



**GUNNISON COUNTY, COLORADO
MARIJUANA FACILITY LICENSE APPLICATION**

**GUNNISON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING OFFICE**

221 N. WISCONSIN ST, STE D., GUNNISON, CO 81230

TELEPHONE: 970-641-0360 FAX: 970-641-8585

Website: <http://www.gunnisoncounty.org/planning.html> Email: planning@gunnisoncounty.org

**DATE RECEIVED BY COMMUNITY DEVELOPMENT DEPT.: ___/___/___
APPLICATION FEE PAID : ___/___/___**

APPLICANT NAME (If the applicant is not the owner of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process.):

MAILING ADDRESS:

CITY:	STATE:	ZIP:
PHONE (day):		PHONE (Mobile):
FAX:		E-MAIL ADDRESS:

PROPERTY OWNER (If other than applicant, a notarized letter from the property owner consenting to this application, must be submitted. If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.):

NAME:

MAILING ADDRESS:

CITY:	STATE:	ZIP:
PHONE (day):		(evening):
FAX:		E-MAIL ADDRESS:

PRIMARY CONTACT PERSON and AUTHORIZED REPRESENTATIVE (The person the Community Development Department should contact regarding scheduling of meetings and information for this application. A NOTARIZED LETTER from the property owner authorizing the representative must be submitted.)

NAME:

MAILING ADDRESS:																
CITY:	STATE:	ZIP:														
PHONE (day):		(evening):														
FAX:		E-MAIL ADDRESS:														
LOCATION AND TYPE OF FACILITY																
LOCATION OF PROPOSED MARIJUANA FACILITY	ADDRESS:	NAME OF SUBDIVISION (If applicable)														
PARCEL NUMBER:	Legal Description of facility															
TYPE OF MARIJUANA FACILITY (CIRCLE ALL APPLICABLE)	1. Cultivation	2. Manufacturing														
		3. Testing														
TYPE OF APPLICATION	<table border="0"> <tr> <td><u>Type of Application:</u></td> <td><u>Fee</u></td> </tr> <tr> <td><input type="checkbox"/> New Application</td> <td>\$3,500</td> </tr> <tr> <td><input type="checkbox"/> Operating Fee*</td> <td>\$1,000</td> </tr> <tr> <td><input type="checkbox"/> Renewal Application</td> <td>\$1,500</td> </tr> <tr> <td><input type="checkbox"/> License Modification Application</td> <td>\$1,000</td> </tr> <tr> <td><input type="checkbox"/> Pending Application modification</td> <td>\$ 125</td> </tr> <tr> <td colspan="2">(*Operating Fee required for New and Renewal Applications)</td> </tr> </table>		<u>Type of Application:</u>	<u>Fee</u>	<input type="checkbox"/> New Application	\$3,500	<input type="checkbox"/> Operating Fee*	\$1,000	<input type="checkbox"/> Renewal Application	\$1,500	<input type="checkbox"/> License Modification Application	\$1,000	<input type="checkbox"/> Pending Application modification	\$ 125	(*Operating Fee required for New and Renewal Applications)	
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Is facility in an existing structure? (Circle Appropriate Answer)	Yes	No														
If using an existing structure, is an expansion planned that would increase the square footage of the facility? (Circle Appropriate Answer)	Yes By How many square feet:	No														

LIST OF SUBMITTAL MATERIALS The following are required to be included and addressed in the license application submittal.

1. _____ A notarized letter documenting that the property owner (If different from the Applicant) provides consent for the use of the facility on their land.
2. _____ If the proposed facility is located at Riverland or Signal Peak Industrial Parks the applicable home owners association must provide consent from the Home Owners Association (if that association is active)
3. _____ If the proposed facility is located at Gold Basin Industrial Park provide a letter from the Gunnison County Public Works Department that property owner consent has been provided to apply for a license application.
4. _____ Provide a copy of the completed applicable Land Use Change Application which depending on use and location could be one of the following applications:
 - a. Minor Impact Application;
 - b. Administrative Review Application; or

c. Gold Basin Industrial Park Special Area Regulation Application
(applicable to all Marijuana Facilities proposed in Gold Basin Industrial
Park).

5. _____ A copy of all State of Colorado License applications that have been submitted to the State to receive a State license for a marijuana facility. The County will request the results of a criminal background check from the State of Colorado. Submission of this application will provide consent to review and disclose criminal background information in the licensing process.
6. _____ A to scale site plan of all buildings on the property where the premises is located, including a floor plan showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage;
7. _____ A to scale vicinity map showing and describing adjacent uses.
8. _____ Provide a physical description which could include architectural elevations, photographs, landscaping, topography and narrative to describe how the proposed facility would be harmonious with adjacent uses.
9. _____ A list of all other uses on the property including uses that may share the proposed structure;
10. _____ A copy of the state sales tax license for the business, if applicable.
11. _____ A detailed description of the operational plan for the facility including hours of operation, number of employees, anticipated loading and delivery traffic and frequency, and hazardous or flammable material storage and usage.
12. _____ A detailed narrative (i.e a specific plan for B-F) description of how the application complies with the standards for a license that include:

- A. **LACK OF CRIMINAL HISTORY:** The applicant and principal employees of a marijuana facility have no history of criminal activity indicating moral turpitude. Applicants shall provide suitable evidence of a Persons' proof of lawful presence, residence, and good character and reputation that the Board may request. The applicant must also consent to a criminal background check of the applicant and its principal employees.
- B. **HARMONIOUS LAND USE:** The use and any associated signage is not identifiable as a Marijuana Facility from adjacent property, nor any arterial road, public trail, or public park. The applicant must demonstrate to the Board's satisfaction that there is no measurable detrimental impact to adjacent property which cannot be mitigated, and the applicant has demonstrated to the Board that the facility will be harmonious with its surrounding uses.
- C. **APPLICABLE PROPERTY OWNERS ASSOCIATION APPROVAL:** The applicant must provide written consent for the use from the Property Owners Association if an active association exists for the subject property.
- D. **ODOR:** Odors from any marijuana facility shall not be detectable and noticeable at the boundary to adjacent properties. Facilities shall be equipped with proper ventilation systems so that odors are filtered and do not materially interfere with adjoining land uses.
- E. **FIRE AND SECURITY EMERGENCY SERVICES:** Applicable Fire Districts and the Sheriff's Department will receive applications for their review and comment. Concerns related to public safety received from emergency services must be avoided or mitigated to the Authority's satisfaction.

F. **PUBLIC SERVICES:** The Applicant shall demonstrate that there are adequate public services to support the proposed use.

13. _____ A list of alcohol or drug treatment facilities, licensed child care facilities, parks, public buildings, public trails, places of worship, and educational facilities (below college grade level) within 1000 feet as measured from the closest point of the subject property lines;
14. _____ A mailing list and a map (showing the parcels) for all property owners within 1000 feet as measured from each boundary of the subject parcel (This can be generated through Gunnison County online GIS system);
15. _____ A copy of the state sales tax license for the business if applicable; medical marijuana-infused products manufacturing license applications, information about which medical marijuana center is associated with the business;
16. _____ A description with dimensions of all exterior signage proposed on the property;
17. _____ Description of security measures to prevent theft and to minimize fire danger;
18. _____ A description of measures to eliminate or mitigate odors from the facility.

Attachments/Resources for both Marijuana Facility Licenses and Completing the Land Use Change Applications

(See <http://gunnisoncounty.org/409/Application-Forms>)

- Attachment A:** Frequently Asked Questions (Read this first!)
- Attachment B:** Marijuana Facility Licensing Regulation
- Attachment C:** Land Use Resolution Amendments related to Marijuana Facilities
- Attachment D:** Gold Basin Industrial Park Special Area Regulations
- Attachment E:** Useful Land Use Applications
- 1. Administrative Review**
 - 2. Minor Impact Review**
 - 3. Gold Basin Industrial Park**

**Attachment A:
Frequently Asked
Questions (Read this
first!)**

Frequently Asked Questions for Licensing and Land Use Approvals for a Marijuana Facility in Gunnison County

Where do I start?

Call 970-641-0360 to schedule a pre application meeting with the Gunnison County Community Development Department. It is also recommended you call the Marijuana Enforcement Division at 303-205-8421 to begin the State Process. The State's web site is at <http://www.colorado.gov/cs/Satellite/Rev-MMJ/CBON/1251592985130> . You can also find the States regulations through this web site.

Where can I find Gunnison County Regulations?

Go to <http://gunnisoncounty.org/346/Regulations-Guidelines> to find the regulations on line. Please note that the following regulations are applicable to marijuana facilities in Gunnison County:

- Marijuana Facility License
- Land Use Resolution
- Special Area Regulations:
 - Gold Basin Industrial Park
 - Industrial Park Special Area Regulations
 - Crested Butte South

Other regulations that may be applicable include:

- Applicable Building, Plumbing, Electrical and other construction related codes
- Crested Butte Fire Prevention District – International Fire Code
- Onsite Waste Water Treatment (Previously referred to as ISDS regulations) Regulations

How is the Gunnison County and State Licensing processes connected?

The State of Colorado Marijuana Enforcement Division and the Gunnison County Community Development Department will make every effort to coordinate both the licensing application process, inspections, and ongoing administration of licenses. First it is important to note that the State will verify that County approvals have been granted prior to final approval of a state license and the County will conditions its approvals upon receiving State approval. Also, if a State or County license becomes invalid for any reason, a facility will not be allowed to operate. It should also be recognized this is a new industry and a new relationship between Gunnison County and the State of Colorado and we will make every effort to coordinate the licensing process for an applicant. It is recognized that this is an evolving and complex regulatory process given that it requires two levels of government to permit a marijuana facility. So we ask that you please be patient

as we work with both the State, applicants, and community on refining the regulatory process.

What do I need to apply for and be approved for to open a business?

You need to receive approvals from both the State of Colorado and Gunnison County to operate a marijuana facility? Specific marijuana related approvals that an applicant must receive include:

- 1) State of Colorado License from the Marijuana Enforcement Division
- 2) Gunnison County, Colorado Marijuana Facility Licenses
- 3) Gunnison County, Colorado Land Use Change Permit Approval

Other needed approvals not solely related to Marijuana Facilities include:

- Building Permits,
- On Site Waste Water Treatment System Permit, and
- Gunnison County Public Works Reclamation and Driveway Access Permit.

What type of Marijuana facilities are allowed in unincorporated Gunnison County?

Only Marijuana **Cultivation, Manufacturing, and Testing** Facilities are allowed in unincorporated Gunnison County.

What type of Marijuana facilities are prohibited in unincorporated Gunnison County?

Facilities that sell either retail or medicinal marijuana to consumers in unincorporated Gunnison County **are prohibited.**

Where could I locate a Marijuana Facility in Gunnison County?

There are three industrial parks in Gunnison County where marijuana cultivation, manufacturing, and testing facilities could be considered including: Riverland, Signal Peak and Gold Basin Industrial Parks. It should be noted that a letter of consent from the Homeowners Association is required in Riverland and Signal Peak for the Community Development Department to accept a license application. If you are interested in a facility at Gold Basin Industrial Park, please contact the Gunnison County Public Works Department at 641-0044. Gunnison County is the property owner of Gold Basin Industrial Park.

Cultivation facilities can be considered in other (outside of one of the three Industrial Parks) locations in Gunnison County but will require approval of a Minor Impact Application.

How much will it cost?

Marijuana License Fee(s):

New Application fee	\$3500
Operating fee	\$1000 (for new and renewal apps)
Renewal fee (after three years)	\$1500
License modification fee	\$1000
Pending application modification fee	\$ 125

Common Land Use Change Fees

Administrative Application.	\$250
Minor Impact Application	\$1250

There may be other permit and/or regulatory costs depending on the type, nature, location of a facility being proposed.

How long will it take?

If using an existing facility in an industrial park (once property owner and HOA approval has been received) and if the land use review involves an administrative application we anticipate the review process for both the licensing and land use approvals to take two to three months. If a Minor Impact permit must be received, then the time frame could extent to four to six months. This is only a very general time frame, given this a new licensing process and that State approval must be received before a County permit is valid. The following are considerations for the time frame for the licensing and land use process:

- Has a complete application for both a License and a land use change been submitted to the County?
- Is the location in one of the three Industrial Parks?
- Is it in an existing building?
- Will the land use process involve an administrative or minor impact review application?
- Are their potential conflicts with the proposed use and the adjacent uses?
- The processing time for a license with the State Marijuana Enforcement Division?
- Are there other building, septic permits that must be received?
- Is there available water (legally and physically) and waste water treatment facilities to accommodate the proposed use.
- Does the applicable Fire Protection District support the application(s).

How long is a Gunnison County License valid?

A license is valid for three years. It is anticipated that the County's regulations will evolve and change as this industry evolves. Facility operators will be expected to comply with new regulations as they evolve.

What happens if the ownership of a facility changes?

If the ownership of a facility changes, a new application will be required for a facility.

Is there an easy way to find information on a property and generate a mailing list for notifying property owners within 1000 feet of a property?

Yes there is! Go to http://gis.gunnisoncounty.org/public/default_map.aspx for an interactive map. Under mapping tools you can insert an owner's name, an address, or parcel number to find (press find) a specific property. This can both show the location of the property and bring up a Results screen that includes a link to the County Assessors site.

What other sources of information are available to get more information on applications and permits.

You can also go to <http://gunnisoncounty.org/436/Permit-Database> to review the status of both land use and marijuana license applications and permits.

For applications and information on applications go to:
<http://gunnisoncounty.org/409/Application-Forms>

Where can I find local contacts I may need for the Licensing, Land Use, and Building Code Processes?

<p>Community Development Department (Marijuana Licensing, Land Use Review, Septic System Permits, Building Permits)</p>	<p>Gunnison County Community Development Department Russell Forrest, Director Blackstock Government Center 221 N. Wisconsin Street, Suite D Gunnison, Co 81230 970-641-0360</p>
<p>Plumbing Permit:</p>	<p>Examining Board of Plumbers, State of Colorado Andy Clark, Plumbing Inspector 1560 Broadway, Suite 1350 Denver, Colorado 80202 (303) 869-3471 Phone (855) 470-4719 Toll Free Phone (303) 869-0397 Fax (855) 515-8197 Toll Free Fax Website to obtain permits online: http://www.dora.state.co.us/Plumbing/onlinepermitsystem.htm</p>
<p>Electrical Permit:</p>	<p>Colorado State Electrical Inspector Paul Shelley 1560 Broadway, Suite 1350 Denver, Colorado 80202 (303) 869-3462 Phone (855) 470-4716 Toll Free (303) 869-0350 Fax (855) 515-8194 Fax Toll Free To obtain permits online: http://www.dora.state.co.us/electrical/</p>
<p>Driveway Access Permit (for development that accesses Gunnison County roads) and Reclamation Permits:</p>	<p>Gunnison County Public Works Department 195 Basin Park Drive Gunnison, CO 81230 Marlene Crosby/Allen Moores, (970) 641-0044</p>
<p>Highway Access Permit (for development that accesses Colorado and Federal highways):</p>	<p>Colorado Department of Transportation 222 So. 6th Street, Room 317 Grand Junction, CO 81501-2769 (970) 248-7225 Website: http://www.dot.state.co.us/AccessPermits/index.htm</p>
<p>Well Permit (Your well driller can also obtain the permit for you):</p>	<p>Colorado Division of Water Resources 818 Centennial Building 1313 Sherman Street Denver, CO 80203 (303) 855-3581, or in Montrose, (970) 249-6622 Website for information about well permits: http://water.state.co.us/groundwater/groundwater.asp</p>

Individual Sewage Disposal System (ISDS) Permit:	Gunnison County Environmental Health Office 221 N. Wisconsin Street, Suite D Gunnison, CO 81230 Crystal Lambert (970) 641-0360 FAX: (970) 641-8585
Dos Rios Water Treatment Plant (water and sewer line locates):	Dos Rios Water Treatment Plant 38130 W. Highway 50 Gunnison, CO 81230 Mark Templeton (970) 641-8565
Crested Butte Fire Protection District:	Crested Butte Fire Protection District 306 Maroon Avenue PO Box 1009
	Crested Butte, CO 81224 (970) 349-5333 Ric Ems, Fire Marshall and Scott Wimmer, Fire Inspector

Attachment B: Marijuana Facility Licensing Regulation



**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2014-18**

**A RESOLUTION CREATING LICENSING REGULATIONS FOR MARIJUANA CULTIVATION,
MANUFACTURING, AND TESTING FACILITIES**

WHEREAS, pursuant to Section 14 of Article XVIII of the Colorado Constitution, Article 43.3 of title 12, C.R.S. (Colorado Medical Marijuana Code) and Article 43.4 of Title 12, C.R.S. (the Colorado Retail Marijuana Rules) local jurisdictions can create regulations to further regulate marijuana related businesses and can be more restrictive than the above mentioned state regulations.

WHEREAS, consistent with the above, the Gunnison County Community Development Department has prepared regulations titled "Licensing Regulations for Marijuana Cultivation, Manufacturing, and Testing Facilities" attached hereto and incorporated herein by reference as Attachment "A" ("Licensing Regulations"); and

WHEREAS, on July 1, 2014, the Board of County Commissioners of the County of Gunnison, Colorado ("Board of County Commissioners") conducted a duly noticed public hearing for adoption of the Licensing Regulations; and

WHEREAS, the Board of County Commissioners has evaluated the Licensing Regulations with consideration of the following criteria:

- Consistency with the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Rules;
- Consistency with the Criteria for Text Amendments in Section 1-113 of the Land Use Resolution
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;
- Public health, safety and welfare; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Gunnison, Colorado that the "Licensing Regulations for Marijuana Cultivation, Manufacturing, and Testing Facilities" attached hereto as Attachment "A" are hereby adopted. These licensing regulations shall become effective fourteen days after the approval of this Resolution.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck and passed on this 1st day of July, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

Paula Swenson, Chairperson

Phil Chamberland, Commissioner

Jonathan Houck, Commissioner

ATTEST:

Deputy County Clerk



Attachment A

GUNNISON COUNTY, COLORADO

LICENSING REGULATIONS FOR MARIJUANA CULTIVATION, MANUFACTURING AND TESTING FACILITIES



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ARTICLE 1: GENERAL REQUIREMENTS

SECTION 1-101: TITLE AND SHORT TITLE

2. To establish specific standards and procedures for local licensing of marijuana-related business and establishments; and
3. To protect the health, safety, and welfare of the residents, consumers and patients in Gunnison County by prescribing the manner in which marijuana businesses can be conducted in the County.

B. RELATIONSHIP TO OTHER GUNNISON COUNTY REQUIREMENTS. All allowed marijuana uses shall require compliance with all applicable Gunnison County Regulations including but not limited to Section 9-104 and all other applicable sections of the Land Use Resolution, Gold Basin Industrial Park Special Area Regulations, applicable building regulations, and On Site Waste Water Treatment regulations.

SECTION 1-104: NO INTENT TO PROMOTE

By enacting this Resolution, Gunnison County does not intend to encourage or promote the establishment of any marijuana related business or operation, or the commitment of any act that constitutes or may constitute a violation of state or federal law. As of the date of the enactment of this Resolution, the use, possession, distribution, and sale of marijuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal prosecution.

SECTION 1-105: GUNNSION COUNTY LICENSE REQUIRED

- A. GUNNISON COUNTY LICENSE REQUIRED:** A Gunnison County License duly issued pursuant to this Resolution shall be required for a: 1 Marijuana Cultivation Facility; 2) Marijuana Manufacturing Facility, and/or or 3 Marijuana Testing Facility located in unincorporated Gunnison County.
- B. GUNNISON COUNTY LICENSE HAS NO EFFECT WITHOUT STATE LICENSE:** It shall be unlawful to operate any Medical Marijuana Facility or Retail Marijuana Facility in unincorporated Gunnison County for which a license is required under the Colorado Medical Marijuana Code, article 43.3 of title 12, C.R.S. (the "CMMC") or the Colorado Retail Marijuana Code, article 43.4 of title 12, C.R.S. (the "CRMC") without first having obtained both a local license under these regulations and a state license under state code.
- C. GUNNISON COUNTY LICENSE HAS NO EFFECT WITHOUT VALID GUNNISON COUNTY LAND USE AND BUILDING CODE APPROVAL:** A Gunnison County License has no effect without the requisite County Land Use and Building application approvals.
- D. APPLICATIONS FOR LOCAL LICENSES.** The Board shall receive and process all applications for a Marijuana Facility License. The Community Development Department on behalf of the Board shall accept and process applications for a Medical Marijuana Facility or Retail Marijuana Facility.





- E. **DUAL LICENSES.** Dual operation of a licensed Medical Marijuana Facility and a Retail Marijuana Facility is permitted so long as appropriate State and local licenses have been issued and remain valid and active for both operations.

SECTION 1-106: ACTIVITY PROHIBITED

- A. **RETAIL MARIJUANA STORE PROHIBITED:** Retail Marijuana Stores are prohibited in unincorporated Gunnison County.
- B. **MEDICAL MARIJUANA CENTERS PROHIBITED:** Medical Marijuana Centers are prohibited in unincorporated Gunnison County.

SECTION 1-107: RELATIONSHIP TO GUNNISON COUNTY LAND USE RESOLUTION

- A. **LAND USE APPROVAL REQUIRED:** A land use approval is required prior to receiving a Marijuana Facility License for all marijuana facilities as specified in Section 9-104 of the Gunnison County Land Use Resolution.
- B. **CONFLICTS BETWEEN THE LAND USE RESOLUTION AND MARIJUANA FACILITY LICENSING REQUIREMENTS:** If there is a conflict between the requirements of the Land Use Resolution and the requirements of this Resolution, the more stringent of two regulations shall apply.

