gas, or water with generating capacity of 10 megawatts or more, and any appurtenant facilities thereto.

Electric Power Generation Facility, Small. A facility designed to generate electricity by the conversion of natural resources such as coal, natural gas, or water with generating capacity of less than 10 megawatts, and any appurtenant facilities thereto.

Emergency Care Facility. A health care facility providing primarily outpatient emergency care for the diagnosis and treatment of individuals.

Emergency Shelter. A facility providing intermediate-term housing to people with limited financial resources, including people who are homeless or are abused mentally, physically, or emotionally and need to escape a threatening situation. Accommodations may also include food, counseling, transportation services, and service to support the personal care of the residents of the facility, including medical care, dental care, and hygiene.

Environment. As it pertains to Article 14, all natural physical and biological attributes and systems, including the atmosphere, climate, geology, soils, groundwater, surface water, Wetlands, vegetation, animal life, physical features, natural hazards, topography, and aesthetics.

Expansion to an Existing Manufactured Home Park or Subdivision. For Floodplain purposes, the preparation of additional sites by the construction of facilities for servicing the lots on which Manufactured Homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Excavation. The removal of earth material by artificial means, also referred to as a "cut."

Extraction. To draw out or forth; hence to derive as if by drawing out; removal of physical matter in a solid or liquid state from its naturally occurring location; the initial step in utilization of a natural resource. Examples include shale and coal mines, gravel pits, and timber cutting.

Federal Aviation Administration's Technical Representative. The Federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDAAPHIS-Wildlife Services.

Fabrication. To form by art and labor; to manufacture; change in the physical shape of matter; the final step in utilization of a natural resource. Examples include the manufacture of wholesale and retail goods from processed materials, wood, and metal working operations and the following:

A. Assembly of Structures. Process in which an item is put together from ready-made components or parts such as, but not limited to, roof trusses and other prefabricated building components.

B. Cabinet Making, Woodworking, Metalworking, Glazing, Machining, Welding. The fabrication of wood and metal products.

C. Equipment, Small Appliances. The fabrication of portable or semi-portable machines, generally on a platform, used to accomplish a household task.

D. Goods Processed From Natural Resources. Products made from natural resources such as wood and extracted minerals. Examples include metal, lumber, and mulch.

E. Vehicles, Machinery, and Heavy Equipment. A constructed machine used to transmit or modify the application of power, force, or motion. Examples include tractors, automobiles, dump trucks, and bailers.

Family Child Care Home. A facility for child care in a place of residence of a family or person for the purpose of providing less than 24-hour care for 9 or fewer children under the age of 18 years who are not related to the head of such home. A Family Child Care Home may include infant-toddler child care homes, large child care homes, experienced-provider child care homes, and such other types of Family Child Care Homes designated by rules of the State Department of Social Services pursuant to C.R.S. § 26-6-106(2)(p).

Feedlot, Commercial. A place of confinement of livestock for the primary purpose of providing for the ultimate sale of products from the animals or the animals themselves.

Fill. A deposit of earth material placed by artificial means.

Fish Farm. Exclusive of recreational fishing operations, a workplace where fish are hatched and raised for the purpose of harvesting and sale including, but not limited to, production for consumption and private stock.

Fixed Guideway. As it pertains to Article 14, a transportation facility consisting of a separate right-of-way or rail line for the exclusive use of rapid or mass transit vehicles.

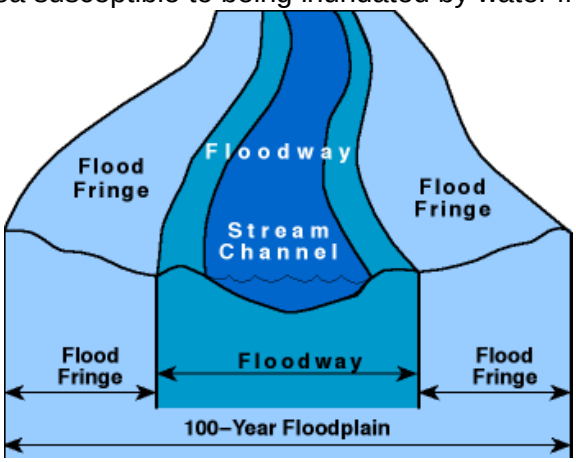
Flood Fringe. The area of the Floodplain shown on the flood maps that lies outside of the Floodway, in which the depth and velocity of the waters of the 100-year flood do not present as serious a threat to life and property as do the depth and velocity of the 100-year floodwaters in the Floodway. It is that area of the 100-Year Floodplain in which the use of Fill and floodproofing techniques may be allowed for development, without raising the water surface elevation of the 100-year flood by more than 1/2 foot.

Flood Insurance Rate Map. An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by FEMA that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the Base Flood.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. Any land area susceptible to being inundated by water from any source.



Floodplain Development. Under Floodplain regulations, any public or private construction or activity that changes the basic character or the topography of the land on which the construction or activity occurs including, but not limited to, any manmade change to improved or unimproved real estate, construction, or substantial improvement of buildings or other structures. Development includes mining, dredging, filling, grading, paving, excavation, or drilling operations; and all dams, reservoirs, walls, embankments, berms, levees, dikes, piles, abutments, projections, channel rectification, roads, bridges, culverts, excavations, and Fills.

Floodplain Encroachment. Any development, stockpile, refuse, or matter in, along, across, or projecting into any Floodplain that might impede, retard, or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water. The term "Floodplain Encroachment" shall not include any device or structure reasonably necessary for flood control or prevention.

Floodproofing. A combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway (Regulatory). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area. The total habitable horizontal Floor Area of all floors in a building, measured from exterior wall to exterior wall, exclusive of unfinished basement, garage, storage area, and utility rooms.

Floor Area Ratio. This means the Floor Area of the building or buildings on a lot divided by the total lot area.

Functional Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Gas Transmission Line. Gas main or gas laterals used in the local distribution of natural gas service.

General Service Establishment. An establishment for services offered by a professional or tradesman, but that is not otherwise classified as a specific commercial or industrial use.

Golf Course/Driving Range. A recreational facility primarily used for the purpose of playing or practicing golf, but which may include associated eating and drinking areas, retail sales areas, and staff offices.

Grade, Finished. The final elevation of the ground surface after development.

Grade, Natural. The elevation of the ground surface in its natural state before manmade alterations.

Grading. Any excavating, filling, or combination thereof.

Gravel Pit. See "Extraction."

