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February 25, 2015

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Neal Starkebaum**
Assistant Director

SUBJECT: **Proposed Amendments to the Gunnison County Land Use Resolution**

The following proposed amendments to the *Gunnison County Land Use Resolution* were initiated by staff and Planning Commission. The proposed amendments to the *Land Use Resolution* are updates and revisions to clarify existing standards.

Pursuant to Section 1-113: C.: of the *Resolution*, the Community Development Department and Planning Commission have reviewed the proposed amendments and considered the following:

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.

*****

(RED highlighted text is new; ~~struck through~~ text is deleted):

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C. **ACTIVITY BEGUN BEFORE PERMIT ISSUANCE.** No development for which a Land Use Change Permit is required shall begin until the Land Use Change Permit has been issued by Gunnison County. If the activity has begun before issuance of the permit by Gunnison County, no Land Use Change Permit shall be issued for the activity until the applicant ceases the activity, remedies any damage caused and complies with all enforcement actions taken by Gunnison County pursuant to Article 16: *Enforcement,* and with all other applicable County regulations.

D. **PERMIT ISSUED UPON FINAL APPROVAL.** A Land Use Change Permit shall be issued by Gunnison County upon final approval of the application. The permit shall become effective only when the applicable requirements set forth in Section 1-109: *Vested Property Rights* are satisfied.

E. **PERMITS RUN WITH LAND.** Any Land Use Change Permit issued under this *Resolution* shall run with the applicable land.

F. **TERM OF PERMIT.**

1. **TERM IS THREE YEARS FOR MOST LAND USE CHANGE PERMITS.** Unless expressly extended pursuant to Section 1-104: G: *Requirements for Extension of Term of Permit*, the term of a Land Use Change Permit shall be three years from its effective date.

~~2. **LARGE PARCEL INCENTIVE PROCESS (LPIP) IS PERPETUAL.** The term shall extend in perpetuity for permits that have been granted pursuant to *Division 14-100: Large Parcel Incentive Process.*~~

32. **OPERATIONS APPROVED IN PERPETUITY.** During the term of the permit, the applicant shall initiate and complete all construction, pursuant to Section 1-104: F.4: *Completion of a Development.* However, unless expressly limited by an approved permit, the right to conduct operations, subject to operational conditions identified in the permit, shall be approved in perpetuity, subject to:

a. **COMPLIANCE WITH PERMIT CONDITIONS.** Compliance with permit conditions; and

b. **STATUTORY EXCEPTIONS.** Compliance with the exceptions identified in C.R.S. 24-68-105 (1) (a), (b), (c) and (2), as they may be amended; and

c. **COMPLIANCE WITH APPLICABLE REGULATIONS AND CODES.** Compliance with all regulations and codes that are general in nature and are applicable to all property that is subject to land use regulation by Gunnison County including the applicable building code, adopted and amended by Gunnison County, the *Gunnison County Individual Sewage Disposal System Regulations*, the *Gunnison County Standards and Specifications for Road and Bridge Construction*, and each applicable fire, plumbing, electrical and mechanical code in effect on the date a permit is applied for pursuant to each of those codes; and

d. **COMPLIANCE WITH ANY CODE, ORDINANCE OR REGULATION REQUIRED FOR IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY.** Compliance to the maximum extent feasible with the provisions of any code, ordinance or regulation that is general in nature and applicable to all property that is under the jurisdiction of Gunnison County and that is found necessary by the Board for the immediate preservation of public health and safety.

43. **COMPLETION OF A DEVELOPMENT.**

a. **SUBDIVISION, CONDOMINIUM, OR TOWNHOME OR PROJECT FOR WHICH A DEVELOPMENT IMPROVEMENT AGREEMENT HAS BEEN EXECUTED.** For purposes of this Section, a subdivision, condominium, or townhome Project or a development for which a Development Improvement Agreement has been executed shall be considered completed when Gunnison County has fully released all security under the applicable Development Improvement Agreement.

b. **MINING OPERATIONS.** A mining operation shall be considered completed when the construction Projects approved in the Land Use Change Permit application, and proposed to be constructed within the first three years of operation, have been constructed.

c. **COMMERCIAL OR INDUSTRIAL PROJECT.** For purposes of this Section, a Project that is a commercial or industrial use is considered completed when, as applicable, the Building Inspector issues final approval of the constructed structures approved as part of the Project plan. When no structure is involved, the decision-making body shall determine as part of the Final Plan approval when the Project shall be considered complete.

G. **REQUIREMENTS FOR EXTENSION OF TERM OF PERMIT.** An extension of the term of a Land Use Change Permit may be requested by the applicant or recommended by the Planning Commission. The term of a Land Use Change Permit may only be extended as a condition of initial approval, or if a request for extension is submitted at least three

3. **TURNAROUNDS**. A turn-around of 45' radius shall be included if determined by the applicable fire protection district to be necessary to accommodate emergency vehicles.

C. **FIRE HYDRANTS**. Any residential development that is a Major Impact Project, or ~~a LPIP subdivision of more than four residences, and~~ that uses a central water supply system may be required to install a fire hydrant system that meets the current standards of the applicable fire protection district. Commercial and industrial development may also be required to install a hydrant system, based upon the nature of the proposed use, and subject to approval by the County.

1. **INSTALLATION OF HYDRANTS**. Hydrants shall be installed no more than 1,000 feet apart and shall be fully charged with water and tested before issuance of a Building Permit within a new subdivision. Fire hydrants shall be located as specified by the applicable fire protection district. Generally, fire hydrants shall be located in the public right-of-way, at road intersections.

D. **CISTERNS AND DRY HYDRANTS**. In those developments where a fire hydrant system is not required, water cisterns that meet current standards of the applicable fire protection district may be used and shall be shown on the Final Plan or plat. Dry hydrants that meet current standards of the applicable fire protection district may be installed in lieu of cisterns where available fire suppression water supplies can meet or exceed those of proposed cisterns. The installer of the dry hydrant shall comply with specifications established by the applicable fire protection district.

1. **MINIMUM CAPACITY**. Capacity shall comply with the requirements of the applicable fire protection district.

2. **LOCATION AND ACCESS**. The location and design of the cisterns or dry hydrants shall be subject to the requirements of the applicable fire protection district; the Colorado State Forest Service can assist in the determination of such locations. The location of the fire protection facilities shall be easily accessible to fire protection personnel and vehicles and shall be identified with a visible sign. Access to the facilities shall be dedicated to Gunnison County for use by the applicable fire protection district, subject to such interagency agreements as may affect such facilities.