SECTION 1-108: NO ENTITLEMENT OF VESTED RIGHT.

No person shall have any entitlement or vested right to land use, licensing, or otherwise under this resolution, the CMMC, the CRMC, Gunnison County land use approval, or Gunnison County building permits. To lawfully engage in the business of cultivating, manufacturing, and or testing marijuana in unincorporated Gunnison County, all persons must obtain a license under these regulations. Such a license is a revocable privilege subject to the will and scrutiny of local and state authorities.

ARTICLE 2: DEFINITIONS

SECTION 2-101 PURPOSE

The purpose of this article is to define words, terms and phrases used in this Resolution, or that are otherwise used by the County on its review and actions concerning licensing of marijuana operations. If a word, term, or phrase is not defined herein, the definition in the Gunnison County Land Use Resolution shall apply.

SECTION 2-102: DEFINITIONS

Where a term used of this Resolution is not defined, the definitions in Article 2 of the *Gunnison County Land Use Resolution* shall apply.

- A. **"Amendment 64"**: The voter-initiated amendment to the Colorado Constitution adopted November 6, 2012. Amendment 64 added Section 16 of Article XVIII to the Colorado Constitution.
- B. **"Good Moral Character"** means an individual who has a personal history demonstrating honesty, fairness, and respect for the rights of others and for the law.
- C. **"Edible Retail Marijuana Product"** means any Retail Marijuana Product which is intended to be consumed orally, including but not limited to, any type of food, drink, or pill.
- D. **"Licensee"** means any Person licensed pursuant to the Retail Code or, in the case of manufacturing license; retail marijuana cultivation facilities license; retail marijuana manufacturing facilities license; marijuana testing facilities license; and an off-premises storage license
- E. **"Licensed Premises"** means the premises specified in an application for a license pursuant to the Retail Code that are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell, or test Retail Marijuana in accordance with the provisions of the Retail Code and these rules.
- F. **"Local Safety Inspections"**: Licensees may be subject to inspection of the cultivation area by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present. The inspection may result in additional specific standards to meet local jurisdiction restrictions related to Retail Marijuana. An annual fire safety inspection may result in the required



installation of fire suppression devices, or other means necessary for adequate fire safety.

- G. **"Marijuana Cultivation Facility"** is either a retail or medicinal facility licensed to cultivate, prepare, and package Marijuana and sell Marijuana to Marijuana Retail establishments and or Medical Marijuana Centers, but not to consumers.
- H. **"Marijuana Facility License"** is a license for either a Medical Marijuana Facility or a Retail Marijuana Facility-excluding the sale of marijuana to consumers.
- I. **"Marijuana Manufacturing Facility"** is either a retail or medicinal facility licensed to purchase Marijuana; manufacture, prepare, and package Marijuana Product; and sell Marijuana and Marijuana Product only to other Retail and Medicinal Marijuana Manufacturing Facilities and Retail Marijuana Stores and/or Medical Marijuana Centers, but not to consumers
- J. **"Marijuana Testing Facility"** means a public or private laboratory licensed and certified, or approved, to conduct research and analyze Retail and/or Medicinal Marijuana, Retail and/or Medicinal Marijuana Products and Retail and/or Medicinal Marijuana Concentrate for contaminants and potency.
- K. **"Medical Marijuana"** means marijuana that is grown and sold pursuant to the Medical Code and includes seeds and Immature Plants.
- L. **"Medical Marijuana Facility(ies)"** means an medical marijuana-infused products manufacturing licenses, marijuana testing facilities licenses, and off-premises storage licenses regulated under 1 CCR 212-1, Series 100 through 1400, Medical Marijuana Rules. Medicinal sales of marijuana are prohibited in unincorporated areas of Gunnison County.
- M. **"Medical Marijuana Center"** means a Person licensed pursuant to the Medical Code to operate a business as described in section 12-43.3-402, C.R.S., and sells medical marijuana to registered patients or primary caregivers as defined in Article XVIII, Section 14 of the Colorado Constitution, but is not a primary caregiver.
- N. **"Owner"** means the Person or Persons whose beneficial interest in the license is such that they bear risk of loss other than as an insurer, have an opportunity to gain profit from the operation or sale of the establishment, and have a controlling interest in a Retail Marijuana Establishment license, and includes any other Person that qualifies as an Owner pursuant to Rule R 204.
- O. **"Retail Marijuana"** means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed Retail Marijuana Establishment. "Retail Marijuana" does not include industrial hemp, nor does it include fiber produced from stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient



combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

- P. **"Retail Marijuana Facility(ies)"** means any facility licensed under the local authority for cultivation facilities, retail marijuana manufacturing facilities licenses, and retail marijuana testing facilities and regulated under Colorado Retail Marijuana Code found at sections 12-43.4-101 *et. seq.*, C.R.S. Retail sales of marijuana are prohibited in unincorporated areas of Gunnison County.
- Q. **"Retail Marijuana Cultivation Facility"** means an entity licensed to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments, but not to consumers.
- R. **"Retail Marijuana Product"** means a product that is comprised of Retail Marijuana and other ingredients and is intended for use or consumption, such as, but not limited to, edible product, ointments and tinctures.
- S. **"Retail Marijuana Products Manufacturing Facility"** means an entity licensed to purchase Retail Marijuana; manufacture, prepare, and package Retail Marijuana Product; and sell Retail Marijuana and Retail Marijuana Product only to other Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Stores.
- T. **"Retail Marijuana Store"** means an entity licensed to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Product from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana Product to consumers.
- U. **"Retail Marijuana Testing Facility"** means a public or private laboratory licensed and certified, or approved by the Colorado Marijuana Control Division, to conduct research and analyze Retail Marijuana, Retail Marijuana Products and Retail Marijuana Concentrate for contaminants and potency.
- V. **Samples Provided for Testing.** A Retail Marijuana Cultivation Facility may provide samples of its Retail Marijuana to a Person holding a Retail Marijuana Testing Facility license for testing and research purposes. The Retail Marijuana Cultivation Facility shall maintain the testing results as part of its business books and records.
- W. **"State Licensing Authority"** means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of Medical Marijuana and Retail Marijuana in Colorado, pursuant to section 12-43.3-201, C.R.S.
- X. **The Colorado Retail Marijuana Code (Article 43.4 of Title 12, C.R.S.)** establishes a new procedure that allows for the dual licensing by the State Licensing Authority and the Local Licensing Authority of the retail cultivation, manufacture, distribution, and sale of retail marijuana and retail marijuana products.
- Y. **"THC"** means tetrahydrocannabinol.



ARTICLE 3: INITIAL LICENSE

SECTION 3-101: PURPOSE.

The purpose of Article 3 is to delineate a process for applying for a Marijuana Facility License.

SECTION 3-102: SEQUENCE OF REVIEW AND APPROVALS.

Applications for both a Land Use Application and a License for a Marijuana Facility shall be concurrently reviewed. However, final approval of a Land Use application for a Marijuana Facility must occur prior to the public hearing for a Marijuana Facility License. A County License for a Marijuana Facility shall not become effective until a State of Colorado License for a Marijuana Facility has been approved.

SECTION 3-103: PRE-APPLICATION MEETING AND PREAPPLICATION SUBMITTAL.

Before submitting an license application to the County, any person applying for a Marijuana Facility License shall request a pre-application meeting with the Gunnison County Community Development Department.

SECTION 3-104: APPLICATION SUBMITTAL.

Following a pre-application meeting for a Marijuana License with the Gunnison County Community Development Department, an applicant seeking a License shall submit a complete application to the Community Development Department.

SECTION 3-105: REVIEW BY REFERRAL AGENCIES.

Upon determination that the application is complete, the Community Development Department may submit the application for review and recommendation to referral agencies and organizations, including other County offices and departments, and municipal, or state offices having an interest in or authority over all or part of the proposal.

SECTION 3-106: APPLICATION REQUIREMENTS.

- A. **MEDICINAL MARIJUANA FACILITIES:** All applications for Medical Marijuana Facilities shall be made upon forms provided by the County and shall include the following supplemental materials:

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1. Identity of the owner of the property on which the premises is located;
2. Provide consent for a criminal background check.
3. A site plan of all buildings on the property where the premises is located, including a floor plan showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage;
4. A description of the operational plan for the facility including hours of operation, number of employees, anticipated loading and delivery traffic and frequency, and hazardous or flammable material storage and usage.
5. A detailed narrative description of how the application complies with the standards for a license in Article 5 of this Resolution.
6. A list of all other uses on the property;
7. A list of alcohol or drug treatment facilities, licensed child care facilities, parks, public buildings, public trails, places of worship, and educational facilities (below college grade level) within 1000 feet as measured from the closest point of the subject property lines;
8. A mailing list for all property owners within 1000 feet as measured from each boundary of the subject parcel;
9. A copy of the state sales tax license for the business if applicable; medical marijuana-infused products manufacturing license applications, information about which medical marijuana center is associated with the business;
10. A description with dimensions of all exterior signage proposed on the property;
11. Description of security measures to prevent theft and to minimize fire danger; and
12. A description of measures to eliminate or mitigate odors from the facility.

B. RETAIL MARIJUANA FACILITIES: All applications for Retail Marijuana Facilities shall be made upon forms provided by the state and shall include:

1. Identity of the owner of the property on which the premises is located;
2. Provide consent for a criminal background check.
3. A site plan of all buildings on the property where the premises is located, including a floor plan showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage;
4. A description of the operational plan for the facility including hours of operation, number of employees, anticipated loading and delivery traffic and frequency, and hazardous or flammable material storage and usage.
5. A detailed narrative description of how the application complies with the standards for a license in Article 5 of this Resolution.
6. A list of all other uses on the property;
7. A list of alcohol or drug treatment facilities, licensed child care facilities, parks, public buildings, public trails, places of worship, and educational facilities (below college grade level) within 1000 feet as measured from the closest point of the subject property lines;
8. A mailing list for all property owners within 1000 feet as measured from each boundary of the subject parcel;
9. A copy of the state sales tax license for the business if applicable; for



10. A description with dimensions of all exterior signage proposed on the property;
11. Description of security measures to prevent theft and to minimize fire danger;
and
12. A description of measures to eliminate or mitigate odors from the facility.

- C. **WAIVER OF SUBMITTAL REQUIREMENTS:** The Board may, at its discretion, waive specific submission requirements or require the submission of additional materials as may be useful in making a determination under this Resolution.

SECTION 3-107: PUBLIC HEARING:

The license application for a Marijuana Facility License shall be considered by the Board following a properly noticed public hearing and after receiving all applicable land use approvals.

- A. **COMMUNITY DEVELOPMENT DEPARTMENT REPORT.** The Community Development Department shall prepare a staff report for the Authority that identifies whether the applicant based on review of the application and input from referral agencies, complies with the licenses requirement set forth in Article 5 of this *Resolution*. The staff report may also recommend additional mitigation or conditions that might be necessary.
- B. **SITE VISIT.** The Authority may schedule a site visit to view the site.
- C. **NOTICE OF HEARING.** Public notice shall be given in compliance with Section 3-112 of the Land Use Resolution with the following exemptions and additions:
1. **PUBLICATION OF NOTICE.** The publication of notice in the newspaper and posting of sign on property shall occur no less than fifteen (15) days prior to the date of the hearing.
 2. **NOTICE TO AFFECTED REAL PROPERTY OWNERS.** No less than fifteen (15) days prior to the date of the public hearing by the Board, the applicant shall provide written notice of the public hearing, via certified mail, to all real property owners within 1000 feet of the subject property.
 3. **BOARD DECISION.** Following the public hearing, the Board shall approve, approve with conditions, or deny the application based upon the Marijuana Licensing Standards set forth in Article 5 of this Resolution.

SECTION 3-108: BOARD TO IMPOSE CONDITIONS ON LICENSE. The Board may impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety, and welfare, and obtain compliance with the requirements of this regulation and applicable State regulations.

SECTION 3-109: TERM OF LICENSE.

A marijuana facility license shall be valid for 3 years from the date of approval of such licenses.



ARTICLE 4: ACTIVITY AFTER INITIAL LICENSE

SECTION 4-101: RENEWAL OF LICENSES.

- A. **LICENSES VALID FOR THREE YEARS:** A Marijuana Facility License shall be valid for a period of three years or upon the expiration and non-renewal of the associated license, whichever occurs first. Renewal of any local license is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place.
- B. **TIMING OF RENEWAL APPLICATION:** A licensee shall submit a renewal application, along with all renewal and operation fees, at least 45 days before the expiration of the license
- C. **APPLICATION REQUIRED FOR RENEWAL:** Annually license holders will be required to renew their licenses by submitting a renewal application to the Community Development Department.
- D. **FEES PAID:** The Fee for Renewal is set forth in Article 6 of this Resolution and must be paid in full upon the submittal of an application.
- E. **RENEWAL DENIED:** If a renewal application is denied, the applicant, may appeal that renewal to the Board.
- F. **PUBLIC HEARING:** In the event of an appeal, a public hearing shall be scheduled with the Board in conformance with Section 3-107
- G. **DENIAL OF STATE LICENSE:** Upon denial or revocation of a state license, any license issued under these regulations shall be null and void.
- H. **FEDERAL LAW:** If a court of competent jurisdiction determines that the issuance of Colorado local licenses and permits violates federal law, the Board reserves the authority to suspend or revoke all licenses issued by this Resolution, with no ground for appeal or other redress on behalf of the licensee.

SECTION 4-102: CHANGE IN OWNERSHIP

- A. **NOTIFICATION OF CHANGE IN OWNERSHIP:** A Licensee must notify in writing the Gunnison County Community Development Department of any change in ownership prior to a change in ownership.
- B. **TRANSFER OF OWNERSHIP.** Any license issued under this Resolution is not transferable or assignable. Any change of ownership shall require a new license.
- C. **CHANGE OF LOCATION.** Any license granted under this Resolution is limited to the location(s) specified on the license application. Operation of a Medical Marijuana Facility or a Retail Marijuana Facility at a new location requires a new license.
- D. **MODIFICATION OF PREMISES.** Modification of any building structure where a Medicinal Marijuana Facility or Retail Marijuana Facility is located is subject to all



applicable provisions of the Land Use Resolution and County Building Code. In addition, upon the application for a building permit to modify a licensed premises the licensee shall notify the Gunnison County Community Development Department in writing regarding the nature of the modification and pay the modification fee. A modification of premises will be reviewed by the Community Development to determine ongoing compliance to this Resolution and any conditions imposed on a license. If there is a proposed change to a premise that may result in a material change to the operation of a marijuana facility, the Community Development Director may require a renewal application of the licensee of a Marijuana Facility.

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ARTICLE 5: STANDARDS

SECTION 5-101: STANDARDS:

The Board must find the following to approve a license:

- A. **LACK OF CRIMINAL HISTORY:** The applicant and principal employees of a marijuana facility have no history of criminal activity indicating moral turpitude. Applicants shall provide suitable evidence of a Persons' proof of lawful presence, residence, and good character and reputation that the Board may request. The applicant must also consent to a criminal background check of the applicant and its principal employees.
- B. **HARMONIOUS LAND USE:** The use and any associated signage is not identifiable as a Marijuana Facility from adjacent property, nor any arterial road, public trail, or public park. The applicant must demonstrate to the Board's satisfaction that there is no measurable detrimental impact to adjacent property which cannot be mitigated, and the applicant has demonstrated to the Board that the facility will be harmonious with its surrounding uses.
- C. **APPLICABLE PROPERTY OWNERS ASSOCIATION APPROVAL:** The applicant must provide written consent for the use from the Property Owners Association if an active association exists for the subject property.
- D. **ODOR:** Odors from any marijuana facility shall not be detectable and noticeable at the boundary to adjacent properties. Facilities shall be equipped with proper ventilation systems so that odors are filtered and do not materially interfere with adjoining land uses.
- E. **FIRE AND SECURITY EMERGENCY SERVICES:** Applicable Fire Districts and the Sheriff's Department will receive applications for their review and comment. Concerns related to public safety received from emergency services must be avoided or mitigated to the Authority's satisfaction.
- F. **PUBLIC SERVICES:** The Applicant shall demonstrate that there are adequate public services to support the proposed use.

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ARTICLE 6 FEES

SECTION 6-101: FEES FOR AN INITIAL LICENSE

The fees for a new or initial license and the operating fees which shall be collected prior to processing an application for an initial license are the following:

A. Fees for a Medical Marijuana Facility:

Application fee	\$3500
Operating fee	\$1000

B. Fees for a Retail Marijuana Facility

Application fee	\$3500
Operating fee	\$1000

Only one application fee shall be required per business, except that a business in multiple locations in unincorporated Gunnison County must pay licensing and renewal fees for each location. The operating fee will be refunded if the Board denies the application. The Application fee may be refunded if the land use application for a marijuana facility is denied. The Board of County Commissioners has authority to set and amend fees.

SECTION 6-102: FEES FOR ACTIVITY AFTER AN INITIAL LICENSE

A. Fees for a Medical Marijuana Facility:

Renewal fee	\$1500
Operating fee	\$1000
License modification fee	\$1000
Pending application modification fee ..	\$ 125

B. For a Retail Marijuana Facility

Renewal fee	\$1500
Operating fee	\$1000
License modification fee	\$1000
Pending application modification fee ..	\$ 125

Only one application or renewal fee shall be required per business, except that a business in multiple locations in unincorporated Gunnison County must pay licensing and renewal fees for each location. The License modification fee is applicable to applications where there is request to change ownership or a desire to modify the physical design/layout of

licensed facility. The operating fee will be refunded if the Renewal Application is denied..
All other fees are nonrefundable. The Board of County Commissioners has authority to set
and amend fees.

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ARTICLE 7: OPERATIONAL REQUIRMENTS

SECTION 7-101: OPERATIONAL REQUIREMENTS.

- A. BUSINESS CONDUCTED WITHIN BUILDING:** All activities associated with Medical Marijuana Facilities and Retail Marijuana Facilities must be conducted inside the facility and must not be visible from the exterior of the business.
- B. BUSINESS CONDUCTED CONSISTENT WITH THESE STANDARDS AND LICENSE CONDITIONS:** All Medical Marijuana Facilities and Retail Marijuana Facilities must continue to maintain and operate the businesses consistent with County and State regulations related to marijuana facilities.
- C. COMPLIANCE WITH STATE AND COUNTY REGULATIONS:** All licensed Medical Marijuana Facilities and Retail Marijuana Facilities must continue to maintain and operate the businesses consistent with County and State regulations related to marijuana facilities and any conditions applied to a State and County licenses. In addition, reasonable inspections as specified in Section 7-102 shall not be prevented by the owner to determine compliance with state and county regulations.

SECTION 7-102: INSPECTIONS

By signing and submitting a license application, the applicant gives Gunnison County the permission to access the property to conduct inspections as may be required under state or local licensing law. In addition, the owner of the premises authorizes the Board, its designee, and the Gunnison County Building Official or the official's designee, to enter and inspect the premises. In addition, the owner of the premise authorizes the applicable Fire District to conduct routine annual fire and safety inspections of the premise. Such inspections, if necessary, shall take place at a reasonable time with prior notice to the property owner, and prior to a determination on the application. Upon request, the owner of the premises shall timely provide the Board with records related to the business. This Section shall not limit any inspection authority permitted under any other provision of law or regulation.

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ARTICLE 8: ENFORCEMENT

SECTION 8-101: GENERAL

This *Resolution* shall be enforced in accordance with the requirements of Colorado law and as provided in this Article. Each enforcement remedy can be invoked by Gunnison County independently or in conjunction with any or all of the other enforcement remedies.

SECTION 8-102: AUTHORIZATION TO ENFORCE.

The Board, County Manager, County Community Development Director, the Community Development Director's designees, County Attorney, County Building Inspector, County Environmental Health Official, County Public Works Director and such other persons as the Board may designate, are charged with and authorized to enforce all the requirements of this *Resolution*.

SECTION 8-103: RIGHT OF ENTRY AND INSPECTION

When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any activity is being conducted or any condition exists on a licensed premise which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution*, any person charged with enforcement of this *Resolution* may enter and inspect a licenses marijuana facility as per Section 7-102 to determine compliance with this *Resolution*. If entry is refused, or the owner or person having charge or control cannot be located after reasonable effort, the Board or its designee shall apply to the District Court, Gunnison County, for an order to permit entry. Nothing in this Section precludes or constrains any entry upon or into, or inspection of, any land or into a building otherwise permitted by law.

SECTION 8-104: NOTIFICATION TO CORRECT VIOLATION

When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any activity is being conducted or any condition exists on a licensed premise which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution*, the Community Development Director shall give written notice to the owner or other person having charge or control of such premise, by certified mail, return receipt requested at the last known address. The notification shall state which requirements of this *Resolution*, or of a permit are being violated, shall state the conditions that are to be satisfied for compliance, and shall state that the violator shall correct the violation within 30 days of receipt of the notification. Such written notification is cumulative to, and not a prerequisite to, any other enforcement remedies available to Gunnison County. The Community Development Director shall issue a written compliance letter only if the activity or condition that is the basis of the notice has been remedied.