Group Home Facility. A facility operated by a public, nonprofit, or private agency that provides care or supervision of persons who are not related by blood, marriage, or adoption to the facility's owner, operator, or manager.

Hazard. A significant natural or manmade phenomenon or condition that is a source of risk, danger, or peril resulting from natural phenomena or conditions.

A. As it relates to Airport and Heliport operations, the term "hazard" shall include any structure, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an Airport or Heliport, or is otherwise hazardous to such landing or taking off of aircraft.

B. As it relates to bird strike hazards, the term "Significant Hazard" means a level of increased flight activity by birds across an Approach Surface or Runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

Hazard Area. An area that contains or is directly affected by a geologic hazard, including but not limited to following types of areas.

A. **Avalanche Area.** A mass of snow or ice and other material that may become incorporated therein as such mass moves rapidly down a Slope.

B. **Landslide Area.** An area with demonstrably active mass movement or rock and soil where there is a distinct surface rupture or zone of weakness that separates the landslide material from more stable underlying material.

C. **Mudflow Debris Area.** An area subject to rapid mud and debris movement or deposit occurring after mobilization by heavy rainfall or snowmelt runoff. Such areas are formed by successive episodes of deposition of mud and debris.

D. **Radioactive Area.** An area subject to various types of radiation emission from radioactive minerals that occur in natural or manmade deposits of rock, soil, or water.

E. **Potentially Unstable Soils.** An area of land identified as having soils that may cause damage to structures, such as buildings and roadways, as a result of over saturation or some other outside influence.

Hazard, Geologic. A geologic phenomenon that is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

Hazardous Waste or Materials. Hazardous waste or hazardous materials as defined by the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division.

Height. The highest point of a structure or tree, plant, or other object of natural growth, measured from mean sea level.

Height, Building. The distance, measured vertically, from the average undisturbed or natural ground grade horizontal plane of a building footprint to the top of a flat roof or mansard roof or to the mid-point between the eave line and the peak of a gable, hip, shed, or similar pitched roof.

Heliport. Any designated area used for the landing and taking off of helicopters. The use may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Helistop. As it pertains to Article 14, a minimally-developed Heliport for landing and discharging passengers or cargo not intended for refueling or maintaining itinerant helicopters.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Highway. As it pertains to Article 14, State and Federal highways and major County arterials.

Highway, Arterial. As it pertains to Article 14, a principal arterial road as defined in the Garfield County Road and Bridge Design and Construction Standards that has an Average Daily Traffic count of 5,000 or greater.

Highway, Collector. As it pertains to Article 14, an arterial road as defined in the Garfield County Road and Bridge Design and Construction Standards that has an Average Daily Traffic count of at least 2,500, but not more than 4,999.

Historic Structure or Building. Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved State program as determined by the Secretary of the Interior or;

2. Directly by the Secretary of the Interior in states without approved programs.

Home Office/Business. Any use for profitable or charitable purposes carried on as an Accessory Use within a dwelling unit or a building accessory to the dwelling unit that does not create the appearance or impact of a commercial activity.

Homeowner Association or Owners Association. The association set up to enforce the covenants and maintain all common areas and buildings for a development and any association established under Title 7 of the Colorado Revised Statutes.

Horizontal Surface. See "Airport Imaginary Surfaces."

Hospital. An institution providing health services primarily, but not exclusively, for human inpatient medical or surgical care for sick or injured, including related facilities such as laboratories, outpatient departments, training and central services facilities, and staff offices.

Hotel. See "Lodging Facilities."

Hydraulic Fracturing. The process of creating small cracks or fractures in the underground geological formations by using a controlled high pressure injection of fluid or proppant (usually sand) to allow oil or natural gas to flow into the wellbore and thereby increasing productivity of the well.

Hydraulic Fracturing, Remote Surface Facility. A COGCC-approved surface facility, not located on a well pad, that is used for staging materials and equipment to pump hydraulic fracturing fluid to 1 or more COGCC-approved well locations for the purpose of advancing the wellbore and increasing the productivity of the well through hydraulic fracturing as part of the well completion activity.

Illumination, Direct. Lighting by means of an unshielded light source that is effectively visible when the light travels directly from the source to the viewer's eye.

Illumination, Indirect. Lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front or a light source that is primarily designed to illuminate without direct travel from the source to the viewer's eye.

Impact. The direct or indirect effect or consequence resulting from a development upon land, the environment, the community, or any part or segment thereof. The term shall include, but not be limited to, physical, environmental, economic, visual, auditory, or social consequences or effects.

Impact Area (Project). As it pertains to Article 14, those geographic areas, including the development area, in which any impacts are likely to be caused by the project.

Impervious Area/Surface. Surfaces constructed of materials that are impenetrable to water or other liquids.

Industrial. Any development of natural resources, business or trade, commercial activity, processing, fabrication, alteration or manufacture of raw or semi-processed materials, manufactured goods, or any components thereof.

Industrial Use. See "Use, Industrial."

Industrial Vehicles, Machinery and Heavy Equipment. The business of selling or leasing vehicles, machinery or heavy equipment used in industrial activities.

Injection Well. A well on a COGCC-approved well location that is used for pumping water or other fluids from the surface into a reservoir.

A. **Injection Well, No Storage.** An Injection Well where fluids are transported to the well location solely by pipeline and that has no appurtenant and accessory on-pad tanks.

B. **Injection Well, Small.** An Injection Well with less than 5,000 barrels of appurtenant and accessory on-pad tanks.

C. **Injection Well, Large.** An Injection Well with 5,000 barrels or greater of appurtenant and accessory on-pad tanks.

Interchange. As it pertains to Article 14, the intersection of 2 or more highways, roads, or streets, at least 1 of which is an arterial highway where there is direct access to and from the arterial highway.

Irrigation Ditch. A manmade channel designed to transport water.

Junk. Any material unfit for its original intended use, discarded, worn out, dismantled, or deteriorated in such condition that it is not useable, safe, or fit for human use or habitation.

Kennel, Large. A commercial establishment other than a pet shop or veterinary clinic, in which adult dogs or domesticated animals are housed, groomed, bred, boarded, or trained and have greater than 8 adult dogs and more than 2 litters of pups per any 1 calendar year. Dogs used as a part of a agricultural activity are exempted from the definition.

Kennel, Small. A commercial establishment other than a pet shop or veterinary clinic, in which adult dogs or domesticated animals are housed, groomed, bred, boarded, or trained and that have between 5 and 8 adult dogs with no more than 2 litters of pups per any 1 calendar year. Dogs used as a part of a legitimate agricultural activity are exempted from the definition.