3. **CONSTRUCTION AND MAINTENANCE WITHIN A SUBDIVISION**. The developer of a subdivision shall construct and maintain the cisterns until responsibilities for their maintenance is assumed by the homeowners or property owners association as provided by the declaration of protective covenants. Thereafter, the property or homeowners association for the development shall provide care and maintenance, and shall be charged with such responsibility consistent with protective covenants governing the association. Specific language shall be included in the protective covenants assigning that responsibility to the association.

E. **OTHER FIRE SUPPRESSION SYSTEMS**. Other fire suppression systems may be required as necessary, after consultation with the applicable fire protection district.

F. **FITTINGS AND CONNECTIONS.** All fittings and connections for the components of the fire protection system shall be provided at the cost of the developer and shall be compatible with specifications established by the applicable fire protection district. All such equipment shall be required to be tested in accordance with the Development Improvement Agreement and in cooperation with the applicable fire protection district.

G. **WILDFIRE HAZARD AREAS**. Developments proposed in areas that may be subject to wildfire hazards shall also comply with the applicable standards of Section 11-105: *Development in Areas Subject to Wildfire Hazards.*

ARTICLE 6: MINOR IMPACT PROJECTS

SECTION 6-101: PURPOSE

The purpose of this Article is to establish the review process, application submittal requirements, and review standards that apply to the review of Land Use Change Permit applications for developments classified as Minor Impact Projects.

A. **INITIAL CLASSIFICATION OF IMPACT AND REASONS FOR A HIGHER LEVEL OF REVIEW.** If the Community Development Department determines during review of an application, including a Building Permit, that the proposed use exceeds the classification criteria of a Minor Impact Project as listed within this Article, the criteria detailed in Section 3-111: B. 1: *Additional Criteria* shall be considered, the appropriate submittals shall be required, and the appropriate review process initiated.

SECTION 6-102: PROJECTS CLASSIFIED AS MINOR IMPACT PROJECTS

The following uses shall be classified and reviewed as Minor Impact Projects:

A. **2-4 UNITS.** 2-4 units that are subdivision lots, duplex units, or multiple-family residences, except as allowed pursuant to Section 9-101: D. 2.: *Secondary Structures and Uses Classified as Minor Impact Projects.*

~~B. **LARGE PARCEL INCENTIVE PROCESS (LPIP) PROJECT.** Large Parcel Incentive Process developments, pursuant to Section 14-102: *Large Parcel Incentive Process.*~~

~~C~~B. **PRIMARY RESIDENCE 10,000 SQ. FT. OR LARGER.** A primary residence 10,000 sq. ft. or larger. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

~~D~~C. **AGGREGATE SQUARE FOOTAGE OF 12,500 OR MORE SQ. FT.** An aggregate of 12,500 or more sq. ft. of residential living area (one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by Division 9-100: *Secondary Uses and Activities* on one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages.*

~~E~~D. **AGGREGATE SQUARE FOOTAGE GREATER THAN 45 PERCENT OF AREA.** An aggregate square footage of structures that exceeds 45 percent of the total area of one parcel, pursuant to *Section 13-105: Residential Building Sizes and Lot Coverages.*

~~F~~E. **INTEGRATED SECONDARY RESIDENCE 1,200 OR MORE SQ. FT.** An integrated secondary residence 1,200 sq. ft. or larger within a primary residence located on a legal lot smaller than 35 acres, or on any 35-acre or larger tract.

1. **NO DETACHED SECONDARY RESIDENCE ALLOWED.** If an applicant elects to include this size integrated secondary residence within a primary residence, no detached secondary residence is allowed.

~~G~~F. **DETACHED SECONDARY RESIDENCE LARGER THAN 2,500 SQ. FT. ON LEGAL LOT SMALLER THAN 35 ACRES**. A detached secondary residence, larger than 2,500 sq. ft., on a legal lot smaller than 35 acres.

~~H~~G. **DETACHED SECONDARY RESIDENCE LARGER THAN 3,500 SQ. FT. ON 35-ACRE OR LARGER TRACT CREATED AFTER THIS *RESOLUTION*.** A detached secondary residence larger than 3,500 sq. ft. on a 35-acre or larger tract created after the effective date of this *Resolution*.

~~I~~H. **MORE THAN ONE SECONDARY RESIDENCE ON A LEGAL LOT OR TRACT.** More than one secondary residence on a legal lot or tract, except as allowed pursuant to Section 9-101: *Uses Secondary to a Primary Residence.*

~~J~~I. **DEVELOPMENT REQUIRING DETAILED RIDGELINE VANTAGE VISIBILITY ANALYSIS**. Any development other than a Project classified as a Major Impact Project, and for which a detailed ridgeline vantage visibility analysis is required, pursuant to Section 11-108: F: *Impact Classification.*

~~K~~J. **CLEARING OF MORE THAN 7500 SQ. FT. OF LAND**. Clearing of more than 7,500 sq. ft. of land not related to activities permitted by a Building Permit, an ISDS Permit, or Access Permit, or an agricultural operation.

LK. NEW COMMERCIAL, INDUSTRIAL 5,000 SQ. FT., OR FIVE ACRES OR LESS. A new commercial or industrial structure equal to or less than 5,000 sq. ft: or a new commercial or industrial use developed on five acres or less.

ML. 5.000-9,999 SQ. FT. EXPANSION OF COMMERCIAL OR INDUSTRIAL USE. A 5,000–9,999 sq. ft. expansion of a commercial or industrial use, existing as of the effective date of this *Resolution*.

NM. FREESTANDING WIRELESS TELECOMMUNICATION STRUCTURE. Construction and siting of a freestanding wireless communication structure, building, pole, tower or antenna that provides wireless telecommunications services, pursuant to Section 9-505: *Freestanding Wireless Telecommunication Structures.*

ON. SMALL NEW OR EXPANDED MINING OPERATION. A new, or expansion of a mining operation that operates for no more than 180 days per year, produces fewer than 10,000 tons of ore/waste per year and affects no more than two surface acres of land, pursuant to Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*

PO. CONSTRUCTION MATERIALS OPERATION RELATED TO CONSTRUCTION OF PUBLIC ROAD. Any sand, gravel, or quarry operation providing material for public road construction that will operate for less than two years.

QP. GENERAL ROAD CUTTING OR CONSTRUCTION. Road cutting or construction, except that cutting or construction and maintenance of a road that provides access solely for an agricultural operation shall not be classified as a Minor Impact Project, and shall not require review.

RQ. SUBDIVISION PLAT VACATION, AMENDMENT OR REPLAT. Vacation, amendment or replat of a recorded subdivision plat.