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SECTION 8-105: ORDER TO CORRECT VIOLATION

- A. COMMUNITY DEVELOPMENT DIRECTOR MAY ISSUE ORDER.** When a person charged with enforcement of this *Resolution* has reasonable cause to believe that any activity is being conducted or any condition exists on any licensed premise which is contrary to or in violation of this *Resolution* or any permit issued pursuant to this *Resolution*, the Community Development Director may, by written notice ("stop order"), order the activity or use stopped immediately or by a time certain. The stop order shall state the conditions that shall be satisfied for compliance. The stop order shall be served by delivering it to any person engaged in that activity or use, or to any person owning, leasing, or controlling the licensed premise, or by posting the order in a conspicuous location on the land, building or other structure
- B. IMMEDIATE COMPLIANCE REQUIRED.** All persons shall comply immediately with the stop order upon its service or posting, as set forth above.
- C. STOP ORDER LIFTED ONLY BY COMPLIANCE ORDER.** The stop order shall remain in effect until the Community Development Director determines that the activity or condition that is the basis for the stop order has been remedied, and the Planning Director issues a written compliance order that is served by Gunnison County.
- D. DISCRETIONARY BOARD REVIEW.** At its discretion, the Board may review and amend the stop order.
- E. STOP ORDER NOT A PREREQUISITE TO OTHER REMEDIES.** The issuance of a stop order is cumulative to, and not a prerequisite to any other enforcement remedies available to Gunnison County

SECTION 8-106: SUSPENSION OR REVOCATION OF PERMIT

- A. HEARING SCHEDULED.** When the Community Development Director determines that reasonable cause exists to believe that a license was issued under this *Resolution*, in substantial reliance on erroneous or misleading information or representation from the applicant or his/her representative, or that any activity is being conducted on a licensed premise which is contrary to or in violation of this *Resolution*, the Board shall schedule a hearing to determine whether that permit shall be suspended or revoked.
- B. NOTICE OF HEARING.** The Board shall give written notice of the hearing to the owner of the subject land by mailing notice, certified, return receipt requested at the last known address, postmarked at least 15 days before the hearing. The notice shall contain a summary of the grounds for the potential suspension or revocation.
- C. HEARING DATE MAY BE ADVANCED.** The owner of the subject land may request in writing that the hearing be scheduled sooner than the scheduled hearing date. If the Board receives the request more than two working days before a regularly scheduled Board meeting, the hearing must be advanced to that Board meeting or the next regularly scheduled Board meeting.



- D. **DEMONSTRATION BY CREDIBLE EVIDENCE.** At the hearing, the Community Development Director shall have the burden to demonstrate, by credible evidence, that the license should be suspended or revoked.
- E. **GENERAL STANDARDS.** The license shall be suspended or revoked if, after the close of the hearing, and based on credible evidence, any one of the following findings is made by the Board:
 - 1. **BASED ON MISLEADING INFORMATION OR MISREPRESENTATION.** The license was issued in reliance on materially erroneous or misleading information from the applicant or his/her representative; or
 - 2. **VIOLATION OF CONDITIONS OF LICENSE OR RESOLUTION.** Activity is being conducted on a licensed premise is a violation of this *Resolution*, a *land use approval*, or any permit issued pursuant to this *Resolution*.
- F. **DECISION OF BOARD.** Within five days after the close of the hearing, the Board shall render its decision on the suspension or revocation of the license.
- G. **NOTIFICATION.** Notification of the Board's decision shall be provided by the Community Development Director to the landowner, by certified mail postmarked within seven days of the Board's decision.
- H. **REVOCAION OF LICENSE BY COUNTY.** If a licensed is revoked, all operations and uses allowed under the license shall be terminated effective immediately upon the revocation order. A new license application must be applied for and granted to reopen a Marijuana Facility that has received a revocation order.
- I. **REVOCAION OF LICENSE BY STATE.** If the State revokes or suspends a license for a Marijuana Facility, the County license for the facility shall be suspended until such time as a valid State license is presented to the Community Development Department. The County may also investigate a licensed facility based on a State revocation and may take other enforcement action as allowed in this *Resolution*.
- J. **CUMULATIVE REMEDY.** The Board's right to suspend or revoke a license as provided in this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedies available to the Board.

SECTION 8-107: NO ACTION FOR PERSONS SUBJECT TO ENFORCEMENT ORDERS

No application shall be processed or approved pursuant to this *Resolution*, and no Building Permit shall be issued by Gunnison County, for or to any person who is responsible for a violation that is the subject of an existing Stop Order, Suspension, or Revocation Order. The enforcement remedy provided by this Section shall be cumulative to, and not a prerequisite to, any other enforcement remedy provided by this *Resolution*.



**Attachment C: Land
Use Resolution
Amendments related
to Marijuana Facilities**



**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2014-19**

**A RESOLUTION AMENDING THE GUNNISON COUNTY, COLORADO LAND USE RESOLUTION
WITH THE ADDITION OF SECTION: 9-104 TO REGULATE MARIJUANA CULTIVATION,
MANUFACTURING, AND TESTING FACILITIES**

WHEREAS, pursuant to Section 14 of Article XVIII of the Colorado Constitution, Article 43.3 of title 12, C.R.S. (Colorado Medical Marijuana Code) and Article 43.4 of Title 12, C.R.S. (the Colorado Retail Marijuana Rules) local jurisdictions can create regulations to further regulate marijuana related businesses and can be more restrictive than the above mentioned state regulations.

WHEREAS, on July 1, 2014, the Board of County Commissioners of the County of Gunnison, Colorado ("Board of County Commissioners") adopted Resolution No: 2014- 19, "A Resolution Creating Licensing Regulations for Marijuana Cultivation, Manufacturing, and Testing Facilities"; and

WHEREAS, consistent with the above and Section 1-113 of the Gunnison County, Colorado Land Use Resolution, dated December 4, 2012, ("Land Use Resolution"), the Gunnison County Community Development Department has prepared an additional section to the Land Use Resolution titled "Section 9-104: Marijuana Cultivation, Manufacturing or Testing Facility", attached hereto and incorporated herein by reference as Attachment "A" ("Section 9-104"); and

WHEREAS, the Gunnison County Planning Commission has completed review and has approved Section 9:104;

WHEREAS, the Gunnison County Planning Commission on June 27, 2014, forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, on July 1, 2014, the Board of County Commissioners conducted a duly noticed public hearing for adoption of Section 9:104; and

WHEREAS, the Board of County Commissioners has evaluated Section 9:14 with consideration of the following criteria:

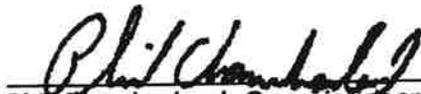
- Consistency with the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Rules;
- Consistency with the Criteria for Text Amendments in Section 1-113 of the Land Use Resolution
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;
- Public health, safety and welfare; and

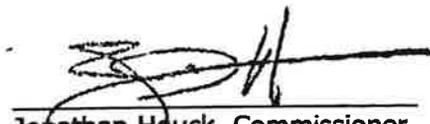
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Gunnison , Colorado that the Gunnison County, Colorado Land Use Resolution , dated December 4, 2012 and amendments thereto shall be and hereby is amended with the adoption of "Section 9-104: Marijuana Cultivation, Manufacturing or Testing Facility" attached hereto as "**Attachment A.**"

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland and adopted on this 1st day of July, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**


Paula Swenson, Chairperson


Phil Chamberland, Commissioner


Jonathan Houck, Commissioner

ATTEST:


Deputy County Clerk



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SECTION 1: PURPOSES.

The Gold Basin Industrial Park Special Area ("Gold Basin Industrial Park") is a discrete geographical area in which land development and land use is limited to specific commercial business and light industrial uses compatible with the Gunnison/Crested Butte Airport and its neighborhood. The general purpose of these *Regulations* is to create specialized land use regulations and design standards for light industrial and related business development on a Leasehold Area adjacent to the Gunnison/Crested Butte Regional Airport). These purposes serve as basic goals for these *Regulations* and the review of applications for Gold Basin Industrial Park Special Area Permits. When there is a conflict between a statement of purpose and an adopted standard in these *Regulations*, or when an adopted standard is more specific, the standard shall supersede these purposes. These *Regulations* shall be liberally construed to further the following purposes.

- A. TO SIMPLIFY THE REGULATORY REVIEW PROCESS.** To provide a simplified and expedited permit application review process for business, light industrial and commercial uses within the Gold Basin Industrial Park Special Area.
- B. TO AFFIRMATIVELY PROMOTE A COMPACT DEVELOPMENT PATTERN.** To affirmatively promote a compact development pattern that discourages sprawl, in which denser and more intense forms of development will occur contiguous to, or in close proximity to, existing population and development centers and public services, and in so doing, minimize the cost of providing governmental and other services.
- C. PROTECT THE ENVIRONMENT; PUBLIC HEALTH, SAFETY AND WELFARE; PUBLIC SERVICES, FACILITIES AND PROPERTY.** To avoid or mitigate potential impacts caused by land development within the Gold Basin Industrial Park Special Area, to the environment, to public services and facilities, property and public safety, and land use within the Gold Basin Industrial Park Special Area and adjacent properties.
- D. TO PROTECT AND ENHANCE ECONOMY.** To protect and enhance the economic strength of the private and governmental sectors of Gunnison County in a manner that is compatible with the *Gunnison County Land Use Resolution*.
- E. TO ENCOURAGE INNOVATIONS.** To encourage innovations in commercial and industrial land use, so that the growing demands of the population may be met by greater variety in type, design, and layout of development.
- F. TO PROVIDE OPPORTUNITY FOR NEW AND EXISTING BUSINESSES.** To provide the opportunity for existing businesses to grow and new businesses to locate in close proximity to existing utilities and transportation routes.
- G. TO ENCOURAGE ECONOMIC DIVERSITY.** To encourage, strengthen and promote greater economic diversity in the County; to broaden employment opportunities and reduce seasonal employment fluctuation in a manner that will not endanger or detract from the existing economy.
- H. TO WORK COOPERATIVELY WITH THE CITY OF GUNNISON.** To encourage business, light industrial and commercial operations to be constructed and maintained in a manner that is compatible with the land use regulations and design requirements of the City of Gunnison.

SECTION 2: APPLICABILITY.

These *Regulations* shall apply to all development, including development of new uses, expansion of existing uses and change of the use of land or structures within the Gold Basin Industrial Park Special Area.

SECTION 3: RELATIONSHIP TO THE GUNNISON COUNTY LAND USE RESOLUTION.

- A. USES GENERALLY EXEMPT FROM LAND USE RESOLUTION.** Development within the Gold Basin Industrial Park Special Area shall be exempt from requirements of the *Gunnison County Land Use Resolution* unless otherwise specified in these *Regulations*.

- B. DEFINITIONS.** Terms not otherwise defined within these *Regulations* shall be defined pursuant to the *Gunnison County Land Use Resolution*.
- C. CONSTRUCTION AND WORD USAGE.** Construction and word usage shall be interpreted pursuant to the *Gunnison County Land Use Resolution*.
- D. INTERPRETATIONS.** The Gunnison County Community Development Director shall have authority to interpret these *Regulations*, and shall do so in the same manner provided pursuant to Section 1-114: *Interpretations*, of the *Gunnison County Land Use Resolution*.
- E. ENFORCEMENT.** Failure to comply with any provision of these *Regulations* shall be deemed a violation of and shall be subject to enforcement pursuant to the *Gunnison County Land Use Resolution*.

SECTION 4: DEFINITIONS.

This Section defines words, terms, and phrases used specifically in these *Regulations*. Terms not otherwise defined within these *Regulations* shall be defined pursuant to the *Gunnison County Land Use Resolution*

ANIMAL SHELTER means a facility designated or approved by Gunnison County for the purpose of impounding and housing and caring for homeless, lost or abandoned small animals, primarily dogs and cats.

BOARD means the Board of County Commissioners of the County of Gunnison, Colorado, duly authorized to act on behalf of Gunnison County, Colorado.

COMMERCIAL means any establishment engaged in the retail or wholesale of goods or services that is open to the general public or that may be open to members only. This does not include farm or ranch stands. "Commercial" also means "business."

COMMON AREA means all areas, tracts, and Leasehold Areas of land not designated as Leasehold Areas on any recorded plat map or survey of the Property, and shall specifically include all Streets, mini-parks, cut and fill slopes adjacent to Gold Basin Road, and all landscaped buffer areas between the Leasehold Areas and Gold Basin Road.

DESIGN REVIEW COMMITTEE ("DRC") means the committee established by these *Regulations* to review and act on plans for improvements on any Leasehold Area to ensure compliance with the Design Standards set forth in these *Regulations*. The Design Review Committee shall be composed of the Board and two Lessees of Leasehold Areas in the Gold Basin Industrial Park Special Area appointed by the Board, with each member of the Board and each Lessee entitled to one vote on matters coming before the Design Review Committee.

GOLD BASIN INDUSTRIAL PARK SPECIAL AREA shall be synonymous with the term "Property," and shall mean all of the real property now or hereafter made subject to these *Regulations*.

INDUSTRIAL means any establishment engaged in the commercial processing, fabrication, alteration, manufacture of raw, semi-processed materials, manufactured goods, or any components thereof.

IMPROVEMENT OR IMPROVEMENTS means those buildings, outbuildings, roads, driveways, parking areas, fencing, screening walls and barriers, retaining walls, stairs, decks, water lines, sewers, electrical and gas distribution facilities, hedges, windbreaks, plantings, trees and shrubs, poles, signs, loading areas, and all other structures, construction, installations, and landscaping of every type and kind whether above or below the land surface.

LEASEHOLD AREA means the beneficiary under, or holder of, a leasehold interest in a Leasehold Area or Improvements thereon, entitling that person or entity to occupy a Leasehold Area or said Improvements under a lease for a fixed term. Gunnison County shall not be considered a Lessee notwithstanding its occupancy of any Leasehold Area or Leasehold Areas.

MITIGATION means the following actions, prioritized in order of preference:

- **AVOIDING IMPACTS** Avoiding an impact by not taking a certain action or parts of an action; or

- **MINIMIZING IMPACTS** Limiting the degree or magnitude of the action or its implementation, or by changing its location; or
- **RECTIFYING IMPACTS** Repairing, rehabilitating, or restoring the impact area, facility or service; or
- **REDUCING OR ELIMINATING IMPACTS** Reducing or eliminating the impact over time by preservation and maintenance operations; and
- **COMPENSATING FOR IMPACTS** Compensating for the impact by replacing or providing equivalent biological, social, environmental and physical conditions, or a combination thereof.

NUISANCE means an activity that arises from the unreasonable, unwarranted or unlawful use of property, working obstruction or injury on the right of another or on the general public.

- **MIXED NUISANCE** is one that is both public and private in its effects.
- **PRIVATE NUISANCE** is a wrongful interference with a person's interest in the private use and enjoyment of land.
- **PUBLIC NUISANCE** includes "public nuisance" as defined in C.R.S. 16-13-301 et seq.

OCCUPANT means a Lessee, licensee of a Lessee, or any other person or entity other than a Lessee, in lawful possession of a Leasehold Area or any portion thereof.

COMMUNITY DEVELOPMENT DEPARTMENT means the Gunnison County Community Development Department.

PROPERTY shall be synonymous with Gold Basin Industrial Park Special Area, and shall mean all of the real property now or hereafter made subject to these *Regulations*.

RECLAMATION PERMIT means the Reclamation Permit issued and administered by the Gunnison County Public Works Department.

RECORD OR RECORDED OR RECORDATION means, with respect to any document, the recording of said document in the records of the Office of the Gunnison County Clerk and Recorder, Gunnison County, Colorado.

REGULATIONS means these *Gold Basin Industrial Park Special Area Regulations* (the "Regulations"), created to regulate the development and use of the Gold Basin Industrial Park Special Area in conjunction with the designation of the Gold Basin Industrial Park Special Area as a Special Area pursuant to the *Gunnison County Land Use Resolution*, as they may from time to time be amended or supplemented.

SIGN means any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. A sign includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matter is made visible, but does not include a vehicle on which the name of a business appears. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to support a sign.

STREET means a dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties. Street shall include road, lane, place, avenue, drive and similar terms.

WEED MANAGEMENT PLAN means the Weed Management Plan issued and monitored by the Gunnison County Public Works Department.

SECTION 5: OPERATIONS AND USE.

A. PURPOSE. This Section describes the permitted and prohibited uses of Leasehold Areas in the Gold Basin Industrial Park Special Area, and how the permitted uses are required to be operated.

B. PERMITTED USES ON LEASEHOLD AREAS. Any Leasehold Area within the Gold Basin Industrial Park Special Area shall be used only for the following uses:

1. Wood processing and product manufacturing
2. Veneer, Plywood & Engineered Wood Product Manufacturing
3. Millwork
4. Sawmill
5. Glass and Glass Product Manufacturing
6. Ornamental and Architectural Metal Product Manufacturing
7. Furniture and Related Product Manufacturing
8. Wood Kitchen Cabinet and Countertop Manufacturing
9. Manufacture or assembly of products from the following previously prepared materials: electronic components, and wire, fiber, glass, leather, paper, plastics, textiles and wood
10. Sign-making and sign sale or/and repair shop
11. Upholstery Shop
12. Warehouse and truck terminal
13. Welding or machine shop
14. Wholesale businesses
15. Wood truss manufacture
16. Public Works Facility
17. Yards for stockpiling coal, sand, gravel and other materials
18. Hay cube manufacturing plant facility.
19. Animal shelter.
20. Marijuana cultivation, manufacturing and testing.

C. PROHIBITED USES ON LEASEHOLD AREAS. The following uses and operations are prohibited:

1. **NO USE IN VIOLATION OF GOVERNMENT REGULATION.** No Leasehold Area shall be used in violation of any applicable federal law or regulation, or regulation of the State of Colorado or Gunnison County.
2. **RESIDENTIAL OCCUPANCY.** The occupancy of a Leasehold Area for a residence as defined by the *Gunnison County Land Use Resolution*, except as may be permitted within a Lease Agreement with Gunnison County, and in compliance with requirements of the U.S. Department of Energy and the Colorado Department of Public Health and Environment.
3. **MOBILE HOME OR RECREATIONAL VEHICLES.** Any mobile home or recreational vehicle park, or storage or residential use, including temporary, of any such vehicles.
4. **JUNK YARDS AND REFUSE DUMPS.** Use of a Leasehold Area as a junk yard, or for dumping, disposing, incinerating or reducing garbage or refuse of any nature.
5. **RAISING AND/OR SLAUGHTERING OF ANIMALS.** Use of a Leasehold Area for raising, storage, slaughter of animals, except that animals may be housed and cared for in an animal shelter as allowed by these *Regulations* and an applicable Lease agreement with Gunnison County.
6. **WATER WELLS, DRILLING, AND MINING OPERATIONS.** Any drilling for, excavation, refining and/or removal of oil, gas, hydrocarbon substance, water, geothermal steam and other subsurface substances, except as allowed by the U. S. Department of Energy and Colorado Department of Public Health and Environment to allow construction of structures for permitted industrial or commercial uses.

- D. USE OF COMMON AREA.** No structures or personal property shall be parked, stored or permitted on the Common Area. The DRC may adopt and amend reasonable rules of operation, consistent with these *Regulations* concerning use of the Common Area, which they shall make available to all Lessees and Occupants. All Lessees and Occupants, their invitees and licensees shall adhere to those rules of operation in their use of the Common Area.
- E. NUISANCES.** No noxious or offensive activity shall be conducted within the Gold Basin Industrial Park Special Area if that activity constitutes or may become a public nuisance. The use shall not operate during such hours or in manner that will create a public or private nuisance or unreasonably disturb adjacent property uses.
- F. ACTIVITIES SHALL NOT INCREASE INSURANCE PREMIUMS.** Except with the prior written consent of the Board, no Lessee or Occupant shall use a Leasehold Area or any portion of the Common Area in such a way that increases the cost of Gunnison County's insurance premium, or any other Lessee or Occupant, or that causes any such insurance to be canceled or threatened to be canceled.
- G. CONDITION OF LOTS.** The Lessee or Occupant of a Leasehold Area shall at all times keep their Leasehold Area and all the improvements on it in a safe and clean condition.
- H. REFUSE COLLECTION AREAS.** No trash, garbage, rubbish, debris, waste material or other refuse shall be deposited or allowed to accumulate or remain on any Leasehold Area or the Common Area. Each Lessee or Occupant shall provide suitable receptacles for the temporary storage and collection of refuse. No fires for the burning of trash, leaves, clippings, or other debris or refuse, and trash from their Leasehold Area. Processed and unprocessed hay, timber, lumber, stone and other similar organic or inorganic materials or products utilized in connection with permitted uses of a Leasehold Area may be present on a Leasehold Area.
- I. DISPOSAL OF PETROLEUM PRODUCTS AND SIMILAR WASTE MATERIALS.** The disposal of petroleum and similar products shall comply with all applicable federal, state and County regulations.
- J. EXCAVATION.** No excavation of a Leasehold Area shall be made except in connection with the construction of approved structures and other improvements. Upon completion of construction, exposed openings shall be backfilled and disturbed ground shall be graded, leveled and restored to its original condition. No excavation shall occur before written approvals from the DRC and from the Colorado Department of Public Health and Environment. Monitoring and mitigation procedures as required by either or both of those entities shall be effected by the Lessee.
- K. IRRIGATION.** Water needed to irrigate a Leasehold Area shall be obtained solely from Gunnison County water lines. No water shall be drawn or pumped from any pond for irrigation or any other purpose, and no sub-surface water shall be pumped or used under any circumstances.
- L. NOISE.** Every use in the Gold Basin Industrial Park Special Area shall be conducted to mitigate impacts caused by intermittence, frequency, or shrillness regardless of db(A) measurement. Sound levels of noise radiating 25 or more feet beyond the subject property boundary in excess of the db(A) established for time periods and uses listed in Appendix Table 3: *Maximum Permissible Noise Levels for Business, Commercial and Light Industrial Uses* may be considered a public nuisance.
- 1. NOISES SPECIFIC TO OPERATION OF AN ANIMAL SHELTER.** Any animal shelter located within the park shall be designed and located to mitigate the sounds of barking to residents of the neighborhood, and dogs shall be housed inside during evening and nighttime hours.
- M. ODORS.** No industrial or commercial use shall cause or allow the emission of odors from any single source so as to result in detectable and unreasonable odors.
- N. USE OF SPECIAL AREA NAME.** The name "Gold Basin Industrial Park Special Area" may not be used in the name of any business, industrial or commercial operation, or on any building in the Gold Basin Industrial Park Special Area, or in the name of any Lessee or Occupant, other than Gunnison County, except as may be approved by the Board.