Kitchen. A room or area that is designated to be used for cooking and preparation of food that contains standard kitchen appliances or fixtures.

Land Use Change. Any development, grading, construction, activity, or operation that changes the basic character, configuration, or use of land or structures after the enactment of this Code constitutes a change in land use.

Land Use Change Permit. Approval by the County for any land use or activity subject to County review by this Code.

Landing Strip. A minimally developed Airport for landing and discharging passengers or cargo not intended for refueling or maintaining itinerant aircraft.

Laundromat. A commercial establishment equipped with washing machines and dryers, usually coin-operated and self-service.

Laundry and Dry-Cleaning Plant, Commercial. A facility for cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

Ldn. Day Night Level. A 24-hour average noise level with a 10-decibel penalty for nighttime.

Letter of Map Revision. FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory Floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision, Based on Fill. FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of Fill outside the existing regulatory Floodway.

Letter of Map Revision, Conditional. FEMA's comment on a proposed project, which does not revise an effective Floodplain Map, which would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory Floodplain.

Leq(h). Hourly Equivalent Noise Level. The equivalent steady state noise level that contains the same amount of acoustic energy as the time varying sound level over a 1-hour period.

Licensing Authority, Local. The Garfield County Board of County Commissioners that shall be responsible for regulating and controlling the licensing of the cultivation of Medical Marijuana in unincorporated Garfield County.

Licensing Authority, State. The Colorado Department of Revenue, the authority created pursuant to the Colorado Medical Marijuana Code for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of medical marijuana in Colorado.

Line, Distribution. Any power line designed for or capable of the transmission of less than 69 kilovolts of electricity.

Line, Transmission. Any power line designed for or capable of the transmission of 69 kilovolts of electricity or greater and that emanates from an electrical power generation facility or electric substation and terminates at a substation.

Lodging Facility. An accommodation for a temporary stay that includes, but is not limited to, a resort lodge, guest ranch, overnight shelter, motel, hotel, boarding house, and bed and breakfast establishment. Lodging Facilities exclude seasonal or Temporary Employee Housing on premises; contracted employee housing off premises; seasonal rental of homes; and lock-outs, or portions of homes, consisting of 2 or fewer independent lodging units whether managed by a lodging management agency or not.

Lot. Any legally created parcel of land including, but not limited to, lots on a legally recorded Plat.

Lot Area. The area of the horizontal plane within the lot lines of a lot.

Lot Coverage. The portion of a lot that is covered or occupied by buildings and structures. Lot coverage does not include areas such as driveways, parking, or walkways; nor does it include cantilever construction so long as the cantilever construction is at least 8 feet above the ground.

Lot Line. The external boundary of a lot.

Lot Line, Front. The boundary of a lot dividing it from the adjacent street right-of-way line, from which primary access to the property is gained.

Lot Line, Rear. The boundary of a lot opposite the Front Lot Line.

Lot Line, Side. Any boundary of a lot other than the Front or Rear Lot Line.

Lot Size. See "Lot Area."

Lot Slope. The gradient or configuration of the undisturbed land surface of a lot or building site that shall be established by measuring the maximum number of feet in elevation gained or lost over 40 feet or fraction thereof, measured horizontally in any direction between opposing lot lines. The relationship of elevation or vertical measurement is divided by the horizontal measurements to be expressed as a percentile.

Lowest Floor. The Lowest Floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The Lowest Floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's Lowest Floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program Regulations.

Manufactured Home. A structure, transportable in 1 or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Manufactured Home shall also include any structure that meets all the requirements of this definition except the size requirements, that complies with the standards established under by the International Residential Code, and for which the manufacturer voluntarily files a certification required by the HUD Secretary. For the purpose of this Code a Mobile Home shall be considered a Manufactured Home.

Manufactured Home Park. Any site or tract of land under single ownership upon which 3 or more Manufactured Homes, occupied or intended to be occupied, for single-family unit purposes. A Manufactured Home Park does not include the use of land for the display and sale of Manufactured Homes or for seasonal recreational use.

Manufactured Home Park or Subdivision, Existing. For Floodplain purposes, a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads), is completed before the effective date of the Floodplain management regulations adopted by a community.

Manufactured Home Space. A portion of ground within a Manufactured Home Park designated for the permanent location of 1 Manufactured Home.

Mass Transit Facility. As it pertains to Article 14, a station or terminal constructed to provide and facilitate passenger access and egress to a rapid or mass transit system, fixed guideways, dedicated highway lanes restricted to use by only mass transit vehicles, restricted dedicated flyovers, and restricted dedicated access to terminals or stations, or highway access and egress facilities restricted to use only by mass transit vehicles.

Mass Transit System. A transportation system providing regular transportation to the general public over 1 or more transit modes including, but not limited to, bus and rapid transit, but not including charter, school bus, or sightseeing transportation.

Master Plan. See "Comprehensive Plan."

Material Handling. To load and unload in bulk industrial or commercial goods, materials, and products. Material Handling excludes extraction, processing, fabrication, or storage of such goods, materials and products, and also excludes a transfer station for construction waste including wood, drywall, metals, paper, plastic, and other types of construction materials.

Medical Marijuana. Marijuana that is grown or sold pursuant to the Colorado Medical Marijuana Code, and for the purpose of assisting patients as authorized by Section 14 of Article XVIII of the Colorado Constitution.

Medical Marijuana Patient. A person who has a debilitating medical condition that was previously diagnosed by a physician and has properly obtained a registry card from the Colorado Department of Public Health and Environment prior to engaging in the use of Medical Marijuana as authorized by Section 14 of Article XVIII of the Colorado Constitution.

Mineral Estate. A mineral interest in real property that may be wholly or partially severed from the surface estate of the subject property and, if severed, is shown by the real estate records of the County consistent with C.R.S. § 24-65.5-102.

Mineral Waste Disposal Area. An area that the by-products of a mining operation are placed for permanent disposal and reclamation.

Mining. See "Extraction."

Mitigation. As it pertains to Article 14, an action that will have 1 or more of the following effects:

A. Avoiding an impact by not taking a certain action or parts of an action;

B. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;

C. Rectifying the impact by repairing, rehabilitating, or restoring the impact area, facility, or service;

D. Reducing or eliminating the impact over time by preservation and maintenance operations; and/or

E. Compensating for the impact by replacing or providing suitable biological and physical conditions and by replacing or providing suitable services and facilities.

Mobile Home. See "Manufactured Home."