SR. TRANSMISSION LINES. Upgrade of an existing utility transmission line(s) within an existing easement(s), but not including a Project for which a Land Use Change Permit has been granted in which the design, construction and impacts of the utility line were reviewed and approved.

TS. BED AND BREAKFAST. Bed and breakfast business, pursuant to Section 4-103: *Bed and Breakfast.*

UT. CHILD CARE CENTER. A child care center, pursuant to Section 9-506: *Child Care Center.*

VU. GROUP HOME. A group home, pursuant to Section 9-507: *Group Home.*

WV. WATER IMPOUNDMENT PROJECTS CLASSIFIED AS CLASS II DAMS. New Projects or facilities, or expansion of existing Projects or facilities, that involve the design, construction and operation of a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class II dam, pursuant to Section 13-118: *Water Impoundments.*

XW. EXPANSION OR EXTENSION OF SNOWPLOWING. Expansion or extension of snowplowing, pursuant to Section 11-110: F: *Expansion or Extension of Snowplowing.*

YX. COMMERCIAL WEDDING SITE. The site on which weddings are regularly or frequently conducted as a commercial operation, irrespective of the number of people or vehicles generated by the wedding event.

SECTION 6-103: STANDARDS FOR APPROVAL OF MINOR IMPACT PROJECTS

A Land Use Change Permit for a Minor Impact Project shall comply with the following:

A. ALL APPLICABLE STANDARDS. The proposed land use change shall comply with, and the burden shall be on the applicant to demonstrate through competent evidence that the proposed land use change complies with all applicable requirements of this *Resolution*; and

B. COMPATIBILITY WITH COMMUNITY CHARACTER. The proposed land use change shall be compatible with, or an enhancement of, the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area; and

C. COMPLIANCE WITH SPECIFIC STANDARDS. In addition, the following standards shall apply to individual types of Minor Impact Projects:

1. **ADDITIONAL STANDARDS APPLICABLE TO VACATION, AMENDMENT OR REPLAT OF SUBDIVISION PLATS.** The Board may approve a Minor Impact application to vacate, amend or replat any recorded subdivision plat if all of the following additional standards are met:

   a. **LEGAL PLAT OF RECORD.** The plat to be vacated, amended or replatted shall be a legal plat of record; when the plat is proposed to be vacated the applicant(s) shall be the owner of all the lands identified on the plat to be vacated.

ARTICLE 14: INCENTIVES

SECTION 14-100: PURPOSES

The purposes of this Article are to provide alternatives to the minimum subdivision open space requirements of this *Resolution* to permanently conserve private lands that have value in open space, agriculture, wildlife habitat, wetlands or watershed protection by significantly limiting development.

LARGE PARCELS SUBJECT TO DEVELOPMENT PRESSURE. There are in Gunnison County large tracts of private land, including productive agricultural land, that are subject to increasing pressures to be divided and sold for development. County regulation and incentives that encourage appropriate development of that land as a whole will foster orderly planning and will provide significant public benefits, including maintenance of the open character of rural Gunnison County, continuation of agriculture in Gunnison County, and preservation of wildlife habitat, wetlands and watersheds in Gunnison County.

ALTERNATIVES TO 35-ACRE TRACT EXEMPT SUBDIVISION APPROPRIATE. The County is precluded by C.R.S. 30-28-101 (10) (c) (1) from regulating the subdivision of land into parcels all of which are 35 acres or greater in size. It is appropriate and in the public interest that the developers and owners of those large tracts of private land be given reasonable incentives to submit to County review and regulation an application for the division and development of large tracts as an alternative to the statutory 35-acre exemption described in C.R.S. 30-28-101 (c)(1).

~~DIVISION 14-100: LARGE PARCEL INCENTIVE PROCESS~~

~~SECTION 14-101: INCENTIVES FOR SELECTING LPIP REVIEW~~

~~**A. LPIP IS VOLUNTARY ALTERNATIVE.** Gunnison County's Large Parcel Incentive Process ("LPIP") is a voluntary process that provides incentives to encourage landowners to submit proposed subdivision and development of large tracts of land voluntarily to County review and regulation. The incentives include:~~

~~**1. EXPEDITED REVIEW PROCESS.** Expedited review process for LPIP applications; and~~

~~**2. STANDARDS.** Standards that provide more certainty to the review process and that promote more expedient high quality and environmentally sound proposals; and~~

~~**3. DENSITY BONUS.** Development density bonuses; and~~

~~**4. STATUTORY BENEFITS REGARDING WELLS**. Statutory benefits regarding wells; and~~

~~**5. LOT SIZE FLEXIBILITY**. Lot size flexibility for large residences; and~~

~~**6. EXTENSION OF VESTED PROPERTY RIGHTS**. Extensions of vested property rights.~~

~~**B. BENEFITS OF LPIP PROJECT REVIEW**. The following benefits apply to a LPIP Project review:~~

~~**1. MINOR IMPACT CLASSIFICATION.** Applications submitted pursuant to the LPIP shall be classified and reviewed as Minor Impact Projects and shall be processed expeditiously as described in this Section.~~

~~**2. PRIORITY REVIEW.** Conforming and complete applications submitted pursuant to the LPIP generally shall be given priority over other applications pursuant to this *Resolution* that are being reviewed by staff, the Planning Commission or the Board. At each phase of its review, each application shall be placed on the first scheduled Commission or Board agenda for which it can be properly noticed.~~

~~**3. CRITICAL PATH FOR REVIEW**. Upon acceptance for filing of a LPIP application, the Community Development Director will establish a critical path and schedule for review and processing of the application. That schedule shall include a date certain, no later than nine months from the date a complete application is filed, for the County to~~

~~make a final decision approving, approving with conditions, or denying the application. If no final decision is made by the County on or before that final decision date, the application shall be deemed approved. The date of that final decision shall automatically be extended by the number of days an applicant's submittal(s) are incomplete or late. In addition, extensions of that final decision date are permissible with the prior written approval of the applicant, or for extenuating circumstances as determined by the Board (including the desirability of a site visit during a certain season, the desirability of conducting tests and analyzing results, that require a longer period).~~

4. ~~**INCENTIVE PROVIDED BY STATUTORY BENEFITS.** The LPIP formally implements the requirements of C.R.S. 30-28-401 *et seq* and the exceptions and presumptions identified in C.R.S. 37-92-602 concerning cluster developments and domestic water permits for those developments. The LPIP is intended to make available the benefits provided by those statutes.~~