SECTION 6: LEASE AGREEMENT AND PERMITS.

All Lessees of Leasehold Areas in the Gold Basin Industrial Park Special Area shall enter into a lease agreement with Gunnison County for use of a Leasehold Area, and obtain a Gold Basin Industrial Park Special Area Permit. No improvements shall be erected, placed, altered, maintained, or permitted to remain on any Leasehold Area by any Lessee or Occupant until final plans and specifications shall have been submitted to and approved in writing by the DRC and, as applicable, a Building Permit is issued by Gunnison County or the City of Gunnison.

A. GOLD BASIN INDUSTRIAL PARK SPECIAL AREA PERMIT. Applications for a Gold Basin Industrial Park Special Area Permit shall be processed as follows:

1. **CONCURRENT APPLICATIONS.** An applicant may apply concurrently to the County and to any other necessary permit agencies.
2. **CONCURRENT PROCESSING.** Gunnison County seeks to avoid duplicative regulatory controls or unnecessary delays. Therefore, processing of an application for a permit normally will proceed concurrently with the processing of other required permit applications. However, final action of the application may not occur until a permit is issued by each other permit entity with applicable regulatory authority so that Gunnison County will have the benefit of the analysis and determinations by the other entity(s) in reaching its own decision.
3. **CONSIDERATION OF OTHER PERMIT CONDITIONS.** Gunnison County shall consider the conditions of any related permit when processing an application for a Gold Basin Industrial Park Special Area Permit.
4. **PERMIT APPLICATION.** The Community Development Department shall provide the applicable form for a Gold Basin Industrial Park Special Area Permit that shall, at a minimum, include the following information and materials:
 - a. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and also stating the same information for the agent.
 - b. **LEASEHOLD AREA LOCATION.** The Leasehold Area address at which the business or industrial operation is proposed to be located.
 - c. **COLORADO DEPARTMENT OF HEALTH APPROVAL.** Documentation of approval of the proposed construction by the U. S. Department of Energy and the Colorado Department of Public Health and Environment.
 - d. **PROJECT DESCRIPTION.** A detailed written description of what the applicant wants to do on or to the Leasehold Area, including:
 1. **BUSINESS OR INDUSTRIAL OPERATION.** A description of the proposed business or industrial operation.
 2. **NUMBER OF EMPLOYEES.** Number of employees required for the operation
 3. **HOURS OF OPERATION.** The hours of daily operation, and the days of the week in which the business or industrial operation is proposed to be conducted.
 4. **CONSTRUCTION.** The amount of square footage proposed for the structures, and the types of materials to be used in the structures.
 5. **TRAFFIC.** Traffic estimated to be generated by the proposed project, including whether it will be commercial or industrial, or a mix of all uses, the types of vehicles that will be used, and the estimated numbers of vehicle trips per day.
 6. **PHASES.** If the business or industrial operation is proposed to be developed in phases, an identification of the phases what activities are proposed to be included in each.
 - e. **SITE DEVELOPMENT PLAN.** A copy of the Site Development Plan, which shall include a scaled drawing of the Leasehold Area, including the following:

1. **ALL STRUCTURES.** All existing and proposed structures to be placed on the Leasehold Area, showing locations, and describing the use, type, shape, composition and appearance of each.
 2. **BOUNDARY LINES AND SETBACKS.** Boundary lines and front, rear and side setback lines of the Leasehold Area.
 3. **UTILITIES.** Locations of all existing and proposed utilities to serve the Leasehold Area, including water, sewer, electric, gas, phone and cable lines.
 4. **PARKING AND DRIVEWAYS.** The number and location of all existing and proposed parking spaces and driveways on the Leasehold Area.
 5. **SIGN LOCATIONS AND DESIGNS.** A plan for the location and renditions of their design, in compliance with these *Regulations*.
 6. **EXTERIOR LIGHTING PLAN.** An exterior lighting plan that complies with the overall lighting plan for the park and with the applicable requirements of the *Gunnison County Land Use Resolution*.
 7. **DRAINAGE PLAN.** A drainage plan for the Leasehold Area, depicting drainage patterns on and adjacent to the Leasehold Area. The Leasehold Area's drainage system shall be designed by a registered professional engineer licensed in the State of Colorado, according to generally accepted storm drainage practices and pursuant to the standards of these *Regulations* and all other applicable County, state and federal regulations.
 8. **LANDSCAPING PLAN.** A landscaping plan that complies with site-specific requirements of the Design Review Committee.
- f. **WATER SUPPLY AND WASTEWATER TREATMENT.** Verification from the Gunnison County Public Works Department intent to provide, signed agreement or contract between the applicant and the supplier indicating that it has the capacity and is willing to provide the amount of water that will be provided by the service provider, and any conditions of providing tap-on and service by the Dos Rios water supply system, and the Dos Rios wastewater treatment system.
5. **REVIEW PROCESS.** The following review process shall apply for a Gold Basin Industrial Park Special Area Permit:
- a. **SUBMITTAL OF APPLICATION.** The applicant shall submit to the Community Development Department a complete application as required by these *Regulations*.
 - b. **DETERMINATION OF COMPLETENESS.** The Community Development Department shall determine whether the application is complete and includes all information required by these *Regulations*. The Community Development Department shall notify the applicant in writing that the application is either complete or incomplete, or shall indicate a date by which such determination shall reasonably be made. It is the goal, but not the requirement of these *Regulations* that this review be completed within 30 days of the submittal of the application.
 1. **APPLICATION IS NOT COMPLETE.** If the application is not complete, the Community Development Department shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.
 - (a.) **FAILURE TO CORRECT CONSTITUTES WITHDRAWAL.** If the applicant fails to correct the deficiencies within 60 days of the postmarked or certified date of the mailing of the notification that the application was incomplete, the application shall be considered withdrawn.
 2. **APPLICATION IS COMPLETE.** The Community Development Department shall determine it to be complete. A determination that an application is complete shall not constitute a determination that it complies with the applicable standards of these *Regulations*.

- c. **REQUEST FOR REVIEW BY DRC.** The Community Development Department shall refer the complete application to the DRC, which shall complete its review pursuant to Section 7: *Design Review*.
- d. **REQUEST FOR REVIEW BY OTHER AGENCIES OR DEPARTMENTS.** At the same time the application is being reviewed by the DRC, The Community Development Department may request the professional analysis and recommendations of any other review agency, organization, or technical consultant deemed appropriate and necessary to complete the review, including other County offices and departments, municipal, state, or federal agencies having an interest in or authority over all or part of the proposal, utility companies, the applicable school district and special service districts serving the proposed development, and engineers, designers, and legal consultants.
 - 1. **REVIEW AND COMMENT BY REVIEW AGENCIES.** The review agencies that are sent a copy of the application shall be requested to make comments within 21 days of mailing by the Community Development Department, unless an extension of not more than 30 days has been requested by the agency before the 21st day. The Department may grant such a reasonable extension if it determines that good cause for the delay has been shown. The failure of any agency to respond within 21 days or within the period of extension shall not be deemed an approval of the application by the agency.
 - 2. **REVIEW OF AGENCY/DEPARTMENT COMMENTS BY APPLICANT.** The applicant shall have the right to review the comments and recommendations received from the review agencies. The applicant may submit additional information and make changes in the development proposal to respond to the comments of the review agencies; provided, however, that if those changes are substantial or if they significantly alter the nature, character or extent of the application, the Community Development Department may, after the changes, refer the application again to some or all review agencies, to obtain additional comments, and may reasonably extend the period of their review accordingly.
- e. **NOTICE TO PUBLIC OF PROPOSED COMMERCIAL OR INDUSTRIAL USE.** Notice shall be given to the public by posting of the property and provision of notice within a legal newspaper of general circulation, and shall identify a 15-day public comment period, during which comments may be submitted to the Community Development Department.
- f. **NOTICE TO CITY OF GUNNISON.** Notice of the proposed use shall be provided to the City of Gunnison.
- g. **ACTION BY COMMUNITY DEVELOPMENT DIRECTOR.** If the DRC has submitted written approval of the proposed plans, and within 30 days of having determined that the application is complete, or after having received comments from review agencies, and, as applicable, the applicant has reasonably responded to those comments, the Community Development Director shall approve, approve with conditions, or deny the application, based upon the compliance of the application with the applicable standards and requirements of these *Regulations*.
 - 1. **APPROVAL SUBJECT TO LEASE AGREEMENT APPROVAL BY GUNNISON COUNTY AND COMPLIANCE WITH ALL OTHER PERMITS.** Approval requires, and shall include conditions that the applicant enter into a Lease Agreement with Gunnison County, and that the applicant timely and fully obtain and comply with all applicable federal, state, municipal and other permits required for the project.
- h. **APPROVAL FORWARDED TO BOARD OF COMMISSIONERS.** If the application has been approved, the Community Development Director shall forward a copy of that decision to the Board of Commissioners.
- i. **RECORDATION OF CERTIFICATE.** Within 15 days following approval of the Gold Basin Industrial Park Special Area Permit application, the Community Development Director shall record a Certificate of Approval in the Office of the Gunnison County Clerk and Recorder's Office. The Certificate shall describe the specific project, the description of the subject Leasehold Area, any relevant Findings

related to the project's compliance with these *Regulations*, conditions of approval, and shall include the Community Development Director's signature line and the date of approval.

6. **APPEAL.** A decision by the Community Development Director on a Gold Basin Industrial Park Special Area Permit application may be appealed by referral to the Board.
- a. **WRITTEN APPEAL.** An appeal may be submitted to the Community Development Director no more than 15 days after the date on which the decision-making body issues its final decision on the application; that time for submittal shall not include the day on which the decision was made. The appeal shall be submitted in writing, stating the basis of the appeal and the relief that is requested, and shall include the necessary materials to support the appeal. The appeal shall become part of the record.
 - b. **BOARD CONSIDERATION OF APPEAL.** The appeal shall be considered by the Board at a regularly scheduled meeting within 45 days after the date the written appeal was filed.
 - c. **NOTICE OF MEETING.** The Community Development Department shall, by first-class mail, inform the applicant, the appellant, and, if a public hearing was part of the review process on the application for which an appeal of action has been filed, anyone who testified at the public hearing or submitted written comments on the application. That information shall include the date, time, and place of the meeting.
 - d. **BOARD MAY CONDUCT PUBLIC HEARING.** At the meeting, the Board may determine that a public hearing should be conducted on the appeal. If the Board so determines, notice shall be given and the public hearing shall be conducted pursuant to applicable requirements of the *Gunnison County Land Use Resolution*.
 - e. **BOARD DECISION.** The Board shall affirm, affirm with modifications, or reverse the original action.
 1. **MODIFICATION OR REVERSAL OF ORIGINAL ACTION.** The original action shall only be modified or reversed if the applicant establishes, by a preponderance of the evidence based on the record of the review body, that:
 - (a.) **NO CREDIBLE EVIDENCE.** There is no credible evidence in the record to support the original decision;
 - (b.) **ORIGINAL ACTION INCONSISTENT WITH THIS RESOLUTION.** The original action was inconsistent with the applicable requirements of this *Resolution*; or
 - (c.) **REVIEW BODY ACTION INAPPROPRIATE.** The review body exceeded its jurisdiction or abused its discretion.
 - f. **BOARD DECISION SHALL BE FINAL.** The Board's decision shall be final and shall not be further appealed, but may be subject to judicial review.
- B. **STANDARDS FOR APPROVAL.** An application for a Gold Basin Industrial Park Area Special Area Permit shall comply with the following standards:
1. **COMPLIANCE WITH THESE REGULATIONS.** The use shall comply with all applicable standards and provisions of these *Regulations*.
 2. **COMPATIBILITY WITH COMMUNITY CHARACTER.** The proposed land use shall be compatible with, or an enhancement of, the character of existing land uses in the Gold Basin Industrial Park Special Area, and shall not adversely impact the future development of the surrounding area. Potential visual and noise impacts shall be mitigated.
 3. **LEASE AGREEMENT WITH GUNNISON COUNTY.** The Gunnison County Manager has provided written documentation that the applicant will be able to secure a lease for the subject Leasehold Area from the County.
 4. **NO SIGNIFICANT NET ADVERSE IMPACTS OFFSITE.** No significant net adverse impact after mitigation on existing off-site uses.

SECTION 7: DESIGN REVIEW.

- A. REQUIRED REVIEW AND APPROVAL.** No improvements shall be erected, placed, altered, maintained or permitted to remain on any Leasehold Area by any Lessee or Occupant until the use has received a Gold Basin Industrial Park Special Area Permit, and plans and specifications have been submitted to and approved in writing by the Design Review Committee, and, as applicable, a Building Permit is issued by Gunnison County or the City of Gunnison.
- B. DESIGN REVIEW COMMITTEE.** The Design Review Committee ("DRC") is hereby established to review and act on plans for improvements within the Gold Basin Industrial Park Special Area of permit applications and to ensure plan compliance with Section 8: *Design Standards*. The Committee shall be composed of the Board of County Commissioners, and of two Lessees, who shall be appointed by the Board.
- C. REVIEW AND ACTION BY DRC.** The DRC may deny or approve the plan as submitted, as altered or amended, or subject to specific conditions.
- 1. DENIAL.** The DRC shall have the right to deny the plan on any reasonable grounds including, but not limited to, the following:
 - a. NON-COMPLIANCE WITH THESE REGULATIONS.** Failure to comply with any of the restrictions set forth in these *Regulations*.
 - b. INCOMPLETE INFORMATION.** Failure to include required information in the plans and specifications as required by these *Regulations*, or as reasonably requested by the DRC .
 - c. EXTERIOR APPEARANCE.** Objection to the exterior design, the appearance of materials or the types of materials employed in the proposed structure. Objection to the color scheme, finish, proportions, style of architecture, height or bulk of any structure.
 - d. INCOMPATIBILITY WITH OTHER GOLD BASIN INDUSTRIAL PARK SPECIAL AREA USES.** Objection on the ground of incompatibility of any proposed structure or use with existing structures or uses upon other Leasehold Areas.
 - e. INCOMPATIBILITY.** Any other matter which, in the judgment of the DRC, would render the proposed improvements or use incompatible with the general plan for improvements within the Gold Basin Industrial Park Special Area.
 - 2. APPROVAL.** The DRC shall base its approval, among other factors, upon the adequacy of site dimensions, adequacy of structural design, conformity and harmony of external design with neighboring structures, effect of location and use of proposed improvements upon adjoining Leasehold Areas, proper facing of the main elevation with respect to nearby streets, adequacy of screening of mechanical, air conditioning and other rooftop installations, and conformity of the plans and specifications to the purpose and intent of these *Regulations*.
 - a. DRC ACTION TO COMMUNITY DEVELOPMENT DEPARTMENT.** Upon approval or conditional approval by the DRC a copy of the approved plans and the DRC decision shall be deposited for permanent record with the DRC, and forwarded to the Community Development Department.

SECTION 8: DESIGN STANDARDS.

- A. PURPOSE.** This Section establishes the substantive standards by which applications for Gold Basin Industrial Park Special Area Permits will be reviewed and approved for development within the Gold Basin Industrial Special Area. These standards are intended to enhance and protect the value, desirability and attractiveness of all Leasehold Areas to the mutual benefit of Lessees, Gunnison County and the City of Gunnison, and to promote high quality design and the uniform application of standards.
- B. STANDARDS ARE MINIMUM.** These improvements standards are intended to ensure a minimum level of performance. If an alternate design, process, or material can be shown to provide performance equal to or better than that established by these standards, or where it can be shown that strict compliance with these standards would cause unacceptable environmental impacts, or would result in adverse conditions on- or off-

site because of unusual topography, size or shape of the Leasehold Area, existing vegetation, or other exceptional situations or condition, then the Community Development Director shall have authority to accept the alternative. The evaluation shall consider whether the alternative will provide for an equivalent level of public safety and whether the alternative will be equally durable, so that normally anticipated maintenance costs will not be increased.

C. MINIMUM SETBACKS. No Building or any portion thereof shall be placed on any nearer to the front, side or rear Leasehold Area line than 10 feet.

1. EXCEPTIONS. If a single building is constructed on two or more Leasehold Areas, no side yard setback is required from shared interior Leasehold Area lines

D. LANDSCAPING AND BUFFERING.

1. LANDSCAPING PLAN. Applicants shall prepare a landscaping plan that shall indicate the type and location of vegetation to be included on the site. The plan shall also contain a planting schedule and a plan for maintenance of all landscaping to be installed.

a. PROTECTION OF EXISTING VEGETATION. No material or temporary soil stockpiling shall be placed within four feet of existing shrubs or in the drip line of trees. During construction, temporary protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain onsite. Protective barriers should be of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

b. VISIBILITY. To avoid landscape materials from blocking driver sight distances at intersections, no material greater than 30 inches in height shall be located within 15 feet of a driveway or road edge.

c. ALLOWANCE FOR SNOW STORAGE AND PLOWING. All landscaping design shall provide adequate space for snow plowing and areas for snow storage, that shall be indicated on the landscaping plan.

2. SITE PROTECTION.

a. TOPSOIL PRESERVATION. Topsoil moved during construction shall be stockpiled and redistributed on all re-graded surfaces in order to provide an even cover to all disturbed areas of the Leasehold Area. Such surfaces shall be stabilized by seeding or planting, or providing an all-weather surface approved by the Gunnison County Public Works Department.

b. REMOVAL OF DEBRIS. All stumps, other tree parts, litter, brush, weeds, excess or scrap construction materials, or other debris should be removed from the site within six months of substantial completion of construction and disposed of pursuant to requirements of the Gunnison County Landfill, or by other means in compliance with any applicable regulation. All dead or dying trees should be removed from the site, unless those trees are to be retained for wildlife habitat, upon the recommendation of the Colorado Division of Wildlife or the Colorado State Forest Service. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas.

c. SLOPE PLANTINGS. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion. All roadway slopes steeper than one foot vertical to three feet horizontal (1': 3') shall be planted with ground cover appropriate for soil conditions, water availability, and environment, and pursuant to the requirements of a Gunnison County Reclamation Permit.

3. PLANTING SPECIFICATIONS.

a. MINIMUM TREE/SHRUB SIZES. Deciduous trees shall have at least a two inch caliper at planting. Sizes of evergreens and shrubs shall be allowed to vary depending upon the characteristics of use and its location and the types of shrubs proposed. Trees shall be staked upon planting and provision made by the Lessee for regular watering and maintenance until they are established. Dead and dying plants shall be replaced by the Lessee no later than the following planting season.

b. PLANT SPECIES. A mixture of plants, evergreen, and deciduous shrubs may be planted. Evergreen trees should be located on the perimeter of the lot for screening.

4. **TIMING.** All landscaping shall be installed no later than one growing season after substantial completion of construction on the Leasehold Area.
 5. **SITE-SPECIFIC SELECTION.** The type and amount of landscaping shall be allowed to vary with the type and size of the proposed use. Plants or other landscaping material(s) that best serve the intended function of the land use should be selected. Appropriateness of any proposed phasing, as well as short and long-term impacts of the landscaping plan, should be considered.
 6. **WATER CONSERVING LANDSCAPING.** Use of xeriscape plantings is preferred.
 7. **LANDSCAPING ADJACENT TO BUILDINGS.** Landscape elements may be located adjacent to buildings.
 8. **BUFFERING.** Buffering
 - a. **BUFFER MATERIALS.** Buffering may consist of fencing and plant materials but may also include berms, rocks, boulders, mounds, or combinations of those materials, to minimize visual impacts to the neighborhood.
 - b. **DUMPSTER AND UTILITY SCREENING.** Trash dumpsters and other waste/recycling containers serving multi-family or non-residential uses shall be screened from view off-site.
 - c. **DRIVEWAYS EXCLUDED.** Required landscaped buffer areas shall not include driveways.
 - d. **DESIGN OF LANDSCAPE BUFFER.** Arrangement of plantings and other landscaping elements in buffers shall, to the maximum extent feasible, provide protection to adjacent properties from obstructing views and access to solar exposure. If berms are proposed, the design and slope shall be subject to approval by Gunnison County.
 - e. **MAINTENANCE OF LANDSCAPING WITHIN BUFFERS.** Plantings shall be watered regularly, in a manner appropriate to the specific plant species. Dead and dying plants shall be replaced by the developer no later than the next planting season. The applicant shall make provisions to ensure that landscaped buffer areas shall be maintained and kept free of all debris, rubbish, and weeds.
 - f. **MATERIALS USED IN BUFFERS.** Existing and supplementary xeriscaping should be used to the maximum extent feasible and planted in random patterns (not rows). Plant materials of a scale capable of screening and softening structural mass shall be used to reduce visual impacts of development. A list of recommended plant materials is available from the Gunnison Office of the U.S.D.A. Natural Resources Conservation Service.
 - g. **SCREENING IN BUFFERS.** If total screening is impractical or undesirable, partial screening should be used to break horizontal lines of structures and minimize apparent height of taller structures. Screening development with vegetation is preferable to screening with berms or other significant earth moving. If berms or recontouring of soil are used for screening, the features should complement natural land forms.
 - h. **REVIEW BY PUBLIC WORKS DEPARTMENT.** If landscaped buffers are proposed along roadways or parking areas within the Gold Basin Industrial Park Special Area, the plan shall be submitted for review to the Gunnison County Public Works Department, for its compliance with snow removal and traffic-related sight-distance requirements.
 9. **PARKING LOTS AND LOADING AREAS.** Parking lots, loading, and unloading areas that are not part of a parking lot shall include buffering that complies with this Section
- E. SIGNS.** One cluster sign is allowed at each approved access from Gold Basin Road into the Gold Basin Industrial Park Special Area that includes the name of the Special Area and/or listings of individual businesses in the development. Within the development, one sign per Leasehold Area is allowed, and all signs shall be designed and installed as follows:
1. **GENERAL STANDARDS.**

- a. **ON-SITE LOCATION.** All signs shall identify or advertise only the business or establishment upon which the sign is located.
- b. **ONE SIGN PER USE.** There shall be one sign per primary use, except that when the subject Leasehold Area abuts two public roadways, there may be one sign facing each roadway.
- c. **NO SIGN IN ROAD RIGHT-OF-WAY.** No signs shall be allowed on any County or development road right-of-way, and existing signs in either of these rights-of-way shall be removed immediately upon request of the governing body.
- d. **EXTERNAL LIGHT SHALL BE MINIMIZED.** Externally lit signs shall be designed, installed and maintained so as to eliminate upward directed light and glare and so that lights shall only shine downward, and shall illuminate only the sign and not property that adjoins or is nearby. Such light shall not interfere with the vision of motorists.
- e. **INTERNALLY LIT SIGNS PROHIBITED.** There shall be no internally lit signs.
- f. **NO MISLEADING INFORMATION.** Information presented on a sign shall be neither misleading, erroneous or patently untrue.
- g. **NO SETBACK LIMITATION SPECIFIC TO SIGNAGE.** There shall be no setback limitation except that sign placement shall not interfere with snow removal, or vision of motorists, and shall not significantly detract from the environmental or aesthetic character of the County.