Motor Sports Center. A specifically-designated area, not intended for use only by a resident, devoted to recreational or competitive activities by motorized vehicles including, but not limited to, dirt bikes, ATVs, all classes of racing vehicles, motorcycles, and otherwise modified vehicles for the purpose of having a race course, derby area, specialized tracks, hazards, obstacles,

ramps, or field appurtenances associated with such activities and inclusive of supporting facilities, viewing areas, shielding, and parking.

Natural Gas Distribution. Pipelines, structures, and appurtenant facilities used for the distribution of natural gas.

Natural Hazards. See "Hazards."

Neighborhood. A geographical area having distinguishing characteristics or features; and/or a community of people sharing site-based commercial, cultural, or educational resources; and/or a community of people sharing access to an area and infrastructure; and/or an accumulation of residents who self-define affinity through an association or interest group that is place-based. The term "neighborhood" may define an area smaller or larger than what is encompassed in a Development.

Net Effect. As it pertains to Article 14, the impact of an action after mitigation.

New Construction. Means, for the purpose of determining flood insurance rates, structures for which the "Start of Construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For Floodplain management purposes, "New Construction" means structures for which the "start of construction" commenced on or after the effective date of a Floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Noise Abatement. A level of mitigation for noise impacts, typically defined as either a reduction of decibels of ambient noise received by a recipient, or a reduction in fluctuations of noise received by a recipient.

Noise Barrier. A solid physical structure constructed between the source of existing or anticipated noise and noise sensitive receivers, constructed of sufficiently dense materials that will achieve a readily perceptible noise reduction and noise abatement between the source of the noise and the targeted recipients of that noise.

Noise Impact Boundary. The areas within 1,500 feet of an Airport Runway or within established noise contour boundaries exceeding 55 Ldn.

Nonconforming Structure. A building or structure legally existing at the time of enactment of this Code or lawful amendments to this Code that does not conform to the regulations of the zone district in which it is situated.

Nonconforming Use. A use of land legally existing at the time of enactment of this Code or lawful amendments to this Code that does not conform to the regulations of the zone district in which it is situated or used.

Nondischarging Subsurface Disposal. A waste system where waste is placed in an underground area where it is treated and absorbed into the ground at 1 location.

Nursery/Greenhouse. An establishment engaged principally in the cultivation of and sale of trees, shrubs, flowers, or other plants and where other directly related items, such as landscaping materials, are stored and sold.

Obstruction. As it pertains to an Airport or Heliport, any structure or tree, plant, or other object of natural growth that penetrates an Imaginary Surface.

Oil and Gas Drilling and Production. Any operation on a COGCC-approved well location utilizing equipment that advances a borehole into substrata for the purpose of discovery, development, and/or production of oil or gas, including all surface facilities associated with such operations. These facilities include produced water pits or tanks, condensate tanks, storage, separation, treating, dehydration, power supply, pumping, metering, monitoring, flowline and other equipment directly associated with oil and gas wells.

On-Site Wastewater Treatment System. A compartmentalized water treatment system associated with an approved OWTS permit, previously called an ISDS permit. This system is intended to treat, neutralize, stabilize, and dispose of sewage that is not part of or connected to a sewage treatment works.

Open Space. Any land or water area that serves specific uses of providing park and recreation opportunities, or conserving natural areas and environmental resources, or structuring urban development form, or protecting areas of agricultural, archeological or historical significance. Open Space shall not be considered synonymous with vacant or unused land or with a yard that is part of a platted lot.

Operator. An oil and gas leaseholder, or the person exercising the right to control the conduct of "oil and gas operations," as that term is defined in C.R.S. § 34-60-103(6.5).

Optional Premises Cultivation Operation. A person who has been issued a Medical Marijuana Center and/or infused product manufacturing license pursuant to the Colorado Medical Marijuana Code, and who is licensed or seeking licensing to grow or cultivate Medical Marijuana at a premises for the purpose of supplying its associated licensed center or infused product manufacturer. Manufacturing of Marijuana-infused products and retail sales of Medical Marijuana are expressly prohibited in unincorporated Garfield County, including at an Optional Premises Cultivation Operation. The term "Optional Premises Cultivation Operation" does not apply to the private cultivation of Medical Marijuana by a registered patient or primary caregiver who is growing an amount medically necessary to address a debilitating medical condition as set forth in Section 14(4) of Article XVIII of the Colorado Constitution.

Parcel. See "Lot."

Park. Land retained in an open condition for recreational use.

Parking Lot or Parking Garage. A structure or a cleared area that is more or less level and is intended for parking vehicles. Usually, the term refers to a dedicated area that has been provided with a durable or semi-durable surface.

Peak Hour. A term used in traffic engineering and analysis quantifying that 60-minute period when a segment of road or intersection experiences, or is projected to experience, the highest traffic demand for through and turning movements in an average 24-hour period.

Permit. As it pertains to Article 14, a documented authorization for development in areas of State interest or for an activity of State interest.

Permit Authority. As it pertains to Article 14, the Board of County Commissioners or its designee.

Permitted Site. As it pertains to Temporary Employee Housing, a parcel of land, generally a portion of a lot, designated for a commercial, industrial, mineral extraction, or highway operation for which a Federal or State permit is issued. To meet the definition of Permitted Site, such permit must grant the approval of the appropriate State or Federal agency for the commercial, industrial, extraction, or highway activity(ies) and must require the provision of security for the reclamation (including revegetation) of the site.

Person. Any individual, corporation, governmental entity, estate, trust, partnership, association, or other legal entity.

Pipeline. Any conduit and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives, or other liquid. Pipelines regulated, licensed, or permitted under Federal regulations as interstate transmission lines, CDOT regulations as regulated transmission pipelines, or State regulations as flowlines, are excluded from this definition.

Place of Worship. A building or location where persons regularly assemble for religious worship, and which building or location is maintained and controlled by a religious body organized to sustain public worship. A Place of Worship use may include Accessory Buildings and uses such as a rectory, school, parish house, or parsonage.

Plat. A map with supporting statements of certain described land prepared in accordance with Subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder consistent with C.R.S. § 30-28-101(5).

Practical. Serving a logical and useful purpose as to dealing with natural constraints, costs, benefits, and timeliness.

Premises. As it pertains to the regulation of Medical Marijuana, a distinct and definite location that may include a building, a part of a building, a room, or any other definite contiguous area used exclusively for an Optional Premises Cultivation Operation.

Primary Surface. See “Imaginary Airport Surfaces.”

Principal Use. See “Use, Principal.”