~~**TABLE 11: NUMBER OF BONUS RESIDENCES ALLOWED IN LPIP SUBDIVISION**~~

~~TOTAL ACREAGE~~	~~NUMBER OF RESIDENCES ALLOWED BY RIGHT AS AN EXEMPT SUBDIVISION~~	~~TOTAL NUMBER OF RESIDENCES ALLOWED BY RIGHT AS LPIP SUBDIVISION, W/ LESS THAN 85% PRESERVED LAND~~	~~TOTAL NUMBER OF RESIDENCES ALLOWED BY RIGHT AS LPIP SUBDIVISION W/ 85% PRESERVED LAND (140 ACRES MINIMUM REQUIRED)~~
~~**70**~~	~~2~~	~~3~~	~~N/A~~
~~**140**~~	~~4~~	~~6~~	~~7~~
~~**280**~~	~~8~~	~~12~~	~~14~~
~~**560**~~	~~16~~	~~24~~	~~28~~
~~**1,000**~~	~~28~~	~~42~~	~~49~~

5. ~~**INCENTIVE PROVIDED BY FLEXIBILITY FOR LARGER RESIDENCES AND LOT SIZE**. The standards required by Section 13-105: *Residential Building Sizes and Lot Coverages*, is waived for LPIP Projects, except that the following sections shall apply: Section 13-105: G.1.: *Buildings Shall Be Confined in Envelope;* Section 13-105: G. 2. d: *Share Road and Driveway;* Section 13-105: G. 1. a: *Minimize Visibility of Structure by Siting;* Section 13-105: G. 1. b: *Minimize Visibility of Structure By Screening,* and Section 13-105: G.1. c: *Location of Utilities Underground.*~~

6. ~~**INCENTIVE OF INCREASED DENSITY**. Pursuant to Section 1-107: *One Residence Per Legal Lot Subject to Compliance With This Resolution*, a legal lot is permitted as of right to have one residence per lot, with an integrated secondary residence, whether or not that parcel is greater than 35 acres in size. No additional residences are allowed by right, unless a parcel has been subdivided and platted pursuant to this LPIP (Table 11: *Number of Bonus Residences Allowed in LPIP Subdivision*).~~

   a. ~~**THREE RESIDENCES PER 70 ACRES BY RIGHT PLUS BONUS ON LARGER ACREAGE.** A parcel of land that is subdivided with the approval of the County pursuant to this LPIP is permitted as of right to contain three residences per 70 acres, rounded down to the nearest whole multiple of 35. In addition, for tracts 140 acres and larger, if the preserved land is 85 percent of the area of the tract, rather than the 75 percent required in Section 14-102: B. 1. e: *Clustering of Building Envelopes,* one secondary residence (in addition to an integrated secondary residence) or one additional lot shall be permitted as of right for each whole increment of 140 acres.~~

7. ~~**INCENTIVE REGARDING POTENTIAL CLAIMS FOR PUBLIC ROADS**. If there is credible evidence that a public trail exists across the subject land, the applicant shall deed to Gunnison County a permanent easement in that location for a limited, nonmotorized public trail. If there is no credible evidence that a public trail exists across the subject land, the Board and the applicant may agree on a limited, permanently deeded nonmotorized public trail across the subject land, and the Board shall execute a quit claim deed extinguishing County claims to other historically used public access across the subject land.~~

8. ~~**VESTED PROPERTY RIGHT**. As a legislative act, the Board shall enter into a development agreement regarding each Land Use Change Permit approved pursuant to the LPIP to extend in perpetuity the vested property right to build the residences permitted as of right, subject to the provisions of Section 1-105: *Sections Necessary for the Immediate Preservation of Public Health and Safety*, and any other ordinance or regulation that is general in nature, is applicable to all property subject to land use regulation by Gunnison County, and that is found necessary by the Board for the immediate preservation of public health and safety.~~

~~b. **CHARACTERISTICS.** Preserved land shall:~~

~~1. **MAXIMIZE NATURAL RESOURCE AREAS**. Include, to the greatest extent feasible, the productive agricultural land, wetlands, riparian areas and wildlife habitat on the parcel; and~~

~~2. **MAXIMIZE OPEN SPACE**. Achieve the maximum contiguous amount of open space feasible on the parcel; and~~

~~3. **BE CONTIGUOUS WITH OPEN SPACES**. To the maximum extent feasible, be located contiguous to and be connected with other open space areas adjacent to the LPIP boundaries; and~~

~~4. **PROVIDE FOR WILDLIFE MIGRATION**. Provide, where applicable, physical connections for wildlife movement; and~~

~~5. **BE MANAGED AS SINGLE UNIT.** To the maximum extent feasible, be managed as a single agricultural unit, if it is devoted to agricultural use; and~~

~~6. **HAVE MINIMAL FENCING**. Be fenced no more than the minimum necessary for responsible conservation and pasture rotation with low visibility fencing materials (including wire, or electric fencing).~~

~~c. **EXISTING CONSERVATION EASEMENTS**. Land encumbered by a conservation easement that exists before issuance of a Land Use Change Permit for an LPIP application may, in the County's discretion, satisfy the preserved land requirement of this Section under the following conditions:~~

~~1. **TERMS OF EASEMENT ARE SATISFACTORY TO COUNTY**. The terms of the existing easement are acceptable to the County.~~

~~2. **PRESERVED LANDS MEETS STANDARDS**. The preserved land meets the following standards:~~

~~a. **SUFFICIENT VALUES.** The preserved land has sufficient natural, scenic, open space, wildlife habitat, agricultural, horticultural, recreational, forest or other value to justify the applicant receiving the LPIP benefits;~~

~~b. **SIGNIFICANT PUBLIC BENEFIT.** Significant public benefit has occurred by preservation of the land subject to the conservation easement;~~

~~c. **SUFFICIENT ACREAGE.** Sufficient acreage has been preserved pursuant to this Section;~~

~~d. **PRESERVATION QUALIFIES UNDER INTERNAL REVENUE CODE.** Preservation of the land qualifies as a conservation contribution under Section 170 (h), as amended, of the *Internal Revenue Code;*~~

~~e. **PRESERVED LAND HAS REQUIRED CHARACTERISTICS**. The preserved land has the characteristics set forth in Section 14-102: B. 2. b: *Characteristics*;~~

~~f. **PUBLIC WELFARE IS ENHANCED.** The public health, safety and welfare have been enhanced.~~

~~3. **PREVIOUS DONATION MAY NOT MEET REQUIREMENTS.** The previous donation of a conservation easement does not create a right to apply the preserved land to satisfy the preserved land requirements of this Section. Each case will be subject to the discretion of the County and will be reviewed on an individual basis to determine if it satisfies the standards set forth in this Section 14-102: *LPIP Standards.*~~