2. CONSTRUCTION AND MAINTENANCE OF SIGNS.

- a. **STURDY CONSTRUCTION.** All signs and sign structures shall be constructed of materials of sufficient strength and quality to withstand weathering or deterioration by wind, moisture and other natural elements, and shall be maintained in a state of good repair with all braces, bolts, supporting framework, fastenings, lettering and design work free from deterioration.
- b. **WIND LOAD.** Wind load requirements shall be equal to, or greater than 26 pounds per square foot of sign area.
- c. **REPAIR OR REMOVAL.** The County Building Inspector shall have the authority to order the repair, alteration or removal of any sign or structure that constitutes a hazard to public health and safety, or which is otherwise not pursuant to this Section. In the event that such a sign has not been removed, altered or repaired within 60 days after written notification by the Inspector, the Board may, after due public notice and hearing, cause that sign or structure to be removed at the expense of the owner of the sign.

3. SIGN AREA MEASUREMENT.

- a. **MAXIMUM INDIVIDUAL SIGN AREA.** The maximum permitted area of individual signs shall be 50 square feet.
- b. **MAXIMUM HEIGHT.** Maximum sign heights shall be as follows:
 - 1. **FREESTANDING SIGNS.** The maximum height of a freestanding sign shall be 12 feet.
 - 2. **SIGNS LOCATED ON BUILDING FASCIA.** Signs located on a building shall be no higher than the fascia of the building.
- c. **MEASUREMENT OF SINGLE SURFACE.** To determine the surface area of a sign, the County Building Inspector shall measure the perimeter enclosing the extreme limits of the display surface(s) of the sign, including all graphic elements, borders and riders, but excluding the sign's structure or bracing unless those elements are part of the message or face of the sign. Where there are two faces back to back, the total area of the largest face shall determine the area of the sign.
- d. **MEASUREMENT OF MULTI-FACETED SIGN.** Where two faces are placed at greater than 45-degree angles to one another, the sign area shall mean the total area of both faces.

4. **SIGNS ALLOWED ONLY BY VARIANCE BY THE BOARD.** The following signs are not permitted, except by variance issued by the Board, pursuant to applicable requirements of the *Gunnison County Land Use Resolution*.
 - a. **NON-COMPLIANT SIGNS.** Any sign not in compliance with the provision of these *Regulations*; or
 - b. **OFF-PREMISE SIGNS.** Off-premise signs except public directional signs, and those signs permitted pursuant to the "*Gunnison County Resolution Series 1989 No. 42, Concerning Placement of Tourist-Oriented Directional Sign,*" which are allowed without a variance; or
 - c. **PROJECTING ROOF-MOUNTED SIGNS.** Roof-mounted signs that project above the highest point of a roofline or fascia of a building.
- F. **PARKING.** No parking shall be permitted on any street, lawn, median strip, public walkway, swale, berm or at any place other than on the parking spaces approved by the DRC for each the Leasehold Area. Each Owner and Occupant shall be responsible for compliance with these standards by its employees and visitors. Off-street parking shall be provided by each Lessee for employees and visitors. All uses shall be required to provide the amount and design of parking spaces in Appendix Table 1: *Minimum Parking Row and Aisle Dimensions* and Appendix Table 2: *Off-Street Parking Standards* and to comply with the following:
 1. **MULTIPLE USES.** If two or more principal uses occupy a single Leasehold Area or structure, the standard for off-street parking shall be the additive total for each principal use of the Leasehold Area or structure.
 2. **SHARED PARKING.** When the peak use period for required parking for one land use will not overlap with the peak use period for required parking for another land use located on the same or adjacent Leasehold Area, the Community Development Director may reduce the required number of off-street parking spaces by up to 25 percent of the total required. Written approval by the adjacent Leasehold Area Owner or Occupant for use of the Leasehold Area is required. A subsequent change in land use will require evaluation by the Director and additional spaces may be required.
 3. **REQUIRED FRACTIONAL SPACES.** When any calculation of off-street parking results in a required fractional space, such fraction shall be rounded up to the next higher number of spaces.
 4. **LOCATION OF REQUIRED SPACES.** Required off-street parking spaces shall be located on the same Leasehold Area as the structure or business or industrial operation the spaces are intended to serve.
 5. **SURFACE IMPROVEMENTS.** All off-street parking, access drives and loading areas shall be paved or improved with an all-weather surface approved by the DRC and properly graded to assure proper drainage. Overnight parking of campers, mobile homes, trailers or motor homes is prohibited. If parking requirements increase as a result of the change in use or number of employees, additional off-street parking shall be provided to comply with these Standards.
 6. **BACKING ONTO ROAD PROHIBITED.** All parking areas shall be designed so that vehicles exiting from a parking space shall not back onto the right-of-way of the public street.
 7. **SNOW STORAGE.** Adequate snow storage areas are required be planned into each site, and snow storage in dedicated parking areas is prohibited.
 - a. **SNOW STORAGE OBSTRUCTIONS.** Snow storage areas shall be free of fences, landscaping (except for ground cover), retaining walls, and other obstructions of similar nature.
 - b. **SNOW PLOWING OBSTRUCTIONS.** Pathways, signage, vegetation, fencing, and lighting shall be configured to cause the least obstruction to snow plowing. Locations of trash dumpsters relative to snow storage shall allow access and maintenance of the dumpsters, but shall not impede the free movement of trash removal vehicles.
 - c. **FORMAL APPROVAL BY PUBLIC WORKS DEPARTMENT.** All designs for snow storage shall be subject to review and approval by the Gunnison County Public Works Department.

- d. MINIMUM WIDTH ADJACENT TO PLOWED AREA.** Designated snow storage areas shall not be less than six feet wide and, to the maximum extent feasible, shall be located adjacent to the area of the project from which snow is to be removed.
- H. STORAGE AND LOADING AREAS.** Materials, supplies and equipment, including company-owned or operated trucks or delivery vehicles, shall be stored inside structures or behind visual screening approved by the DRC to reasonably mitigate visual impact to adjoining Leasehold Areas and/or streets. All loading facilities, including turnarounds and docks, shall be set back and screened to minimize their visibility from any street. Screening of service areas and loading docks may consist of any approved combination of earth mounding, landscaping, walls and/or approved combination of earth mounding, landscaping, walls and/or fencing. Loading areas and docks shall not be closer than ten feet to an abutting street unless specifically approved by the DRC.
- I. SITE COVERAGE.** In no event can the footprint of any building or buildings exceed 50 percent of the square footage of the Leasehold Area.
- J. BUILDING HEIGHT RESTRICTIONS:** No building or appurtenance including, but not limited to, water towers, stand pipes, elevators or elevator equipment, stairways, ventilating fans, fire or parapet walls, skylights, tanks, cooling or other towers, wireless radio or television masts, flag poles or similar equipment shall exceed any height restrictions required by the *Gunnison County Land Use Resolution*, the Federal Aviation Administration or any other applicable regulatory agency.
- K. VIEW OBSTRUCTIONS.** The DRC shall have the authority, but not the obligation, to remove, relocate or require the removal or relocation of any wall, bank, hedge, shrub, bush, tree or other thing, natural or artificial, placed or located on any Leasehold Area if the location of the object will, in the reasonable judgment of the DRC, obstruct the vision of a motorist upon any of the streets within or providing access to the Gold Basin Industrial Park Special Area.
- L. GAS TANKS AND WATER SOFTENER UNITS.** Gas container and/or outdoor water softener units, may be placed above ground if enclosed on all sides by a decorative wall, provided the design, construction and installation location shall have first been approved by the DRC.
- M. MAILBOX DESIGN AND LOCATION.** No mailbox or paper box or other receptacles of any kind for use in the delivery of mail or newspapers or magazines or similar material shall be erected or located on any unless and until the size, location, design and type of material for said box or receptacle shall have been approved by the DRC.
- N. EXTERIOR AND INTERIOR LIGHTING:** No exterior lighting of any nature shall be installed or operated without the prior written approval of the DRC, and in all cases shall be installed or constructed in conformance to the applicable section of the *Gunnison County Land Use Resolution*. All interior and exterior lighting must be arranged or shielded so as to avoid excess glare or reflection onto any portion of an adjacent street or into the path of oncoming vehicles or onto any adjacent . No flashing, traveling, animated or intermittent lighting shall be visible from the exterior of any Building.
- O. STORMWATER MANAGEMENT.** There shall be no construction of ponds except as may be necessary for use as water detention or retention areas, and all such constructed on the property shall be constructed according to an approved site development plan. In no event may Owners or Occupants of Leasehold Areas or members of the public use such ponds for fishing, irrigation, swimming, bathing, boating or other recreational purposes. The permit applicant shall provide the following:
- 1. DRAINAGE STUDY.** The required drainage study shall be subject to review and approval by the Gunnison County Public Works Department, which may refer the study to the City of Gunnison Public Works Department for review for compatibility with the City's design and construction standards.
 - 2. RUNOFF CONTROL STRUCTURES.** The Owner or Occupant shall provide storm sewers, culverts and other runoff control structures as determined necessary by the drainage study.
 - 3. HISTORIC RUNOFF.** The drainage system shall be designed and constructed so that only historic runoff, not including historic irrigation, shall be released from the site. Drainage flows in excess of this amount shall be retained, detained or handled in a storm sewer system. All costs associated with handling runoff

generated by a development shall be paid by the Owner or Occupant who has applied for the Gold Basin Industrial Park Special Area Permit.

- P. WELLS AND GENERAL DRILLING.** Oil and Mining Operations: No water wells may be drilled or maintained on any portion of the Gold Basin Industrial Park Special Area. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted within the Gold Basin Industrial Park Special Area, nor shall any oil wells, tanks, tunnels, derricks, boring apparatus, mineral excavations or shafts be permitted upon or in the Gold Basin Industrial Park Special Area, except that such excavation as may be required for site preparation to construct and/or operate improvements may be undertaken under strict supervision of the DRC, the U.S. Department of Energy and the Colorado Department of Public Health and Environment.
- Q. WIRELESS TELECOMMUNICATION DEVICES AND STRUCTURES.** Installation of wireless telecommunication devices and structures shall be required to comply with the requirements of the *Gunnison County Land Use Resolution* current at the time a business or industrial operation applies for a Gold Basin Industrial Park Special Area Permit to locate within the Gold Basin Industrial Park Special Area, and with any applicable regulation of the Federal Aviation Administration.
- R. UTILITY CONNECTIONS:** All utility connections, including all electrical and telephone connections and installation of wires to buildings, shall be placed underground from the nearest available power source. No transformer, electric, gas or other meter of any type of other apparatus shall be located on any power pole nor hung on the outside of any building, but shall be placed on or below the surface of the ground and where placed on the surface, shall be adequately screened and fenced and all installations shall be subject to the prior written approval of the DRC.
- S. USE OF NAME:** The name "Gold Basin Industrial Park Special Area" may not be used in the name of any Building or project on the Gold Basin Industrial Park Special Area, or in the name of any Owner other than Gunnison County, without the DRC's prior written consent.
- T. EXCAVATION.** No excavation of the subject property or any Leasehold Area therein shall be made except in connection with construction of an improvement, and upon completion, exposed openings shall be back-filled and disturbed ground shall be graded, leveled and restored to its original condition. Prior approvals shall have been obtained from the DRC for such excavation, specific compliance with Colorado Department of Public Health Regulations and approvals, and appropriate monitoring and mitigation procedures shall be followed.
- U. NOISE-SENSITIVE USES.** The northerly property line of the Gold Basin Industrial Park Special Area, and to some extent most of subject property, is adjacent or near an operating airport, which may produce noise. Sound-sensitive industries or individuals should consider sound attenuation measures in the design of their buildings.
- V. IRRIGATION.** Automatic irrigation systems shall be required for each Leasehold Area. Irrigation water shall be pumped from Gunnison County water lines. No Leasehold Area Owner shall draw or pump water from any pond in the Gold Basin Industrial Park Special Area for irrigation or any other purpose, and no sub-surface water shall be pumped or used under any circumstances.

SECTION 9: PROVISION OF UTILITIES.

Gunnison County shall provide adequate service lines and stubs to each Leasehold Areas so that street and sidewalk cuts will not be required in order to connect the proposed buildings with the sewer mains. The actual tap of the sewer main shall be accomplished in conformance with all applicable County or City of Gunnison standards, including those involving design and construction. To the greatest extent feasible, shared utility pedestals will be required for Leasehold Areas.

SECTION 10: BEGINNING AND COMPLETING CONSTRUCTION

After commencement of construction of any Improvement, the Owner shall diligently prosecute the construction thereof to the end that the Improvement shall not remain in a partly finished condition any longer than is reasonable necessary for completion thereof. All landscaping required to be provided on any Leasehold Area shall be

completed within 90 days after the substantial completion of the construction of any Buildings to be constructed on the Leasehold Area, provided, however, if weather conditions do not at such time permit, then the landscaping shall be completed as soon thereafter as weather conditions permit. Seasonal adjustments will also be allowed. If any Lessee fails to undertake and complete its landscaping within the time limit previously set forth herein, the DRC may, at its option, after giving the Owner 10 days written notice, undertake and complete the landscaping of the Leasehold Area in accordance with the landscaping plan. If the DRC undertakes and completes such landscaping because of the failure of the Lessee to complete the same, the cost of such landscaping shall be assessed against Owner, and if said assessment is not paid within 30 days after written notice of such assessment from the DRC, said assessment will constitute a lien on the Leasehold Area and may be enforced by the DRC

SECTION 11: MAINTENANCE.

A. GUNNISON COUNTY'S RESPONSIBILITIES.

1. **COMMON AREA MAINTENANCE.** Gunnison County shall maintain and repair all common areas and facilities located on the subject property. "Common Areas" shall include any mini-parks, and cut and fill slopes adjacent to Gold Basin Road, and all landscaped buffer areas between the interior street and Gold Basin Road.
2. **SNOW REMOVAL AND LANDSCAPING.** The cost of snow removal, irrigation, mowing, pruning, fertilizing, drainage pipes and flumes replacing and adding grass, flowers, shrubbery, trees, and other items on the common areas, medians, or right of ways.

B. LESSEE'S MAINTENANCE RESPONSIBILITY: Each Leasehold Area Lessee shall be responsible for the maintenance of their Leasehold Area to the boundaries and all improvements constructed thereon, including repair and maintenance of any utility lines which service said .

C. ALLOCATION OF MAINTENANCE COSTS AND PROPERTY TAXES. Gunnison County shall, from time to time, and at least annually, and at least 30 days in advance of the assessment date, prepare a budget for the Gold Basin Industrial Park Special Area, to determine the assessments payable by the Lessees to meet the common expenses, and allocate and assess such common expenses upon the Lessees, proportionately, according to the square feet under lease by each Lessee, with the community areas owned by Gunnison County excluded. Gunnison County shall advise all members promptly, in writing, of the amount of the assessment payable by each of them, respectively, as determined by Gunnison County and shall furnish copies of each budget on which such common expenses are based. The assessments levied by Gunnison County shall be used exclusively for the purposes of promoting the business of the Lessees, and their health, safety and welfare, and in particular, for the improvement and maintenance of any designated common areas or structures.

D. COMMON EXPENSES. The common expenses shall include, among other things:

1. **LIGHTS.** The cost of maintenance of lights, signs and similar amenities, if and when the same are constructed by Gunnison County.
2. **UTILITIES.** Utility expenses for the common areas or structures.
3. **INSURANCE.** the cost of all insurance premiums on all policies of insurance required to be, or which have been obtained by Gunnison County pertaining to such common areas or structures.
4. **TAXES.** Any taxes and governmental assessments which are levied against the property, or any common areas or structures; and
5. **ADMINISTRATION.** The cost of administering and enforcing these *Regulations*, and the cost of defending and protecting the Gold Basin Industrial Park Special Area from adverse private or public action in the immediate area.

E. PAYMENT OF ANNUAL GENERAL ASSESSMENTS. All Lessees shall be obligated to pay the assessments assessed them by Gunnison County. The first annual assessment for each Leasehold Area shall be adjusted according to the number of days remaining in the calendar year. Each assessment shall be paid by the Lessee to Gunnison County in one or more installments on the date or dates fixed by Gunnison

County. Those Leasehold Areas that have not been leased by Gunnison County shall be exempt for the assessments created by these *Regulations*, although Gunnison County shall provide such additional funds as may be necessary in order to administer the common areas in the manner provided for and contemplated in these *Regulations*. Each Lessee of a Leasehold Area, by acceptance of a lease, consents and agrees to the foregoing and waives any rights to the contrary under applicable statutory law.

1. **NO WAIVER OF LIABILITY OR ASSESSMENTS.** No Lessee may exempt himself from liability for his assessment by waiver of the use or maintenance of any of the common areas; or by abandonment of his Leasehold Area.
2. **STATEMENT OF ASSESSMENTS.** Gunnison County shall promptly provide any Lessee or prospective Lessee so requesting he same in writing, a written statement of all paid or unpaid assessments or charges or penalties due with respect to the Leasehold Area leased or to be leased.
3. **DEFAULT IN PAYMENT OF ASSESSMENTS.** Any assessment installment which is not paid when due shall be delinquent. Each assessment installment not paid within 30 days after the due date shall be subject to a late charge established by Gunnison County not exceeding \$250, and such assessment installment shall also bear interest from the date of delinquency at the maximum legal rate, but not exceeding 18 per cent per annum. Furthermore, should any assessment installment not be paid when due, the entire unpaid annual assessment shall, at the option of Gunnison County, become due, and may be collected forthwith, time being of the essence. Gunnison County may, bring an action at law against the Lessee, or consider the nonpayment an event of default under the lease, and take whatever remedies are afforded under the lease for such default.
4. **REIMBURSEMENT BY LESSEES.** In the event that Gunnison County determines that the need for maintenance, repair or reconstruction as provided for in these *Regulations* is caused through the willful or negligent act of a Lessee, his tenant, guests, or invitees and is not covered or paid by insurance, then the cost, both direct and indirect, of such maintenance, repair or reconstruction shall be added to and become a part of the assessment to which such owner is subject, and shall be due and payable immediately.

SECTION 12: AMENDMENT AND TERMINATION .

- A. **TERM.** Unless earlier terminated, or extended, in accordance with this provision, and subject to any limitations set forth in this provision, these *Regulations* shall continue in full force and effect for a period of 20 years from the date of their initial approval by the Board. However, unless there shall be recorded in Gunnison County within one year before the end of such 20 year period an instrument directing the termination of these *Regulations* and approved by the Board, the Declaration shall be continued automatically without further notice for an additional period of 10 years, and thereafter for successive periods of 10 years each, unless with one year prior to expiration of any such 10 year period these *Regulations* are terminated as set forth in this Section.
1. **TERMINATION AND MODIFICATION.** These *Regulations*, and any provision contained herein, may be terminated, extended, modified or amended as to all or a portion of the Gold Basin Industrial Park Special Area upon approval by the Board.
- B. **AMENDMENT.** The following process shall apply to an application for to amend these *Regulations*:
1. **INITIATION.** An amendment to these may be initiated by any of the following:
 - a. **BOARD MOTION.** The Board may initiate an amendment by motion directing the Community Development Director to submit a proposed amendment and report to the Planning Commission for review and for further action pursuant to this Section.
 - b. **PLANNING COMMISSION INITIATIVE.** The Planning Commission may initiate an amendment by submitting a written recommendation for proposed amendment to the Board.
 - c. **COMMUNITY DEVELOPMENT DIRECTOR.** The Community Development Director may initiate an amendment by submitting a written recommendation for proposed amendment directly to the Board, or by first submitting it to the Planning Commission for review and recommendation to the Board.