Processing. To subject to some special process or treatment as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in utilization of a natural resource. Examples include petroleum refining, oil shale crushing, retorting and refining, ore smelting, coal crushing and cleaning, saw mills, alfalfa pellet mills, food canning or packing, creation of glass, ceramic or plastic materials, gravel crushing, cement manufacture batch plants, refinery, and natural resource upgrade facility.

Project, Major. A project located in the County that will employ at any 1 time a total work force of 200 or more employees

Project or Proposed Project. The planning, design, construction, and operation of an activity or other development proposed under this Code throughout its life cycle, including all ancillary structures, facilities, improvements, and activities, and all integrated components thereof, and any proposed land use directly related to such project if such project is to be located wholly or partially within the County.

Professional Office. An office or clinic for the provision of professional services including, but not limited to, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants, governmental services, and others, who through training are qualified to perform services of a professional nature.

Property. See "Lot."

Public Building. Any activity that is primarily funded by a government or quasi-governmental agency, provides significant benefit to the public and the surrounding area, is not conducted for profit, and provides a commodity or service that could not be provided within a reasonable distance of the surrounding area. Examples include public Airports and related facilities, public hospitals and other emergency medical facilities, public meeting halls, public recreation facilities, schools, and major facilities of a public utility.

Public Gatherings. Any group of 350 or more persons assembled for an event, meeting, festival, social gathering, or other similar purpose for a period of time which exceeds 8 hours within any 24-hour period.

Public Hearing. A meeting called by a public body, for which public notice has been given in compliance with the provisions of this Code, and that is held in a place where the general public may attend, with the principal purpose of receiving testimony or public comment on a specific application or issue.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, landscaped Open Space, off-street parking area, lot improvement, or other similar facility that benefits the public.

Public Meeting. Any meeting open to the public that meets the requirements of C.R.S. § 24-6-401, *et seq*..

Public Services and Facilities. As it pertains to Article 14, those services and facilities provided by a political subdivision of the State or by a Federal agency.

Public Utility. A common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service, or similar public services.

Pure Live Seed. The percentage of seed that has the potential to germinate within a measured 1 pound weight of any seed lot.

Rapid Transit. As it pertains to Article 14, the element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway, rail trackage, or monorail facility constructed solely for that purpose.

Reach. A term to describe longitudinal segments of a river, creek, or other watercourse.

Recreation, Indoor. A building in which recreational activities such as bowling, roller skating, or ice skating take place. Accessory offices, retail sales of equipment, and a restaurant/bar may occupy the building.

Recreation, Outdoor. An area or facility that offers entertainment, recreation, or games of skill, where any portion of the activity takes place outside and may include lighted areas for use after dusk.

Recreational Vehicle. A unit primarily designed as temporary living quarters for recreation, camping, or travel that either has its own mode of power or is mounted or drawn by another vehicle.

Recycling Collection Center. A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing or composting facility.

Recycling Processing Facility. A facility where recyclable and organic materials are collected and processed. Processing includes, but is not limited to, baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

Regulations. As it pertains to Article 14, governing rules for areas and activities of State interest as set forth in this Article 14.

Repair. To restore to a good condition or working order after decay, injury, etc.; restoration of a damaged object to its original physical shape. Examples include automobile, equipment, and appliance repair.

Retail, Equipment, Machinery, Building Materials. An establishment for the retailing, renting, or leasing of equipment, machinery and materials stored in an indoor or outdoor lumber yard.

Retail, General. An establishment for the retail sale of merchandise to the general public or the provision of personal services to the public that includes, but is not limited to, an antique shop, art gallery, grocery store, clothing and dry goods store, shoe store, sporting goods store, hardware and paint store, drugstore, florist, furniture store, gift shop, hobby store, office supply store, package liquor, pet store, resale store, electronics store, agricultural products retail outlet, and mechanical and plumbing supply store.

Retail, Vehicle and Equipment Sales. An establishment for the retail or leasing of vehicles and equipment which is registered with the State.

Riding Stables. A defined improved area that may or may not be covered, within which equestrian activities involving horse riding, day camps, therapy, training, practice, exhibition or driving occur.

Riparian/Riparian Areas. Related to, living, or located on the bank of a natural watercourse or lake. Riparian Areas include groups of plants, animals, and aquatic communities whose presence is either directly or indirectly attributed to water-influenced or water-related factors. Areas exempt from this definition are manmade agricultural structures and devices, including irrigation ditches, sprinklers, and artificial ponds.

Road. A County road, State highway, public road, street or alley, or private thoroughfare which affords primary access to abutting property, excluding a driveway accessing a single property.

Road, Private. A right-of-way constructed, established, owned, and maintained by a private party for access exclusively to private property.

Road, Public. A public right-of-way that either has an historic and established prescription for public passage and use, or a right-of-way that has been established by easement, deed, or plat and dedicated to the use of the public. This term is not synonymous with “County Road.”

Road/Street Profiles. A drawing of an existing or proposed vertical section of a road, street, or alley that may include curb, gutter, and sidewalk. It may be a true or exaggerated profile, and may reflect either a centerline and/or both flow lines of a road, street, or alley.

Rubbish. Garbage and trash that causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics, including, but not limited to, unwanted or discarded household items; waste from building construction, remodeling, and repair including used lumber and building materials; tree branches, grass and shrub clippings, leaves, or other general yard and garden waste; newspapers, magazines, packaging materials, waste paper, or cardboard, boxes, crates, and rags; dead animal carcasses; and any other unsightly or discarded material, including scrap metal, scrap material, bottles, and tin cans.

Runoff. Precipitation that enters downstream waterways or properties.

Runway Protection Zone. See "Airport Imaginary Surfaces."

Salvage Yard. A building, structure, or parcel of land used for the collecting, storage, dismantling, salvage, recycling, demolition, or sale of material that is discarded, worn out, dismantled, or unfit for its original intended use, or has deteriorated such that it is not useable, or not safe or fit for human use or habitation.

Secondary Impact Area (Airport). The area located between 5,000 and 10,000 feet from an Airport Runway or between 2,000 and 4,000 feet from a Heliport.

Service Area. As it pertains to Article 14, the primary geographic area to be served by the proposed project.

Service Road. As it pertains to Article 14, a street or road meeting County specifications running parallel to a County, State, or Federal highway used to provide ingress and egress to a development located adjacent to that highway.

Setback. The minimum horizontal distance between the front, rear, or side property line and the front, rear, or side of a structure.