~~d. **MANAGEMENT PLAN**. Each LPIP shall include as part of its Final Plan submittal a written management plan subject to approval by the County. The management plan shall include a baseline report identifying the condition of the preserved land at the time the Final Plan application is submitted. The management plan shall define the roles and responsibilities of administration, monitoring and enforcement pertinent to the specific open space. The management plans shall disclose, quantify and ensure that to the greatest degree feasible all existing and decreed ditch and other water right(s) associated with the preserved land continue to be put to their historic use(s) in their historic amounts and are not abandoned, or conveyed off the subject land. Performance, monitoring and enforcement of the management plan shall be financially ensured by a permanent endowment fund in an amount and type approved by the County and funded by the applicant at the time the application is approved.~~

~~3. **SUBMITTAL FOR FINAL APPROVAL AND EXECUTION OF LPIP GUARANTEES**. The submittal for final approval of any Land Use Change Permit application pursuant to the LPIP, shall include all applicable information~~

~~required by Section 6-104: B: *Submittal for Final Action for Minor Impact Project,* and all proposed covenants, deed restrictions, easements, management plans, improvements agreements, or other documents ("LPIP guarantees") necessary to implement the proposal. Approval of a Land Use Change Permit application pursuant to the LPIP shall be conditioned upon execution of all LPIP guarantees reasonably deemed necessary and appropriate by the Board.~~

APPENDIX TABLE 1: IMPACT CLASSIFICATIONS

ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE A LAND USE CHANGE PERMIT	ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE A LAND USE CHANGE PERMIT	MINOR IMPACT PROJECT	MAJOR IMPACT PROJECT
approved by Gunnison County. • **DETACHED GARAGE AND/OR SHOP 750 SQ. FT. OR SMALLER**. A detached garage or shop, or combination of those uses in one structure, 750 sq. ft. or smaller. • **ONE STORAGE SHED 120 SQ. FT. OR SMALLER ON PARCEL SMALLER THAN ONE ACRE**. One storage shed, 120 sq. ft. or smaller, on a parcel smaller than one acre • **TWO STORAGE SHEDS 120 SQ. FT. ON ONE-ACRE OR LARGER PARCEL**. Two storage sheds, each no larger than 120 sq. ft., on a parcel an acre or larger. • **GARDENS AND GREENHOUSES THAT ARE HOME OCCUPATIONS**. Gardens and greenhouses that are home occupations, created and operated pursuant to Section 9-102: *Home Occupations.* • **POOLS AND RECREATION FACILITIES**. Private swimming pools and private recreation facilities associated with a primary residence, and not part of a private club or membership group. • **INTEGRATED SECONDARY RESIDENCE 600-850 SQ. FT. ON ANY LEGAL LOT.** An integrated secondary residence 600-850 sq. ft. in a primary residence on any legal lot that meets the standards pursuant to Section 9-101. 7.: *Standards for Integrated Secondary Residence.* • **ONE HOME OCCUPATION**. One home occupation, pursuant to Section	**2,500 SQ. FT. OR SMALLER ON LEGAL LOT.** A detached secondary residence of 2,500 sq. ft. or less, located on a legal lot smaller than 35 acres. • **DETACHED SECONDARY RESIDENCE 3,500 SQ. FT. ON 35-ACRE OR LARGER TRACT.** A detached secondary residence of 3,500 sq. ft. or less, located on a tract of land 35-acres or larger. • **SECONDARY STRUCTURE INTENDED ONLY FOR SLEEPING AND HAS NO KITCHEN**. A secondary structure without a kitchen that is to be used only for sleeping facilities. It shall comply with the requirements of the *Gunnison County Individual Sewage Disposal System Regulations.* • **MORE THAN ONE HOME OCCUPATION.** More than one home occupation, pursuant to Section 9-102: *Home Occupations.* • **HORSE/HAY SHED LARGER THAN 500 SQ. FT. ON PARCEL ONE-ACRE OR LARGER.** A horse/hay shed larger than 500 sq. ft., for sheltering horses or other livestock or for storing hay, on a parcel one acre or larger, that is not part of an agricultural operation. • **MOBILE HOME NOT IN A MOBILE HOME COMMUNITY.** A mobile home proposed to be located on an individual parcel of land not in a mobile home community, but adjacent to a subdivision whose protective covenants do not address, or expressly prohibit mobile homes within the subdivision, pursuant to Section 9-202: *Individual Manufactured and Mobile Homes.* • **BOUNDARY LINE ADJUSTMENT**.. An application to adjust the lot line between	secondary residence, larger than 2,500 sq. ft., on a legal lot smaller than 35 acres. • **DETACHED SECONDARY RESIDENCE LARGER THAN 3,500 SQ. FT. ON 35-ACRE OR LARGER TRACT CREATED AFTER THIS *RESOLUTION*.** A detached secondary residence larger than 3,500 sq. ft. on a 35-acre or larger tract created after the effective date of this *Resolution*. • **MORE THAN ONE SECONDARY RESIDENCE ON A LEGAL LOT OR TRACT.** More than one secondary residence on a legal lot or tract, except as allowed pursuant to Section 9-101: *Uses Secondary to a Primary Residence.* • **2-4 UNITS.** 2-4 units that are subdivision lots, duplexes, or multiple-family residences, except as allowed pursuant to Section 9-101: G: *Secondary Structures and Uses Classified as Minor Impact Projects.* • ~~**LARGE PARCEL INCENTIVE PROCESS (LPIP) PROJECT.** Large Parcel Incentive Process developments, pursuant to *Section 14-102: Large Parcel Incentive Process.*~~ • **DEVELOPMENT REQUIRING DETAILED RIDGELINE VANTAGE VISIBILITY ANALYSIS**. Any development other than a project classified as a Major Impact project, and for which a detailed ridgeline vantage visibility analysis is required,	expanded mining operations that operate for more than 180 days per year, produces more than 10,000 tons of ore/waste per year, or affects more than two surface acres of land, pursuant to Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.* • **LARGE CONSTRUCTION MATERIALS OPERATIONS.** Any sand, gravel or quarry operation providing material that will operate for more than two years, pursuant to *Division 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials.* Larger operations may require review under the *Gunnison County Special Development Projects Regulations.* • **WATER IMPOUNDMENT PROJECTS CLASSIFIED AS CLASS I DAMS**. New projects, or facilities, or expansion of existing projects or facilities, that involve the design, construction and operation of a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class I dam, pursuant to Section 13-118: *Water Impoundments.* • **TRANSMISSION LINES.** Construction of a new transmission line(s) in an area in which no line(s) currently

11. **POOLS AND RECREATION FACILITIES**. Private swimming pools and private recreation facilities associated with a primary residence, and not part of a private club or membership group.