- d. **LESSEE.** An amendment may be initiated by any Lessee, by the submittal of an application to the Community Development Department.
2. **SUBMITTAL OF DRAFT AMENDMENT LANGUAGE.** Any initiative or application for amendment shall be submitted to the Community Development Department, and shall include at a minimum the following:
- a. **IDENTIFICATION OF APPLICANT, IF RESIDENT- OR PROPERTY OWNER-INITIATED.** The applicant's name, address, and telephone number. If the applicant is to be represented by an agent, a notarized letter signed by the applicant shall also be submitted, authorizing the agent to represent the applicant and stating the representative's name, address, and phone number.
- b. **PRECISE WORDING.** The precise wording of the proposed amendment, and the Section in which it is proposed to occur.
- c. **RATIONALE FOR PROPOSED AMENDMENT.** A concise statement of the purpose and need for the proposed amendment.
1. **COMMUNITY DEVELOPMENT DEPARTMENT'S REVIEW.** The Community Development Department shall review the application for completeness for compliance with this Section.
2. **PLANNING COMMISSION REVIEW.** A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the Community Development Department's report. The Planning Commission shall review the application, considering the standards of this, and shall make a recommendation to the Board to approve, approve with modifications, or deny the proposed amendment.
3. **BOARD PUBLIC HEARING.** The Planning Commission's recommendations shall be forwarded to the Board, together with a complete copy of the application, and a copy of the Community Development Department's review. Should it deem to be in the best public interest, the Board may conduct a public hearing, providing public notice a minimum of 15 days prior to the date of hearing, and otherwise pursuant to applicable requirements of the *Gunnison County Land Use Resolution*.
4. **BOARD REVIEW AND ACTION.** The Board shall consider the application, any relevant support materials, the Planning Commission's recommendation, as applicable, public testimony and evidence given at a public hearing, and compliance of the application with these *Regulations*. Following closure of the public hearing, the Board may, by written resolution, adopt the amendments, adopt the amendments with modifications, or deny the amendments. Such resolution shall include findings that address the review following:
- (a.) **REVIEW STANDARDS.** The decision to amend the text of the *Resolution* is at the legislative discretion of the Board and is not controlled by any one factor. The Board shall consider the following in determining whether to adopt a proposed amendment, adopt a proposed amendment with modifications, table it for further study or deny it:
- (1.) **CONSISTENCY WITH ANY COMPREHENSIVE PLAN ADOPTED BY GUNNISON COUNTY.** Consistency of the proposed amendment with any applicable comprehensive plan adopted by Gunnison County;
- (2.) **CHANGED CONDITIONS.** Changed conditions, including the economy of Gunnison County;
- (3.) **EFFECT ON THE NATURAL ENVIRONMENT.** Effect of the proposed amendment on the natural environment;
- (4.) **COMMUNITY NEEDS.** Community needs;
- (5.) **DEVELOPMENT PATTERN.** Development pattern;
- (6.) **CHANGES IN APPLICABLE LAW.** Changes in applicable law;

- (7.) **PUBLIC HEALTH, SAFETY AND WELFARE.** Public health, safety and welfare;
- (8.) **COMPLIANCE WITH ANY APPLICABLE INTERGOVERNMENTAL AGREEMENTS ADOPTED BY GUNNISON COUNTY.** Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

SECTION 13: AVIGATION EASEMENT

Notice is hereby given that Leasehold Areas within the Gold Basin Industrial Park Special Area are located adjacent to an airport and in close proximity to the flight and approach paths associated with that airport. Gunnison County, in adopting these *Regulations*, hereby gives and grants an avigation easement for flight over these as necessary and appropriate for aeronautical operations at such airport on condition that all such operations are conducted safely and in compliance with all applicable Federal Aviation Administration regulations. Notice is hereby given that such aeronautical operations may cause noise or otherwise disturb the occupants the s within this area.

- A. WAIVER OF CLAIMS.** Any Lessee, in entering a lease agreement with Gunnison County for use of any Leasehold Area within the Gold Basin Industrial Park Special Area thereby waives, remises and releases any right or cause of action it may now have or which it may have in the future against the Gunnison County pertaining to or resulting from the passage of aircraft in the airspace above the Lessee's Leasehold Area. However, nothing stated in the foregoing waiver, grant and release shall release any other person, including, without limitation, any assignee, transferee, or successor of the Lessee, from any cause of action pertaining to or resulting from the operation of aircraft outside the scope of this Avigation Easement, or liability for damages to any person or property resulting from the unlawful or negligent operation of any aircraft above Grantor's Property.

SECTION 14: SEVERABILITY OF THESE REGULATIONS.

If any article, division, section, paragraph, clause, provision, or portion of these *Regulations* is determined to be unconstitutional or invalid by a court of competent jurisdiction, such determination shall not affect the validity of these *Regulations* as a whole or any part of these *Regulations* other than the part determined to be unconstitutional or invalid. If any application of these *Regulations* to a particular structure or Leasehold Area is determined to be unconstitutional or invalid by a court of competent jurisdiction, such determination shall not be applicable to any other structure, or Leasehold Area not specifically included or referenced in that judgment.

SECTION 15: MISCELLANEOUS PROVISIONS.

- A. NO LIABILITY.** Gunnison County and the DRC shall not be liable for any damage, loss, or prejudice suffered or claimed by any person on account of:
 - 1. APPROVAL OR DISAPPROVAL OF PLANS.** The approval or disapproval of any plans, drawing and specifications, whether or not in any way defective.
 - 2. CONSTRUCTION OR IMPROVEMENTS.** The construction of any improvement or performance of any work, whether or not pursuant to approved plans, drawings, and specification; or
 - 3. LEASEHOLD AREA DEVELOPMENT.** The development of any Leasehold Area within the subject property.
- B. ALL LESSEES BOUND.** Any person who now or hereafter leases or acquires in rights in any improvements on a Leasehold Area shall be deemed to have consented and agreed to every covenant, condition, restriction and easement contained in these *Regulations*, whether or not any reference to these *Regulations* is contained in the instrument by which such person acquired such interest or lease.
- C. GUNNISON COUNTY HELD HARMLESS.** Each and every Lessee shall, and hereby does, indemnify and hold harmless Gunnison County against and from any and all claims for injury or death to persons, or damage to or loss of property arising out of the construction, use, operation or maintenance of the Gold Basin Industrial Park Special Area or the improvements hereon, the use or possession of any Leasehold Area, or the conduct of any business or other activity on any part of the Gold Basin Industrial Special Area or any Leasehold Area

- D. DESTRUCTION OF IMPROVEMENTS.** In the event any building or other improvement on a Leasehold Area is damaged or destroyed in whole or in part, by any casualty, the Lessee shall immediately undertake to restore the same to a condition and conformity with the plans and specification most recently approved by Gunnison County with respect to such building or improvement. If such restoration is not completed within two years following the casualty, or if a new plan is not submitted, approved and completed in that timeframe, the lease is terminated and the Lessee loses all rights of use and occupancy.
- E. ADDITIONS TO THE PROPERTY.** Additional real property may be annexed to the Gold Basin Industrial Park Special Area, following which such additional real property shall become a part of the Gold Basin Industrial Park Special Area, and become subject to these *Regulations*. Said annexation shall be accomplished by filing of record in the Office of the Clerk and Recorder of Gunnison, an amendment to these *Regulations*, as applicable, or other instrument executed by Gunnison County. Upon the recordation of such instrument, the provisions of these *Regulations* shall extend to such additional real property. So long as the rights of any existing Lessee or Occupant are not impaired or restricted in any way as to the approved use or occupancy of their Leasehold Area, an amendment may contain such additions and modifications of these *Regulations* and other provisions as may be necessary to reflect the different character, if any, of the added property, or as the Board may deem appropriate in the development of such property, and as are not inconsistent with the general plan and scheme of these *Regulations*.
- F. RUN WITH LAND.** Each of the requirements of these *Regulations* shall operate as covenants running with the land for the benefit of the Gold Basin Industrial Park Special Area and each Leasehold Area, and shall inure to the benefit of Gunnison County and the Lessees thereof, their heirs, successors and assigns, and shall apply to and bind Gunnison County and the Lessees of any and all of the Leasehold Areas, their heirs, successors and assigns.
- G. ASSIGNMENT.** Due to the unique Deed Restrictions put on Gunnison County by the U.S. Department of Energy in relation to this property, Gunnison County's rights and obligations continue with the land and as such, Gunnison County's responsibilities under these *Regulations* cannot be assigned.

SECTION 16: NO PRECEDENT SET BY THIS DESIGNATION.

Neither the designation nor these *Regulations*, procedures or approvals hereunder shall be construed as a precedent for any other action.

SECTION 17: VIOLATIONS AND ENFORCEMENT.

Failure to comply with any provision of these *Regulations* shall be deemed a violation of and shall be subject to enforcement pursuant to the *Gunnison County Land Use Resolution*, with the additional remedy that Gunnison County may terminate the Lessee's lease.

APPENDIX

Table 1: Minimum Parking Row and Aisle Dimensions

ANGLE	STALL WIDTH "A"	MINIMUM DEPTH "B"	CURB LENGTH "C"	AISLE WIDTH "D"	TOTAL DEPTH "E"
PARALLEL	8.0'	N/A	22.0'	12.0'	20.0'
30 DEG	8.0'	16.0'	16.0'	11.0'	27.0'
	8.5'	16.4'	17.0'	11.0'	27.4'
	9.0'	16.8'	18.0'	11.0'	27.8'
	9.5'	17.3'	19.0'	11.0'	28.3'
45 DEG	8.0'	18.4'	11.3'	14.0	32.4'
	8.5'	18.7'	12.0'	13.5'	32.2'
	9.0'	19.1'	12.7'	13.0'	32.1'
	9.5'	19.4'	13.4'	13.0'	32.4'
60 DEG	8.0'	19.7'	9.2'	19.0'	38.7'
	8.5'	20.0'	9.8'	18.5'	38.5'
	9.0'	20.3'	10.4'	18.0'	38.3'
	9.5'	20.5'	11.0'	18.0'	38.5'
90 DEG	8.0'	20.'	8.0'	26.0'	44.0'
	8.5'	20.0'	8.5'	25.0'	43.0'
	9.0'	20.0'	9.0'	24.0'	42.0'
	9.5'	20.0'	9.5'	24.0'	42.0'

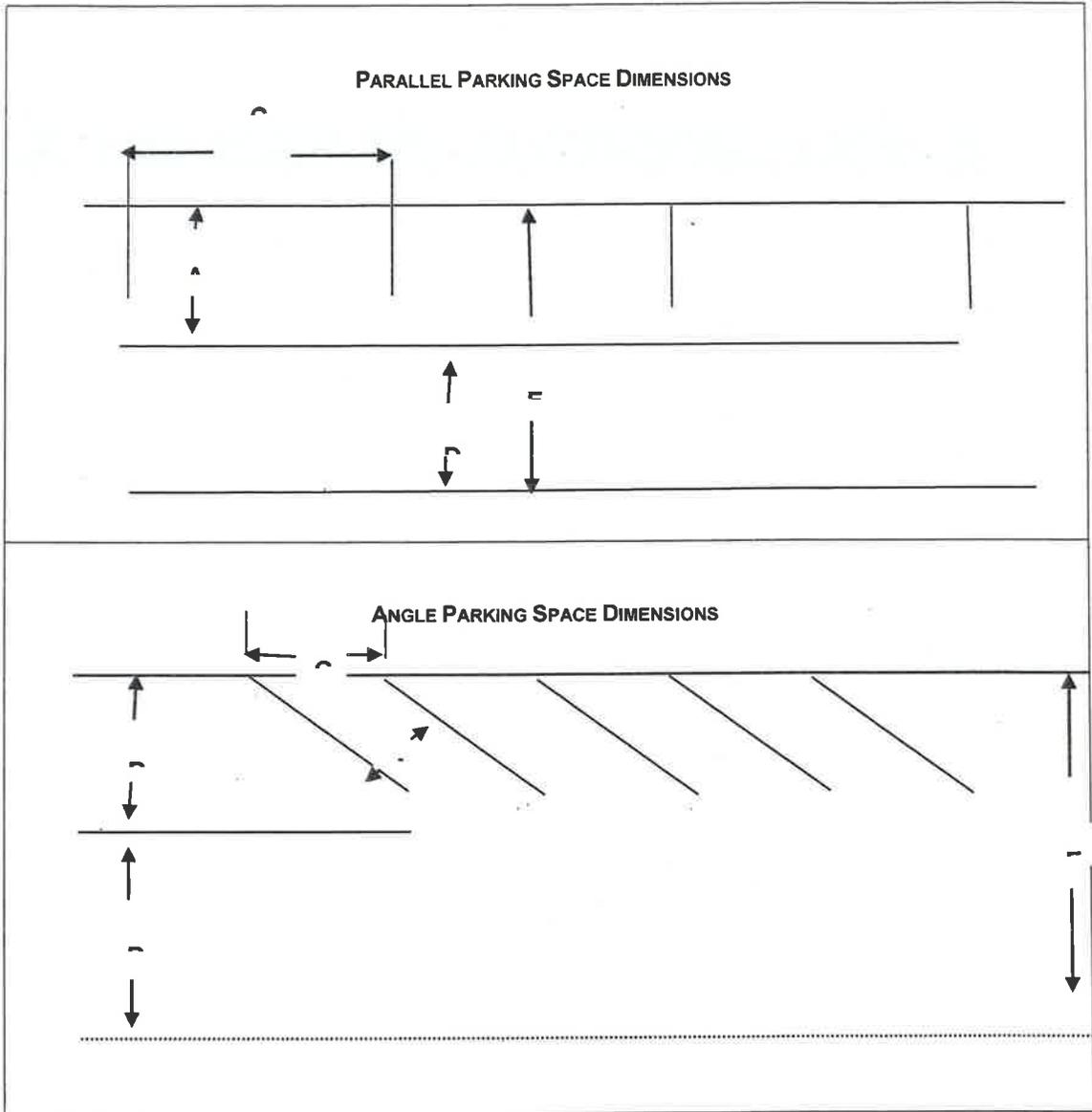


Table 2: Off-Street Parking Standards

• Light industrial or business	1 space per 500 s.f. or 1 space per employee, whichever is greater, plus 1 space for each company vehicle stored on the premises
• Warehouse	1 space per 1,000 s.f. or 1 space per employee whichever is greater, plus 1 space for each company vehicle stored on the premises
• Community buildings; Government • administrative facilities, services and buildings	1 space per 300 s.f. or 1 space per employee, whichever is greater, plus 1 space for each company vehicle stored on the premises
Floor area shall be measured as gross floor area within a building, exclusive of mechanical rooms, closets or storage areas and kitchen spaces, unless specifically stated otherwise.	
Where parking requirement is on a per employee basis, employment shall reflect the maximum number on any single shift.	

Table 3: Maximum Permissible Noise Levels for Business, Commercial and Light Industrial Uses

IMPACTED LAND USES	ALLOWABLE DECIBEL LEVELS BY TIME OF DAY	
	6:00 A.M. TO 7:00 P.M.	7:00 P.M. TO 6 A.M.
COMMERCIAL	60 db (A)*	55 db (A)*
LIGHT INDUSTRIAL	80 db (A)*	65 db (A)*
CAMPGROUNDS	50 db (A)*	45 db (A)*
RESIDENTIAL	50 db (A)*	40 db (A)*

Attachment E: Useful Land Use Applications

- 1. Administrative Review**
- 2. Minor Impact Review**
- 3. Gold Basin Industrial Park**



**GUNNISON COUNTY, COLORADO
ADMINISTRATIVE REVIEW PROJECT
LAND USE CHANGE PERMIT APPLICATION**

**GUNNISON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING OFFICE**

221 N. WISCONSIN ST, STE D., GUNNISON, CO 81230
TELEPHONE: 970-641-0360 FAX: 970-641-8585

Website: <http://www.gunnisoncounty.org/planning.html> Email: planning@gunnisoncounty.org

DATE RECEIVED BY PLANNING OFFICE.: / /

APPLICATION FEE PAID- DUE AT SUBMITTAL (\$260): / /

Additional fees will be assessed according to the Gunnison County Land Use Change Fee Schedule

APPLICANT. (If the applicant is not the owner of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process.):

MAILING ADDRESS:

CITY:	STATE:	ZIP:
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PHONE (day):	(evening):
---------------------	-------------------

FAX:	E-MAIL ADDRESS:
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PROPERTY OWNER (If other than applicant, a notarized letter from the property owner consenting to this application, must be submitted. If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.):

NAME:

MAILING ADDRESS:

CITY:	STATE:	ZIP:
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PHONE (day):	(evening):
---------------------	-------------------

FAX:	E-MAIL ADDRESS:
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PRIMARY CONTACT PERSON and AUTHORIZED REPRESENTATIVE (The person the Planning Department should contact regarding scheduling of meetings and information for this application. A **NOTARIZED LETTER** from the property owner authorizing the representative must be submitted.)

NAME:

MAILING ADDRESS:		
CITY:	STATE:	ZIP:
PHONE (day):		(evening):
FAX:		E-MAIL ADDRESS:

As needed to provide complete information, submit the following on separate sheets attached to this application:

PROPERTY LOCATION and LEGAL DESCRIPTION OF PROPERTY:

1. **Legal Description.** Cite lot and block or tract numbers, mining claim or homestead references; attach copy of deed and/or metes and bounds description(s).
2. **Property Address.**
3. **Common Description (include mileage from highway or County road, or other recognized landmarks).**

STATUS OF PARCEL AS A LEGAL LOT. If the parcel on which the land use change is proposed is smaller than 35 acres, the Department may also request the applicant to supply information sufficient to document that the subject was legally created.

NOTIFICATION TO COUNTY IF FEDERAL PERMITS ARE REQUIRED FOR PROJECT. When an EA or EIS or other state or federal action or permit is required, and that requirement is known by the applicant, the applicant shall notify the County of that requirement when the application is first submitted for review.

- EA or EIS is known by the applicant to be required
 EA or EIS is not known by the applicant to be required

PROJECT DESCRIPTION. Describe in detail what the applicant wants to do on the parcel, including new uses, division of land, adjustment of boundaries, expansion of existing uses, number of units, estimated amount of new traffic, new structures to be constructed, proposed phases and a description of off-site resources and haul routes (including those used by vehicles related to construction) necessary to accomplish the project. If the proposed land use change is a subdivision, identify the use of each lot (single family residence, duplex, commercial, etc.):

PROJECT DESIGN. As applicable, all elements of the project design, pursuant to the individual sections of Article 13: *Project Design Standards*; the staff will advise the applicant which of these requirements apply to a specific application:

- SECTION 13-103:** *General Site Plan Standards and Lot Measurements.*
- SECTION 13-104:** *Setbacks from Property Lines and Road Rights-of-Way.*
- SECTION 13-105:** *Residential Building Sizes and Lot Coverages.*
- SECTION 13-107:** *Installation of Solid-Fuel-Burning Devices.*
- SECTION 13-108:** *Open Space and Recreation Areas.*
- SECTION 13-109:** *Signs.*

- SECTION 13-110:** *Off-Road Parking and Loading.*
- SECTION 13-111:** *Landscaping and Buffering.*
- SECTION 13-112:** *Snow Storage.*
- SECTION 13-113:** *Fencing.*
- SECTION 13-114:** *Exterior Lighting.*
- SECTION 13-115:** *Reclamation and Noxious Weed Control.*
- SECTION 13-116:** *Grading and Erosion Control.*
- SECTION 13-117:** *Drainage, Construction and Post-Construction Storm Water Runoff.*
- SECTION 13-118:** *Water Impoundments.*
- SECTION 13-119:** *Standards to Ensure Compatible Uses.*

PRESENT LAND USE; identify present land uses and locations and sizes of structures that exist on the property:

IDENTIFY PREVIOUSLY-APPROVED USES. List Land Use Change Permits and/or subdivision approval have been previously approved for the property, and the year in which they were approved.

CHARACTERISTICS and CURRENT CONDITION OF LAND. List physical characteristics and conditions of the land, including streams, irrigation ditches, ponds, soils, roads, vegetation, geologic hazards, any work that has been done to clear the property, etc.)

AFFECTED LANDOWNERS. List all landowners and land uses that are within 500 feet of the boundaries of the entire parcel on which the land use change is proposed, including all properties separated from the parcel by a road or would be adjacent if the road did not exist. The best-available, most current information of this listing of current owners is in the Gunnison County Assessor's Office:

AFFECTED OWNER NAME	PARCEL LOCATION RELATIVE TO PROPOSED LAND USE CHANGE PARCEL	CURRENT LAND USE ON ADJACENT PARCEL

VICINITY MAP: (Submit 1 copy) The attached sample vicinity map can be used as a guide. Minimum scale of 1"=100' is preferred. Sheet size cannot exceed 34" x 36". (Applications for plats of constructed condominium or townhome projects that have been approved by the County shall not be required to submit a site plan.) At a minimum, include the following:

- **PROPERTY LOCATION AND NEARBY PARCEL SIZES AND LAND USES.** Location of the property on a United States Geological Survey quadrangle map or on a recorded plat if the proposed development is within an approved subdivision, with the location highlighted so that it is easy to see, and that clearly shows sizes of parcels and land uses within a half-mile of the proposed project.
- **ROADS.** All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that provide access to the proposed project.
- **EASEMENTS.** Easements recorded or historically used that provide access to or across, or other use of, the property.
- **BOUNDARIES OF DISTRICTS, MUNICIPALITIES OR SUBDIVISIONS.** Locations of special district boundaries, municipalities or residential subdivisions within a half mile of the property.
- **PROXIMITY OF MINING OR PROCESSING ACTIVITY.** Any parcel located within 1,000 feet of the property proposed for land use change on which there exists an operation involving mineral exploration or extraction or construction materials processing.