Sewage. A combination of liquid wastes that may include chemicals, house wastes, human excreta, animal or vegetable matter in suspension or solution, or other solids in suspension or solution, and that is discharged from a dwelling, building, or other structure.

Sewage Treatment Facility. A system or facility for treating sewage prior to discharge to an absorption area, surface water, or other approved location, for which the system or facility has a design capacity to receive 2,000 gallons of sewage per day or greater, and is regulated by the CDPHE. The term "Sewage Treatment Facility" includes appurtenances such as interceptors, collection lines, outfall and other sewers, pumping stations, and related equipment.

Sheetflow. An overland flow or downslope movement of water taking the form of a thin film over smooth surfaces and not concentrated into pools or channels.

Shelter. As it pertains to Article 14, a building or structure designed primarily to provide a waiting area for transit passengers.

Shooting Gallery. An enclosed target range for practice or competition with firearms.

Sign. Any written or pictorial representation, form, emblem, banner, figure, or similar character that is:

A. A structure or part thereof;

B. Written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a building canopy, awning, or vehicle;

C. Designed to attract attention and used as a means of identification or advertisement; and

D. Not the American flag.

Sign Area. The sum area of the surface of each plane, regardless of the shape, within the outermost edge or border of the plane of a sign. The computation of freestanding letters not attached to a surface or plane shall be made by determining the area enclosed within the smallest geometric figure needed to completely encompass all of the letters, words, insignias, or symbols.

Sign, Business. A sign that identifies and directs attention to the business, service or profession, or activities conducted.

Sign, Construction. A temporary sign identifying a Subdivision, development, or property improvement by builder, contractor, or other person furnishing materials, labor, or services to the premises.

Sign Face. The surface of a sign upon, against, or through which the message is displayed or illustrated.

Sign, Freestanding. A sign, not attached to a building, that is supported by 1 or more columns, uprights, or poles extended from the ground or from an object on the ground, or a sign that is erected on the ground.

Sign, Ground. A type of freestanding sign that is erected on the ground and that contains no unrestricted or open space between the ground and the top of the sign.

Sign, Identification. Signs that include name plates, signs, or symbols establishing the identity of a building; combination of name and street addresses; landmark or natural features; and plaques that are an integral part of the structure.

Sign, Ideological. A sign expressing philosophical concepts, including religious and political signs.

Sign, Joint Identification. A sign that serves a common or collective identification for 2 of more businesses or industrial uses.

Sign, Portable. Any sign not permanently attached to the ground or to any structure.

Sign, Projecting. A sign attached to a building and extending in whole or in part horizontally beyond the surface of the building to which the sign is attached.

Sign, Real Estate. A sign indicating the availability for sale, rent, or lease of a specific lot or building.

Sign, Roof. Any sign erected upon, against, or directly above a roof.

Sign, Suspended. A sign suspended from the ceiling of an arcade, marquee, or canopy.

Sign, Temporary. Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only.

Sign, Wall. A sign displayed upon or against the wall of a building where the exposed face of the sign is in the plane parallel to the lane of the wall

Significantly Degrade. As it pertains to Article 14, to lower in grade or desirability to a significant, as opposed to a trifling, degree.

Single-Family Equivalent. Measurement used to compare water usage of various land uses; 1 Single-Family Equivalent equals 350 gallons of water per day, regardless of the type of use.

Site. See "Lot."

Site Selection, Airport or Heliport. As it pertains to Article 14, the process for determining the location of Airports or Heliports, or the substantial expansion or relocation of an existing Airport or Heliport, by a recognized and bonafide agency or authority, the County, the State, or the Federal government or any subdivision of each.

Site Selection, Rapid or Mass Transit Facility. As it pertains to Article 14, the process for determining the location of Rapid or Mass Transit Facilities or the substantial expansion or relocation of an existing facility, by a recognized and bonafide mass transit agency or authority, the County, the State, or the Federal government, or any subdivision of each, or any private entity or person.

Site Specific Development Plan. The approved plan that has been submitted to the County to establish a vested right pursuant to C.R.S. Title 24, Part 1 of Article 68, as amended, and set forth in Article 1.

Slope. Rise versus run ratio for a specified distance.

Solar Energy System, Accessory. A device and/or system that has a combined name plate DC rating of less than 15 kilowatt and includes the equivalent kilowatt measurement of energy for systems other than photovoltaic that converts the sun's radiant energy into thermal, chemical, mechanical, or electric energy.

Solar Energy System, Large. A device and/or system that has a combined name plate DC rating of greater than 500 kilowatt and includes the equivalent kilowatt measurement of energy for systems other than photovoltaic that converts the sun's radiant energy into thermal, chemical, mechanical, or electric energy.

Solar Energy System, Small. A device and/or system that has a combined name plate DC rating of 15 kilowatt to 500 kilowatt and includes the equivalent kilowatt measurement of energy for systems other that photovoltaic that converts the sun's radiant energy into thermal, chemical, mechanical, or electrical energy.

Solid Waste. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial operations, commercial operations, or community activities. Solid waste does not include any solid or dissolved materials in domestic sewage, agricultural wastes, solid, or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under the provisions of the Colorado Water Quality Control Act, C.R.S., Title 25, Article 8, or materials handled at facilities licensed pursuant to the provisions on Radiation Control Act, C.R.S., Title 25, Article 11,. Solid waste does not include: (a) materials handled at facilities licensed pursuant to the provisions on radiation control in C.R.S., Title 25, Article 11; (b) excluded scrap metal that is being recycled; or (c) shredded circuit boards that are being recycled.

Solid Waste Disposal. The storage, treatment, utilization, processing, or final disposal of Solid Wastes.

Solid Waste Disposal Site and Facility. The location and/or facility at which the deposit and final treatment of solid wastes occur.

Solid Waste Transfer Facility. A facility at which wastes awaiting transportation to a Solid Waste Disposal Site and Facility are transferred from 1 collection vehicle to another.

Special District. Quasi-municipal corporation established under State statute to provide public facilities or services.

Special Flood Hazard Area. The land in the Floodplain within a community subject to a 1 percent or greater chance of flooding in any given year, i.e., the 100-year Floodplain.

Statement of Authority. An instrument executed on behalf of an entity that identifies the name and position of the person authorized to convey, encumber, or otherwise affect title to real property on behalf of the entity. The instrument must comply with the requirements set forth in C.R.S. § 38-30-172(2)(d), and it must be recorded with the County Clerk and Recorder. The County may accept other documentation identified in C.R.S. § 38-30-172 in lieu of a Statement of Authority.