12. **INTEGRATED SECONDARY RESIDENCE ~~600~~-850 SQ. FT. ON ANY LEGAL LOT.** An integrated secondary residence ~~600~~-850 sq. ft. in a primary residence on any legal lot that meets the standards pursuant to Section 9-101: F: *Standards for Integrated Secondary Residence.*

13. **ONE HOME OCCUPATION**. One home occupation, pursuant to Section 9-102: *Home Occupations.*

C. **CAMPING.** Camping in a recreational vehicle or other camping shelter on an individual parcel pursuant to Section 9-509: C: *No Land Use Change Permit Required For Camping in a Recreational Vehicle or other Camping Shelter on an Individual Parcel.*

D. **SPECIAL EVENTS**. A special event, pursuant to Section 9-501: *Special Events.*

E. **TEMPORARY STRUCTURES.** Temporary structures, pursuant to Section 9-502: *Temporary Structures.*

F. **SATELLITE DISHES.** Satellite dishes, pursuant to Section 9-503: *Satellite Dish Devices.*

G. **ATTACHED WIRELESS TELECOMMUNICATIONS DEVICE**. Attached wireless telecommunications device, pursuant to Section 9-504: *Attached Wireless Telecommunications Devices.*

H. **KEEPING OF LIVESTOCK NOT ON AN AGRICULTURAL OPERATION.** Keeping of livestock not on an agricultural operation, pursuant to Section 9-508: *Keeping of Livestock Not on an Agricultural Operation.*

I. **SITE APPROVAL APPLICATION FOR WATER SUPPLY OR WASTEWATER TREATMENT SYSTEM**. The Colorado Department of Public Health and Environment's site approval application for a proposed expansion or alteration of an existing wastewater treatment system.

J. **DISTRIBUTION OR SERVICE LINE TO PRIMARY RESIDENCE**. A distribution or service line providing service to a single primary residence, multiple family residences, or other residence that would not otherwise require a Land Use Permit under the requirements of this *Resolution.*

K. **ALTERATION AND REPAIR OF EXISTING SERVICE LINES OR DISTRIBUTION LINES**. Conversion of above-ground distribution lines or service lines to underground distribution or service lines located substantially within an existing utility easement.

d. **GARDENS AND GREENHOUSES, INCLUDING HOME OCCUPATIONS**. Private gardens and private greenhouses, including those that are home occupations, constructed and operated pursuant to Section 9-102: *Home Occupations.*

e. **POOLS AND RECREATION FACILITIES**. Private swimming pools and private recreation facilities associated with a primary residence, and not part of a private club or membership group.

f. **INTEGRATED SECONDARY RESIDENCE ~~600~~-850 SQ. FT. ON ANY PARCEL.** An integrated secondary residence ~~600~~-850 sq. ft. in a primary residence on any parcel.

g. **ONE HOME OCCUPATION**. One home occupation, pursuant to Section 9-102: *Home Occupations.*

D. **SECONDARY STRUCTURES AND USES THAT REQUIRE A LAND USE CHANGE PERMIT**. The following structures and uses that are secondary to a primary residence shall be reviewed pursuant to Section 5-105: *Administrative Review Project Review Process.*

1. **SECONDARY STRUCTURES AND USES CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS.** The following are classified as Administrative Review Projects pursuant to Article 4: *Administrative Review Projects That Do Not Require Land Use Change Permits* and Article 5: *Administrative Review Projects That Require Land Use Change Permits*:

a. **INTEGRATED SECONDARY RESIDENCE 851-1,200 SQ. FT. ON A LEGAL LOT SMALLER THAN 35-ACRES.** An integrated secondary residence 851-1,200 sq. ft. on a legal lot smaller than 35 acres. If the applicant elects to include this size integrated secondary residence within a primary residence, no detached secondary residence is allowed.

b. **INTEGRATED SECONDARY RESIDENCE 851-1,1200 SQ. FT. ON 35-ACRE OR LARGER TRACT CREATED AFTER EFFECTIVE DATE OF THIS *RESOLUTION.*** An integrated secondary residence 851-1,200 sq. ft. on any 35-acre or larger tract that was created after the effective date of this *Resolution.*

c. **DETACHED SECONDARY RESIDENCE 1,200 SQ. FT. OR SMALLER ON 35-ACRE OR LARGER TRACT CREATED AFTER EFFECTIVE DATE OF THIS *RESOLUTION.*** A detached secondary residence 1,200 sq. ft. or smaller, on a 35-acre or larger tract that was created after the effective date of this Resolution. If the applicant elects to construct this detached secondary residence, no integrated secondary residence is allowed.

d. **DETACHED SECONDARY RESIDENCE 2,500 SQ. FT. OR SMALLER ON A LEGAL LOT SMALLER THAN 35 ACRES.** A detached secondary residence 2,500 sq. ft. or smaller, on a legal lot that is smaller than 35 acres.

e. **DETACHED SECONDARY RESIDENCE 3,500 SQ. FT. OR SMALLER, ON 35-ACRE OR LARGER TRACT, CREATED BEFORE THE EFFECTIVE DATE OF THIS *RESOLUTION*.** A detached secondary residence 3,500 sq. ft. or smaller, on a 35-acre or larger tract.

f. **SECONDARY STRUCTURE INTENDED ONLY FOR SLEEPING.** A secondary structure that is to be used only for sleeping facilities, shall not include a kitchen and shall meet the requirements of Section 9-101: E: *Standards for Development of a Secondary Detached Residence or Secondary Structure Intended for Sleeping.*

g. **STRUCTURES AND USES ALLOWED BEFORE BUILDING PERMIT IS ISSUED FOR PRIMARY RESIDENCE.** The following secondary structures or uses require a Land Use Change Permit, but may be erected or installed before a Building Permit for a primary residence has been issued. When a Building Permit is required for any of these uses, the Building Permit is considered to be the Land Use Change Permit, and no additional Land Use Change Permit application must be filed.

1. **DETACHED GARAGE AND/OR SHOP LARGER THAN 750 SQ. FT.** A detached garage or shop, or combination of those uses located in one structure larger than 750 sq. ft.

2. **TWO 120 SQ. FT. STORAGE SHEDS ON ONE PARCEL SMALLER THAN AN ACRE**. Two storage sheds, each no larger than 120 sq. ft., on a parcel smaller than an acre.

3. **MORE THAN TWO 120 SQ. FT. STORAGE SHEDS ON ANY SIZE PARCEL**. More than two storage sheds, each no larger than 120-sq. ft., on any size parcel.

4. **ONE STORAGE SHED LARGER THAN 120 SQ. FT. ON PARCEL ONE ACRE OR LARGER.** One storage shed that is larger than 120 sq. ft. on a parcel one acre or larger.