SITE PLAN/LAYOUT. (Submit 1 copy) This is a drawing; the attached sample site plan can be used as a guide. Minimum scale of 1"=100' is preferred. Sheet size cannot exceed 34" x 36". When multiple sheets are used, provide an index sheet stating the contents of each sheet. All the listed information **MUST** be shown on the drawing before you can be scheduled to meet with Planning Commission. (Applications for plats of constructed condominium or townhome projects that have been approved by the County shall not be required to submit a site plan.)

- **ALL PROPERTY PROPOSED FOR DEVELOPMENT.** Include all land proposed for immediate and anticipated for future development. This can be a simple, hand-drawn layout, but it must be legible, clearly marked, drawn to scale, and signed and dated by the person who drew it.
- **PHASING.** Any proposed phases of the development, and their timing.
- **TOTAL ACREAGE OF CONTIGUOUS PROPERTY OWNED BY THE APPLICANT.** Total acreage and location of all contiguous property owned by the applicant.
- **TOTAL ACREAGE IN PROPOSED LAND USE CHANGE PERMIT AREA.** Total acreage of the site on which the applicant wants to obtain approval for the Land Use Change Permit.
- **ADJACENT LOT SIZES.** Lot size(s) of properties adjacent to and in the impact area of the site proposed for the land use change.
- **ADJACENT LAND OWNERS.** Names and actual land uses of adjacent landowners (including federal, State of Colorado and other publicly owned lands), to the site (in addition to the separate narrative listing). This includes properties that may be across a road, stream or river from the applicant's property.
- **UTILITY LOCATIONS IN AREA.** Location of all existing utilities on the property (septic tanks, wells, electric, gas, telephone or cable lines) that will serve the property.
- **TOPOGRAPHIC FEATURES.** Streams, lakes, ponds, wetlands, contour lines and elevations, any prominent ridgelines, and any other significant visual resource areas on the property.
- **LIVESTOCK DRIVES AND FENCE LINES.** Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.
- **IRRIGATION DITCHES.** The location(s), and name(s), of any irrigation ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.
- **DRAINAGE.** Drainage patterns, on and adjacent to the project property.
- **DRIVEWAYS AND PARKING.** Driveways/parking areas, both existing and proposed.
- **EXISTING STRUCTURES.** Locations and sizes of existing structures.
- **PROPOSED STRUCTURES.** Locations and sizes of proposed structures.
- **BOUNDARIES.** Boundaries and related measurements.

ACCESS: Indicate the name of the road or highway (name and number) that is the primary access for the proposed land use change. If either a County Access Permit, or a Colorado Department of Transportation Highway Access Permit exists for existing access, submit a copy of the permit. Submit copies of deeded easements over the area of private or public lands that will provide access to the parcel proposed for land use change.

1. County Access Permit attached: _____
2. Colorado Department of Transportation Highway Access Permit attached: _____
3. Easement documents attached: _____

TRAFFIC: Estimate traffic to be generated by the proposed project, including whether it will be residential, commercial or industrial, or a mix of all uses, and the estimated numbers of vehicle trips per day.

1. Residential trips (estimate ten trips per day per dwelling unit: _____)
2. Commercial or industrial uses (describe type and/or weight of vehicles, estimated trips per day and time of day trips will occur):

3. No additional traffic will be generated by this land use change. _____
4. Easement documents attached: _____

PLEASE CHECK THE BOX AND COMPLETE THE SECTION THAT APPLIES TO THIS APPLICATION:

WATER SUPPLY:

WILL TIE ONTO AN EXISTING CENTRAL SYSTEM. Indicate the name of the municipality, district or other existing system which will provide the service. Attach a copy of a notarized letter of intent to provide, signed agreement or contract between the applicant and the supplier indicating the amount of water and conditions of tie-on.

WILL PROVIDE NEW CENTRAL SYSTEM. Attach copies of approved well permits, court decrees, augmentation plan, or other deeded water rights. Indicate what operational system is proposed, including treatment options and proposed plans for operation and maintenance, and including information about water available for fire suppression.

WILL HAVE AN INDIVIDUAL WELL OR SPRING SYSTEM. List, and attach copies of approved well permits, court decrees, augmentation plans, or other deeded water rights. If the source of the supply is not located on your property, indicate on the vicinity map where it is located.

WASTEWATER TREATMENT:

WILL TIE ONTO AN EXISTING CENTRAL SYSTEM. Indicate which system (municipal, special district, subdivision, as applicable), and attach a copy of a notarized letter of the service provider's intent to provide, or contract between applicant and the provider that the provider has capacity and is willing to provide.

WILL PROVIDE NEW CENTRAL SYSTEM. Indicate what operational system is proposed, including treatment options and proposed plans for operation and maintenance, as required by the Colorado Department of Public Health and Environment.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM(S). Contact the Gunnison County Environmental Health Office (641-5105) to determine if your existing system is adequate for the proposed use, and/or requirements for any new system. You will be required to pay the standard site-visit costs that may be necessary for that office to review your proposed site. An individual sewage disposal system permit will be issued only after a land use change permit has been approved, unless the Planning Department approves the issuance of a system repair permit for an existing system.

IRRIGATION DITCHES AND ADJACENT AGRICULTURAL OPERATIONS: If irrigation ditches are located on or adjacent to the parcel proposed for land use change, list their locations, and names of owners that are available from the applicable Colorado Division of Water Resources office, or ditch commissioner's records. Setbacks and other elements of the proposed site plan are required to comply with Section 5-209 of the *Gunnison County Land Use Resolution, Development That Affects Agricultural Lands*.

There are no irrigation ditches on or adjacent to the subject parcel.

COPY OF TAXES PAID: Submit a copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the land use change is proposed have been paid up to the year in which the application is made.

MINERAL RESOURCES:

Is this property known to contain, or reasonably believed to contain mineral resources?

Yes No

Has this area been the site of underground or surface mining activity in the past?

Yes No

Has an original patent been issued to this property under the mining laws of the United States or Colorado?

Yes No

On a separate sheet, list the owners or lessees of underlying mineral estates, if applicable.

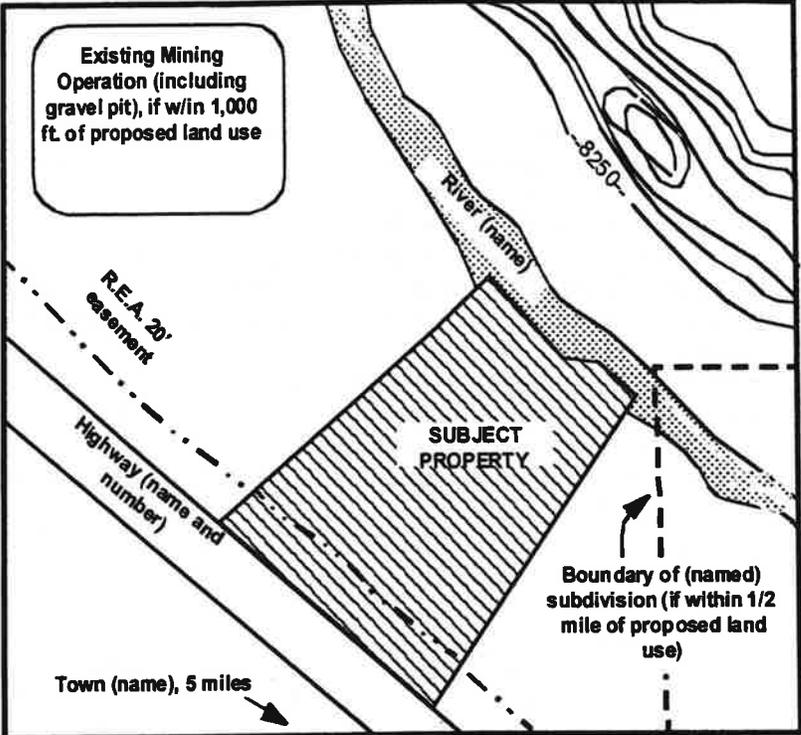
RESTRICTIVE COVENANTS. List any restrictions imposed by recorded protective covenants or deed restrictions on the property proposed for land use change; attach a copy of the document (covenants, deed restriction or conservation easement). If the property is subject to restrictions imposed by a homeowners or property owners association, provide a letter from the authorized representative approving the concept of the project.

1. Covenants and/or deed restriction document attached: _____
2. Homeowners'/ property owners' association letter attached: _____
3. Not applicable: _____

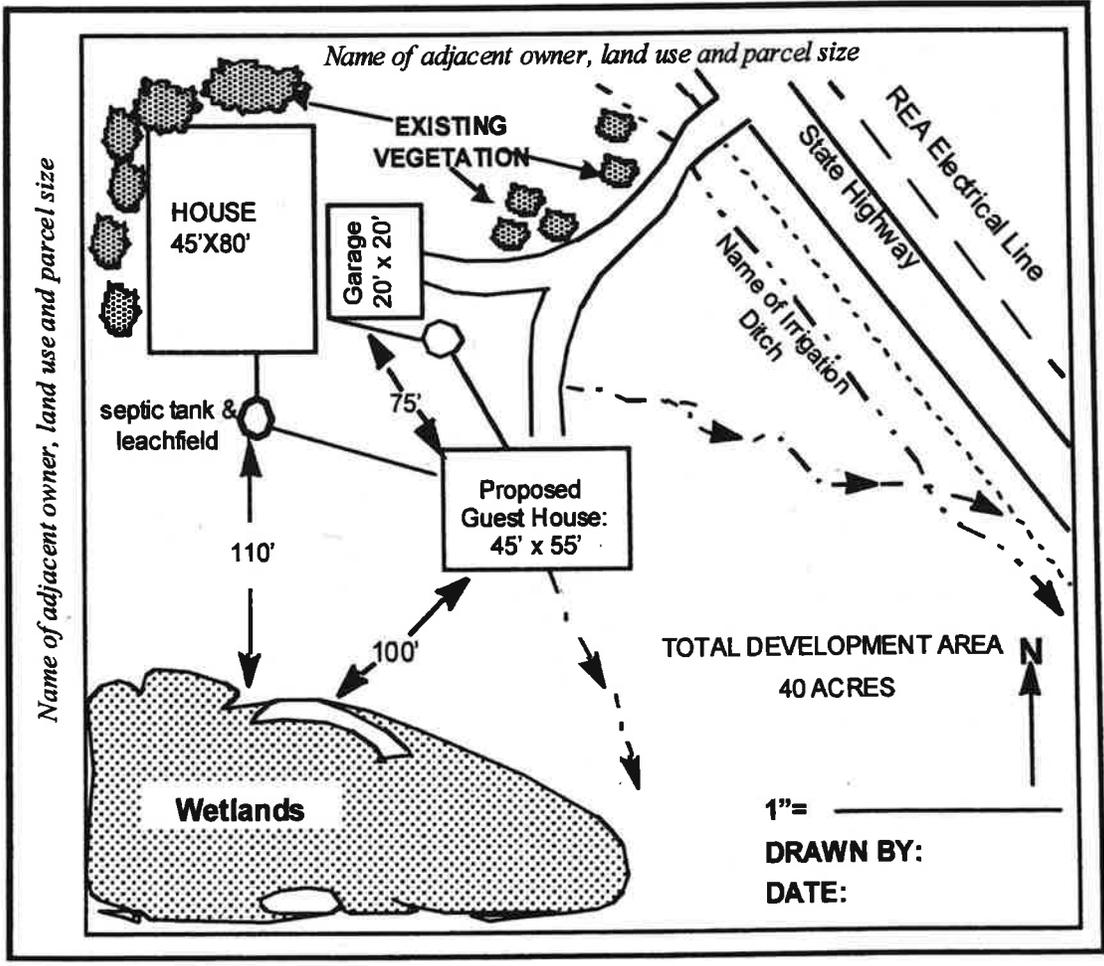
ADDITIONAL SUBMITTALS BASED UPON INFORMATION AVAILABLE ON MAPS USED BY THE COUNTY. If a land use change is proposed on a parcel located within any of the following areas, additional submittals may be required to be submitted; the Planning Department will provide assistance to the applicant to determine the specific information that must be submitted:

- **LOCATION OF SITE WITHIN FLOODPLAIN HAZARD AREA.** As applicable, an application proposing a land use change on a parcel located within a floodplain hazard area, pursuant to Section 11-103: *Development in Areas Subject to Flood Hazards*.
- **LOCATION OF SITE WITHIN GEOLOGIC HAZARD AREA.** As applicable, an application proposing a land use change on a parcel located in a geologic hazard area may be required to submit a geotechnical report that evaluates and predicts the impact of specific geologic conditions on the proposed land use change and measures to mitigate these hazards, pursuant to Section 11-104: *Development in Areas Subject to Geologic Hazards*.
- **LOCATION OF SITE WITHIN WILDFIRE HAZARD AREA.** As applicable, an application proposing a land use change on a parcel located within a wildfire hazard area, pursuant to Section 11-105: *Development in Areas Subject to Wildfire Hazards*.
- **LOCATION OF SITE WITHIN AREA POTENTIALLY AFFECTED BY WETLANDS AND WETLANDS PERMITTING.** As applicable, an application proposing a land use change on a parcel located in an area in which there are wetlands, pursuant to Section 11-107: *Protection of Water Quality*.
- **LOCATION OF SITE VISIBLE FROM RIDGELINE VANTAGE.** As applicable, an application proposing a land use change that is visible from a ridgeline vantage, pursuant to Section 11-108: *Standards for Development on Ridgelines*.
- **DEVELOPMENTS IMPACTING AGRICULTURAL LANDS.** If a proposed project adjoins agricultural lands, involves land through which irrigation ditches flow, or over which there are general or exclusive easements for stock drives, the application shall address the requirements of Section 11-109: *Development That Affects Agricultural Lands*, and Section 15-103: *Right-to-Ranch Policy* which shall identify, in written and/or graphic form, the following:
 - **AGRICULTURAL LAND OWNER.** The location(s) and name(s) of owner(s) of any agricultural land(s) adjoining or possibly impacted by the proposed land use change.
 - **AGRICULTURAL DITCHES.** The location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any agricultural ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.
 - **EASEMENTS.** The location of historical easements used to gain access to headgates, ditches, and fences for maintenance or operations.
 - **LIVESTOCK DRIVES AND FENCELINES.** Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.
- **DEVELOPMENT ON LAND BEYOND SNOWPLOWED ACCESS.** As applicable, an application that proposes development at a location that currently receives no snowplowing services for access, pursuant to Section 11-110: *Development of Land Beyond Snowplowed Access*.
- **DEVELOPMENT ON LAND ON AN INHOLDING WITHIN NATIONAL WILDERNESS.** As applicable, an application that proposes development on an inholding within a National Wilderness Area, pursuant to Section 11-111: *Development on Inholdings in the National Wilderness*.
- **DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE.** As applicable, an application that proposes development on a parcel located above timberline, pursuant to Section 11-112: *Development on Property Above Timberline*.

VICINITY MAP EXAMPLE



SITE PLAN EXAMPLE



Land Use Change Permit Application Checklist

Additional items may be requested upon review of the application.

The following attachments must be included, along with this application:

- COMPLETE APPLICATION.** Please complete each section of the above application. If the application is not complete staff will notify you in writing of the missing items.
- APPLICATION FEE DUE AT SUBMITTAL-** \$250 application fee
- LETTER OF OWNER'S CONSENT.** If applicable, a **notarized** letter from the property owner acknowledging a person other than the owner may apply for permits.
- PROJECT DESCRIPTION.** Describe your proposed project in detail, including existing improvements or operations and proposed changes or expansion.
- SITE PLANS.** Site Plans, as described in the Land Use Change application, page 4 and depicted above.
- VICINITY MAP.** Submit a vicinity map as described in the Land Use Change application, page 4 and depicted above. You may contact the GIS Department at 970-641-7620 for assistance in creating large scale maps.
- ADJACENT PROPERTY OWNERS.** Identify all property owners within 500 feet of the boundaries of the subject parcel. You may contact the Gunnison County Assessor at 970-641-1085 for assistance.
- TAXES PAID.** Submit a copy of the taxes paid for the most recent year, you may contact the Gunnison County Treasurer's office at 970-641-2231.
- WELL PERMIT.** Submit a copy of the well permit available from the Colorado Division of Water Resources, 970-249-6622.
- WASTEWATER.**
INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS). If your project is going to be served by an individual sewage disposal system, **have you obtained an ISDS Permit?** _____ If yes, list the Permit # _____ . **If not, have you applied for it?** _____ . You may contact the Environmental Health Inspector at 970-641-5105 to be informed of the applicable standards.
TAP FEES. If your building site is to be served by a district or municipal or private central wastewater treatment system or water supply system, you must submit your receipt of payment of the required tap fees must be submitted before the County Building Permit is issued. **Have the fees been paid?** _____
- CDOT ACCESS PERMIT:** If the subject parcel is accessed from a state highway submit a copy of the access permit from the Colorado Department of Transportation.
- TRAFFIC:** Identify the traffic associated with the proposed project.
- FIRE DISTRICT STANDARDS.** Contact the applicable Fire District for the purpose of being informed of their standards. Gunnison Fire Protection District: 970-641-8153. Crested Butte Fire Protection District: 970-349-5333.
- HOMEOWNERS' ASSOCIATION APPROVAL.** If you are in a subdivision that has a homeowner's association, the association's approval must be attached to your plans.
- WARRANTY DEED.** A copy of the recorded Warranty Deed is required for proof of ownership. This may be obtained from the Clerk and Recorder's Office, first floor of the Blackstock Government Center.



P.O. Box 1485
Crested Butte, Colorado 81224

Dear Land Use Change Applicant,

The Gunnison County Trails Commission, formed and appointed by the Gunnison County Commissioners in 1995, encourages you to incorporate trails into your planning process. Many trail systems, exist in Gunnison County on public and private land and we are currently developing future trail corridors through a county-wide planning process. We hope you will take trails into consideration early in your planning process.

The Trails Commission believes that a well-planned trail system offers many benefits to people who reside in or visit the county. Alternative forms of transportation such as hiking, biking, horse-back riding, skiing & snowshoeing, not only get you there, they are excellent forms of fitness. In this day and age, exercise is emphasized as an important part of ones health. We believe that an alternative transportation system allow individuals the ability to get from place to place without being dependent on an automobile. In such beautiful surroundings, as we have here, it is an-asset to be outside. A well-planned trail system can be an inviting feature for your clientele and help to increase the value of your project.

Please feel free to contact us regarding your upcoming project as we have many ideas and suggestions. A member of our commission will contact you after you file your application with the Gunnison County Planning Department or you can give us a call at 970-349-6482.

Thank You for keeping trails in mind as a part of your project.

The Gunnison County Trails
Commission



**GUNNISON COUNTY, COLORADO
MINOR IMPACT REVIEW PROJECT
LAND USE CHANGE PERMIT APPLICATION**

**GUNNISON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING OFFICE**

**221 N. WISCONSIN ST, STE D., GUNNISON, CO 81230
TELEPHONE: 970-641-0360 FAX: 970-641-8585**

Website: <http://www.gunnisoncounty.org/planning.html> Email: planning@gunnisoncounty.org

DATE RECEIVED BY COMMUNITY DEVELOPMENT DEPARTMENT : / /

APPLICATION FEE \$1,250.00 - SUBMITTED AT TIME OF APPLICATION : / /

Additional fees will be assessed according to the Gunnison County Land Use Change Fee Schedule

APPLICANT (If the applicant is not the owner of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process.):

MAILING ADDRESS:

CITY: _____ **STATE:** _____ **ZIP:** _____

PHONE (day): _____ **(evening):** _____

FAX: _____ **E-MAIL ADDRESS:** _____

PROPERTY OWNER (If other than applicant, a notarized letter from the property owner consenting to this application, must be submitted. If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.):

NAME:

MAILING ADDRESS:

CITY: _____ **STATE:** _____ **ZIP:** _____

PHONE (day): _____ **(evening):** _____

FAX: _____ **E-MAIL ADDRESS:** _____

PRIMARY CONTACT PERSON and AUTHORIZED REPRESENTATIVE (The person the Community Development Department should contact regarding scheduling of meetings and information for this application. A **NOTARIZED LETTER** from the property owner authorizing the representative must be submitted.)

NAME:

MAILING ADDRESS:

CITY: _____ **STATE:** _____ **ZIP:** _____

PHONE (day): _____ **(evening):** _____

FAX:	E-MAIL ADDRESS:
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PROPERTY LOCATION and LEGAL DESCRIPTION OF PROPERTY:

1. **Legal Description.** Cite lot and block or tract numbers, mining claim or homestead references; attach copy of deed and/or metes and bounds description(s).

2. **Property Address.**

3. **Common Description (include mileage from highway or County road, or other recognized landmarks).**

AFFECTED LANDOWNERS. List all landowners and land uses that are within 500 feet of the boundaries of the entire parcel on which the land use change is proposed, including all properties separated from the parcel by a road or would be adjacent if the road did not exist. The best-available, most current information of this listing of current owners is in the Gunnison County Assessor's Office:

AFFECTED LANDOWNER'S NAME	PARCEL LOCATION RELATIVE TO PROPOSED LAND USE CHANGE PARCEL	CURRENT LAND USE ON ADJACENT PARCEL

PROJECT DESCRIPTION. Describe in detail what the applicant wants to do on the parcel, including new uses, division of land, adjustment of boundaries, expansion of existing uses, number of units, estimated amount of new traffic, new structures to be constructed, proposed phases and a description of off-site resources and haul routes (including those used by vehicles related to construction) necessary to accomplish the project. If the proposed land use change is a subdivision, identify the use of each lot (single family residence, duplex, commercial, etc.):

MINING AND CONSTRUCTION ACTIVITIES. As applicable, information pursuant to the individual sections of Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*

COMMERCIAL AND INDUSTRIAL USES. As applicable, information pursuant to the individual sections of Division 9-300: *Commercial and Industrial Uses.*

PRESENT LAND USE: identify present land uses and locations and sizes of structures that exist on the property:

IDENTIFY PREVIOUSLY-APPROVED USES. List Land Use Change Permits and/or subdivision approval have been previously approved for the property, and the year in which they were approved.