Station or Terminal. As it pertains to Article 14, a facility constructed to provide and facilitate passenger access to and from airplanes or a rapid or mass transit system, including areas necessary for vehicle operations, parking areas for commuters, and roadways connecting to the general road and street system of Garfield County. Dedicated Park-and-Ride Facilities with 50 or more parking spaces shall be deemed stations or terminals for the purposes of this Code, with or without a shelter facility. Shelters alone, or as part of traditional bus stops and pull-outs lacking 50 dedicated spaces, are not considered stations or terminals for the purposes of this Code.

Start of Construction. Includes Substantial Improvement and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of Accessory Buildings, such as

garages or sheds not occupied as dwelling units or not part of the main structure. For a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless if that alteration affects the external dimensions of the building.

Storage. An area used for storing machinery, equipment, minerals or other products that may have accessory uses such as an office used for administrative or security purposes. Storage may include a laydown yard as generally associated with oil and gas operations.

Storage, Cold Storage Plants. The storage of goods in an artificially cooled place for preservation.

Storage, Hazardous Materials. The act of storing hazardous waste that requires a special State or Federal permit.

Storage, Mini. Self-storage facilities composed of real estate with buildings divided into self-storage spaces that are rented to rental space tenants on a monthly basis for the purpose of storing tenant property only.

Structure.

A. A combination of materials forming an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a Manufactured Home.

B. As it pertains to the Airport/Heliport Influence Area Overlay and Article 14, any constructed or erected object that requires location on the ground or is attached to something located on the ground. Structures include, but are not limited to, buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations, and overhead transmission lines. Structures do not include paved areas.

Structure, Accessory. A subordinate structure such as a fence, hedge, or wall, located on the same lot as the principal structure, the use of which is incidental to the principal use.

Subdivider. Any person, firm, partnership, joint venture, association, or corporation participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a Subdivision.

Subject Parcel. The property that is legally described in the County Clerk and Recorder's Office on which the project is located.

Subject Site. The specific area within the subject parcel that is subject to a land use change permit.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to the condition before damage would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement. Any repair, reconstruction, or improvement of a building or other structure, the market value of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is

being restored, before the damage occurred. The term "Substantial Improvement" does not include: any improvement of a structure to comply with existing State or local health, sanitation, safety, or building code specifications that are solely necessary to assure safe living conditions; and any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society's list of historic places.

Substantial Modification, Structural. A change that significantly alters the impacts and/or character of a structure, development, or activity.

Substantial Noise Reduction. A reduction in at least 5 dBA for the intended recipients of the Project and/or to reduce the fluctuation in sound for the recipients well below a 30 dBA fluctuation in ambient noise.

Substation, Neighborhood. Any facility used for the purpose of reducing voltages to levels of less than 69 kilovolts for distribution to individual users.

Substation, Utility. Any facility designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity 69 kilovolts or greater.

Survey Monument. Iron, brass, or aluminum shaft a minimum of ½ inch in diameter with a 24-inch minimum length set in concrete at least 5 inches in diameter and located in the ground at all points on streets, alleys, or boundary lines where there is a change in direction or curvatures.

Telecommunication Facility. A noninhabitable structure supporting antennas and microwave dishes that sends and/or receives radio frequency signals, including television and date impulses through space by means of electromagnetic waves. Telecommunication Facilities include structures or towers, and Accessory Buildings. Individual/personal direct-to-home satellite services are not included in the definition of Telecommunication Facility.

Temporary. For a duration of 1 year or less.

Temporary Employee Housing Facility. During times of housing shortage or in remote locations, the use of Factory Built Nonresidential Structures (as defined under C.R.S. § 24-32-3301, as amended, and Resolution #35 of the Colorado State Housing Board) utilized for a period of time not longer than 1 year or as otherwise specified, for workers who are engaged in commercial, industrial, mineral extraction, or highway operations and who are needed to support the proper execution and safety of the related operations. Temporary Employee Housing, shall not include Recreational Vehicles, except in a Small Facility.

Temporary Housing Facilities, Major. Major Temporary Employee Housing Facilities, also referred to as "Major Facilities," shall have at least 1 of the following basic characteristics:

Major Facilities or any associated infrastructure (including ISDS) that are not completely contained within a State or Federally-regulated parcel (such as a Colorado Oil and Gas Conservation Commission (COGCC)-approved oil/gas well pad) in which reclamation and revegetation standards are guaranteed by contract with the permitting agency;

A. The Major Facilities are to be located at the Permitted Site for more than a cumulative of 1 year; or

B. The Major Facility has occupancy of 25 people or more who are employees, contractors, or subcontractors of the operator of the Major Facility and are

supporting proper execution and safety of the related commercial, industrial, extraction, or highway operations.

Temporary Housing Facilities, Minor. Minor Temporary Housing Facilities, also referred to as **"**Minor Facilities," shall have all of the following basic characteristics:

A. The Minor Facility and any associated infrastructure must be completely contained within a State or Federally-permitted parcel (i.e. COGCC-approved oil/gas well pad) in which reclamation and revegetation are secured with the permitting agency (Permitted Site);

B. The Minor Facility is located at the Permitted Site for less than a cumulative of 1 year; and

C. The Minor Facility shall have occupancy of 9 to 24 people who are employees, contractors, or subcontractors of the operator and are supporting the proper execution and safety of the related commercial, industrial, extraction, or highway operations.

Temporary Housing Facilities, Small. Small Temporary Housing Facilities, also referred to as "Small Facilities," shall have all of the following basic characteristics:

A. The Small Facility and any associated infrastructure must be completely contained within a State or Federally-permitted parcel (such as a COGCC-approved oil/gas well pad) in which reclamation and revegetation are secured with the permitting agency (Permitted Site);

B. The Small Facility is located at the Permitted Site for less than a cumulative of 1 year and at the end of the utilization period, all structures, foundations, and associated infrastructure are completely removed; and

C. The Small Facility shall have an occupancy of 8 or fewer people who are employees, contractors, or subcontractors of the operator of the small facility and are needed for on-site safety of the related commercial, industrial, extraction, or highway operation.

Temporary Employee Housing Operator. The individual or entity that is the permitee under the State or Federal permit for the Permitted Site and is, therefore, legally responsible for installation, hook-up, operation, and removal of Factory Built Nonresidential Structures (as defined under C.R.S. § 24-32-3301 and Resolution No. 35 of the Colorado State Housing Board) and/or Recreational Vehicles and all associated infrastructure used in a Small, Minor, or Major Temporary Employee Housing Facility.