1. **SUBORDINATE TO PRIMARY RESIDENCE.** It is subordinate by area, extent and purpose to the primary residence.
2. **LIMITED TO 850 SQ. FT.** The floor area of the integrated secondary residence shall be no larger than 850 sq. ft., and may be as small ~~as 600 sq. ft., or as otherwise~~ allowed by the applicable building code, adopted and amended by Gunnison County.
3. **ADEQUATE PARKING**. There shall be parking adequate to serve both the primary and secondary residences, pursuant to Section 13-110: *Off- Road Parking and Loading.*
4. **ADEQUATE WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM.** It shall be legally and physically served by the same water and wastewater treatment systems that serve the primary residence.
5. **STRUCTURALLY INTEGRATED.** It shall be structurally integrated within the primary residence, share common roof lines and utility systems, and there shall be an internal access between the primary residence and the secondary residence.
6. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS.** It shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel on which the primary residence is located.
7. **KITCHEN AND SEWAGE DISPOSAL FACILITIES**. It shall contain a full kitchen, and sanitation facilities.
8. **COMPLIES WITH APPLICABLE CODES**. It shall comply with the applicable building code, adopted and amended by Gunnison County, and the requirements of the applicable fire protection district. When the district's standards conflict with County standards, the County shall only enforce the County standards.

SECTION 9-102: HOME OCCUPATIONS

A. **APPLICABILITY.** This Section shall apply to the operation of a home occupation on a parcel also occupied by a primary residence.

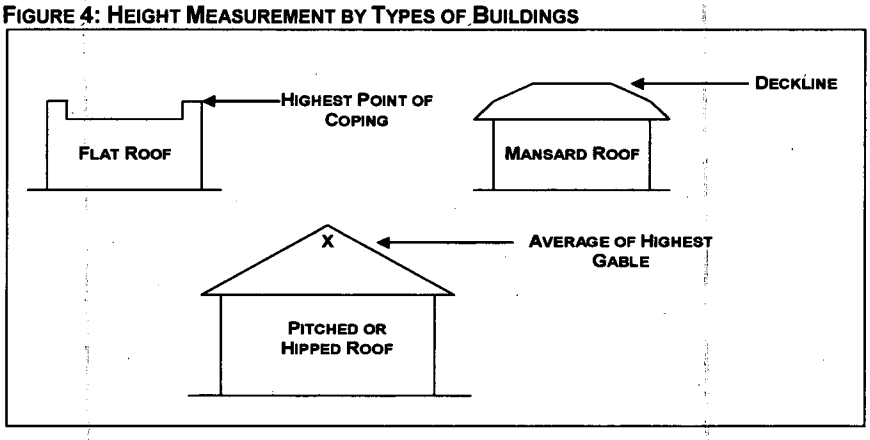
1. **ONE HOME OCCUPATION.** One home occupation may be operated as an accessory use to a primary residence, and requires no Land Use Change Permit, provided the use meets the standards of this Section.
2. **MORE THAN ONE HOME OCCUPATION**. More than one home occupation shall be classified and reviewed as an Administrative Review Project, pursuant to Article 5: *Administrative Review Projects That Require Land Use Change Permits.*

B. **STANDARDS FOR OPERATING A HOME OCCUPATION**: The following standards shall apply to the operation of a home occupation:

1. **HOME OCCUPATION IS SUBORDINATE**. The home occupation shall be incidental and secondary to the use of the property for residential purposes, and shall not change the residential character of the property.
2. **SIZE OF AREA LIMITED**. To ensure it remains subordinate, the size of the area used for the home occupation shall be limited to one-half of the floor area of the primary residence or 1,500 sq. ft., whichever is smaller.
3. **ACTIVITIES TO BE CONDUCTED INDOORS**. All activities associated with the home occupation shall be conducted indoors. These activities may be conducted within the residence, or may be conducted within another structure on the property, including a detached garage or a shed. There shall be no outside storage of goods, materials, or equipment associated with the home occupation.
4. **EMPLOYEES**. The home occupation shall be conducted entirely by the residents living on the premises, and by no more than the equivalent of one full-time employee who lives off-premises.
5. **CUSTOMERS**. The home occupation shall serve no more than 12 customers or clients on-site during a single day.
6. **ADEQUATE PARKING.** In addition to the parking required for the primary residence, there shall be provided one off-road parking space for any employee who lives off the premises, and one off-road parking space for customers or clients. As applicable, the use shall also comply with Section 13-110: *Off-Road Parking and Loading,* and the minimum distances listed in Appendix Table 2: *Off-Road Parking Requirements.*
7. **TRUCKS OR VANS**. A truck or van having a payload rating of more than one and a-half tons may only be parked on-site if it is kept within a garage or other enclosed or semi-enclosed, permitted structure. Trucks or vans making deliveries to the home occupation shall be limited to a payload rating which shall not exceed the road and bridge weight capacities on applicable haulage routes.

E. **MEASUREMENT OF BUILDING SIZE.** The measurement of the size of a building shall be by the definition of "floor area" in the applicable building code, adopted and amended by Gunnison County, and which includes the size of the basement in the overall measurement.

FIGURE 4: HEIGHT MEASUREMENT BY TYPES OF BUILDINGS



F. **MINIMUM RESIDENCE FLOOR AREA.** The minimum floor area of residences shall be ~~600 sq. ft. for each residence, except as allowed by Section 9-101: *Uses Secondary to a Primary Residence.*~~ allowed by the applicable building code, adopted and amended by Gunnison County.

G. **HEIGHT MEASUREMENT.** Height shall be measured as the vertical distance from grade plane to the average height of the highest roof surface, which may include the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (Figure 4: *Height Measurement by Types of Buildings*). Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building between the structure and a point six feet from the building (Figure 5: *Measurement of Building Height*.)