CHARACTERISTICS and CURRENT CONDITION OF LAND. List physical characteristics and conditions of the land, including streams, irrigation ditches, ponds, soils, roads, vegetation, geologic hazards, any work that has been done to clear the property, etc.)

PROJECT DESIGN. As applicable, all elements of the project design must address and comply with the individual sections of Article 13: *Project Design Standards* in the *Gunnison County Land Use Resolution*; the staff will advise the applicant which of these requirements apply to a specific application:

- SECTION 13-103:** *General Site Plan Standards and Lot Measurements.*
- SECTION 13-104:** *Setbacks from Property Lines and Road Rights-of-Way.*
- SECTION 13-105:** *Residential Building Sizes and Lot Coverages.*
- SECTION 13-107:** *Installation of Solid-Fuel-Burning Devices.*
- SECTION 13-108:** *Open Space and Recreation Areas.*
- SECTION 13-109:** *Signs.*
- SECTION 13-110:** *Off-Road Parking and Loading.*
- SECTION 13-111:** *Landscaping and Buffering.*
- SECTION 13-112:** *Snow Storage.*
- SECTION 13-113:** *Fencing.*
- SECTION 13-114:** *Exterior Lighting.*
- SECTION 13-115:** *Reclamation and Noxious Weed Control.*

SECTION 13-116: *Grading and Erosion Control.*

SECTION 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff.*

SECTION 13-118: *Water Impoundments.*

SECTION 13-119: *Standards to Ensure Compatible Uses.*

ADDITIONAL SUBMITTALS BASED UPON INFORMATION AVAILABLE ON MAPS USED BY THE COUNTY. If a land use change is proposed on a parcel located within any of the following areas additional submittals may be required to be submitted (Section numbers refer to sections in the *Gunnison County Land Use Resolution*). The Community Development Department will provide assistance to the applicant to determine the specific information that must be submitted:

1. **LOCATION OF SITE WITHIN FLOODPLAIN HAZARD AREA.** As applicable, an application proposing a land use change on a parcel located within a floodplain hazard area, pursuant to Section 11-103: *Development in Areas Subject to Flood Hazards*.
2. **LOCATION OF SITE WITHIN GEOLOGIC HAZARD AREA.** As applicable, an application proposing a land use change on a parcel located in a geologic hazard area may be required to submit a geotechnical report that evaluates and predicts the impact of specific geologic conditions on the proposed land use change and measures to mitigate these hazards, pursuant to Section 11-104: *Development in Areas Subject to Geologic Hazards*.
3. **LOCATION OF SITE WITHIN WILDFIRE HAZARD AREA.** As applicable, an application proposing a land use change on a parcel located within a wildfire hazard area, pursuant to Section 11-105: *Development in Areas Subject to Wildfire Hazards*.
4. **LOCATION OF SITE WITHIN AREA POTENTIALLY AFFECTED BY WETLANDS AND WETLANDS PERMITTING.** As applicable, an application proposing a land use change on a parcel located in an area in which there are wetlands, pursuant to Section 11-107: *Protection of Water Quality*.
5. **LOCATION OF SITE VISIBLE FROM RIDGELINE VANTAGE.** As applicable, an application proposing a land use change that is visible from a ridgeline vantage, pursuant to Section 11-108: *Standards for Development on Ridgelines*.
6. **DEVELOPMENTS IMPACTING AGRICULTURAL LANDS.** If a proposed project adjoins agricultural lands, involves land through which irrigation ditches flow, or over which there are general or exclusive easements for stock drives, the application shall address the requirements of Section 11-109: *Development That Affects Agricultural Lands*, and Section 15-103: *Right-to-Ranch Policy* which shall identify, in written and/or graphic form, the following:
 - a. **AGRICULTURAL DITCHES.** The location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any agricultural ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.
 - b. **EASEMENTS.** The location of historical easements used to gain access to headgates, ditches, and fences for maintenance or operations.
 - c. **LIVESTOCK DRIVES AND FENCELINES.** Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.
7. **AGRICULTURAL LAND OWNER.** The location(s) and name(s) of owner(s) of any agricultural land(s) adjoining or possibly impacted by the proposed land use change.
 - a. **AGRICULTURAL DITCHES.** The location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any agricultural ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.
 - b. **EASEMENTS.** The location of historical easements used to gain access to headgates, ditches, and fences for maintenance or operations.
 - c. **LIVESTOCK DRIVES AND FENCELINES.** Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.
8. **DEVELOPMENT ON LAND BEYOND SNOWPLOWED ACCESS.** As applicable, an application that proposes development at a location that currently receives no snowplowing services for access, pursuant to Section 11-110: *Development of Land Beyond Snowplowed Access*.
9. **DEVELOPMENT ON LAND ON AN INHOLDING WITHIN NATIONAL WILDERNESS.** As applicable, an application that proposes development on an inholding within a National Wilderness Area, pursuant to Section 11-111: *Development on Inholdings in the National Wilderness*.
10. **DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE.** As applicable, an application that proposes development on a parcel located above timberline, pursuant to Section 11-112: *Development on Property Above Timberline*.

VICINITY MAP: (Submit 12 copies). The attached sample vicinity map can be used as a guide. Minimum scale of 1"=100' is preferred. Sheet size cannot exceed 34" x 36". The following are required to be included on a vicinity map:

1. **PROPERTY LOCATION AND NEARBY PARCEL SIZES AND LAND USES.** Location of the property on a United States Geological Survey quadrangle map or on a recorded plat if the proposed development is within an approved subdivision, with the location highlighted so that it is easy to see, and that clearly shows sizes of parcels and land uses within a half-mile of the proposed project.
2. **ROADS.** All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or

3. Easement documents attached: _____

_____ **ROAD SYSTEM.** If the development is to include a road or roads, location and design, must be submitted with this application, in compliance with Section-103: *Road System* and the *Gunnison County Specifications for Road and Bridge Construction Standards*.

_____ **TRAILS.** If the parcel on which the development is proposed is land over which there is a public trail, the application must comply with Section 12-104: *Trails*. Applicants also are encouraged to include public trails and other amenities for non-motorized travel in an application to link existing adjacent public trails or trails easements, and should provide information pursuant to that section if they are interested in providing such trails.

WATER SUPPLY. Indicate which of the following will be used to supply water for the proposed use (s):

_____ **WILL TIE ONTO AN EXISTING CENTRAL SYSTEM.** Indicate the name of the municipality, district or other existing system which will provide the service. Attach a copy of a notarized letter of intent to provide, signed agreement or contract between the applicant and the supplier indicating the amount of water and conditions of tie-on.

_____ **WILL PROVIDE NEW CENTRAL SYSTEM.** Attach copies of approved well permits, court decrees, augmentation plan, or other deeded water rights. Indicate what operational system is proposed, including treatment options and proposed plans for operation and maintenance, and including information about water available for fire suppression.

_____ **WILL HAVE AN INDIVIDUAL WELL OR SPRING SYSTEM.** List, and attach copies of approved well permits, court decrees, augmentation plans, or other deeded water rights. If the source of the supply is not located on your property, indicate on the vicinity map where it is located.

_____ **WATER AUGMENTATION PLAN.** If the Colorado Division of Water Resources requires that a plan of water augmentation be approved for the project, a copy of the application for the augmentation, as submitted to the Division.

_____ **SUBDIVISION WATER SUPPLY INFORMATION SUMMARY SHEET.** If the application is for a subdivision, complete the attached Colorado Division of Water Resources State Engineer's Office Memorandum and *Water Supply Plan Information* for subdivisions. The County is required to submit this information to the Division for review.

FIRE PROTECTION. An applicant for a land use change classified as a Minor Impact project that is located in a specific fire protection district must contact the district before submitting the application, for the purpose of being informed of the District's design and construction standards that will apply to the application. Section 12-107: *Fire Protection*.

- _____ Parcel located in Crested Butte Fire Protection District
- _____ Parcel located in Gunnison County Fire Protection District
- _____ Parcel located in Carbondale and Rural Fire Protection District

WASTEWATER TREATMENT:

_____ **WILL TIE ONTO AN EXISTING CENTRAL SYSTEM.** Indicate which system (municipal, special district, subdivision, as applicable), and attach a copy of a notarized letter of the service provider's intent to provide, or contract between applicant and the provider that the provider has capacity and is willing to provide.

_____ **WILL PROVIDE NEW CENTRAL SYSTEM.** Indicate what operational system is proposed, including treatment options and proposed plans for operation and maintenance, as required by the Colorado Department of Public Health and Environment.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM(S). Contact the Gunnison County Environmental Health Office (641-5105) to determine if your existing system is adequate for the proposed use, and/or requirements for any new system. You will be required to pay the standard site-visit costs that may be necessary for that office to review your proposed site. An individual sewage disposal system permit will be issued only after a land use change permit has been approved, unless the Community Development Department approves the issuance of a system repair permit for an existing system.

MINERAL RESOURCES:

Is this property known to contain, or reasonably believed to contain mineral resources?

 Yes No

Has this area been the site of underground or surface mining activity in the past?

 Yes No

Has an original patent been issued to this property under the mining laws of the United States or Colorado?

 Yes No

On a separate sheet, list the owners or lessees of underlying mineral estates, if applicable.

PROTECTIVE COVENANTS, CONDOMINIUM OR TOWNHOME DECLARATIONS, OR DEED RESTRICTIONS. Any existing, or a draft of proposed, protective covenants, a condominium declaration or deed restrictions that will be imposed on the development.

 Covenants and/or deed restriction document attached.

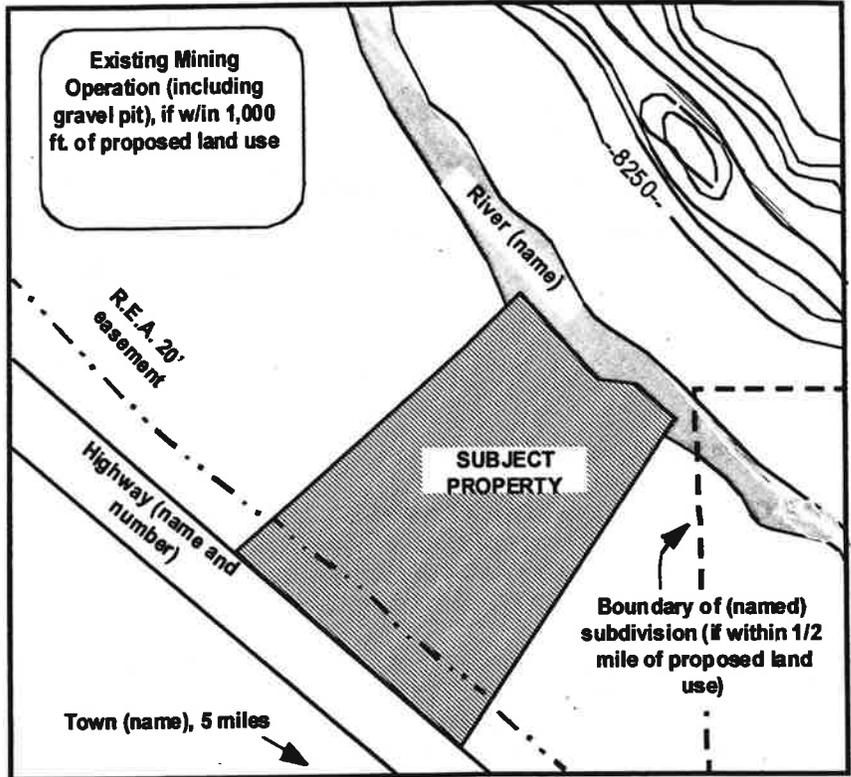
 Homeowners'/ property owners' association letter attached

 Not applicable.

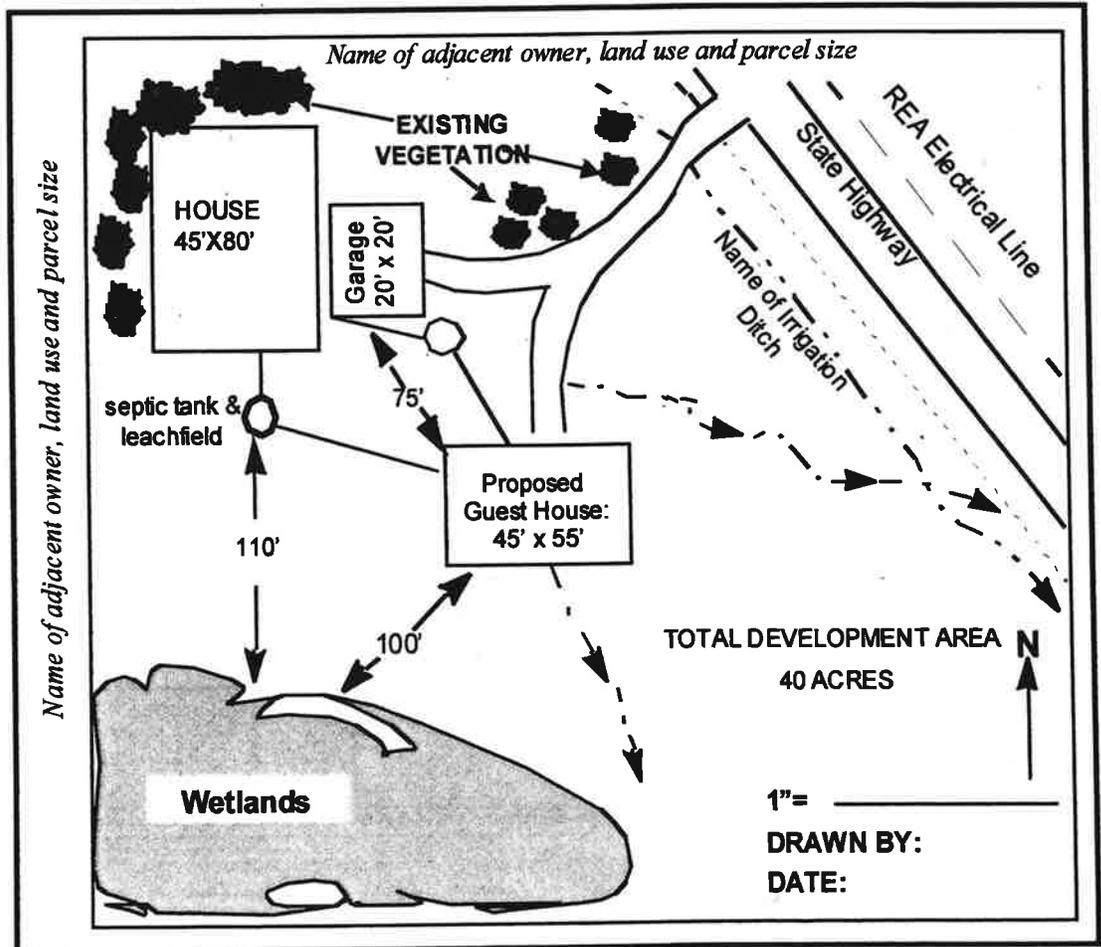
 COPY OF PROPERTY TAX CERTIFICATE. Copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the land use change is proposed have been paid up to the year in which approval is under consideration. Copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the land use change is proposed have been paid up to the year in which approval is under consideration.

LOCATION OF SITE WITHIN SPECIAL GEOGRAPHIC AREA OR DISTRICT. As applicable, an application proposing a land use change on a parcel located within a designated Special Area or special district may be required to comply with regulations of that Area or district. The Community Development Department will assist the applicant in determining if the property lies within a district or special geographic area, and if so, what regulations apply.

VICINITY MAP EXAMPLE



SITE PLAN EXAMPLE





P.O. Box 1485
Crested Butte, Colorado 81224

Dear Land Use Change Applicant,

The Gunnison County Trails Commission, formed and appointed by the Gunnison County Commissioners in 1995, encourages you to incorporate trails into your planning process. Many trail systems, exist in Gunnison County on public and private land and we are currently developing future trail corridors through a county-wide planning process. We hope you will take trails into consideration early in your planning process.

The Trails Commission believes that a well-planned trail system offers many benefits to people who reside in or visit the county. Alternative forms of transportation such as hiking, biking, horse-back riding, skiing & snowshoeing, not only get you there, they are excellent forms of fitness. In this day and age, exercise is emphasized as an important part of ones health. We believe that an alternative transportation system allow individuals the ability to get from place to place without being dependent on an automobile. In such beautiful surroundings, as we have here, it is an-asset to be outside. A well-planned trail system can be an inviting feature for your clientele and help to increase the value of your project.

Please feel free to contact us regarding your upcoming project as we have many ideas and suggestions. A member of our commission will contact you after you file your application with the Gunnison County Community Development Department or you can give us a call at 970-349-6482.

Thank You for keeping trails in mind as a part of your project.

The Gunnison County Trails
Commission



Gunnison County, CO
 Community Development Department
 221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
 Phone: (970) 641-0360 FAX: (970) 641-8585
 Website: www.gunnisoncounty.org/planning.html
 Email: planning@gunnisoncounty.org

GOLD BASIN INDUSTRIAL PARK SPECIAL AREA PERMIT APPLICATION

APPLICANT:		
MAILING ADDRESS:		
CITY:	STATE:	ZIP:
PHONE (day):		(evening):
FAX:		E-MAIL ADDRESS:
PRIMARY CONTACT PERSON and AUTHORIZED REPRESENTATIVE (The person the Community Development Department should contact regarding scheduling of meetings and information for this application. A NOTARIZED LETTER from the Lessee authorizing the representative must be submitted.)		
NAME:		
MAILING ADDRESS:		
CITY:	STATE:	ZIP:
PHONE (day):		(evening):
FAX:		E-MAIL ADDRESS:

As needed to provide complete information, submit the following on separate sheets attached to this application:

- A. LEASEHOLD AREA LOCATION.** The Leasehold Area address at which the business, commercial or industrial operation is proposed to be located.
1. **PROJECT DESCRIPTION.** A detailed written description of what the applicant wants to do on or to the Leasehold Area, including:
 2. **BUSINESS, COMMERCIAL OR INDUSTRIAL OPERATION.** A description of the proposed business, commercial or industrial operation.
 3. **NUMBER OF EMPLOYEES.** Number of employees required for the operation
 4. **HOURS OF OPERATION.** The hours of daily operation, and the days of the week in which the business, commercial or industrial operation is proposed to be conducted.
 5. **CONSTRUCTION.** The amount of square footage proposed for the structures, and the types of materials to be used in the structures.

6. **TRAFFIC.** Traffic estimated to be generated by the proposed project, including whether it will be commercial or industrial, or a mix of all uses, the types of vehicles that will be used, and the estimated numbers of vehicle trips per day.
- B. **PHASES.** If the business, commercial or industrial operation is proposed to be developed in phases, an identification of the phases what activities are proposed to be included in each.
- C. **TWO COPIES OF SITE DEVELOPMENT PLAN.** Two copies of the Site Plan are required to be submitted, to include a scaled drawing of the Leasehold Area, boundary lines and front, rear and side setback lines of the Leasehold Area, and the following:
1. **STRUCTURES AND/OR DEFINED AREAS OF ACTIVITY.** The shape, composition and locations of all existing and proposed structures.
 2. **DISTANCES OF STRUCTURES TO LEASEHOLD AREA LINES.** Location and distance from lot lines to existing and proposed structures, rights-of-way, location of the proposed access.
 3. **UTILITIES.** Locations of all existing and proposed utilities to serve the Leasehold Area, including water, sewer, electric, gas, phone and cable lines.
 4. **PARKING AND DRIVEWAYS.** The number and location of all existing and proposed parking spaces and driveways on the Leasehold Area.
 5. **SIGN LOCATIONS AND DESIGNS.** A plan for the location and renditions of their design, in compliance with these Regulations.
- D. **FOUNDATION PLAN.** Foundation plan, stamped by a qualified professional engineer licensed in the State of Colorado, and including detail of size, height and reinforcement used in footers and foundation walls, size and spacing of concrete pads.
- E. **COMPLETE FLOOR PLAN.** As applicable, complete floor plan of any structures, including dimensions and uses of each room, and window and door locations and sizes.
- F. **FRAMING PLAN/ CROSS SECTIONS.** Framing plan/cross sections, including structural makeup of building, species and grade of lumber, size and spacing of rafters, joists, studs, construction materials and thickness of walls and roofs. Trusses (beams carrying heavy loads), and complex roof designs must be designed and stamped by a qualified professional engineer licensed in the State of Colorado
- G. **ELEVATION PLAN** Elevation plan showing finished grade and all sides of the structures.
- H. **EXTERIOR LIGHTING PLAN.** An exterior lighting plan, pursuant to the applicable requirements of the *Gunnison County Land Use Resolution*.
- I. **DRAINAGE PLAN.** A drainage plan for the Leasehold Area, showing compliance with the Master Drainage Plan.
- J. **LANDSCAPING PLAN.** A landscaping plan, pursuant to the standards of these *Regulations*.
- K. **LEASE AGREEMENT.** A copy of the lease agreement between the applicant as Lessee of a Leasehold Area within the Gold Basin Industrial Park Special Area, or documentation from the Gunnison County Manager that the lease agreement will be approved by the Board.
- L. **COLORADO DEPARTMENT OF HEALTH APPROVAL.** Documentation of approval of the proposed construction by the Colorado Department of Public Health and Environment.

SITE PLAN EXAMPLE