Theatre, Indoor. The whole or part of a building used for housing dramatic presentations, stage entertainments, or motion-picture shows.

Townhome. See "Dwelling, Multi-Unit."

Tract. See "Lot."

Trail. A linear pathway across land used for recreational, transportation, and pedestrian purposes.

Transfer Station. A facility for the temporary deposit of waste. Transfer stations are often used as places where local waste collection vehicles will deposit their waste cargo prior to loading into larger vehicles. These larger vehicles will transport the waste to the end point of disposal or treatment.

Transient Aircraft. Fixed or rotary-wing aircraft that use an Airport or Heliport landing strip or Helistop, but do not use it as a home base.

Transitional Surface. See "Airport Imaginary Surfaces."

Transitional Housing. See "Group Home Facility."

Transportation Corridor. As it pertains to Article 14, any County or municipal street or road, any State or Federal highway, and any railroad operating as a common carrier.

Trip Generation. The measurement of vehicle usage to and from a destination created by a specific land use.

Typical and Ordinary High Water Mark. The point on the bank or shore of a Waterbody up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic. Water marks are often at various elevations, but the most permanent and prevalent marks constitute the TOHWM. The TOHWM does not change with temporary fluctuations in water levels, nor is it always at or near open water, as is the case with cattail marshes, bogs, and Wetlands. In the event that a waterbody holds water for 10 or more months per year and does not display notable signs of a TOHWM, the TOHWM shall be measured from the center of the waterbody course.

Unsafe Structure. A structure or building that, in the determination of the Director or Building Official, is:

> **A.** In a condition presenting a substantial danger or hazard to public health, safety, or welfare; and/or
>
> **B.** Is a dilapidated building which is unused by the owner or uninhabited because of deterioration or decay, and constitutes a fire hazard or subjects adjoining properties to a danger of damage by storm, soil erosion, or rodent infestation, or is a place frequented by trespassers and transients seeking a temporary shelter or hideout.

Urban Growth Area. A boundary line portrayed on a map and drawn around a municipality within which the municipality expects to accommodate future urban growth, as certified to the County by the governing body of the municipality. It is expected that land within Urban Growth Areas will be developed in an urban pattern, urban services will be provided by the municipalities, and the area will eventually be annexed, based upon a maximum 20-year growth period.

Use. The purpose or activity for which a parcel of land, a building, or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory. A use that is customarily supportive, secondary, and subordinate to a principal use on the same parcel.

Use, Commercial. Any use or activity primarily devoted to business, such as the purchase, sale, lease or exchange of goods, and/or the provision of services.

Use, Industrial. Uses engaged in processing or manufacturing of materials from either extracted or raw materials or from previously prepared materials resulting in a new product designed for wholesale or retail sale.

Use, Principal. The primary purpose or function for which a parcel or structure is used, which may include multiple uses.

Utility Distribution Facility. Any gas or electric line other than gas gathering, transmission lines, or electrical transmission lines as defined herein (utilized for the local distribution of gas or electric service), telephone or telegraph line, cable television line, water line, sewer line, or neighborhood substations.

Utility Storage Area. See "Storage."

Vehicle Repair, Body/Paint, or Upholstery Shop. See "Repair."

Vehicle Safety Area, Large. An area outside of the public right-of-way greater than 4 acres in size utilized for vehicle preparation in the event of inclement weather. The area may be used for the application of snow-chains/mud-chains, equipment inspections, and other vehicle safety related activities.

Vehicle Safety Area, Small. An area outside of the public right-of-way 4 acres or less in size utilized for vehicle preparation in the event of inclement weather. The area may be used for the application of snow-chains/mud-chains, equipment inspections, and other vehicle safety related activities.

Warehouse and Distribution Center. A building used primarily for the inside storage and distribution of goods and materials, including land and buildings used as a relay station for the transfer of goods from 1 vehicle or party to another; and the parking and storage of tractor and/or other trailer units.

Water Impoundment. Confined water such as surface pits or ponds, wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds (not related to agriculture), and produced water and condensate tanks. Water impoundment excludes tanks on a well pad used exclusively for activities associated with Oil and Gas Drilling and Production and Injection Wells.

Water Reservoir. A natural or artificial place where water is collected and stored for use, especially water for supplying a community, irrigating land, and furnishing power.

Water Supply Entity. A municipality, county, special district, water conservancy district, water conservation district, water authority, or other public or private water supply company that supplies, distributes, or otherwise provides water at retail, as provided in C.R.S. § 29-20-302(2).

Water Tank or Treatment Facility. A facility exceeding 50,000 gallons or more for purifying, supplying, and holding water related to supply drinking water or raw water irrigation.

Waterbody. Accumulations of water such as water reservoirs, lakes, ponds, and Wetlands, as well as rivers, streams, and other geological features where water moves from 1 place to another at least 10 months per year. "Waterbody" does not include irrigation ditches used for the sole purpose of agriculture, and water impoundments.

Waters of the State. Waters within the State of Colorado that are subject to various regulatory programs and other State laws.

Weeds and Brush. Any underbrush, brush, shrub, or plant material greater than 12 inches in height that ordinarily grows without cultivation, not in planting beds or otherwise in a controlled manner, and not for the purpose of food production.

Wetland. An ecosystem that depends on constant or recurrent, shallow inundation, or saturation at or near the surface of the substrate. The minimum essential characteristics of a Wetland are recurrent, sustained inundation or saturation at or near the surface, and the presence of physical, chemical, and biological features reflective of recurrent, sustained inundation or saturation. Common diagnostic features of Wetlands are hydric soils and hydrophytic vegetation. These features will be present except where specific physicochemical, biotic, or anthropogenic factors have removed them or prevented their development.

Wildfire Hazards Map. The official map of wildfire hazards in Garfield County adopted by the BOCC.

Wildlife Habitat. That natural or manmade environment that contains the elements of food, shelter, water, and space in a combination and quantity necessary for the survival of 1 or more wildlife species.

Wind Energy System. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy.

Wind Energy System, Commercial. A wind energy system that is operated primarily (51% or more) to put energy into the electric grid, has a nameplate capacity of more than 100 kilowatts, a total height of more than 175 feet, and/or a blade length of more than 30 feet.

Wind Energy System, Small. A wind energy system that is used to generate electricity; has a nameplate capacity of 100 kilowatts or less; and/or has a total height of 175 feet or less.

Yard. The area between a property line and the required setback.

Zone District. A geographical area that allows certain permitted uses and can separate one set of land uses from another.