H. **ALLOWED STRUCTURE HEIGHTS**. Height of structures shall be as follows:

1. **RESIDENTIAL STRUCTURES.**

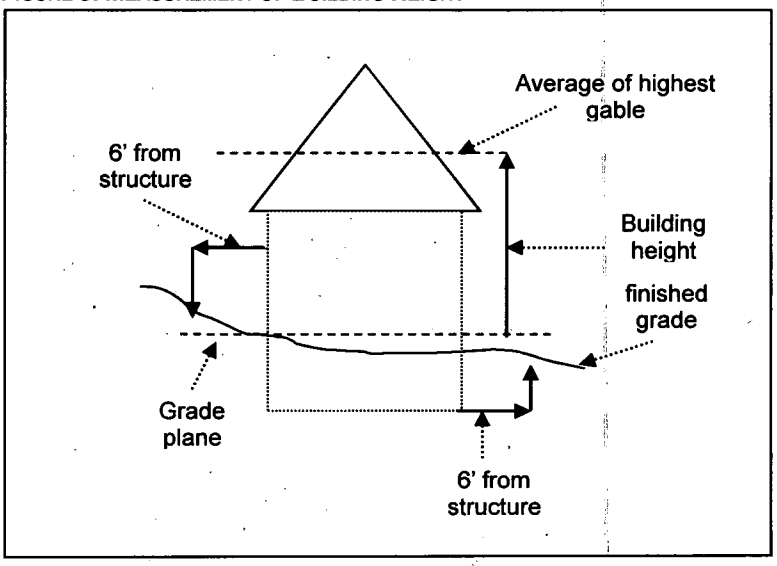
   a. **FLAT ROOFS.** Structures with flat roofs shall not exceed 30 feet in height.

   b. **PITCHED ROOFS**. All structures with pitched roofs shall not exceed 30 feet in height. The minimum roof pitch shall be as required by the applicable building code, adopted and amended by Gunnison County.

2. **STEEPLES, CHIMNEY AND SPIRES**. Steeples, chimneys and spires may extend ten feet higher than the roof peak.

3. **COMMERCIAL OR INDUSTRIAL STRUCTURES**. Unless otherwise exempted or regulated by this *Resolution*, commercial and industrial structures shall not exceed 30 feet in height, except that the allowable height may be increased to a maximum of 45 feet upon findings by the applicable decision-making body that:

FIGURE 5: MEASUREMENT OF BUILDING HEIGHT



   a. **ADEQUATE FIRE PROTECTION AVAILABLE**. Adequate fire protection shall be available, pursuant to Section 11-105: *Development in Areas Subject to Wildfire Hazards*; and Section 12-107: *Fire Protection*;

   b. **VIEWS AND SOLAR ACCESS NOT OBSTRUCTED**. Views and solar access shall not be significantly obstructed by the increased height; and

D. PARCELS EQUAL TO OR LARGER THAN 6,500 SQ. FT. The following shall apply to residential structures on parcels equal to or larger than 6,500 sq. ft:

1. **PERCENT OF COVERAGE**. In no event shall the aggregate square footage of coverage by structures on a parcel 6,500 sq. ft. or larger exceed 45 percent of the total area of the parcel, or 4,100 sq. ft. whichever is greater, unless approved pursuant to Section 13-105: G: *Impact Classification And Required Findings For Coverage Exceeding Standard.*

2. **MAXIMUM BUILDING SIZE AND MAXIMUM AGGREGATE OF ALL STRUCTURES**. No building on a parcel equal to or larger than 6,500 sq. ft. shall exceed 10,000 sq. ft. (and a secondary residence no larger than 2,500 sq. ft.) and the aggregate of all structures shall not exceed 12,500 sq. ft. unless:

   ~~a. **PARCEL 40 ACRES OR APPROVED BY LPIP**. The parcel is 40 acres or larger in size, excepting parcels approved either pursuant to Section 14-102: *Large Parcel Incentive Process* or for a single residence on a parcel that is an integral component of a "conservation development";~~ and

   ~~b~~a. **LAND USE CHANGE PERMIT APPROVES GREATER SIZE.** Approved pursuant to Section 13-105: G: *Impact Classification and Required Findings for Coverage Exceeding Standard.*

E. ADDITIONAL FEE FOR RESIDENCES LARGER THAN 1,000 SQ. FT. A fee shall be included within the overall Land Use Change Permit fee for those residences larger than 1,000 sq. ft., subject to a schedule of fees adopted by the Board, available in the Community Development Department.

F. BUILDING ENVELOPE. The following standards shall apply in the location and use of a residential building envelope:

1. **BUILDINGS SHALL BE CONFINED IN ENVELOPE.** Except as approved pursuant to Section 13-105: G: *Impact Classification And Required Findings For Coverage Exceeding Standard,* all structures on a parcel equal to or larger than 6,500 sq. ft. must be confined in a compact building envelope.

2. **BUILDINGS SHALL SHARE SAME SERVICES.** Except when not practicable or efficient, or as may be modified or prohibited by County, state or federal regulation, all buildings on a parcel that is 6,500 sq. ft. or larger shall:

   a. **SHARE SEWAGE DISPOSAL.** Share the same individual sewage disposal system;

   b. **SHARE WATER SUPPLY**. Utilize the same water supply;

   c. **BE LOCATED IN SAME DRAINAGE BASIN**. Be located in the same drainage basin; and

   d. **SHARE ROAD AND DRIVEWAY**. Be accessed by the same road and driveway.

G. IMPACT CLASSIFICATION AND REQUIRED FINDINGS FOR COVERAGE EXCEEDING STANDARD. An application for a primary residence larger than 9,000 sq. ft. or for an aggregate of structures larger than 12,500 sq. ft. shall be classified and reviewed as a Minor Impact Project. No approval shall be given to a Project that exceeds the maximum coverage, building size, or the aggregate size of buildings allowed by this Section unless, in addition to the proposal's having complied with Article 10: *Locational Standards*, Article 11: *Resource Protection Standards*, Article 12: *Development Infrastructure Standards*, and Article 13: *Project Design Standards*, the Planning Commission finds by clear and convincing evidence that the Project shall meet or exceed the following standards:

1. **FINDING OF NO OBTRUSIVE VISIBILITY REQUIRED FOR APPROVAL.** The structure(s) is found not to be obtrusively visible. Elements to minimize such visibility shall include:

   a. **MINIMIZE VISIBILITY OF STRUCTURE BY SITING.** The proposed Project and structures have been sited and shall be constructed using existing topography and natural vegetation for screening to the maximum extent feasible, to minimize the visibility of each structure from outside of the parcel on which it is to be built. During construction and use, disturbance and removal of existing vegetation outside of the permanent footprint of the structures shall be constrained to the maximum extent feasible, and restored substantially to its preconstruction state, to the maximum extent feasible; and

   b. **MINIMIZE VISIBILITY OF STRUCTURE BY SCREENING**. After such siting, any structure that would be obtrusively visible from outside of the parcel on which it is to be built shall be screened to the maximum extent feasible from such visibility to preserve the natural characteristics of the site by natural vegetation, landscaping and architectural techniques (including colors that blend with the natural background, forms, and textures of the site, non-reflectability and clustering). Natural land forms are acceptable as screening; earth berming is acceptable only if it replicates the natural forms, scale and characteristics of the site. Deciduous vegetation of adequate density in its non-foliage season to provide effective screening is acceptable in combination with other screening techniques.

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